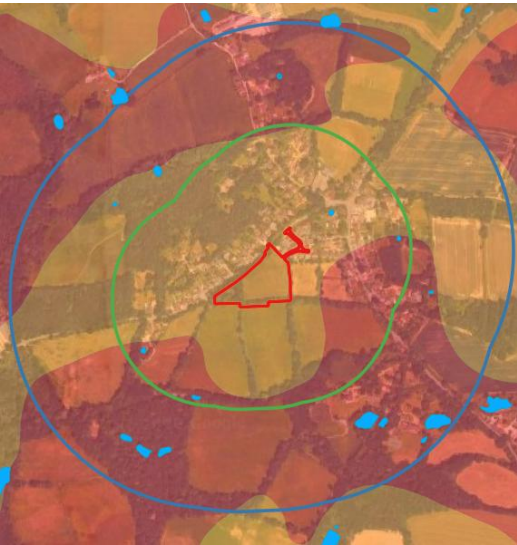


Consultee Response

Case Ref: DM/26/0454	Date: 17 March 2026
From: NatureSpace	Response: PWMS (Precautionary Working Method Statement)
This planning application is for: Proposed erection of 34 new homes with access from Marwick Close, vehicle and cycle parking, landscaping, drainage, and associated infrastructure and highway works Summary - The development falls within the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence. - There are 17 ponds within 500m of the development proposal, the closest of which are located 96m east, 200m east and 218m southeast. - There is direct connectivity between the development and surrounding features in the landscape.  Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. 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. Ecological Information The applicant has provided an ecological report, <i>Preliminary Ecological Appraisal, Land at Bolney Road, Antsy, Ecology Partnership, July 2025</i>. Within this report it states that: - “The grassland on site did not qualify as other neutral grassland as it was species poor with an average of 5.4 species/m², and grass dominated within broad-leaved herb coverage of less than 20%. Sward height was low with sheep grazing on site at the time of the survey.” - “The south-west corner of the site contained an area of woodland which is approximately 0.3ha.”	

- *"A line of declining ash trees will be removed and replaced on the southern boundary and a small section of scrub will be cut back to enable access to the public right of way along the southern boundary"*
- *"No ponds were identified on site however there were multiple ponds within 250m of the red-line boundary. From the desk study results, only ponds 1-3 were considered suitable for further assessment due to the others being north of Bolney Road and east of Cuckfield Road."*
- *"Ponds 1-3 were located on private land and could not be fully assessed on the day of survey. Ponds 1 and 2 could be partially assessed from adjacent roads, however pond 3 could not."*
- *"Ponds 1 and 2 had previously been assessed as having 'poor' suitability for GCN in a previous survey in 2017 for a previously application, which overlaps the current site. These ponds were observed to be in a similar 'poor' condition on the survey for this report."*
- *"As such, it is considered great crested newts are likely absent from site."*

Conclusion and recommendations

The above ecological report has determined that the terrestrial habitat onsite is unsuitable for GCN and has used HSI scores on two waterbodies to rule them out from consideration. It has however been stated within the report that proposals will require the removal of a line of trees and a small section of scrub. Although it would not be proportionate in this instance to request surveys due to the lack of suitable habitat onsite, due to the lack of GCN information provided on nearby waterbodies, a precautionary approach would be required here. Therefore, I recommend the use of a Precautionary Working Methods Statement (PWMS). This must be written by a suitably qualified ecologist and submitted to the Local Planning Authority for approval prior to determination or secured in a condition such as below:

Condition "No development shall take place until a Precautionary Working Methods Statement (PWMS) detailing reasonable avoidance measures for great crested newts has been submitted to and approved by the Local Planning Authority. Works shall only be undertaken in accordance with the approved Method Statement."

Contact details: info@naturespaceuk.com

Relationship between NatureSpace and Mid Sussex District Council

Mid Sussex District Council 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 Licensing 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, December 2024, section 15, 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, GCN 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”*.