

Planning ref: DM/26/0002	Date: 26 February 2026
From: NatureSpace	Response: Comments Only
Comments Summary: I have no objection to the below application: Replacement dwelling house at Foresters Cottage Cross Colwood Lane Bolney Haywards Heath West Sussex RH17 5RX. • 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 13 ponds within 500m of the development proposal, the closest of which is c.30m northeast. • There are no barriers to dispersal between nearby ponds and the developments site, but the site does not contain suitable GCN habitat. But there is potential for individuals to disperse onto and across the site. • The on-site habitat is not of high value to great crested newts as it is predominantly modified grassland. While it is accepted that the risk of encountering great crested newts is low, we recommend that reasonable avoidance measures are followed before and during construction if this application is to be approved. These measures should be provided by a suitable qualified ecologist. Such measures can be secured by way of a suitably worded pre-commencement condition. • This is further supported by the recommendations within the Preliminary Ecological Appraisal (Enviro-Reporter, 2024) which recommends that Reasonable Avoidance Measures are included within a CEMP. This should prevent suitable features being created on site that GCN could use as refuge. • Should the applicant want to take a risk-free approach given the proximity of un-surveyed ponds to the site they may wish to enter Mid-Sussex District Council's district licensing scheme (administered by the NatureSpace Partnership). 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.*

Recommendations:

Prior to commencement a Construction Environmental Management Plan (CEMP) should be submitted to the local planning authority for review prior to commencement of works on site, this should include Reasonable Avoidance Measures (RAMs) and be completed by a suitably qualified ecologist.

*N.B. a CEMP can be secured through a suitability worded condition. The applicant must confirm if they are pursuing this option **prior to determination**.*

OR

The applicant may wish to enter Mid-Sussex District Council's district licensing scheme (administered by the NatureSpace Partnership).

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.

If the applicant chooses not to pursue a licensed mitigation option, I recommend the following informative be added to any consent issued:

'This development has the potential to impact Great crested newts, a European protected species, as there are ponds and suitable habitat within 500m of the development. If Great crested newts are discovered during development, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed'

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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 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".

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