

From: Claire Potts
Sent: 21 November 2017 15:49
To: Planning.Responses
Cc: [REDACTED]
Subject: FW: AL/111/16/OUT Ecology advice

Please could the consultation response from Natural England be uploaded to the file.

Kind regards

Claire

Claire Potts BSc MSc MRTPI | Strategic Development Team Leader, Directorate of Place, Arun District Council | First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37698 | External: +44 (0) 1903 737698 E-mail: claire.potts@arun.gov.uk

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Save the environment - think before you print.

From: [REDACTED]
Sent: 08 November 2017 12:14
To: Claire Potts
Cc: Giacomelli, Alison (NE)
Subject: FW: AL/111/16/OUT Ecology advice

Dear Claire

Thank you for your email to my colleague, Alison Giacomelli regarding the mitigation required for protected species when their habitat has been degraded ahead of planning permission. The National Planning Policy Framework is clear that the planning system should ensure biodiversity is protected and enhanced through development. Paragraph 109 states that:

'The planning system should contribute to and enhance the natural and local environment by: ...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...'

Further, Paragraph 118 states that: *'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;...'*

From the information that you have provided in your email below, it appears that there was a reasonable likelihood of impacts to habitats supporting reptiles based upon the preliminary ecological appraisal and

your knowledge of the area from an adjacent application site. Whilst no specific reptile survey appears to have been undertaken prior to the habitat clearance works being carried out, given the likely presence of reptiles prior to the clearance works, it would appear appropriate for the proposal to ensure that there is sufficient habitat provision post development to sustain a population similar to that which was likely to be present on the site before the habitat degradation was undertaken. It would appear appropriate for the applicant to provide details of how they can provide sufficient compensatory habitat to sustain reptiles and maintain connectivity to give the Council confidence that the proposal complies with the NPPF and your local plan.

I trust these comments are helpful.

Kind regards

Sean

Sean Hanna
Lead Adviser

Natural England Sussex and Kent Team, 9th Floor, International House, Dover Place, Kent TN23 1HU
Direct dial 0208 0266 064 Email sean.hanna@naturalengland.org.uk

Please note: I work compressed hours and am not generally in the office on a Friday.

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In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: Claire Potts [<mailto:Claire.Potts@arun.gov.uk>]

Sent: 02 November 2017 11:00

To: [REDACTED]

Subject: AL/111/16/OUT Ecology advice

Alison,

Following discussion on the above application. Please see extract below from my draft report which sets out what has happened. Also extract from report which summarises the ecologists advice.

I just want to make sure that the approach we're taking is correct, given the clearance of the site by the applicant. Do you still need to mitigate harm that would have resulted from development if that harm has already occurred through other means? The mitigation they are proposing was on the basis that the site was a less suitable habitat than originally.

Kind regards

Claire

Summary of Ecologist response:

"The Preliminary Ecological Appraisal Report concludes that the proposals could result in the loss of reptile habitat and cause harm to reptiles. Therefore further reptile surveys are recommended. Natural England's standing advice is clear that further species surveys should not be conditioned and therefore these reptile surveys (with a minimum of 8 visits) and any mitigation proposed will need to be undertaken and submitted before this application is determined. Reptile surveys can be undertaken in April, May and September. The mitigation and enhancements

for other species as proposed in Table 5 appear acceptable but more detailed comments will be provided on receipt of the reptile surveys and proposed mitigation.

Further Ecologist response:

With reference to the above application and subsequent request from the applicant 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 with the advice of the Ecologist's who undertook the Ecological Appraisal for the site.

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.

Further Ecologist response (3 April 2017):

Site completely cleared in November 2016. Due to this destruction of habitat the subsequent reptile mitigation plan (March 2017) states that the sites suitability for reptiles has been greatly reduced and due to the clearance of the site, full reptile surveys are no longer appropriate. An updated and extensive mitigation strategy will need to be submitted prior to determination showing creation of suitable habitat, a 10m buffer strip and enhancement of habitat for reptiles. Further space is needed for the green corridor to provide connectivity across the site from north to south. The plot in the north east corner should be removed and gardens for the 6 plots to the south east reduced. Lighting scheme should be sensitive to wildlife. Construction and Environmental Management Plan for the wildlife corridor should be provided prior to determination and a Landscape Management Plan for the site detailed in the maintenance and management once construction ended should be conditioned.

Without greatly increasing the north to south corridor on the site, the proposals will not meet Policy EH2 within the neighbourhood plan and also there wouldn't be sufficient space for the required reptile mitigation.

Further ecologist response (10 May 2017)

Confirmed that position set out on 3 April still stands and that suitable reptile habitat needs to be recreated to mitigate for the site clearance prior to the requested surveys. Requirements could be incorporated into the scheme however reptile mitigation will need to be robust and provide optimum habitat for reptiles."

Claire Potts BSc MSc MRTPI | Strategic Development Team Leader, Directorate of Place, Arun District Council | First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37698 | External: +44 (0) 1903 737698 E-mail: claire.potts@arun.gov.uk



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NLPG UPRN 100062237016

DX 57406 Littlehampton

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