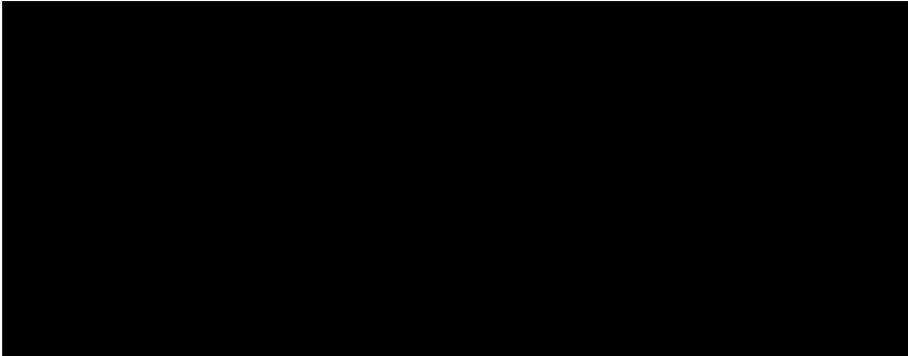
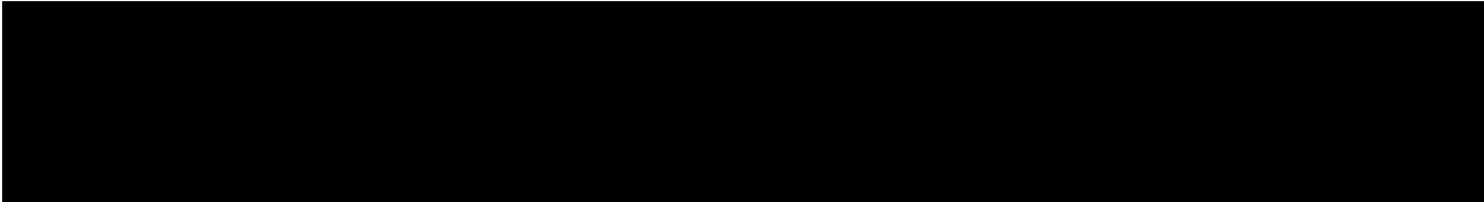




From: Stephanie Evans 
Sent: 23 November 2016 16:14
To: 'T Croucher'; Claire Potts
Subject: RE: AL/111/16-OUT Land East of Orchard Gardens Woodgate

With reference to the above application and subsequent request for the application to proceed without further surveys, I refer the applicant and their agents to the information that they submitted with the application entitled "Preliminary Ecological Appraisal (Incorporating Extended Phase 1 Habitat Survey)" which states in section 15 Conclusions and Recommendations: *"The NPPF and ODPM Circular 06/05 require that planning decisions are based on complete and timely ecological information. Further, it is required by Natural England's 'Standing Advice' that protected species information must be available before a decision can be made.*

Following this guidance, it is highly unlikely that the local planning authority will defer the provision of further protected species survey work as a condition of any planning consent.

On occasion, it can become necessary to perform further surveys after planning consent is given, where there are extenuating circumstances e.g. if protected species or habitats are found at a later date. It is likely that the local planning authority will seek further surveys before planning consent is given because of the survey's findings."

The survey report says with regards to potential loss/impact: "Loss of habitat and possible harm to reptiles. The habitat on site represents good foraging areas, basking areas and refugia for reptiles. The long

unmanaged grass and scrub with the wooded tree line create a mosaic of habitats that offer a range of foraging and shelter potential."

Our request for further surveys is in line with the NPPF and Circular 06/05 and indeed with the advice of the Ecologist's who undertook the Ecological Appraisal for the site. The ecological credentials of T Croucher has not been stated, however he/she does not appear to be an reptile ecologist.

The only way that we would consider proceeding without the additional surveys at this stage is if we could be convinced by a qualified reptile ecologist that a reptile mitigation plan could be produced which would employ the precautionary principle, assuming reptiles across the whole site, as well as the most likely areas of the site and how mitigation and enhancements would ensure no harm to the reptile population.

Stephanie

Stephanie Evans

Environmental Co-ordinator
Health Protection and Environmental Management
Chichester District Council

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From: T Croucher [REDACTED]
Sent: 23 November 2016 14:50
To: claire.potts@arun.gov.uk; Stephanie Evans
Subject: AL/111/16-OUT Land East of Orchard Gardens Woodgate

AL/111/16-OUT Land East of Orchard Gardens Woodgate

Applicants response to Ecological Consultation response from Stephanie Evans

Natural England advice note, Reptiles: Surveys and mitigation for development projects, updated March 2015, contains standing advice that "survey reports and mitigation plans are required for development projects that could affect protected species, as part of getting planning permission or a mitigation licence." It also allows for exceptions provided that a statement is included with the planning or licence application explaining why. This is a statement explaining why, in this case, it is appropriate to proceed directly to an impact assessment and mitigation plan without waiting for a reptile survey.

Reptile Surveys can be difficult in other than optimum timing, weather and easily accessible habitat conditions. Even in optimum conditions the results can be variable and sometimes give little indication of population. This site was becoming increasingly overgrown by brambles thereby reducing the suitable habitat.

A reptile survey could not ideally be carried out until April 2017 at the earliest. By the time results are known a further year would then elapse before optimum timing and conditions for implementation of a reptile mitigation plan recur in March/April 2018. In that time any reptile population could have diminished.

Given the limited grassland area in the Habitat Survey, no Sussex Biodiversity Records Centre reports of reptiles on or near the site, and few reports in the wider area, then any reptile population is likely to be low. Reasonable working assumptions would be that the population is low to medium and that the impact of development would be negative medium-high. If these are used then any mitigation plan would involve providing enhanced protective habitat, on site if possible, and ensuring any reptiles are encouraged to relocate there or are manually relocated.

The design of the illustrative site layout has been informed by wildlife considerations and allows for providing enhanced habitat on site, linked to field margins in the surrounding countryside.

April 2017 would be the best time to start implementing a reptile mitigation strategy which involves moving/encouraging movement towards a protected part of a site. Preparatory habitat enhancements would have to be ready prior to that and could be started this winter.

The Landowners of this site, as is their right, intend to clear the site to accommodate other permitted uses, regardless of whether or not planning permission is granted. The habitat of the common reptile species is not protected. In the absence of a development there is therefore no compulsion on the Landowner to provide habitat enhancement but they will of course have to avoid intentional injury or killing of any reptiles.

In this case the Landowners are prepared to assume that reptiles are present and undertake to implement a mitigation plan prior to any further planning application on the site. This undertaking could be ensured by including in a s106 agreement that an agreed mitigation plan be implemented within a specified timescale. That mitigation plan would be based on the illustrative layout plan that forms part of this application.

We appreciate that this application is outline with all matters reserved other than access. It is possible that the layout might change when a detailed application is made. It would therefore be appropriate to include a condition to cover that event. That condition could be that a reptile survey and mitigation plan must be submitted with any detailed application if the proposed layout is significantly different to this application.

The Landowners could plough up or otherwise cultivate the whole site prior to reptile emergence in March 2017 and a survey in April 2017. Even if they do nothing a survey then might show that there is little or no reptile presence. If so any impact/mitigation/habitat enhancement might then be less than is proposed now.

To insist on waiting for a survey in this instance would therefore be perverse. To do so would not encourage the Landowners to do anything to encourage reptiles until after the results are known. It is therefore in the interest of reptile conservation for the application to proceed as outlined above. This will then minimise the impact on any reptiles for both currently permitted uses and possible future redevelopment.

Tcplanning 22 November 2016

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