

Case Ref: DM/26/2178	Date: 05/10/2026
From: NatureSpace	Response: Reasonable Avoidance Measures (RAMs) recommended (no objection)
Recommended Actions: We generally agree with the information that is stated in the ecological report and that a precautionary working methods statement would suffice. However, provided below are some improvements that could be made to make it more robust: - Timing of works - Material storage - Covering up trenches overnight A full reasonable avoidance method statement (RAMs) can either be submitted to the LPA for approval prior to determination, or be conditioned as a pre commencement condition to be discharged prior to works commencing on site. Alternatively, as there is still residual risk of GCN commuting across the site and being encountered, the applicant may choose to peruse a risk-free approach and explore licensing options. This would prevent the risk of works having to stop if GCN are encountered and prevent further delays on site.	
Summary: This planning application is for the Erection 6no. dwellings with associated access, landscaping, parking and areas of open space. - 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 12 ponds within 500m of the development proposal, the closest of which is c.70m from the site. Please note that not all ponds are shown on the map below. - There is connectivity between the waterbodies/terrestrial habitat in the landscape and the development site, which could aid great crested newt dispersal into the development site. - The submitted PEA (Ecosupport, 2026) evidences presence of great crested newts within 500m with a positive eDNA result.	

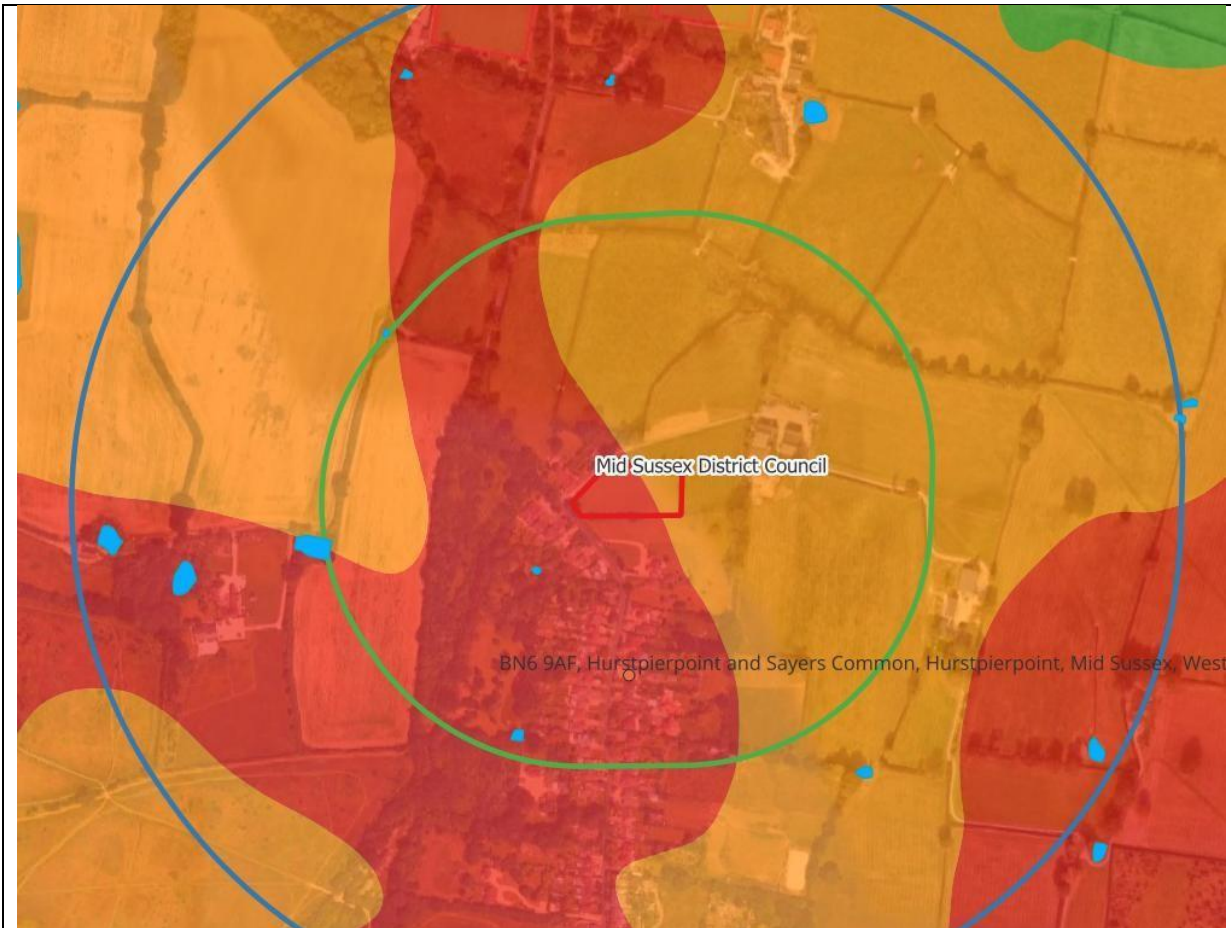


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

Ecological Information

The applicant has provided a preliminary ecological appraisal (Ecosupport, 2026). Within the PEA it is stated that:

- GCN are present within 500m of the site supported by a positive eDNA survey
- Habitat on site has limited suitability for GCN
- As a precautionary approach Reasonable Avoidance Measures will be provided to mitigate further risk in section 6.5.

Conclusion: RAMS/Licence advice

We generally agree with the information that is stated in the ecological report and that a precautionary working methods statement would suffice. However, provided below are some improvements that could be made to make it more robust:

- Timing of works
- Material storage
- Covering up trenches overnight

A full reasonable avoidance method statement (RAMs) can be conditioned as a pre commencement condition to be discharged prior to works commencing on site., or submitted prior to determination.

Alternatively, as there is still residual risk of GCN commuting across the site and being encountered the applicant may choose to pursue a risk-free approach and explore licensing options. This would prevent the risk of works having to stop if GCN are encountered and prevent further delays on site.

Licensing

Should the applicant choose to pursue licensing this is required prior to determination:

- The District Licence scheme (administered by the NatureSpace Partnership) can 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.
- *N.B. The applicant is required to submit a NatureSpace Report or Certificate **prior to determination** if this option is pursued.*

Contact details: 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 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), 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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