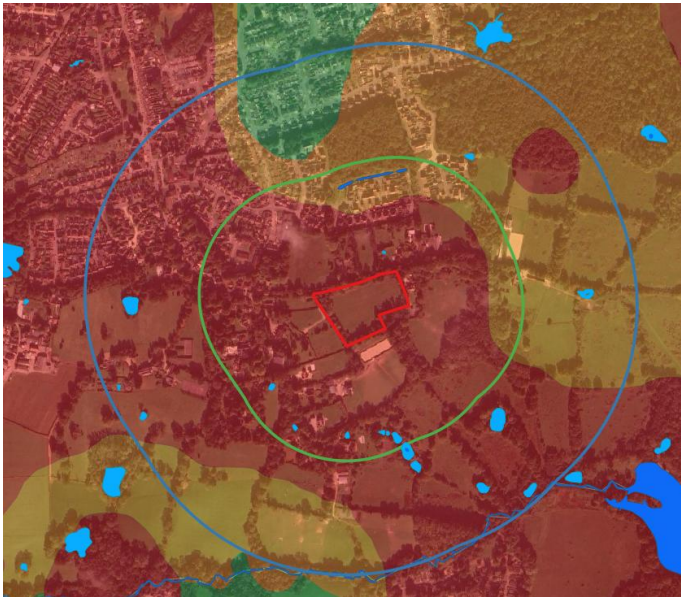


Consultee Response

Case Ref: DM/25/3191	Date: 21 January 2026
From: NatureSpace	Response: Further Information Required
This planning application is for: Outline application with all matters reserved except for access from Burleigh Lane, for the erection of up to eight self-build/custom build dwellings, drainage and ancillary works. 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 17 ponds within 500m of the development proposal, the closest of which is located 43m north. - There are recent great crested newt records within 500m. - 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. 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 an ecological report, <i>Preliminary Ecological Appraisal Ecological Impact Review, Land South of Burleigh Lane, Ecology Partnership, November 2025</i>. Within this report it states that: - "The site largely comprised of managed neutral grassland bordered by woodland." - "The grassland on site was found to have very limited potential to support GCN in their terrestrial phase due to it being heavily managed and short sward. The boundary	

woodland however supported some ground level scrub and deadwood, which may act as suitable GCN refugia. "

- *"No ponds are present on site, though 12 are present within 250m of the site boundary, including several without any significant dispersal barriers"*
- *"Previous surveys for an adjacent site north of Burleigh Lane....surveyed several ponds in the surrounding area for GCN eDNA. There are no significant dispersal barriers between these ponds and the site "*
- *"...the site is likely to contain GCN and a licence will need to be obtained prior to development"*
- *"It is recommended that the project apply for district licencing for great crested newts through the West Sussex NatureSpace scheme"*

Conclusion and recommendation

The above report has identified that there is a high likelihood that the site is utilised by GCN and that a licence will be required. The applicant has expressed that they wish to pursue the District Licence to provide legal protection for this development.

In order to demonstrate that the impacts of the proposed development can be addressed through the Council's District Licence, a NatureSpace Report or Certificate **must be submitted prior to determination**. This method of licensing removes the need for survey work and provides compensatory habitats off site. This would provide certainty for the applicant, as their licensing route can be determined within 10 working days at any time of the year (more details and how to enquire 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, December 2024, section 15, 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”*.