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Our ref: SWE24/0054/MSL1
Application ref: DC/24/1538

LAND TO THE SOUTH OF FURNERS LANE HENFIELD WEST SUSSEX BN5 9HS – ADDITIONAL ECOLOGICAL INFORMATION

Dear Ms Smith,

Many thanks for sending the consultation responses submitted by Place Services (dated 12th November) and NatureSpace (dated 12th November) to the above application. You have requested that I respond to the comments, which I do below.

I understand that Place Services are acting as the council's in-house ecology consultee in this instance. Conversely, NatureSpace are a private company set up to obtain and operate a District Level Licence for great crested newts, for those developers who wish to opt for that licensing route. NatureSpace are therefore a non-statutory, third-party consultee.

Bats – tree roosting potential

Place Services have requested confirmation of the bat roosting potential of the trees that are to be removed as part of the development. I am familiar with the trees in question, having visited the site on numerous occasions, including most recently on 9th September 2024. I can therefore confirm that none of these trees has been identified as having any significant potential to support roosting bats, being relatively young and structurally uniform, and lacking significant potential roost features.

Dormouse

I note that the standing advice referred to by Place Services states – "*The survey should be from the current or previous active season. Surveys up to 3 years old are acceptable if the habitats have not significantly changed.*"

Based on my visit to the site on 9th September I can confirm that there have been no significant changes on the site that would influence the presence or not of dormouse. As such the survey carried out in 2022 remains sufficient to conclude that this species is likely to be absence from the site and no impact is likely and mitigation is not therefore required.

Reptile mitigation strategy

A detailed strategy for the translocation of reptiles is being prepared and will follow separately. I note that Place Services advocate that this information be submitted prior to determination of the application, but I would question the rationale for this as it is common practice for such a strategy to

be secured by a suitably worded Grampian condition, particularly where the principle of development has already been established.

Furthermore, for the purpose of complying with Circular 06/05, it should be noted that translocating reptiles is an industry wide standard procedure for addressing the risk to protected reptile species affected by development. It is therefore a 'tried and tested' method in which there can be confidence of a high likelihood of success, which should be sufficient for the council to discharge their obligation to assess the impact on reptiles in the planning balance, when determining the application.

Biodiversity Enhancements

I note that Place Services recommend that the detail of the enhancements to be provided within the development be secured by a condition. I support this approach.

Great crested newts

I do not agree with the suggestion from NatureSpace that the results of the 2022 eDNA testing are out-of-date or that further survey for great crested newts is needed at this stage. Furthermore, the advice note published by CIEEM, on the lifespan of ecological surveys, **does not mandate that surveys greater than 2 years old be updated**, as suggested by NatureSpace.

For the benefit of the case officer assigned to this application, I have attached a full copy of CIEEM's advice note. Germane is the advice given for surveys between 18 months and 3 years, which states –

A professional ecologist will need to undertake a site visit and <u>may</u> also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report, based on the factors listed below…

The likelihood of surveys needing to be updated increases with time, and is greater for mobile species or <u>in circumstances where the habitat or its management has changed significantly since the surveys were undertaken</u>. [emphasis added] *Factors to be considered include (but are not limited to)…*

- *Whether there have been significant changes to the habitats present (and/or the ecological conditions/functions/ecosystem functioning upon which they are dependent) since the surveys were undertaken, including through changes to site management (see scenario 3 example);*
- *Whether the local distribution of a species in the wider area around a site has changed (or knowledge of it increased), increasing the likelihood of its presence (see scenario 4 example).*

As detailed above, I visited the site on 9th September 2024 and can confirm from this that there have been no changes on the site that would materially affect the likelihood of great crested newts being present. There have also been no significant landscape scale changes sufficient to have had a material impact on the distribution of this species in the wider landscape. On this basis it is acceptable to apply my judgement based on over 20 years as a professional ecologist, to conclude that this species is unlikely to be affected and that the risk posed to great crested newts is below the threshold where a licence would be required.

If further assurance of this is needed, I have assessed the risk to great created newts using the rapid risk assessment tool developed by Natural England, which is embedded in the licence application method statement for great crested newts. The desk study information indicates that the nearest recorded for this species is some 400m to the southeast (grid reference TQ221157) and the nearest pond (beyond those tested for eDNA) is some 260m to the southeast. The risk assessment tool

indicates that the removal of 1 to 5ha of land greater than 250m from a breeding pond is **highly unlikely** to result in an offence being committed – as shown below.

Component	**Likely effect** (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	**Notional offence probability score**
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	1 - 5 ha lost or damaged	0.04
Individual great crested newts	No effect	0
	Maximum:	0.04
Rapid risk assessment result:	**GREEN: OFFENCE HIGHLY UNLIKELY**	

Finally, for the purpose of determining the planning application, added assurance of the protection of great crested newts is also present at this site in the form of the reptile translocation. This will encompass the same habitats as those in which great crested newts could be present and, as the process for translocating these two species is similar, in the unlikely event a great crested newt is present within the site, it is highly likely that it will be found during the reptile translocation. The need or not for a licence can therefore be reassessed at that point.

On the basis of the factors outline above, I am satisfied that there is no significant risk to great crested newts and that no further survey or mitigation is required for this species at the present time.

I trust the above is of assistance and please do note hesitate to contact me to discuss anything further if necessary.

Best regards

Sam Watson MCIEEM
Director

ADVICE NOTE

ON THE LIFESPAN OF ECOLOGICAL REPORTS & SURVEYS

APRIL 2019

It is important that planning decisions are based on up-to-date ecological reports and survey data. However, it is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. In some cases there will be specific guidance on this (such as for the age of data which may be used to support an EPS licence application). In circumstances where such advice does not already exist, CIEEM provides the general advice set out below.

For some projects the time taken between commencing the scoping or design and submitting a planning application can be several years, and this can result in the early ecology surveys becoming out-of-date (based on the advice set out below); this can lead to additional costs for developers associated with updating survey data. Nevertheless, there are considerable advantages associated with undertaking surveys early during the scoping or design phases of a project.

Ecological consultants should give careful consideration to which, if any, surveys need to be updated; design their data collection in a way which maximises the benefits of early surveys whilst minimising the costs to developers; and provide clarity on the likely lifespan of surveys in their reports.

AGE OF DATA	REPORT / SURVEY VALIDITY
Less than 12 months	Likely to be valid in most cases.
12-18 months	Likely to be valid in most cases with the following exceptions: • Where a site may offer existing or new features which could be utilised by a mobile species within a short timeframe (see scenario 1 example); • Where a mobile species is present on site or in the wider area, and can create new features of relevance to the assessment (see scenario 2 example); • Where country-specific or species-specific guidance dictates otherwise. Report authors should highlight where they consider it likely to be necessary to update surveys within a timeframe of less than 18 months.
18 months to 3 years	A professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report, based on the factors listed below. Some or all of the other ecological surveys may need to be updated. The professional ecologist will need to issue a clear statement, with appropriate justification, on: • The validity of the report; • Which, if any, of the surveys need to be updated; and • The appropriate scope, timing and methods for the update survey(s). The likelihood of surveys needing to be updated increases with time, and is greater for mobile species or in circumstances where the habitat or its management has changed significantly since the surveys were undertaken. Factors to be considered include (but are not limited to): • Whether the site supports, or may support, a mobile species which could have moved on to site, or changed its distribution within a site (see scenario 1&2 examples); • Whether there have been significant changes to the habitats present (and/or the ecological conditions/functions/ecosystem functioning upon which they are dependent) since the surveys were undertaken, including through changes to site management (see scenario 3 example); • Whether the local distribution of a species in the wider area around a site has changed (or knowledge of it increased), increasing the likelihood of its presence (see scenario 4 example).
More than 3 years	The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist, as described above).

EXAMPLE SCENARIOS

1

- Trees or buildings on site have been surveyed for evidence of bat roosts and none were found; new roosts may be present, and trees or buildings may have developed new features which were not previously present. An update bat roost survey is likely to be required.
- One or more potential otter resting sites have been identified, although there was no evidence of use at the time of the survey; such features may have been used by otters during the intervening period. An update otter survey is likely to be required.

2

- A badger survey confirmed the presence of badgers on site; new setts may have been excavated within the site. An update badger survey is likely to be required.

3

- An area of grassland was heavily grazed by cattle at the time of the original survey and was considered to be unsuitable for reptiles, although slow-worms were known to be present in the wider area; grazing has since ceased and the grassland has been cut once annually, which has encouraged the development of a tussocky sward which provides suitable habitat for slow-worms. A reptile survey is now likely to be required.

4

- A water vole survey confirmed their absence from the site but identified them as present in the wider area surrounding it; a recovery project is underway in the local area through a mink control programme, which is encouraging the spread of water voles.

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