

Case Ref: DM/24/3065	Date: 25/03/2025
From: NatureSpace	Response: RAMs/PWMS
Recommendations: - The applicant has provided a Preliminary Ecological Appraisal which outlines the habitats on site and gives information on the ponds in the surrounding landscape. - Given the barriers within the landscape, the nature of the closest ponds and the suboptimal habitat with the area of proposed works, it is considered that the most appropriate mitigation for great crested newts would be to follow a series of Reasonable Avoidance Measures (RAMs). - A RAMs statement should be submitted as part of their full planning application and secured via condition.	
These comments are in relation to DM/24/3065 Re-positioning and minor amendments to the owners/ managers house, already permitted under planning application (Reference No: DM/18/2071). Resubmission of DM/21/0711 Oaklands Farm Slaugham Lane Warninglid Haywards Heath West Sussex RH17 5TJ Ecological Summary: The development is situated in the amber impact risk zone indicating that suitable habitat is present in the surrounding landscape. Site context: - There are 10 ponds within 500m of the site boundary. The closest being directly adjacent to the site. - The site has good connectivity to the north, however, there are barriers to south that would affect dispersal, such as the River Ouse. - The site consists grassland, bare earth, scrub and some areas of hardstanding/buildings. Conclusion: The applicant has provided an Ecological Impact Assessment (Preliminary Ecological Appraisal, arbtech, December 2024). The report identifies all the ponds within 500m of the development site, the closest of which is within 80m of the proposed site. The report asks for further surveying effort in the form of eDNA surveys on the closest 2 ponds to the development site. However, these ponds would likely be unsuitable to support great crested newt populations, as one is an ornamental garden pond and the other is a large, maintained fishing lake. Although they could support great crested newt, the site also falls within an amber risk zone and is bordered by the river Ouse to the south, which would affect dispersal. As the site is small, the construction of one house, and the potential for great crested newts to be in the wider landscape. There is a moderate level risk to this application, however, this could be mitigated through the use of Reasonable Avoidance Measures (RAMs) without the need for further surveying. These should be written by a suitably qualified Ecologist and submitted as part of the planning application. It is recommended that these are secured via condition. Should a great crested newt be encountered during development, all works must cease and a suitably qualified Ecologist consulted and a license obtained. Should the applicant wish to remove all risk	

associated with the development, given the confirmed records in the wider landscape, then Mid Sussex District Council have a District Licence scheme that can be accessed.



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.

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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 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, 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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