

Case Ref: DM/25/2379	Date: 16/10/2025
From: NatureSpace	Response: More information required

Recommendations:

- It is recommended that a suitable ecological assessment is submitted for this application, that includes a great crested newt assessment.
- Alternatively, the District Licence Scheme is available in lieu of carrying out great crested newt surveys (please see www.naturespaceuk.com for more details).

These comments are in relation to DM/25/2379 | Residential development of up to 2 self-build houses. | Land Rear Of Heathview Copthorne Common Copthorne West Sussex

Ecological Summary:

The development is situated in the red impact risk zone indicating that highly suitable habitat is present in the surrounding landscape.

Site context:

- There are 19 ponds within 500m of the site boundary, with four ponds within 250m. Most ponds are located to the south of the site.
- The site looks to contain wooded habitat with potential suitable terrestrial habitat for great crested newts.
- There don't appear to be any barriers in connectivity between the site and the wider landscape, indicating great crested newts could gain access to the site.

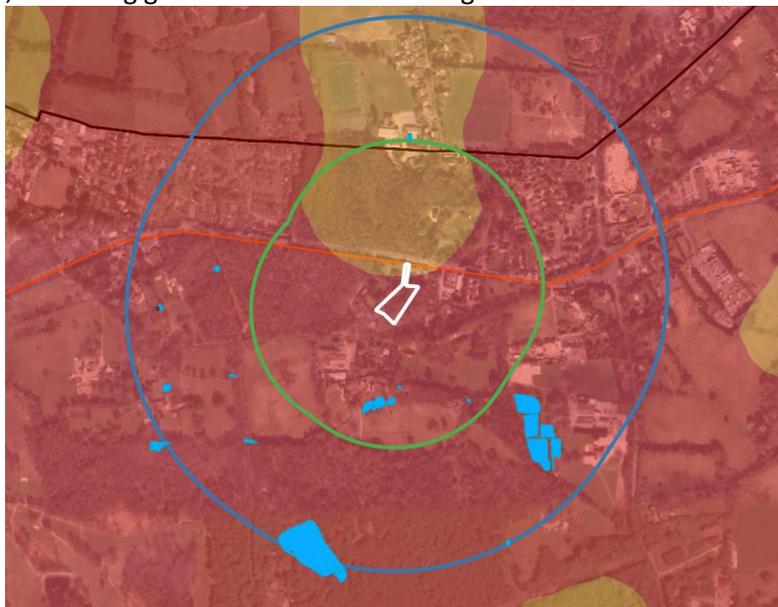


Figure above: Outline of the site (white) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newts. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

Conclusion:

The applicant has not provided any ecological information for the site. Therefore, it cannot be determined if there is a likely impact.

Conclusion and recommendation for conditions

We are not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

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, at this time, the applicant has the following options:

1. Provide further information (a suitable ecological assessment), in line with Natural England's Standing Advice, which may be able rule out impacts to great crested newts. Note that surveys for great crested newts are seasonally constrained and can only take place between April and June.
2. Apply to join the Great Crested Newt District Licence Scheme. This does not require further survey work and can be done at any time. Please contact Naturespace www.naturespaceuk.com for a quote and further information.
3. Utilise another licensing approach – either a European Protected Species Licence or a Low Impact Class Licence (please consult a suitably qualified ecologist for more details).

If it is determined from further survey work that the likelihood of impacts to great crested newts is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

However, if survey work confirms the presence of great crested newts then it may be that a licensing option will need to be considered.

Contact details: info@naturespaceuk.com

Relationship between NatureSpace and the Planning Authority

Mid Sussex District Council holds a Great Crested Newt Organisational (or "District") Licence granted by Natural England. This is administered by NatureSpace Partnership through their District Licensing Scheme as the council's delivery partner. A dedicated District Licence Officer is employed by NatureSpace to provide impartial advice to the council and help guide them and planning applicants through the process. All services and arrangements are facilitated in an unbiased, independent, and transparent manner. You can find out more at www.naturespaceuk.com

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2023), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local planning authorities have a statutory duty in exercising of all their functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity,' as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), as well as a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to have regard to the requirements of the Habitats Directive. As a result, great crested newt and their habitats are a material consideration in the planning process.

Lifespan of Ecological Reports and Surveys

Validity of ecological reports and surveys can become compromised overtime due to being out-of-date. CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017) states, if the age of data is between 12-18 months, "the report authors should highlight whether they consider it likely to be necessary to update surveys". If the age of the data is between 18

months to 3 years an updated survey and report will be required and anything more than 3 years old *“The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated”*.