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Dear Louise,

London Ashford Airport Development

Thank-you for e-mail of 13 October 2008 asking my opinion on these matters. My answers to your questions are as follows:

1. Why it is essential for the CAA to clarify the future of Pond A?

Pond A supports the great crested newt, *Triturus cristatus*. This species is listed on Annex 2 of the EC Habitats Directive and the UK Government is required to designate Special Areas of Conservation (SACs) to protected the best UK populations of this species and maintain the sites in favourable condition. One of these is the Dungeness SAC. Pond A is one of a series of ponds scattered across the designated SAC that supports this species. In conservation terms, Pond A has been one of the most important ponds for this species in the SAC. It has the highest great crested newt count for any of the Dungeness ponds (218 animals in 1999); numerically it has consistently had the highest counts of any of the Airport ponds since at least 1989, and therefore has contributed significantly to the total great crested newt count for the SAC. Newt numbers have fallen considerably in recent years, but great crested newt populations are known to fluctuate in this way and it does not mean that high numbers will not return to the pond in future.

The current Conservation Objectives for the SAC require that:

i. The geographical range of the great crested newt across the SAC is maintained.
ii. The number and quality of existing great crested newt breeding ponds are maintained. This is likely to be changed to no net loss of ponds
iii. That the great crested newt is maintained in the Airport sub-population, (a major population centre)
iv. There is no loss of area or fragmentation of the site.
v. Extensive structurally varied habitats are maintained close to the breeding ponds.

Revisions to the Conservation Objectives are likely to add another measure:

The total number of great crested newts recorded on the SSSI should not fall below 20% of the mean peak count (i.e. 116 animals).

The effect of the loss or degradation of pond A would be:

- A likely decline in the great crested newt count across the whole SAC.
- A significant decline in the great crested newt count within the Airport pond cluster.
- A net reduction in the number of ponds, unless a similar sized pond could be created, and this will be difficult to achieve without damaging other SSSI/SAC qualifying features.

In considering the impact of this planning application the Habitats Regulations require the applicant to show that there will be no adverse effect on the integrity of the SAC. In the past the Airport have stated that the CAA required them to expand the width of the Runway Safety Strip from 105 m to 150 m, which would result in damage or destruction to pond A, great crested newt terrestrial habitat and undisturbed shingle vegetation (also a SAC feature). Consequently a clear steer on the width of runway safety margin is required from the CAA. It has not as yet been provided and therefore it is not possible to conclude that there would be no adverse effect.

2. Please estimate the percentage of potential newt habitat within the SSSI affected by the development.

I am following the principle, used by Natural England that most adult great crested newts are found within 250m of their breeding ponds to calculate the area of habitat, deleting areas that, from aerial photos do not look to be suitable, such as roads, deep gravel pits other than their margins, and arable fields. I will add caveats straight away, that we might not know the full distribution of the great crested newt on the SSSI, and that once the terrestrial habitat is checked on the ground, rather than from aerial photographs it might be less than I have estimated. However, my estimate is probably more accurate than that used by the Airport, which assumed that a much larger area of the SSSI was used by great crested newts, including saline habitats and areas far distant from any ponds.

This would give a total area of 469.4 ha of suitable great crested newt habitat within the SSSI.

None of this area is directly affected by the extension of the runway.

If the safety strip along the runway were to be extended from 105 m to 150 m, however, this would degrade 4.8 ha of great crested newt habitat, resulting in the loss of some of breeding pond A and the flattening and mowing of areas of reedbed and vegetated shingle habitat, affecting approximately 1% of the great crested newt habitat on the SSSI. This is a small area but directly affects some of the best great crested newt habitat around London Ashford Airport.

3. **Please estimate the percentage of potential newt habitat within the SAC affected by the development**

The SAC contains 345.4 ha of great crested newt habitat. Again 4.8 ha of this would be affected if the runway safety strip was extended to 150 m, degrading approximately 1.4% of the SAC.

4. Please comment on the adequacy of the mitigation proposals for Great Crested Newts

The mitigation plan has a number of issues that should be addressed.

Firstly, some of the mitigation proposed, such as the restoration of the ponds to favourable condition for the great crested newts, are the airport's legal duty as an SSSI owner. This should not be confused with mitigation as the work should really be happening anyway.

The mitigation work proposed needs to carefully consider impacts on other protected habitats, and at the moment it fails to do this in the following ways:

- The creation of refugia is proposed on the SSSI. This could result in the obscuring of shingle habitats, and is not really desirable on an SSSI where the interest is associated with natural habitats. A similar result could be achieved by allowing patches of grass to grow tall and rank in appropriate areas.

- Several scrapes are proposed for newts. From the maps provided these appear to be in areas where other interest features such as geomorphology will be damaged. There is one area where the shingle has been excavated close to the surface where a scrape could be excavated without causing damage, but this is not one of the proposed options. We do not therefore have a clear idea of the extent of wetland habitat that will be created.

- A ditch is proposed to link newt habitat. The actual location of this ditch is not clear on the plans but opens up the risk of introducing fish into areas of wetland habitat that are best kept fish-free in the interests of newts. Besides, ditches are not essential to help newts to disperse across the countryside as suggested in the plans.

- It is proposed to substantially improve pond A for newts without specifying how this would be achieved. In fact the pond does not require improvement; it is currently in good condition, whilst the adjacent marshy habitats are the features that require improvement as scrub and reed have invaded to the detriment of the newts and short fen habitats.

In conclusion, therefore, more work needs to be done on these mitigation proposals before they are adequate.

5. Please comment on the adequacy of the Biodiversity Action Plan

The Biodiversity action Plan also has a number of issues that suggest it is not well thought through at present:

The Plan mistakenly mentions a management agreement with Natural England, dated 1st November 2002. As the officer concerned I can confirm that whilst a management agreement was offered to the Airport to fund clearance of scrub and management of reeds it was never signed by the company because of concerns about bird strike. Any actions that have taken place on the site have involved consented scrub clearance by the airport to reduce the threat of bird-strike. These actions offer part of the solution to the problems with management of the SSSI but do not deal with other serious issues such as reed invasion.

The management prescription has a number of unsatisfactory elements, as follows:

- In section 4.4 the document suggests that species such as great crested newt, medicinal leech, water vole and aquatic invertebrates are to be encouraged. Section 4.14 also refers to benefitting medicinal leech. It is proposed to create new newt habitat, remove scrub, restore open water, remove fish and exclude birds from the ponds by netting. This has not been clearly thought through. Warm blooded hosts such as birds or mammals are required by breeding medicinal leech (Kleim, 1993) and it is thought that amphibians alone are not sufficient as a food source for breeding leeches. On Romney Marsh warm blooded meals come from farm animals (which are not able to access these ponds) and birds, with waterfowl nests being particularly attractive to the leech. Netting the ponds will prevent access by these animals, making the ponds poorer leech habitat.
- Fish removal is recommended as a possible option for managing great crested newts but it is not really a sustainable option as it requires drastic measures to prevent fish colonising ponds that are probably naturally suitable for them. On a site like Dungeness, with a large number of ponds of differing depths and permanence, the best approach would be to control invasion by reeds and shading trees, and to allow fish and newt populations to change naturally following the changes in weather patterns. Newts will do best in shallow ephemeral pools in very wet years, and better in deeper ponds during a run of drought years as fish populations wax and wane.
- The Biodiversity Action Plan proposes construction of scrapes and refugia for newts. These are all located on part of the SSSI that support other SSSI features that would be damaged by this activity, so this element of the plan needs rethinking with clear proposals that set out how much new habitat can realistically be created.
- The targets proposed for great crested newt population increases (15%) are conservative and could be more ambitious in this timescale, seeking to restore the range of the newt in breeding ponds across its former recorded distribution at the

Airport. Putting targets on newt numbers is not easy because the numbers of adult newts counted can fluctuate erratically, but the aim should be to restore the newt population so that counts in excess of 100 animals are obtained once more, as was the case until recently.

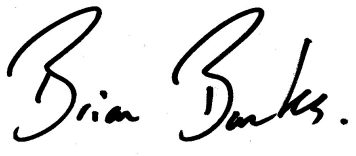
- The management proposed for water vole is welcome, although I would add that maintaining water in the ditches throughout the year is important for this species. There is no description of the desired state of the ditch bank habitats for this species, which should be tall grassland, but not overgrown by scrub.
- The removal of (willow) scrub from the wetlands (section 4.8) on the vegetated shingle is welcome as a requirement to restore favourable condition to the SSSI, but will need to be combined with management of reeds and other tall fen vegetation to achieve the desired result. This appears to be acknowledged in the plan but it is not clear how it will be achieved
- Measures are also proposed for the rare bug *Aphrodes duffieldii,* which is only known from Dungeness and nowhere else in the world. Is it known if this species is using the shingle ridges around the Airport? Could it survive in this area? It is normally found closer to the coast on false oat-grass grassland. If the species is not present on the airport land this is probably because the shingle habitats in this area are not suitable for it. Given that the maintenance of the existing natural shingle communities is of the highest priority on the site it would not be sensible modify these to favour artificial range expansion of particular species associated with disturbance. This proposal does not appear to have been thought through properly.
- There is a similar situation for the moth *Cynaeda dentalis*. This species is associated with viper's bugloss on disturbed shingle. It is the undisturbed shingle habitats that are of greatest value on this part of the SSSI and encouraging the plant in this area would not be desirable. Viper's bugloss is widespread in the area and probably already occurs on the Airport land in areas subject to occasional mowing or other disturbance. Again, this proposal does not seem to have been properly thought through, and there is no indication of where this work is proposed.
- *Eilema pygmeola pallifrons*, the pygmy footman moth, is listed with no explanation of how its populations will be maintained.
- Carder bumblebees such as *Bombus humilis* are highly worthy of conservation action. The plan proposes allowing vegetation to build up a thatch of tall plants and dead litter, managing them once scrub starts to invade the site. This is not appropriate. The bee does require tall vegetation for nesting, but this is provided by allowing a hay crop to grow in the summer, before cutting it back in the autumn, because the bee also requires large quantities of legume flowers such as clover for a pollen and nectar source. These are not likely to be favoured in a rank sward heading towards scrub invasion.
- One species that is not listed is the hen harrier, an SSSI qualifying species that has roosted in the reedbed to the west of pond A in the past.

In conclusion the plan lists a range of appropriate habitats and species for conservation action, but the measures proposed are is not always supported by an explanation of

how they will be achieved, and in some instances measures are either not practical or would damage other significant features. The proposed benefit of fencing birds from the pools in particular is highly questionable; deterring birds (one of the SSSI notification features) from using the wetlands would damage the avian interest of the SSSI, and could disadvantage the rare and protected medicinal leech (another SSSI feature) and would probably make the management of invasive reeds more complicated to undertake.

The plan in its present state is therefore far from adequate and needs more work to demonstrate what is practically achievable, rather than offering a series of untested proposals.

Yours sincerely,



Brian Banks

Reference

Kleim, (1993) Studies on the host specificity of the medicinal blood leech *Hirudo medicinalis* L.Parasitology Research Vol 79, no 3.