

19th January 2023

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

By email only

Thank you for requesting advice on this reserved matter 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: P/158/21/RES
Location: Pagham: Land West of Pagham Road Pagham
Proposal: Approval of reserved matters (layout, scale, appearance and landscaping) following outline consent P/140/16/OUT for the 'local centre' parcel which comprises of retail, community and commercial uses, 20 No residential apartments and a 70 bed care home (alternative scheme to P/155/21/RES).

Dear David,

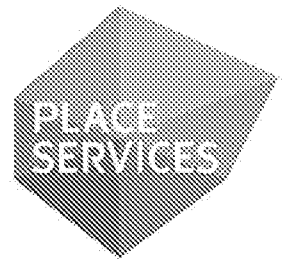
Thank you for consulting Place Services on the above reserved matter application.

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 & Priority species and habitats and identification of proportionate mitigation:

- Consultation Response (Natural England, ref: 259977, 18th October 2018);
- Update Survey Note (Ecology Solutions, October 2021);
- Consultation Response (Chichester District Council, 24th November 2021);
- Block Plan Lighting (Davies Landscape, December 2021);
- Ecology Response to CDC Comments - 24th November 2021 (Ecology Solutions, February 2022);
- Brent Goose Mitigation plan (Ecology Solutions, December 2022).



We are satisfied that there is sufficient ecological information available for determination of this reserved matters application. The updated site walkover, which is summarised in the Update Survey Note (Ecology Solutions, October 2021) states the *"the site is comparable to that previously documented. No additional implications for habitats or faunal species have been identified and no additional mitigation is considered necessary"*. The ecological mitigation and enhancement measures have been secured by Condition 15 of outline consent, which requires an Ecological Management and Mitigation Plan to be submitted prior to commencement. This document has not yet been submitted to discharge condition 15.

A previous Consultation Response (Chichester District Council, 24th November 2021) on this application raised concerns relating to impacts upon Barbastelle bat, which recorded during surveys for a nearby development. The Ecology Response to CDC Comments (24th November 2021) (Ecology Solutions, February 2022) has included clarity regarding the suitability of habitats and states any habitats with suitability for use by commuting bats will not be impacted by this development. Furthermore, we have reviewed the Block Plan Lighting (Davies Landscape, December 2021) which show the use of low level, bollard lighting only, near to the buildings. Therefore, we are satisfied there will be no light spill on to boundary habitats from external lighting. The need for a wildlife sensitive lighting scheme has been secured by Condition 16 of outline consent.

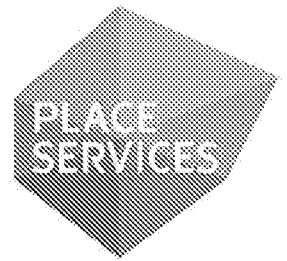
An application has been submitted to discharge two of the conditions from outline consent, application reference P/188/22/DOC. That application seeks to discharge Condition 28, which relates to the need for a Badger survey prior to commencement and Condition 30, which relates to the need for a Brent Geese mitigation and enhancement strategy, as stated within the Consultation Response from Natural England (ref: 259977, 18th October 2018). As stated within our consultation response to that application the submitted Badger Survey Report (Ecology Solutions, October 2021) is over 12 months old and so is no longer valid to support this application. An updated Badger assessment will be required to satisfy this condition. We are satisfied with the proposed Brent Geese mitigation and enhancement plan, which has clearly incorporated guidance from Natural England's discretionary advice service, supplied as appendix within the document.

Additionally, the previous Consultation Response (Chichester District Council, 24th November 2021) stated *"details on how habitats and enhancements onsite will be managed during the construction phase and pose construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP)"*. We recommend the requested CEMP and LEMP are both secured by conditions of any consent and implemented in full.

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.

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. 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"

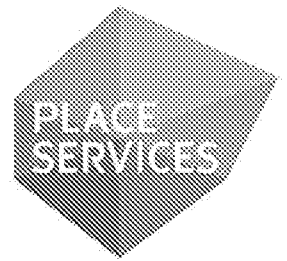
Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO OCCUPATION: 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 the occupation 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 us with any queries.

Yours sincerely,

Hayley Dean MSc BSc (Hons) ACIEEM
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.