

Consultee Response

Case Ref: DM/26/0128	Date: 17 February 2026
From: NatureSpace	Response: Further Information Required
This planning application is for: Change of use of land from agricultural use to equestrian use, erection of stable building, and construction of all-weather outdoor riding area; with associated hard/soft landscaping, and access arrangements. Summary - 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. - There are 13 ponds within 500m of the development proposal, the closest of which are located adjacent to the site boundary - There is 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>Ecology and Biodiversity Net Gain Assessment, The Foal Barn, Wineham Lane, Henfield, West Sussex, BN5 9AN</i>, ABR Ecology, January 2026. Within this report it states that: - “The proposed development will involve the removal of sections of artificial unvegetated; unsealed surface, modified grassland, ruderal, and hedgerow H2 as part of the development.”	

- *“The site does not feature any ponds within the red line boundary; however, aerial assessment revealed eight ponds within 500m of the site (MAGIC, 2025), including one within the wider site ownership immediately adjacent to the site in the south. All other ponds were on private land and were considered inaccessible”*
- *“As the site is located within a ‘Red Zone’ for GCN, the local area is considered to support populations of this species and there is potential for the site to be used by GCN. Due to the proximity to waterbodies, the site could have GCN commuting across the site and any GCN could be killed/injured during construction activities. ”*
- *“Although the habitats are considered to be unsuitable for GCN, the risk of an offence occurring is considered to be high and a District Level Licence (DLL) will be required to cover the works”*

Conclusion and recommendation

The above report has concluded that in the absence of survey information, that the District Licence route will be taken in order to ensure that the development proceeds lawfully. We are in agreement with this approach however it should be noted that the applicant has yet to enquire. In order to take this route, the applicant must submit a NatureSpace Report or Certificate **prior to determination**. This method of licensing often removes the need for survey work and onsite mitigation for great crested newts as it provides compensation habitats off site. More details and how to enquire can be found at www.naturespaceuk.com

Contact details: 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

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”*.