

Case Ref: DM/25/0090	Date: 24/03/2025
From: NatureSpace	Response: Holding objection – licence required
Recommendations: - The ecological report identifies a high potential for great crested newts within the site, given the pond on the development boundary, the pond network in the landscape and the habitats connecting them. - The applicant must obtain a licence to undertake works. There are 2 licensing options available: District Licensing or European Protected Species Licensing. - The ecological report states that the preferred licensing route for the applicant is the District Licence, to engage in this form of licensing an enquiry will need to be made to NatureSpace.	
These comments are in relation to DM/25/0090 Change of Use of land to equestrian, erection of equestrian facilities including indoor arena, stables, outdoor arena, horse walker, re-surfacing of existing track, creation of balancing / ecology pond, associated earthworks and provision of a soft landscaping scheme. Amended Arboricultural Impact Assessment and Appendix received on 28.02.2025. Land At Eastwood Farm Shaves Wood Lane Albourne West Sussex Ecological Summary: The development is situated in the red impact risk zone indicating that highly suitable habitat is present in the surrounding landscape. Site context: - There are 11 ponds within 500m of the site boundary, on of these ponds in on the proposed site boundary. - There are 2 great crested newt records within 500m of the site. - The site is large and contains some suitable terrestrial habitat for great crested newts, including grassland, hedgerows, woodland and scrub. Conclusion: The applicant has provided an Ecological Appraisal (Preliminary Ecological Appraisal, Environmental Assessment Services Ltd., December 2024). The report outlines the habitats contained within the site boundary and the wider ownership boundary, with the proposed site comprising of a former crop field, the northern section is now an area of modified grassland with clover and straw, and the southern section has been left unmanaged and comprises of common weeds. There is a pond that is crossed by the western edge of the proposed site, this has not been surveyed for great crested newts, however, is described as appearing to be of poor quality.	

The report recommends a licence be acquired to undertake works, as the proposed development will cause significant ground disturbance and could indirectly impact the pond habitat on site, these could affect the habitat connectivity through the site. The report states that the applicants preferred licensing route is to join Mid Sussex Council's District Licence scheme, however, does explain European Protected Species Licensing with Natural England as an alternative.

In order to utilise the District Licence scheme, the applicant will need to make an enquiry with NatureSpace using their online enquiry form. A NatureSpace report or Certificate will need to be submitted as part of the planning application to provide evidence of joining the scheme.

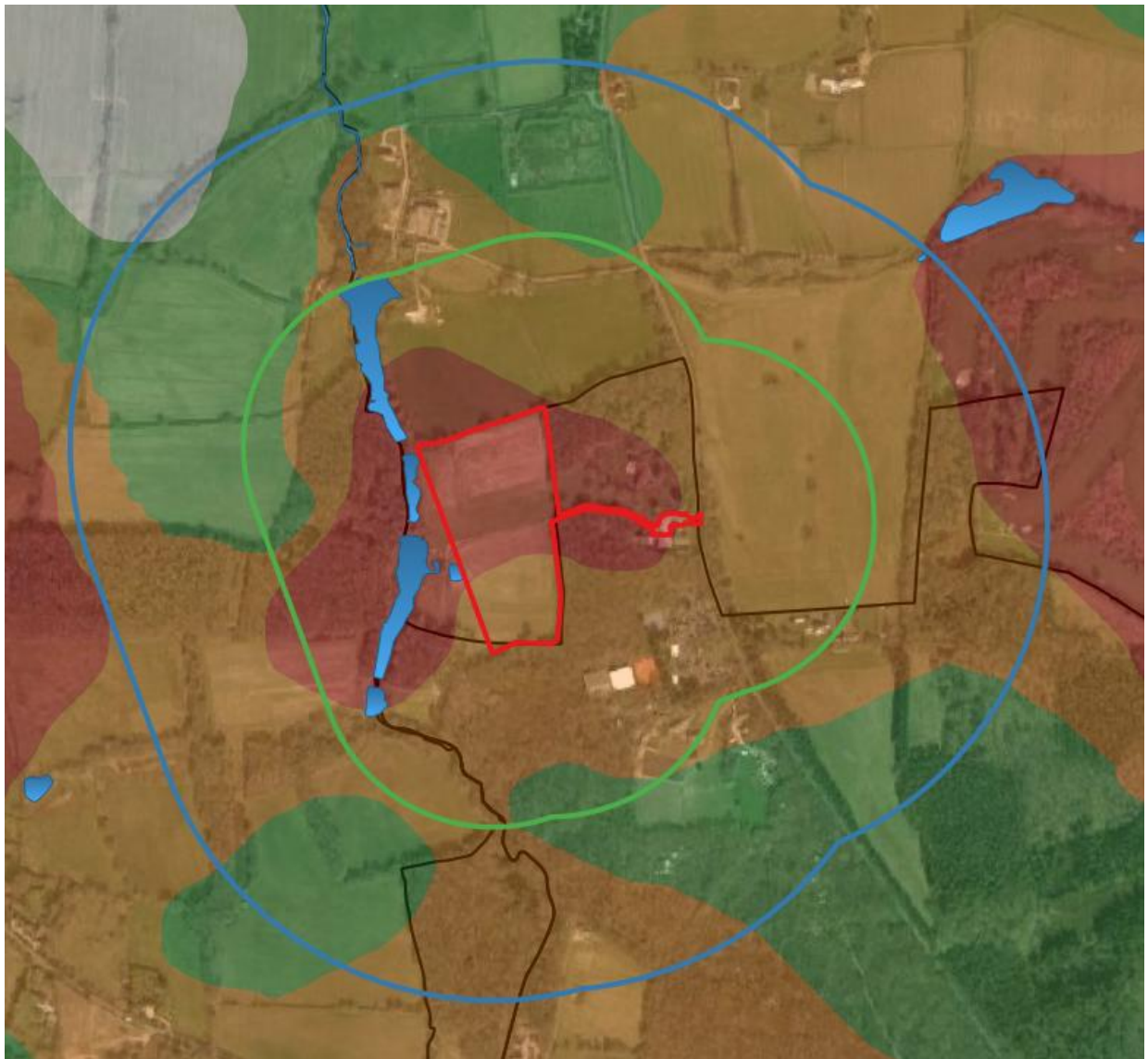


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newt. Ponds are shown in light blue – not all ponds are visible on this map. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

Contact details: info@naurespaceuk.com

Relationship between NatureSpace and the Planning Authority

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 (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 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, great crested newt 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”*.

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