

Consultee Response

Case Ref: DM/25/2066	Date: 01 October 2025
From: NatureSpace	Response: Further Information Required

This planning application is for: **Demolition of the existing property and adjacent sheds and replacement with a new single storey residential dwelling with two parking spaces**

Summary

- 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 9 ponds within 500m of the development proposal, the closest of which is located 29m away.
- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.

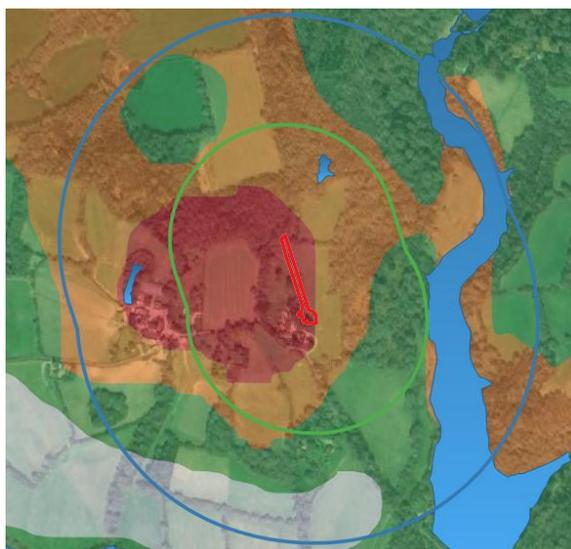


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue, not all ponds shown on map.. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed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

Ecological Information

The applicant has provided some ecological reports:

- Preliminary Ecological Appraisal and Bat Building Survey, Lullings Cottage, Haywards Heath, Phlorum, November 2022;
- Great Crested Newt eDNA survey, Lullings Cottage, West Hill, Balcombe Heath, West Sussex, RH17 6QY, arbtech, May 2023; and
- File Note Report, Lullings Cottage, West Hill, Balcombe Heath, West Sussex, RH17 6QY, arbtech, July 2025

Within the PEA, it states that:

- *“The site comprised of buildings, improved grassland, scattered trees and scrub, introduced shrub, scrub and ruderal vegetation, a fence, and log and brash piles. The onsite vegetation is of value within the immediate vicinity and provides suitable habitat to support protected species including reptiles, great crested newts...”*
- *“There are ponds close by however, and suitable habitat onsite to allow for commuting between ponds.”*
- *“Due to the potential for great crested newts to use onsite habitats, a great crested newt survey should be carried out to determine presence/ likely absence and if present, the survey will enable a population assessment to be made.”*

An eDNA assessment was then carried about by arbtech in 2023:

- *“This survey provides a snap shot of the assessment habitat and wildlife value of the site at the time of survey only and may require further survey effort to provide robust, scientifically valid evidence of GCN status”*
- *“It is very unlikely that GCN will be absent on the site. The eDNA results concluded that P1 (120m North-West) and P2 (180m south-east), have an absence of GCN”*
- *“A precautionary working method will be implemented for common amphibians during construction, including the following measures:“*
- Measures are then outlined within the report

A walkover update was then completed by arbtech in May 2025:

- The report recommends that the pond within the land ownership boundary and all ponds within 500m should be subject to presence/absence surveys

Conclusion and recommendation

The preliminary ecological appraisal has identified that there are features on site (e.g. scrub, ruderal vegetation, overgrown fence, brash piles, old shed full of logs/wood) which would be considered optimal GCN habitat during shelter/hibernation. The presence of nearby ponds which are located on either side of the development site also increase the risk of the development activities for commuting GCN.

The original eDNA results which informed the proposed mitigation strategy are now over 2 years out of date, and now will need to be updated in line with the CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019).

And so, 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.

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 (more details can be found at www.naturespaceuk.com); or

- Provide further information (updated information on ponds with ecological connectivity to the site), 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.

Please note that Naturespace can be contacted at any time for a quote to enter the District Licensing scheme, which does not require further seasonally constrained newt survey work. 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 (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, 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".