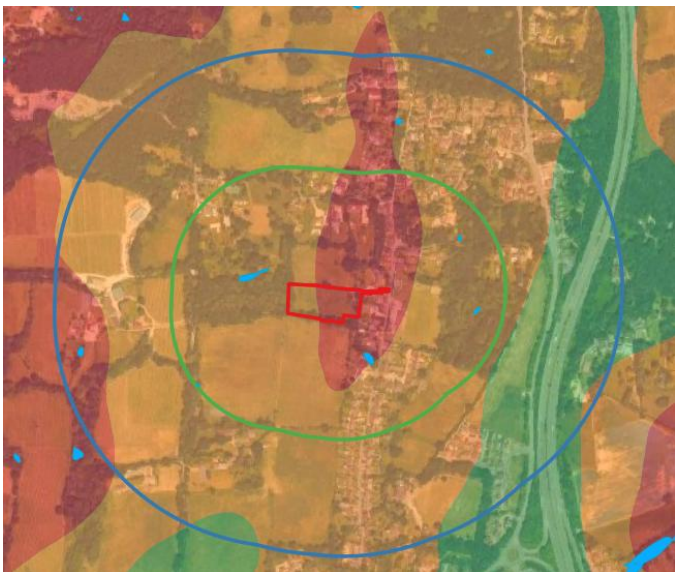


## Consultee Response

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| Case Ref: <b>DM/26/1560</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Date: 21 July 2026                     |
| From: NatureSpace                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response: Further Information Required |
| <p>This planning application is for: <b>Erection of 5 detached dwellinghouses and outbuildings, including new garage to serve The Byre.</b></p> <p><b>Summary</b></p> <ul style="list-style-type: none"><li>- The development falls within the red 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 red impact zone, there is highly suitable habitat and a high likelihood of great crested newt presence.</li><li>- There are 7 ponds within 500m of the development proposal, the closest of which are located 52m west and 78m south east.</li><li>- There is direct connectivity between the development and surrounding features in the landscape.</li><li>- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.</li></ul> <div data-bbox="459 1025 1136 1594"></div> <p>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.</p> <p><b>Ecological Information</b></p> <p>The applicant has provided an ecological report, <i>Ecological Impact Assessment, The Byre, Bolney The Ecology co-op, July 2026</i>. Within this report it states that:</p> <ul style="list-style-type: none"><li>- “The majority of the site is occupied by an area of modified grassland, which is intermittently grazed and mown. At the time of survey (April 2026), the grassland had a varied sward height; the predominant sward was long and tussocky, having recovered</li></ul> |                                        |

*from sheep grazing over the winter and early spring, whilst shorter, more herb-rich areas were also present.”*

- *“While there are no ponds within the development boundary, there is a wet ditch on the eastern boundary. The desk study also identified seven ponds within 500m of the proposed development boundary, none of which could be accessed during the survey. “*
- The onsite ditch returned a negative result
- *“With seven ponds within vicinity to the site that could not be surveyed, and with the site located in an amber risk zone, it means that this site would be best placed to apply for a District Licence through the NatureSpace Partnership.”*

### **Conclusion and recommendations**

Within the above report, it was stated that access could not be granted for any ponds within 500m, including the pond located roughly 50m west. Although the onsite ditch was eDNA'd and returned a negative result, due to the lack of other survey information available, and therefore as the risk to GCN cannot be demonstrated as acceptably low, it has been recommended that a District Licence is obtained. This route removes the need for survey work and therefore could be a suitable alternative in this situation. Therefore we are in agreement with this approach, however it should be noted that to take this route, the applicant must submit a NatureSpace Report or Certificate to the LPA **prior to determination**, to demonstrate that the impacts of the proposed development can be addressed through Mid Sussex District Council's District Licence.

Please note that Naturespace can be contacted at any time for a quote to enter the District Licensing scheme, which does not require further seasonally constrained newt survey work. More details on the District Licensing Scheme operated by the council can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

## Relationship between NatureSpace and Mid Sussex District Council

*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 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](http://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”*.