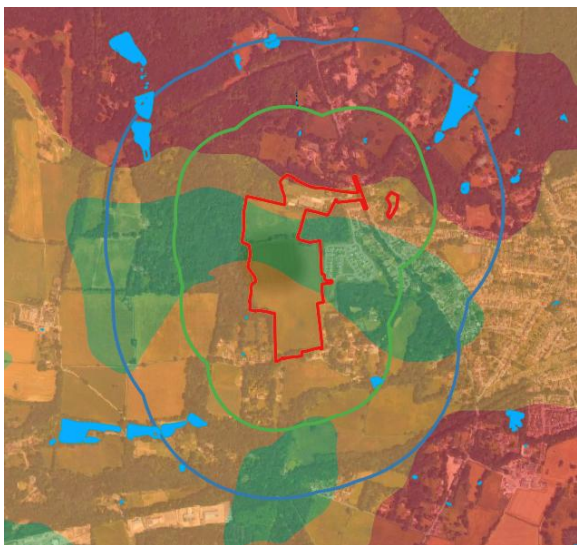


Consultee Response

Case Ref: DM/26/0577	Date: 01 April 2026
From: NatureSpace	Response: Further Information Required
This planning application is for: Outline application (appearance, landscaping, layout and scale reserved), for the demolition of existing buildings and erection of up to 230 dwellings, a care home (use class c2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Turners Hill Road, with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works Summary - The development falls within the amber 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 amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence. - There are 18 ponds within 500m of the development proposal, the closest of which are 24m west and 115m west. - There is a historical great crested newt record within 500m. - 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. 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>Ecological Appraisal, Land West of Turners Hill Road and North of Huntsland, including land at Hurst Farm, Crawley Down, Aspect ecology, February 2026</i>. Within this report it states that:	

- *“Relative to the other grassland areas, the sward within this field was more tussocky and rush dominated, appearing to be grazed less in comparison to G2.”*
- *“The proposed development would require the loss of small sections of hedgerows for road access, whilst some minor losses may occur within W8 for pedestrian and cycle access”*
- *“Water samples were taken for eDNA analysis to investigate the presence/absence of Great Crested Newt at eight ponds within 250m of survey area A on 17 June 2024, identified as P1, P2, P3, P4, P5, P7a, P7b and P7c at Plan 6482/ECO7. A further pond P6 was recorded to be dry.”*
- *“Two small ponds were subsequently identified within survey area B during the March 2025 survey (P8 and P9 – not evident on OS mapping), although these were recorded to be dry when revisited in May 2025. Two additional ponds were identified within 250m of survey area B (P10 and P11) although no survey access was given. Accordingly, no further eDNA surveys were undertaken in 2025.”*
- *“Ponds P2 and P5 supporting Great Crested Newt lie more than 250m for the application boundary itself, such that Great Crested Newt is unlikely to be affected by the proposals. As such, no specific mitigation is required in relation to this species, although it is recommended that a watching brief is maintained in the unlikely event individuals are present, as detailed at Chapter 6.”*

Conclusion and recommendations

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.

The above report has concluded that GCN are not a constraint to the proposed development due to negative eDNA results returned on ponds within 250m, as well as the onsite ponds being dry and the reported limited impacts to habitat. The dry onsite ponds (p8 and p9) were visited in May of 2025 which was a very hot and dry spring, the recorded condition is therefore not considered to be necessarily representative of the ponds suitability for GCN. The presence of aquatic vegetation also suggested that the ponds are capable of holding water, therefore it is recommended these waterbodies are revisited this season to determine if it possible to eDNA them.

The report has noted that p10 was not included within eDNA surveys as it could not be accessed, however has not provided justification as to why the waterbody can be ruled out from consideration as a result of this. Looking at aerial imagery, it would appear that there is connectivity to the site, and therefore if GCN were using this pond it is also reasonable that they are likely utilising onsite habitats. Further justification is therefore required regarding p10 otherwise GCN presence must be assumed in the absence of differing evidence.

The report has stated that small sections of hedgerow and woodland will be impacted by proposals. Site plans also show that there will be a significant amount of grassland also to be removed, some parcels of which have been described as tussocky (as also demonstrated in site photos from the D+A statement). The development therefore has the potential to impact suitable GCN habitat, and at this point we do not believe the survey effort for the onsite and nearby waterbodies has been robust enough.

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, and allow any enabling works such as archaeological investigations/access works to begin as soon as the outline application is authorised (more details can be found at www.naturespaceuk.com); or
- Provide further information (further survey information and justification for scoping out ponds), 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 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.

More details on the District Licensing Scheme operated by the council 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".