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Sloane and Brown Ltd
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01 December 2020

Ref. GE3012

Dear Phil,

Re Babsham Farm – Ref. BE/92/20/DOC (Planning Application BE/89/19/PL)

It is understood that the following notification has been received from Neil Crowther – Group Head of Planning at Arun District Council, Re: Condition Number 4 in relation to the above, as follows:

“Arun District Council have decided to REFUSE details reserved by condition for the following reasons: No information relating to reptile mitigation has been provided with this DOC. Until a suitable reptile mitigation strategy has been submitted the condition should not be discharged.

Our ecology advisers commented the response of agent/applicant from 23/10/20: The Preliminary Ecological Appraisal Report (July 2019) stated that there was potential for reptiles on site, if the site condition has now changed and this is not the case, then we would want an updated report from the ecologist reflecting this and this would need to come from the ecologist directly.”

Condition Number 4 states that *“No information relating to reptile mitigation has been provided with this DOC.”*

This statement is incorrect.

Recommendations relating to reptile mitigation were given in Section 7.1.1 of the Preliminary Ecological Appraisal Report (July 2019) (PEA) and stated that *“It is recommended that an area of rubble and earth is retained within the west of the site to provide habitat for invertebrates. This area should be cultivated to secure a permanent reduction of the dense scrub currently present. A diverse mixture of native herbs, grasses and shrubs should be encouraged to provide habitat for native invertebrates, reptiles and amphibian species.”*

Piles of rubble, garden waste, building waste and building materials all have low potential to support common and widespread reptiles and amphibians within the site. Where these habitats need to be removed, they should be dismantled by hand between the 1st April and 30th of September only, as animals are generally active during this period (to avoid disturbing or injuring hibernating animals). This will allow any animals present at the time to move away from the area safely.”

The site was assessed to have low potential to support common lizard only. As stated within Section 5.3.4 of the PEA, no reptiles were recorded within the site during the extended Phase 1 survey or within

the 1 km data search. There remains however, a high potential for domestic cat, rats and other predatory species to be present within the site, which makes the presence of common lizard less likely.

Habitats suitable for reptiles within the site, which are due to be negatively affected by the proposals, comprised rubble, garden waste, building waste and building materials. These were assessed to have low potential to support common lizard. A single isolated area of dense bramble scrub, covering the concrete floor of one of the former stock pens is planned for removal. However, due to its isolation and lack of herb and grassland edge habitat, this was assessed to have negligible suitability to support common lizard. No grassland whatsoever was found within the site during the extended Phase 1 ecological survey. As stated within the PEA, the site currently has a low ecological value and the single area of the site that is not covered by concrete or hard-standing is proposed to be retained and enhanced for reptiles and other wildlife.

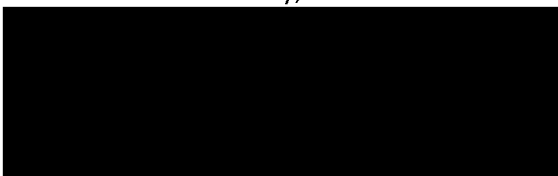
It should be noted that the only changes proposed for this site within the Design and Access Statement are to erect a vertically boarded timber fence to a height of 2.4 m on the south-west boundary, a security gate on the access track and the removal of some scrub and debris – no other landscaping changes are proposed. The mitigation measures proposed within the PEA are therefore considered to be proportionate and are in accordance with obligations laid out within the Section 5.5 of the Biodiversity — Code of Practice for Planning and Development BS42020 (2013), which states that: *“The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.”*

For the sake of clarity, the following actions should be taken to mitigate for reptiles that may potentially be present within the site:

- Dismantling of rubble piles by hand, under the direct supervision of an ecologist, to be carried out between 15 April and 30 September.
- The removal of dense scrub within the site, using hand tools only, under the direct supervision of an ecologist (works to be carried out between 15 April and 30 September, immediately following a pre-works check for the presence of reptiles, nesting birds and other wildlife).
- Creation of a reptile hibernaculum, constructed from rubble and then capped with soil (this should be landscaped using native pollinator plant species found to occur naturally within the local area) within the proposed wildlife area located in the south-west corner of the site.

On this occasion, I recommend that you pass this letter to Neil so that he can review the relevance of the information I have provided herein with respect to reptiles, which I hope will satisfy the terms of Condition Number 4, as requested.

Yours sincerely,



Nick Gray BSc (Hons) – Ecologist

Chartered Institute of Ecology and Environmental Management (CIEEM) member. Subject to the Code of Professional Conduct.