

Case Ref: DM/26/1886	Date: 10/09/2026
From: NatureSpace District Licensing Officer	Response: Further information required
Application Details Remodelling and extension of the existing dwelling to create enlarged single storey 4 bed dwelling with a flat roof. Construction of detached double garage with ancillary space. Revised driveway layout to serve the reorientated access to the dwelling and the new garage at Soles Coppice Brantridge Lane Balcombe Haywards Heath West Sussex RH17 6JR.	
Recommended Actions The applicant is requested to provide further information on great crested newts and the ecological conditions of the proposed development site.	
Comments: The site is within the red impact risk zone indicating that there is suitable habitat for great crested newts. The applicant has submitted photographs within the "Site and Context" document [Russel Jones Limited 2026], which show suitable habitat surrounding the site, including vegetation, woodland and log piles. The proposed development site has a fenced boundary, but this is open and not considered a barrier to movement. There is a pond, within a wooded area located within 50m of the proposed development boundary. As the applicant has not provided any ecological information for the site [except a Bat Emergence Survey Report, The Ecology Co-op, July 2026], then further information should be provided to confirm if there will be any impacts to great crested newts as a result of the development proposal, and if the impacts can be mitigated for. Note: This response is in relation to great crested newts only.	
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	
District Licence 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 District Licence 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 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".

Great Crested Newt Licensing Options

District Licensing

The District Licensing Scheme operated by your Local Planning Authority can be applied for in the absence of the further information or in place of the current site-based mitigation licensing required for a European Protected Species Licence. Under the Local Planning Authority's District Licence, development works that may cause impacts upon great crested newts can be authorised as part of the planning process. A NatureSpace Report or Certificate must be submitted prior to determination to demonstrate that the impacts of the proposed development can be addressed the District Licence scheme. More information on the district licence can be found at www.naturespaceuk.com

European Protected Species Licensing for Great Crested Newts

Before granting planning permission, the local planning authority must satisfy itself that the impacts of the proposed development on European Protected Species (EPS) have been addressed and that if a protected species derogation licence is required, the licensing tests can be met and a licence is likely to be granted by Natural England.

As an EPS licence is required the applicant will need to provide the answers to all three licensing tests, alongside a mitigation strategy. The three tests are that:

1. The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. There must be no satisfactory alternative; and
3. Favourable conservation status of the species must be maintained.

Together with an ecological report, which answers test 3, the applicant should provide written evidence for tests 1 & 2. This can be contained within the ecological report or as separate document.

If the competent authority is satisfied that the three tests can be met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS licence or correspondence stating that such a licence is not necessary. This approach ensures compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and enables a local planning authority to discharge its obligations under the Crime and Disorder Act and its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in relation to protected species. More information on European Protected Species Licences can be found [here](#).

Low Impact Class Licence (CL33)

Low Impact licences are available for certain types of projects that meet a defined criteria set by Natural England and can only be used by registered ecological consultants.

You may need to check whether this is a suitable option for the development to consider, or the applicant's ecologist may have concluded that this is a suitable option. Read more on CL33 licences [here](#).