

Sandra Edwards

From: Amanda Scholes on behalf of Planning.Responses
Sent: 26 July 2017 10:23
To: Planning Scanning
Subject: FW: PLANNING APPLICATION Y/40/17/OUT
Attachments: Great Crested Newt response.docx

-----Original Message-----

From: Simon Davis
Sent: 26 July 2017 10:01
To: Planning.Responses
Subject: FW: PLANNING APPLICATION Y/40/17/OUT

Objection

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: simon.davis@arun.gov.uk Visit Arun's web site at www.arun.gov.uk P Save the environment - think before you print.

-----Original Message-----

From: Jules Rogers [REDACTED]
Sent: 25 July 2017 20:02
To: Simon Davis
Cc: [REDACTED]
Subject: PLANNING APPLICATION Y/40/17/OUT

Dear Mr Davis,

Please find the attached document sent on behalf of Flansham Residents Association.

Comments on the Great Crested Newt Presence/Absence Survey and Population Assessment: submitted by J. Rogers on behalf of F.R.A.

Great Crested Newts are fully protected under UK and EU Law and amongst other things it is an offence to:

- Intentionally destroy or obstruct access to any structure or place which great crested newts use for shelter or protection¹
- Intentionally disturb them in such a structure or place²
- Damage or destroy a resting place³

1) A Presence/absence survey was conducted in 5 of the 7 ponds located within the required 500m of 'Land at Bonhams'

Natural England's '**Surveys and mitigation for development projects**' states that potential developers should:

Survey for great crested newts if:

- *Distribution and historical records suggest newts may be present*
- *There's a pond within 500 metres of the development, even if it only holds water some of the year*

It should be noted that 3 ponds within the required 500m of the land at Bonhams were not surveyed for great crested newts despite the presence of great crested newts being recorded in Sussex Biodiversity Records Centre records in ponds within 280 metres of the Bonhams site in both 2016 and in this survey in 2017.

- In order to meet the Natural England's guidance these ponds should be surveyed.

2) Natural England's Guidance for presence/absence surveys for the great crested newt states that a surveyor should:

- *visit the site 4 times if you can't establish presence on the first visit.*

The report for this application shows that ponds 2 & 3 were visited just twice (April 5th 2017 and on April 17th 2017). Subsequent eDNA testing was carried out on these ponds, confirming the presence of GCN in pond 2.

Pond 4 was not surveyed 'as it had completely dried out at the time of the first visit'; as a great crested newt presence has been confirmed in at least one close-by pond over 2 consecutive years there is a risk that the territorial value of pond 4 to the great crested newt may have been overlooked due to lack of surveillance

¹ Great crested newt habitat ecology mitigation and the law: JPR environmental

² ibid

³ ibid

Ponds 5 & 6 were visited only once (on April 5th 2017) Subsequent eDNA testing was carried out only on pond 6. Pond 5 was not DNA tested.

- The fact that only 1 or no visits were made to some ponds within 500m falls below Natural England's guidance for presence/absence surveys for the great crested newt, which also clearly states that great crested newts may be present in temporary ponds.

3) The dates on which the GCN presence/absence surveys were carried out were:

April 5th 2017

April 18th 2017

- Charlotte Owen of the **Sussex Wildlife Trust's Wildlife Information Service** states in an email that the surveys were carried out '*very early on in the required window*'

She also notes that:

- *'the Phase I Habitat Survey was conducted on 27 March 2017. This is not within the optimal survey period for grassland habitats, which are usually best surveyed in mid-summer (optimal survey period for vascular plants is generally May-July but repeat visits may be necessary)'*

Therefore it must be concluded that the timing of these surveys is likely to be reflected in the results, with the effect of downplaying the impact of this proposed development on the confirmed population of great crested newts present and/or the grassland habitat, which was inadequately surveyed.

4) eDNA surveys were carried out on ponds 2 and 3 on 18th April 2017.

Page 17 of the survey records

'A positive result for great crested newt DNA in pond 2'

It goes on to state:

'Whilst not an exact science a lower score of 12 replicates indicates a lower amount of DNA suggesting a low population'

- This again downplays the importance of the positive eDNA result, which proves the presence of the great crested newt in pond 2, and therefore the importance of the area as a GCN habitat.

Research carried out by the University of Kent⁴ shows that eDNA levels within controlled ponds with a known population of great crested newts vary and fluctuate seasonally. In fact, a low level of eDNA is to be expected from any samples taken so early in the window for testing.⁵ Using the same formula as the survey, samples taken later in the season are likely to indicate a higher population of GCN.

Peaks of eDNA are found to occur in early June and mid July – mid August, these coincide with the end of the adult breeding season and combined larval and adult newt activity respectively⁶. Samples later in the permissible window would have provided a more accurate record of the value of pond 2 and of other ponds within the required testing area to the life-cycle of the great crested newt.

- Because eDNA levels have been used in this report to calculate the potential abundance of the newt population (i.e. low), and because levels of eDNA have been shown to fluctuate seasonally, the early date on which the specimens were taken renders this assessment of a 'low' population invalid. Further testing is needed.
- Negative results from ponds 3 and 6 could be due to the early testing date; it is possible that at that early stage of the breeding season some newts might still be in the terrestrial stage of their life-cycle. Samples taken for testing later may have revealed these ponds to be inhabited as breeding/resting ponds.
- The Phase 1 habitat survey is not a valid survey, having been carried out far too early in the year to give results of any value.

5) The Summary for pond 2 (page 2 point 4) minimises the importance of the positive testing for GCN eDNA by stating:

'the pond has reduced suitability to support great crested newts given that it supports a population of fish '

- Natural England's guidance clearly states that the great crested newt may be present even if a pond contains fish, or if it is muddy, as is the case in pond 2, which the survey confirms as having a population of great crested newts.

Also:

'the pond is situated a considerable distance from the proposed development site (272 meters west)

⁴ 'Seasonal Variation in environmental DNA in relation to population size and environmental factors. Pub: 10th April 2017: Andrew S Buxton, Jim J Groombridge, Nurulhuda B. Zakaria & Richard A. Griffiths.

nature.com

⁵ p 5 Buxton, A.S. *et al.* Seasonal variations in environmental DNA in relation to population size and environmental factors. *Sci. Rep.* 7, 46294; doi: 10/1038/srep46294 (2017)

⁶ p. 1 *ibid*

- Natural England's guidance that ponds within 500 metres of a proposed development site should be surveyed for GCN is because they have been known to occupy habitat up to 500 metres from breeding or resting ponds.

6) Liz Rogers at Chichester District Council recommends

An ecological watching brief should be put together for vegetation removal

All work must stop if a GCN is found

Rubbish/spoil should not be left on site in suitable GCN habitat areas.

Conclusion:

The survey submitted is flawed in several respects.

In particular the timing of the surveys and the lack of surveys on some ponds means that there is a risk that decisions made on the basis of the GCN Presence/absence report submitted as part of this development plan could lead to:

- destruction or obstruction of access to structures or places which great crested newts use for shelter or protection.
- disturbing GCNs in such a structure or place.
- damage to or destruction of a resting place.

I request that these valid points be taken into consideration and acted upon when this outline planning application is considered and followed up in due course should the proposed development be considered in the future.

netting

- eDNA testing. (environmental DNA, which is present in in the water due to presence urine, faeces, skin cells, secretions, sperm and/or eggs of great crested newts)