

Job Name: Land North of East Street Rusper West Sussex
Date: 6th November 2025
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Subject: Technical Response – Planning ref: DC/25/0523

Following submission of ecology and eDNA documents in relation to the above site, Nature Space issued a response which included a holding objection in relation to the impacts of the development on great crested newts (GCN).

"It is welcomed that the applicant has carried out an eDNA survey as part of their onsite assessment, and whilst it is recognised that the closest waterbody is negative, we do not believe that the survey effort has been in depth enough to adequately rule out risks to great crested newts.

The applicant had originally determined that due to the proximity of the nearby positive pond, that GCN presence is likely and that a licence would be required in this instance. It is important to note that the pond located c.250m north west also tested positive more recently in 2023. As surveys have not been completed by the applicant on this pond due to accessibility issues, it cannot be determined that this pond is now negative, and therefore there has been no demonstration as to why a licence would not still be necessary. As the PEA states, this pond as well as others located within 250m do not have any significant dispersal barriers separating them from the site. As these ponds remain surveyed, presence must be assumed as a precaution.

Although the onsite habitat has been identified as mostly short sward and unsuitable, it has been highlighted that development plans would require the removal of some hedgerow and scrub, as well as the removal of key hibernacula features (e.g. piles of broken and overgrown concrete surrounding some trees).

Therefore, in line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Horsham District Council's District Licence. This method of licensing often removes the need for survey work and onsite mitigation for great crested newts as it provides compensation habitats off site. (more details can be found at www.naturespaceuk.com); or*

- *Provide further information (information on ponds with ecological connectivity to the site), in line with Natural England's Standing Advice, to rule out impacts to great crested newts*, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals**; or*
- *If it is determined that there is no suitable habitat impacted on site and the likelihood of great crested newts is very low (through further survey work), then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licenced Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.*

The proposed works will retain the majority of optimal habitat on site , with the only *c.0.03 ha* of this habitat lost during construction. The majority of loss of habitat being the central grassland which comprises short-sward sheep-grazed grassland, a sub-optimal habitat for GCN (See Figure 1 below). GCN tend to remain in close proximity to their breeding pond and whilst a maximum routine migratory range has been estimated as approximately 250m from a breeding pond (Franklin, 1993; Oldham and Nicholson, 1986; Jehle, 2000), one study by Robert Jehle, (2000) demonstrated a 'terrestrial zone' of 63m, within which 95% of summer refuges were located. A further study (Jehle, R & Arntzen, JW. 2000) showed that after the breeding season 64% of newts were recorded within 20m of the pond edge.



Figure 1. Sheep grazed grassland across the site.

Research has also found that newts can travel varying distances. Movement and activity of newts from ponds depends on the surrounding habitat. If local refuges and food are abundant in habitats close to the pond, then newts are likely to remain in this area exploiting such resources. In terms of the off-site ponds, it is considered likely that any GCNs that might be present would use the extensive areas of scrub and woodland to the north-west of the site as opposed to the grazed grassland and small areas of scrub present on site.

In addition to this, English Nature (now Natural England) published findings of a research report into the efficiency of capture techniques and the value of different habitats for great crested newts, which stated that '*The most comprehensive mitigation, in relation to avoiding disturbance, killing or injury is appropriate within 50m of a breeding pond. It will also almost always be necessary to actively capture newts 50-100m away. However, at distances greater than 100m, there should be careful consideration as to whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality. At distances greater than 200-250m, capture operations will hardly ever be appropriate.*' This report also identified clear correlations between the number of newts captured and certain habitats where four habitats (woodland, arable land, post-industrial habitats and hedgerows) were found regularly to predict the number of newts captured. It can therefore be surmised that greater densities of great crested newts will be found within or in close proximity to areas of favourable terrestrial habitat such as woodland, scrub, and boundary features, such as hedgerows. Aerial photographs show that ponds 1,2, and 6 are located within or in close proximity to areas of suitable terrestrial habitat, such as hedgerows, scrub and/or woodland, and this is also the nearest suitable habitat to Pond 3, which is located the opposite side of this habitat from the site. It should be re-iterated that Pond 1 is located between the site and these other ponds, and this pond was confirmed not to support GCN, despite being of 'good' suitability for them. If newts were present within the application site, there is no reason why they would not be in this pond.

The above should be considered when assessing developments in terms of their potential to cause an offence under legislation. Indeed, Natural England state in their licence method statement that: "*NE is concerned about the trend for increasingly risk adverse mitigation for several reasons. Primarily, there is no legal need, and little benefit to GCN conservation, in undertaking mitigation where there are no offences through development. Even where there technically is an offense, such as the destruction of a small, distant area of resting place habitat, or even killing low numbers of newts, it is arguable that impact beyond the core areas often have little or no tangible impacts on the viability of populations. Mitigation in such circumstances is of questionable value in conservation terms. There are, however, substantial costs: developers delay projects and spend large sums on mitigation. Sometimes the mitigation project itself has environmental costs, especially when it entails*

substantial lengths of newt fencing. In some cases long newt fences are employed with no justification. Natural England wishes to see newt fencing used more appropriately i.e. only where there is a reasonable risk of capturing, containing and/or excluding newts”.

And furthermore, “Natural England wishes to see mitigation planning shift away from such a highly risk adverse starting point. The domestic legislation protecting GCNs arises largely from the Habitats Directive which has a central aim to restore scheduled species to a favourable conservation status. A more appropriate approach to mitigation, addressing tangible impacts on populations whilst giving lower priority to negligible effects, is consistent with the aims of the Directive.”

Figure 2 overleaf shows the confirmed un-surveyed ponds with direct connectivity to the site with a 50m buffer (green) and 100m buffer zone (yellow). The construction area is entirely outside the 100m buffer zones, with the closest point being *c.*120m from the nearest pond, and the more optimal habitat *c.*175m.

Taking this into consideration, it is considered that no further surveys are necessary so long as Reasonable Avoidance Measures (RAMS) are carried out when undertaking ground works on site. Currently, the habitats which are to be impacted upon by the proposals are largely sub-optimal for GCNs in their terrestrial phase and no impacts upon meta-population dynamics are predicted. Furthermore, there is no direct access between the site and the surrounding ponds which all reside on private land.

The development will not result in the loss of any suitable breeding ponds, or any ponds within the landscape. Nor will the development result in the loss of significant ecological features linking off site ponds. Indeed, it is considered that the development will not impact upon the ecological functionality of the site or the local landscape.

Reasonable Avoidance Measures

Employing RAMs during construction will involve working practices to avoid killing and injuring individual newts and other animals. This method statement describes the required precautionary actions prior and during development works, which will minimise the risk of an offence being committed under Regulation 41 of the Conservation of Habitats and Species Regulations 2010.

The clearance of the grassland and scrub margins on site should be undertaken using the following measures:

- The areas of vegetation with a longer sward and scrub should be taken down to a short height, using sensitive methods. Two cuts would take place, the first down to 150mm, and then another down to 5mm.
- The initial cut should take place in one direction, aiming to move from the south of the site to the offsite habitat beyond the northern boundary. The southern retained scrub will ensure that there is continual provision of habitat. Once the initial cut has been completed, the arisings should be left for several days to allow individual GCN to move. The arisings should be then hand collected. Finally, once the arisings have been removed, a final cut should be conducted and the arisings removed. This process should take a week.
- A destructive search should then be undertaken, using a toothed bucket excavator to carefully scrape the top layer of soil. This should be done under the supervision of a suitably qualified ecologist. Any GCN identified should be translocated to retained habitat.
- Any log/brash/soil piles are to be removed sensitively and by hand, not using any heavy machinery. This is especially important if works must be carried out during the winter, when GCN (and other animals) are likely to be hibernating within such structures.
- Construction and demolition materials, as well as skips and pallets, should be stored on hardstanding where possible and furthermore, should be elevated off the ground. This so that no features are created that GCN could potentially use as refuge habitat.
- Where trenches and holes are dug, these should not be left open overnight. GCN (and small mammals as previously mentioned) may get trapped in vertical-sided trenches. Therefore, where there is a risk of this occurring, the holes should be refilled, or planks of wood should be placed so that any trapped animals may use these to escape.

It is considered that, should the above measures be implemented, then the favourable conservation status of the species on site can be maintained. The creation of new hibernacula, scrub, SUDS, and wildflower grassland will provide enhanced habitat for the species on site.

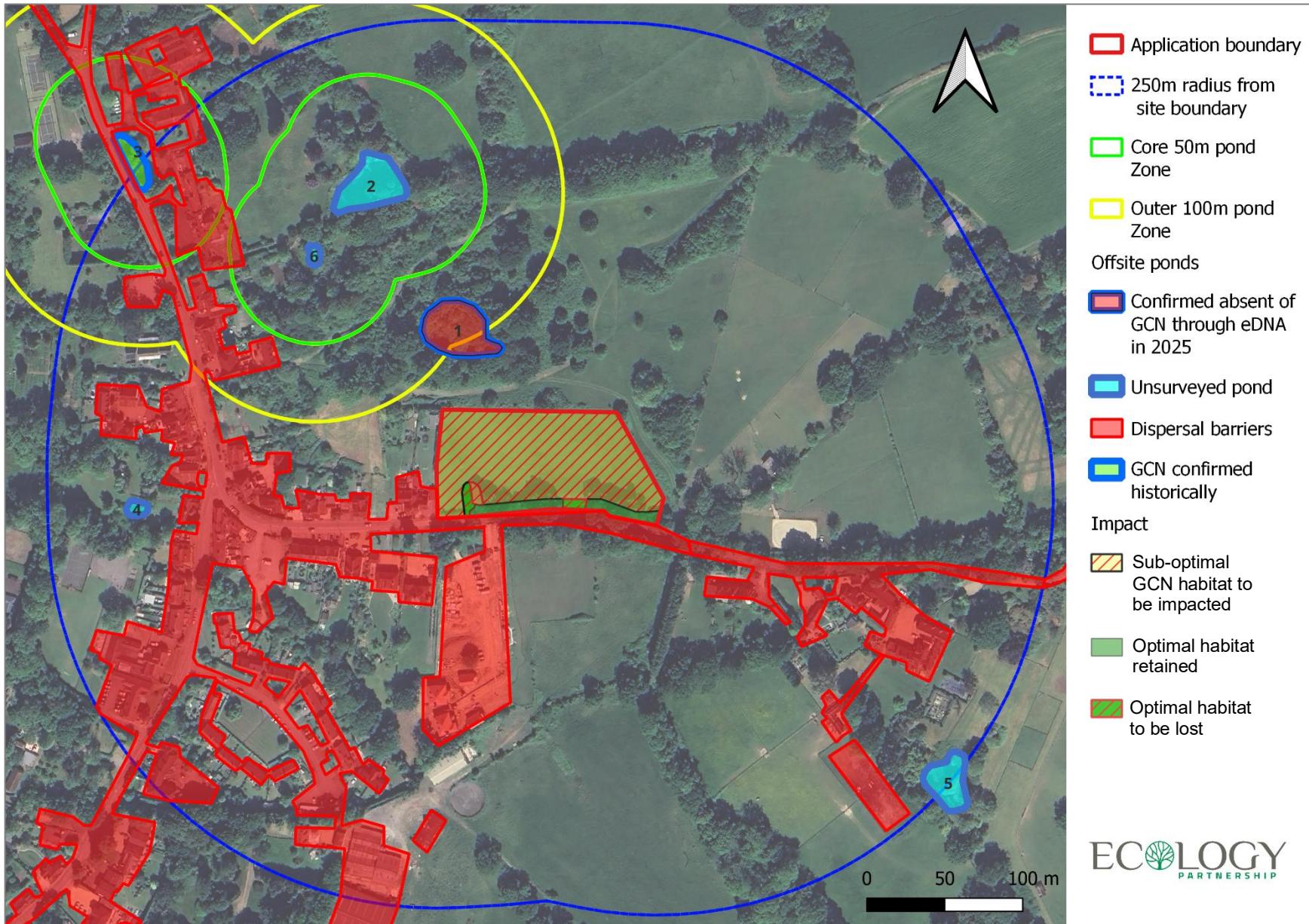


Figure 2: Application site in relation to surrounding nearby ponds.