

Case Ref: DM/26/2103	Date: 10/09/2026
From: NatureSpace District Licence Officer	Response: Subject to Conditions- Precautionary Working Method Statement/ Reasonable Avoidance Measures
Recommended Actions We are satisfied with the ecological report submitted with this application and recommend a compliance condition is used to secure the provision of a site-specific Precautionary Working Method Statement (PWMS) prior to commencement of development.	
Comments: The applicant has provided a Preliminary Ecological Appraisal [Preliminary Ecological Appraisal (PEA) Land Rear of The Bulrushes Coombe Hill Road East Grinstead West Sussex RH19 4LZ, Arborweald, May 2026]. This document confirms that the site is largely unsuitable in the provision of habitat for great crested newts. The nearest waterbodies have been scoped out of assessment to unsuitability and management activities and would not provide breeding opportunities for great crested newts. There is limited connectivity to surround features and optimal habitat. A Precautionary Working Method Statement (PWMS) has been identified as acceptable to mitigate for any residual impacts to great crested newts. These comments are valid for 12 months (in line with CIEEM guidelines for ecological survey lifespan) and if any additional or revised ecological information is submitted, we request that we be re-consulted. Contact details: info@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: <i>"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</i>	

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 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 Advice note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019 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*”.