

## Consultee Response

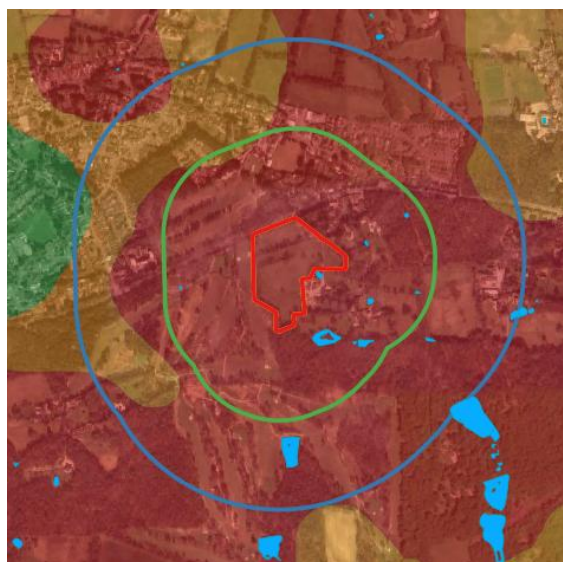
Case Ref: <b>DM/25/3020 and DM/25/3021</b>	Date: 17 December 2025
From: NatureSpace	Response: Further Information Required

These planning applications are for:

- **Outline planning application for the erection of an extra-care retirement community (Use Class C2) and community pavilion, including associated parking, outdoor amenity space, landscaping and drainage, with all matters reserved except for the new access proposed from Copthorne Common Road and;**
- **Outline planning application for the erection of residential dwellings (Use Class C3), including associated parking, outdoor amenity space, landscaping and drainage, with all matters reserved except for the new access proposed from Copthorne Common Road.**

### 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 at least 16 waterbodies within 500m of the development proposal, the closest of which are located 8m east and 65m southeast.
- There is direct connectivity between the development and surrounding features in the landscape.
- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.



*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, not all ponds shown on map. 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, *Ecological Impact Assessment, Land at Courthouse Farm, Copthorne Common Road, Copthorne, West Sussex, Lloydbore, October 2025*. Within this report it states that:

#### In terms of onsite habitat:-

- *"The species is considered likely present within grassland, woodland and hedgerows within 250m of any confirmed breeding ponds"*
- *"There are 16 waterbodies within 250m radius of the site. Two on-site waterbodies, two immediately adjacent are situated along the western boundary of the site (a dry ditch) and to the southeast of the site (a dry pond), of the remaining 12 off-site waterbodies the next closest are located over 100m to the south, southeast and east"*
- *"Another waterbody is present, immediately adjacent to the site and comprises a pond, to the southeast of the red line boundary within the gardens associated with the farmhouse. This was also recorded as dry."*
- *"There is also suitable terrestrial habitat for great crested newts present throughout the site comprising hedgerows, tree lines and gardens as well as immediately adjacent off-site woodland"*

#### In terms of survey effort:-

- *"As potential GCN populations are unknown at the time of writing this report, the ecological importance is assumed to be of "local" level."*
- *"Only habitats and species considered to be of at least local importance will be fully assessed within this assessment"*
- *"There has been no survey effort with regard to great crested newt to date, this is largely due to the on-site waterbodies being dry during the peak GCN season and therefore scoped out as unsuitable for GCN. The remainder of the off-site waterbodies have not been surveyed due to access restrictions from adjacent landowners. "*
- *"The closest off-site waterbody that has not been subject to any survey effort, including a Habitat Suitability Index (HSI) surveyed or Environmental DNA (eDNA), is located approximately 65m to the south east. This waterbody is situated within grassland with adjoining woodland to the site boundary"*

#### In terms of mitigation/conclusion:-

- *"Given the distance of the suitable habitat loss from potential breeding pond such an impact would likely be short term, negative impact of local significance"*
- *"Updated surveys are recommended within any future season (March to June) prior to a future detailed planning application"*
- Some mitigation measures are also laid out in the report

### **Conclusion and recommendations**

The above report has ruled out a few waterbodies due to them being dry at the time of survey, however aerial imagery does suggest that the pond located 8m away from the red line boundary may have been holding some water as of April 2025. Additionally, usually a few years of data would be required to adequately rule a pond as permanently dry due to yearly fluctuations in environmental conditions e.g. temperature etc.

Secondly, the above report has recognised that there is a likelihood of GCN being present within suitable habitats within close proximity of waterbodies. The report has subsequently identified the presence of several waterbodies within 250m of the site and suitable habitats present on and adjacent to the development site.

Unfortunately due to access issues, none of the ponds with connectivity to the site have been fully assessed for potential GCN presence, and therefore presence must be assumed. Given that there are ponds adjacent to the site, and within 100m and 250m, it must also be assumed at this stage that great crested newts and/or their habitats are likely to be impacted by proposals.

Although some avoidance measures are listed within the applicant's ecological report, we are in agreement that further survey effort is required here to prove likely absence before a Reasonable Avoidance Measures statement could be considered an appropriate option. It is important to note that this survey information would be **required prior to determination** as protected species are a material consideration according to Section 99 of ODPM Circular 06/2005.

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

Therefore, 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:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Mid Sussex District Council's District Licence. 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. This would provide certainty to the applicant, as their licensing route can be determined within 10 working days at any time of the year (more details can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)); or
- Provide further information (survey information on waterbodies with ecological connectivity to the development site), in line with Natural England's [Standing Advice](#), to rule out impacts to great crested newts\*, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals\*\*; or
- If it is determined through further survey effort that there is no suitable habitat impacted on site and the likelihood of great crested newts is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

\*i.e., to show that any ponds within 500m are not suitable for great crested newts and/or show how any potential impacts can be avoided.

\*\*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 (Great crested newts: advice for making planning decisions – GOV.UK) (and if using eDNA surveys, the Great Crested Newt Environmental eDNA Technical Advice Note (Natural England 2014)). If GCN 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.

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 (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 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"*.