
Thank you for your consultation.

Case Ref: DM/26/1045	Date: 21/05/2026
Location: The Brook, Cuttinglye Road, Crawley Down, Crawley, West Sussex, RH10 4LR	Response: No objection – subject to RAMs
Proposal: Demolition of an existing dwelling and construction of a replacement self-build dwelling with a 2 bed annexe for ancillary use to main dwelling, rear balcony and indoor swimming pool	
Recommendation(s): If the development should be permitted then a condition must be used to secure reasonable avoidance measures to ensure mitigation is carried out. The authority can choose to request this prior to determination, or if they wish they can secure provision of precautionary working method statement via condition to be approved before development commences.	
Sender Contact Details: Info@naturespaceuk.com	
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. Standing advice on District Licences from Natural England is available here . You can find out more at www.naturespaceuk.com	

Summary including ecological information:



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.

- 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 suitable habitat and a high likelihood of great crested newt presence.
- There are 12 ponds within 500m of the development proposal as well as 2 ponds within 250m and 1 pond within the site boundary.
- There are great crested newt records within 500m on the proposed development.
- There is direct connectivity between the development and surrounding features in the landscape.

- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.

Ecological Information

The applicant has provided an ecological report, [Preliminary Ecological Appraisal (PEA), The Brook, Cuttinglye Road, Crawley Down, West Sussex, RH10 4LR; Deepdene Ecology Ltd; September 2025]. Within this report it states that:

- *“The closest pond that can be verified to exist, an ornamental pond within a garden to the northeast is located approximately 65m to the edge of the Site, but approximately 165m from the works area.”*
- *“There are no waterbodies present on Site. Whilst the ordnance survey noted a small pond inline with the ditch, it was found not to be present during any of the site visits and there were no obvious features that could become a pond in higher water levels.”*
- *“The habitats present within the Site has some value with the woodland habitat providing some suitable habitat should they be present within the wider area. However, the proposed works will not impact the woodland. The works area is limited to existing buildings, hardstanding, short-sward modified grassland, and small areas of ornamental flower beds. These habitats have very limited ecological value, lacking refugia and offering minimal opportunities for foraging or shelter for protected or notable species. The only natural habitat within the Site which will be impacted by the proposals was short sward modified grassland that does not have the structure to support foraging and resting great crested newts. No dense habitat or log piles/refugia will be impacted by the proposals.”*
- *“The habitats on Site that will be directly affected by the proposed works—primarily buildings, hardstanding, and modified grassland—are suboptimal for great crested newts, providing minimal opportunities for foraging or shelter. Consequently, it is highly unlikely that newts would utilise the works area as part of their terrestrial habitat. While at least one ornamental pond is present in the wider area, the limited habitat on Site and the small scale of the proposals mean that, even if great crested newts occur locally, they are very unlikely to be affected by the development. No loss of suitable terrestrial habitat for the species is anticipated.”*
- *“There are two ponds off Site but within 250m of the proposed development. Given the lack of suitable habitat within the works area, the risk to newts is considered to be very low. However in order to reduce this risk even further, the following Reasonable Avoidance Measures (RAMs) should be adopted....”*

The applicant has not conducted surveys on any of the 3 ponds within 250m, therefore the status of these ponds is currently unknown. Should GCN be present at ponds with connectivity to the site, they may well use the site during their terrestrial dispersal phase. If GCN are present then it is likely an offence could be committed, therefore a licence would be needed to undertake these works.

The terrestrial habitat types described within the site have the potential to be suitable foraging and migrating habitat for great crested newts. Sufficient ground cover such as that provided by rough grassland is preferable, but great crested newts are able to cross stretches of bare open ground. GCN are likely to be found in piles of wooded material, as this provides good hibernacula during the winter if GCN are present they may use this for shelter. "For hibernation, newts seek out a location that affords them protection from winter conditions. Such places include underground crevices, tree root systems, mammal burrows, rubble piles or old walls" (Froglife, 2001).

Conclusions and recommendation for conditions:

We recommend either a precautionary working method statement is secured via condition to be approved before development commences or is provided prior to determination.

If the applicant wishes to completely avoid any risks relating to great crested newts, they have the option to enquire for the Council's District Licence, which provides full legal cover for any impacts to great crested newts and therefore removes the risk of having to stop works if great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at <https://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 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".