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Sent: 27 August 2026 19:00:00 UTC+01:00
To: "Stuart Malcolm" <stuart.malcolm@midsussex.gov.uk>
Subject: DM/25/3067 | Land West Of Kings Business Centre Reeds Lane Sayers Common West Sussex

Good afternoon Stuart,

Thank you for re-consulting us on the above application. The applicant has submitted the following report, *Consultation Response: NatureSpace GCN Comments, Land West of King Business Centre, Reeds Lane, Sayers Common (DM/25/3067), Ecology Solutions*, which states that:

- *"Ecology Solutions has completed eDNA survey of three waterbodies (P1, P8 and P9) on three separate occasions (2016, 2020 and 2024), with negative results for GCN returned on all three occasions"*
- *"habitat of greatest value for GCN and other amphibians within the Application Site are the boundary hedgerows / treelines and woodland to the north that provide connectivity to offsite habitats of greater suitability. Impacts to these habitats on account of the Development Proposals will be negligible . This is discussed in further detail in the Development Proposals section below."*
- *"Pond P2 is located 30m from the Application Site and is a relatively small waterbody that has been present since at least 2010. Within this report the pond is described as a "small eutrophic pond" with "100% macrophytes cover" that was "shaded by profuse growth of bankside vegetation and trees" , a Habitat Suitability Index (HSI) score for this pond was 0.66, resulting in an average suitability for GCN. Extensive macrophyte coverage is a negative indicator for GCN as detailed within the GCN conservation handbook, as it blocks out sunlight through shading. This is reflected in the HSI assessment."*
- *"It is accepted that if GCN are present within P2 then they would likely utilise boundary habitats within the Application Site as this is within the 50m immediate terrestrial 1, or "core" habitat. However, given the description above the pond is not optimal for GCN. Furthermore P1; a ditch running along the western boundary of the Application Site is present between the AV Trade waterbodies and the main body of the Application Site and is approximately 30m from P2. It is Ecology Solutions ' position that if GCN were present within pond P2 then they would also have been detected within P1 on account of the proximity, yet P1 has been negative for GCN during surveys completed in 2016, 2020 and 2024"*
- *"P3, P4, P5, P6 and P7 are all surrounded by sub-optimal habitat for GCN in the form of regularly managed grassland, kept short for amenity purposes reducing the likelihood that colonisation would have occurred from a nearby population, of which the location is unknown based on all searches completed . All waterbodies , with the exception of P3 .*

are located on the other side of the main vehicle access to AV Trade Global Headquarters, this would act as a barrier to dispersal for GCN to the Application Site. "

- *"As detailed within the GCN conservation handbook 2, GCN prefer small to medium sized ponds around 50m - 250m². GCN tend to be unsuccessful in larger waterbodies partly due to increased likelihood of fish presence and use by waterfowl which are both known to adversely affect GCN breeding via predation of eggs , accidentally in the case of waterfowl , and competition for food . 1.1.26. P3, P4, P5 and P6 are all well in excess of 250m² and as such are not considered suitable breeding ponds for GCN."*
- *"P11 is located 240m from the Application Site boundary to the north-east of P9. P11 is an attenuation basin for the adjacent development and was created between 2020 and 2022 based on aerial imagery. This is a relatively new pond and would require an existing population of GCN to have colonised it in the short time since it has been present. As P8 and P9 are both in close proximity to P11 and do not support GCN but are suitable for the species, it can be assumed that P11 also does not support GCN. Furthermore, given the distance from the Application Site and suitable terrestrial habitat in close proximity to P11 it is not considered likely that GCN would commute to the sub-optimal habitats found within the Application Site if they were present."*
- *"P15 is located 175m from the Application Site boundary. P15 is in close proximity to woodland which would offer suitable habitat for GCN in the event that they are present within this pond. It is not considered that GCN would utilise the Application Site from P15."*

In response to this statement, we raise the below points:

- The above report has recognised that should GCN be present within P2, then they would likely use the terrestrial habitat within the development site. It seems P2 has been ruled out from consideration as it has been deemed unsuitable for GCN, however we are not in agreement with this conclusion. The HSI assessment undertaken on this waterbody returned an average result, meaning there is some suitability for GCN. 100% macrophyte cover has also been used to determine unsuitability, and whilst it is true that shading does *reduce* suitability, it cannot be used as a proxy to determine GCN absence, neither could a poor HSI.
- Additionally, P2 has been ruled out from consideration as it has been ascertained that the negative eDNA result returned for P1 can also be applied to P2. However, within another section of the above report, the applicant has highlighted that as GCN exist in meta-populations, there is interchange of populations between ponds. It is correct that GCN move between and occupy ponds with varying frequency and in fact this ability to shift between locations has an evolutionary benefit (Great Crested Newt Mitigation Guidelines, 2001). As GCN can therefore be present within a pond one year and not the next, a negative result of one pond cannot be erroneously applied to another pond because of their close proximity.

- Ponds 3, 4, 5, and 6 have also been ruled out due to their size. Whilst it may be true that GCN show preference to certain waterbodies for breeding, once again GCN absence cannot be presumed based on this fact. Even with a preference for certain breeding waterbodies, it would be an offence to impact a waterbody which is used by GCN for other means. Likely fish presence and waterfowl use have also been included as a feature of larger water bodies which would make these ponds unsuitable for GCN, however this is a presumption and fish/waterfowl presence has not been assessed or confirmed by the applicant as far as we are aware.
- Ponds 4, 5, 6 and 7 have been ruled out from consideration in part as they are located on the opposite side of the entrance of the nearby Trade Headquarters, and it is said the curbs of this access road act as a significant dispersal barrier. However looking on street view, it appears that these curbs drop off not far after either side of this entrance. There are routes around this minor obstacle, and it is not felt that this road forms a complete barrier to dispersal to the ponds located to the west of the site.
- Pond 11 has been ruled out as it is an attenuation basin created between 4-6 years ago and it is believed to be unlikely that it could have been colonised by GCN within this period. However, it should be noted that there is a recorded GCN positive eDNA record from 2023 within the landscape and located just over 500m northeast of P11. Where there is suitable breeding habitat, a sufficiently close existing population, and habitats allowing for dispersal, GCN can colonise new ponds, and this can occur rapidly (Froglife, 2001). It has been stated above that should P11 be positive, it is unlikely GCN would be present onsite, however P11 is within 250m of the site and therefore well within dispersal distance. This is also the case for P15, which has direct and continuous connectivity to the suitable habitat on site, and is also well within dispersal distance at only 175m away.

Ultimately, the survey effort for this site is considered to be below what should be expected for a development of this size, and the reasons that have been collated to rule out waterbodies from consideration are based on factors which cannot be used to satisfactorily determine GCN absence/presence. GCN absence data for two ponds and one ditch out of a total 24 ponds cannot build an accurate picture of GCN presence within the landscape. As mentioned within the applicant's previous statement, the usual minimum consideration for surveys is up to 250m. However, in this instance, there are at least 5 waterbodies located within this distance which have been discounted, and in fact, as have ponds between 250m and 500m with good connectivity to the site. The most critical of these is P2, located only 30m to the west of the site, without significant barriers to dispersal, average suitability for GCN, and no survey data. Whilst it is agreed that reptile surveys can in some circumstances provide supplementary survey data, in this instance where there is such a lack of primary GCN data, we do not feel this sufficient.

Our recommendation to the LPA therefore is that further information is required to demonstrate that the impacts to GCN and/or their habitats have been sufficiently assessed and that appropriate protections are in place for the species.

Best wishes,

Laura Downs (*she/her*)

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