

Lynnyrd Wolfe

From: Michael Eastham
Sent: 24 April 2019 16:48
To: Lynnyrd Wolfe
Cc: Planning.Responses
Subject: FW: Reptile Habitat Status Misapprehension - AL/129/18/OUT – Land East of Orchard Gardens, Woodgate
Attachments: 04_19 AL-129-18-OUT - Ecological Assessment Feb 2017 (revision 1).pdf

From: Michael Eastham
Sent: 15 April 2019 11:41
To: Planning.Responses
Subject: FW: Reptile Habitat Status Misapprehension - AL/129/18/OUT – Land East of Orchard Gardens, Woodgate

Please upload the additional consultation response in the email below and the attachment from the ADC Ecological Advisor onto Ocella for AL/129/18/OUT – Land East of Orchard Gardens, Woodgate.

Thanks,

Michael

From: Liz Rogers [REDACTED]
Sent: 15 April 2019 09:51
To: Michael Eastham
Subject: RE: Reptile Habitat Status Misapprehension - AL/129/18/OUT – Land East of Orchard Gardens, Woodgate

Morning Michael,

Our consultation response of this site remains unchanged, reptiles surveys are required on the site, this recommendation is in line with Natural England's standing advice for reptiles (<https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>) and followings the legal requirements of the Wildlife and Countryside Act 1981 (as amended). We have repeatedly asking for reptiles surveys to be undertaken on this site as part of this application and as part of the previous application on the following dates 11/04/2019, 17/12/2018, 115/05/2017, 10/05/2017, 03/04/2017 and 16/11/2016 and we have provided extensive guidance on why these surveys are required and what they entail.

It should also be noted that the another development site bordering this site put in a hybrid planning application for 101 or 249 house (AL/15/17/PL) and for this application they had full surveys done for protected species in 2016 and these surveyed also included the land east of Orchard gardens which at the time had submitted a planning application for 57 units (AL/111/16/OUT). As part of this survey work full activity surveys for reptiles were done and included the land east of Orchard gardens. The Environmental Assessment (Feb 2017) submitted with the planning application AL/15/17/PL included the findings from the reptile surveys which took place in June 2016 and recorded common lizards and slow worms within the site boundary for the application AL/111/16/OUT and this new application AL/129/18/OUT. The map produced from the surveys (Map 7 – phase two reptile survey results and location of refugia) clearly illustrates the location of the reptiles found during the survey being in this site. These surveys provide concrete evidence that reptiles were on the site land east of Orchards in 2016 (AL/111/16/OUT). The survey goes on to state due to the results of the reptile survey the site could be considered as a key reptile site. The survey report stated in paragraph 5.8.1 that;

'Surveys were undertaken within areas of suitable habitat and slow-worm and common lizard were recorded along some of the hedgerow bases, in the south-western field (now outside of the scheme) and the far northern field at the top of the site'.

These findings clearly shows that reptiles were on the Land east of Orchard gardens and further works are required for reptiles. I have attached a copy of the ecological assessment for ease of reference.

To conclude due to the previous ecological survey work for this site, Natural England's standing advice and the legal requirements of the Wildlife and Countryside act reptiles activity surveys are required for this site, and if reptiles are found during the survey work we will also require that a mitigation strategy for reptiles is also produced and submitted as part of the planning application.

Many Thanks

Liz



Liz Rogers
Environment Officer
Environmental Protection
Chichester District Council



From: Michael Eastham [REDACTED]
Sent: 12 April 2019 08:39
To: Liz Rogers
Cc: Planning.Responses
Subject: FW: Reptile Habitat Status Misapprehension - AL/129/18/OUT – Land East of Orchard Gardens, Woodgate

Liz,

Please see the email below and the attachment from the applicant in reply to your consultation response to AL/129/18/OUT – Land East of Orchard Gardens, Woodgate.

I look forward to your reply.

Kind regards,

Michael

From: T Croucher [REDACTED]
Sent: 11 April 2019 17:44
To: Michael Eastham
Subject: Fw: Reptile Habitat Status Misapprehension

Dear Mr Eastham

The attachment is "Legislative protection for herpetofauna" prepared by Amphibian and Reptile Conservation Group ARG UK

Just a note to clarify that the species that have the protection Ms Roger's refers to are in Section A of the attachment. They and their habitats do not feature in this application. The four common or widespread reptiles which could apply to this site are in section B which explains their more limited protection.

Kind regards

David Loosley

From: T Croucher
Sent: 11 April 2019 16:44:59
To: Michael Eastham
Subject: Reptile Habitat Status Misapprehension

Dear Mr Eastham

Please find attached a independent summary of the legislation regarding the protection afforded to different UK reptiles. This demonstrates that the habitat for the 4 common reptiles is not protected. This is a distinction that should not have escaped a competent ecologist.

It appears that Ms Rogers might have been labouring under this misapprehension for some time and it has perhaps affected her view on this application, and possibly on others.

We trust that once Ms Rogers appreciates this distinction she will accept that the reptile habitat has no protection in this case.

It then follows that the site can be legally cleared to its boundaries leaving no refugia for reptiles. Alternatively it could be allowed to become completely overgrown with brambles providing no basking. Either way it would not provide suitable reptile habitat.

No planning = No provision or protection of reptile habitat on site.
Planning subject to Reptile mitigation enforced by s106 = Provision and Protection of Reptile habitat on site.

Care must still be taken to avoid intentionally killing or injuring reptiles during clearance and construction. That can be ensured by conditions requiring the involvement of a competent ecologist in preparing and implementing construction and landscape management plans.

The material consideration in relation to reptiles and biodiversity is therefore met by the grant of planning permission subject to conditions and s106. If you require any further input on this point please let me know.

Yours sincerely

David Loosley

