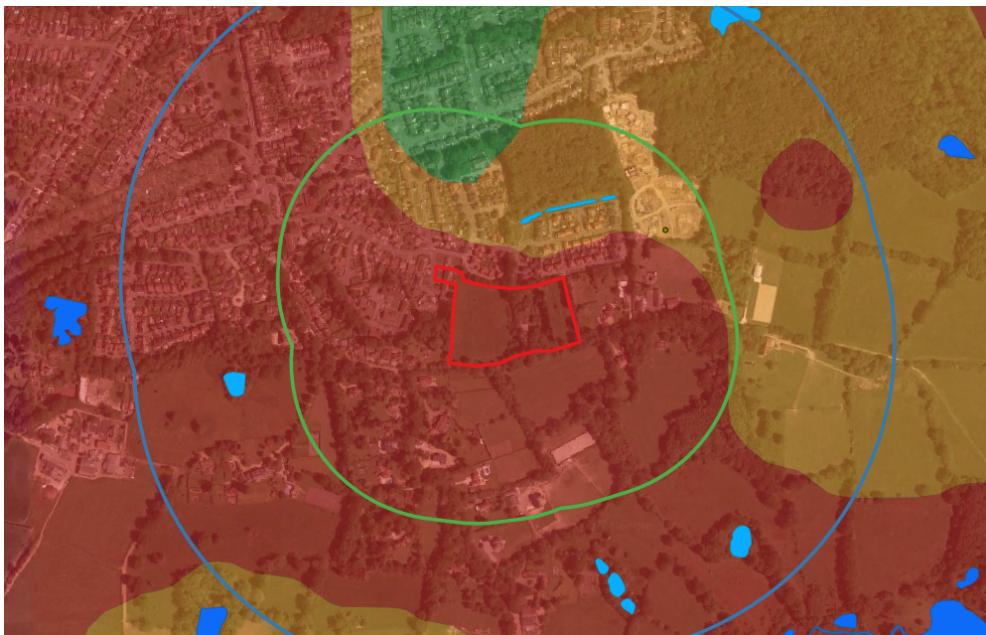


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|--|--|
| Case Ref: DM/25/1593   | Date: 07/08/2025   |
| From: NatureSpace  | Response: Holding Objection - Further Information Required |
| <p><b>Recommended Actions:</b></p> <ul style="list-style-type: none"> <li>- The District Licence scheme should be applied for. Under Mid Sussex District Council's district licence, development works that may cause impacts upon GCN can be authorised as part of the planning process.</li> </ul> <p><i>N.B. The applicant is required to submit a NatureSpace Report or Certificate <b>prior to determination</b> if this option is pursued.</i></p> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>- If the Council's scheme is not joined an EPS site-based mitigation licence may be required. Updated survey information and written confirmation that a 'traditional' EPSL in respect of GCN will be pursued would be required. Appropriate mitigation and compensatory measures will need to be identified to satisfy planning requirements and a site-based mitigation licence may be required. Surveys are seasonally constrained (mid-March – mid-June).</li> </ul>  |  |
| <p><b>Summary:</b></p> <p>This planning application is for</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 23 ponds within 500m of the development proposal, the closest of which is c.60m of the site and further ponds c.115m south of the site that tested positive for GCN eDNA in 2023 (Protected Species Report, Urban Edge Environmental Consulting, 2023). Given the close proximity of ponds with positive records there is a reasonable likelihood that GCN will disperse onto the development site.</li> <li>- There is direct connectivity between the waterbodies/terrestrial habitat in the landscape and the development site, which could aid great crested newt dispersal onto the development site.</li> <li>- There are suitable features on site including scrub grassland and dilapidated buildings. As such this provides suitable habitat for both foraging GCN as well as</li> </ul> |  |

providing suitable hibernacula. As such there is a reasonable likelihood that GCN would be disturbed, injured or killed as a result of development activities.

- There are 4 historic great crested newt records and 2 positive eDNA results within 250m.
- Natural England Standing Advice guidance for planning authorities advises that surveys on ponds up to 500m from development sites should be requested, but only ponds within 250m were surveyed and presence has been established so further surveys would not add any additional benefit.



*Figure 1: 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. \*Not all ponds in the landscape are denoted in the map.*

### **Ecological Information**

- The applicant has provided a Protected Species Report, Urban Edge Environmental Consulting, 2023 and Preliminary Ecological Appraisal, Urban Edge Environmental Consulting 2025.
- Within this report it states that “Without mitigation, the Proposed Development is likely to lead to the following impacts on great crested newt and their habitats as a result of vegetation removal, site clearance, creation of access tracks and materials storage compounds, vehicle movements, groundworks and construction of buildings and hardstanding. Any GCN present during the proposed works would be at risk of killing, injury and disturbance, which would constitute an offence” (Section 4.4.14, Preliminary Ecological Appraisal, Urban Edge Environmental Consulting 2025).

- In section 4.4.15 it is recommended that the applicant follows recommendations set out in the protected species report in respect to the district licensing scheme.
- It should be noted that if a traditional EPSL licence is pursued a full suite of surveys would be required as the 2023 surveys would require updating. If the age of the data is between 18 months to 3 years an updated survey and report will be required CIEEM Advice note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019).

## Conclusion

### Further information needed:

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

Protected species are a material consideration of the planning process and 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 (ODPM, 2005/06).

### DL Recommended

We agree with the provided ecological information and that a Licence should be obtained for this development should it be approved. This is primarily due to the great crested newt records in the surrounding area as well as the waterbodies present within 500m of the site and within the dispersal distance of great crested newts. Additionally section 4.4.15 of the Preliminary Ecological Appraisal recommends that the district licensing scheme is pursued.

From assessing the proposal and the information that has been provided the following options are available to the developer. 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, the applicant must **either**:

- Apply to the Council's district licence scheme. Under Mid Sussex District Council's district licence, development works that may cause impacts upon GCN can be authorised as part of the planning process.

*N.B. The applicant is required to submit a NatureSpace Report or Certificate **prior to determination** if this option is pursued.*

**OR**

- If the Councils scheme is not joined an EPS site-based mitigation licence may be required. Updated survey information and written confirmation that a 'traditional' EPSL in respect of GCN will be pursued. Appropriate mitigation and compensatory measures will need to be identified to satisfy planning requirements and a site-based mitigation licence may be required. Surveys are seasonally constrained (mid-March – mid- June).\*

\*To do so, surveys to determine presence/likely absence and population size class assessments may need to be undertaken by a suitably qualified ecologist in accordance with Natural England's [Standing Advice](#) (and if using eDNA surveys, the [Great Crested Newt Environmental eDNA Technical Advice Note](#). If great crested newt are identified, appropriate mitigation and compensatory measures will need to be identified to satisfy planning requirements and a site-based mitigation licence may be required. Surveys are seasonally constrained.

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

### District Licensing Officers

*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 Newt 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 (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 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.

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