Ecological Advice

TO:	**Steven King**
FROM:	**Mike Bird**
APPLICATION REF:	**DM/21/1118**
SITE:	**East Lodge Farm Malthouse Lane Hurstpierpoint West Sussex**
PROPOSAL:	**Erection of Class E (Office) building with carpark, new vehicle access onto Malthouse Lane and associated landscaping**
DATE:	**30 August 2021**

Further to review of the revised preliminary ecological appraisal, case officer photos, previous site visit and desk study sources, I can advise as follows.

Common reptile species

Conditions for widespread common reptile species appear to have improved since the site was previously cleared. However, although presence is quite possible, it is unlikely to support a substantial breeding population and so I would not assess there to be a significant impact on the conservation of local populations due to re-clearance of the site. As all reptile species are protected against intentional killing and injury, reasonable avoidance measures to avoid this will be required, but may be conditioned.

Great crested newts

Great crested newts are not properly considered in the preliminary ecological appraisal (other than a generic comment about no protected amphibians being identified during the survey but acknowledging suitable refugia exist). One would not expect to see evidence of the species during a walkover of the site, especially during December when the animals are hibernating. However, an assessment of likelihood of presence can be made from assessment of habitat and proximity to potential breeding ponds/water bodies. Although there are records of the species in the local area, research undertaken for Natural England's predecessor, English Nature[1] indicates that great crested newts are rarely found more than 250m from a suitable body of water for breeding and that most utilise habitat within 100m, with the authors recommending that careful consideration needs to be given to "whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality [at greater distances than 100m]." OS mapping indicates the presence of one pond to the northeast, which is 110m away, but separated by a road, and a ditch 140m to the northwest. Furthermore, there appears to be more suitable habitat closer to the NE pond on the same side of the road making it less likely that newts would cross to use the relatively poor-quality habitat within the site. Therefore, in conclusion, I would assess the risk to be very low.

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[1] Cresswell, W. and Whitworth, R. (2004). English Nature Research Reports Number 576: An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt Triturus cristatus. English Nature, Peterborough.

Other notable species

Based on the habitats present, I would not expect rare/notable invertebrate populations to be impacted and specific invertebrate surveys would only normally be undertaken where indicated by the habitat, although it is strange to see in the report a comment about none being identified during site surveys as little could be inferred from lack of direct observations from walkover survey in December.

There is the potential for impact on birds from any cutting back of hedgerow / shrubs during the nesting season, but this can be addressed by timing. In my view there is no significant risk of other protected / notable species being significantly affected.

Recommended conditions:

If MSDC is minded to grant consent, the following conditions are recommended:

No development, including ground works, shall commence until vegetation and any piles of rubble or other suitable reptile refugia have first been cleared under a watching brief from an experienced and qualified ecologist / wildlife advisor and a written statement of compliance provided by them to the local planning authority. This work must be completed during suitable daytime temperatures > 10 ^{0}C between March and the end of October to allow any reptiles to move out of harm's way.

No hedgerow trees or shrubs shall be removed without prior written approval from the local planning authority and no woody vegetation shall be removed or cut back during the main period of bird nesting (1 March to end of August) unless first checked and declared free of active nests by experienced and qualified ecologist / wildlife advisor.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with Policy DP38 of the Mid Sussex District Plan and 180 of the NPPF.

Mike Bird MCIEEM
Principal Consultant, Calyx Environmental Ltd

The contents of this memo are provided under a consultancy agreement between Calyx Environmental Ltd and Mid Sussex District Council. They do not constitute a view for or against a proposal, but represent independent ecological advice on the biodiversity implications of a planning application so that it may be determined in accordance with relevant planning policies and legal obligations.