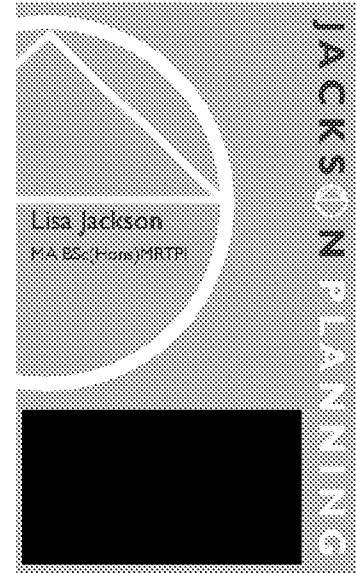


Copies by email to Andrew Tice Landlink Estates Ltd, Nicola French Holbury Consultancy, William Davis LCES

February 15, 2022

Simon Davis
Arun District Council
Development Management
Western Area Team



Dear Simon,

Y/3/22/OUT Hybrid Application comprising Phase 1 (Full application) 30 residential dwellings, new access from Bilsham Road, public open space, landscaping, sustainable urban drainage and associated works. Outline planning application for further phases of up to 110 dwellings and associated infrastructure (with all matters reserved). Land West of Bilsham Road, Yapton

I write in response to the updated comments on Ecology provided by Liz Annalls and your covering email.

I am pleased to see that it has been recognised by the officer that the details of mitigation will form part of a reserved matters application where that is appropriate.

Whilst the response has moved us some way forward there are some significant inconsistencies in the advice regarding the proposed methods of mitigation to protect the ecology on site and some very general assertions that need further ecological justification. I have spoken to the senior project ecologist at LCES and the Director of Holbury Consultancy who have advised on the technical aspects of this letter.

Translocation of Reptiles

The suggested methodology for translocation of the reptiles by the officer does not represent best ecological practice based on evidence of the population for two reasons:

1. The officer says she will not accept a method proposed using a 'trim and push' exercise without any justification for this. She suggests that she has had discussions with the ecologist for the site. As far as we are aware that was not a discussion with our ecologists who carried out the survey work, so we do not understand where any alternative contemporary evidence on the reptile population has been provided to justify dismissing the methodology proposed by the appropriate expert. If she has alternative expert evidence can this be provided and the supporting guidance used to inform this mitigation strategy referenced?

2. The conclusions of the reptile survey on site identified the presence of a very low population of grass snake and slow worm within the development area. As identified within the ecological report (LCECO, 2022) the location of the reptiles is limited to the grass verges of the arable field which are two to four metres wide. The existing hedgerow along the eastern boundary will be retained with protection fencing (the requested five metre buffer) for the duration of the works. As such the verge on this side of the site will be intact though the duration of the construction period. The only area of suitable habitat that would be impacted during the construction period is located along the northern site boundary. This reflects an area of habitat approximately less than 0.2ha in size and has had eight slow worms recorded in it during the 2021 survey. On this basis, it is very likely that there are one or two slow worms repeatedly recorded. It is considered that the habitat manipulation to discourage the reptiles into the wider landscape is the correct strategy in this instance for the following reasons:
 - A trapping exercise would likely encourage more reptiles into the area due to the attractant nature of refugia and the low populations present naturally.
 - The risk of harm to reptiles through trapping and destructive search is significantly higher than if the few individuals are encouraged to use adjacent habitat through appropriate habitat manipulation, which should always be the preferred option where feasible and practical. The trapping and handling of animals is avoided in favour of individuals being able to find their own way into areas of adjacent habitat, already known to them.
 - NPPF174a confirms that protection of sites of biodiversity value should be in a manner commensurate with their statutory status, and NPPF180 a) explains that the principle of planning applications is that harm to biodiversity should be adequately mitigated. A translocation exercise is not proportionate to the population size.

Bats

The site layout plans, landscape masterplan, Tree Survey, LVA and EclA and sustainability statement all show that all the boundary vegetation is to be retained. The only exception to this is a 3 metre gap in the hedge for the main vehicular access and two small shrubs which are within the visibility splays for that access.

The retention of the existing linear commuting features on site will not result in a loss of natural range for the limited assemblages of bat species on site and no key commuting routes were identified. Similarly, the development proposals include large areas of unlit green space with a water body that will increase foraging potential for bat species on site.

It is entirely unclear why the officer requires a five metre buffer zone for bats, which would be larger than the existing verge. Please can the officer provide referenced justification to show why this width of buffer around the hedgerows has been proposed and/or what element of mitigation it is providing so that we can respond appropriately. Could the officer please explain the route of impact this mitigation is targeting and why the current mitigation measures are considered insufficient?

We would also anticipate a planning condition requiring a lighting mitigation strategy for both the construction and operations phases which will prevent adverse impacts to both natural range and foraging within the areas around the development.

Dormice

Our ecologist would like to offer their apologies for the incorrect statement that dormouse records were recorded by SxBRC. This was actually a transcription error and though the number of mammals recorded is accurate, the mammal in question was European rabbit (*Oryctolagus cuniculus*) and not hazel dormouse. This error has been corrected in the revised report attached and we can (if requested) supply the raw biological records to prove that this is the case. Please note that these records cannot be put into the public domain at the specific request of SxBRC which is why they were not appended to the ecological report.

As identified within the biological records, there are no records of hazel dormouse within two kilometres of the survey area. Though we can appreciate that this species is considered to be present within all woody habitat, it must be considered that the likelihood of it doing so is based on the connectivity and quality of the habitat present. The only suitable habitat present on site is the hedgerow which will be retained. This habitat is not suitable to support a population of hazel dormouse when considered in isolation and there are no areas of woodland connected to the local hedgerow network which could support a population within the immediate surrounding landscape. In order to access the hedgerow on site an individual would have to travel for over a kilometre along indirect hedgerow habitat to be located within the works area. If a more direct route of commuting can be identified can this be outlined in more detail? Given the nearest known record of the species is 4.7km away we believe hazel dormice can be screened out.

Hedgerow Buffers

The officer suggests that a five metre buffer from scrub and hedgerow is required. Can the officer point to any standard methodology, evidence or adopted Council policy that justifies this approach to mitigation? This is an excessive protection zone for existing hedgerow features; normal guidance is that two metres or from mature tree canopy cover is sufficient. We are more than happy to specify that all hedgerows and trees are protected in accordance with tree protection fencing shown in BS5837:2012.

The advice also requires five metre buffer from scrub. The only scrub recorded on site is within the area that will be enhanced for biodiversity and this is outside the development area. This habitat will not be affected by the movement of machinery or the construction activity.

Enhancements

The officer does not refer to the Holbury Consultancy Report and the detailed BNG spreadsheet provided last week. This explains in detail what is proposed with area calculations and net gain credits calculated and demonstrates in excess of +10% BNG. The majority of the habitat requirements listed by the officer are already proposed within this document.

For example:

- Any trees removed should be replace at a ratio of 2:1 – *a net gain in tree cover is specified as part of the BNG for the site.*
- Wildlife areas created within the open space onsite- *This is included to the south of the site and is accounted for as part of the BNG assessment. It is also shown in appendix VI of the supporting ecological report.*
- Wildflower meadow planting used - *An area of semi-improved grassland is proposed in the south of the site. Wildflower seeding can be included as part of this proposal but the site is former arable and the soils are likely to be high in nutrients. It is not therefore realistic to create high quality wildflower meadow, although species diversity will improve over time as soil fertility reduces. Instead, this area envisages an area of grassland sown to be as diverse and complex as possible, but is not anticipated to be of unimproved quality given existing ground conditions. It is anticipated that the specification of this area will be agreed and approved through a LEMP to be secured by condition.*
- Filling any gaps in tree lines or hedgerows with native species – *the BNG assessment sets out the plan for extensive planting and gapping up.*
- Grassland areas managed to benefit reptiles. –*The south of the site holds an area of mixed sward grassland and scrub. The LEMP, to be secured by condition, offers opportunity to specify appropriate management.*

Jackson Planning Ltd Registered in England 7234111 Director Lisa Jackson MRTPI MA BSc

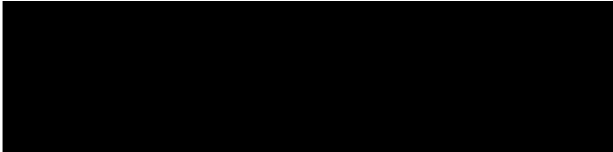
We note a CEMP and LEMP will be secured through planning conditions, so details will be agreed at that stage of the process.

Outside of the recommendations for the habitats the officer proposes a list of generic enhancement features. However, no commentary is offered on the efficacy of this approach in relation to the post development habitats and it fails to recognise the specific characteristics of the site and those features that are best suited to the local ecology and environmental conditions. Rather than this generic approach, it is considered more appropriate and better planning to tailor the enhancement proposals to reflect the local environs and to best utilise the enhanced post development habitats once the landscape specification has been fully agreed.

I hope this letter will help the officer understand why that some of mitigation methods recommended are not appropriate based on the specific site survey findings. In addition, we do need to understand the evidenced justification for the mitigation methods proposed where is at odds with our findings. If the officer needs more assistance regarding the proposal perhaps it would be more productive to set up a video call with her and our teams of ecological advisors?

I look forward to hearing from you shortly so we can resolve any outstanding issues on ecology on this application.

Yours sincerely

A large black rectangular box used to redact the signature of Lisa Jackson.

Lisa Jackson MA BSc MRTPI