

Case Ref: DM/24/3050	Date: 06/01/2025
From: NatureSpace	Response: Holding objection – more information required
Recommendations: - No ecological information has been provided for the site in relation to protected species. It is recommended that a suitably qualified ecologist undertake a survey of the site to assess the habitats on site and the risk in relation to great crested newts and other protected species. - Alternatively, should the applicant not wish to undertake further surveys, Mid Sussex District Council have a District Licence scheme that the applicant can join to negate the need for delays associated with additional surveys.	
These comments are in relation to DM/24/3050 Demolition of existing detached dwelling and tennis court. Construction of replacement dwelling with lower ground floor to be concealed from Bolney Chapel Road. New access onto Bolney Chapel Road and new driveway with associated hard and soft landscaping works. Construction of single storey outbuildings at lower ground floor level, concealed from Bolney Chapel Road Land Adjacent To Loxley (Riverside) Bolney Chapel Road Twineham Haywards Heath West Sussex RH17 5NN 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. The closest to being within the development boundary as shown on the topographical study submitted in the planning application. - There is good connectivity with the wider landscape. - The site appears to comprise of grassland, scrub, hedgerow and hardstanding. Conclusion: No ecological information has been provided on protected species for this site. Arial imagery indicates onsite habitats may be suitable to support GCN and is an unmapped pond within the development boundary as indicated on the topographical reports submitted with the application. There are high levels of connectivity in the wider landscape, including hedgerows, woodland, grassland and scrub. Therefore, there is not enough information to mitigate or rule out any potential impacts to great crested newts and/or their habitat. The applicant must provide further ecological information on the site to evidence how there is no risk to great crested newts from the proposed development, in the form of a report from a suitably qualified ecologist. Should the applicant not wish to wait until the next survey season, use of the District Licence can negate the need for further surveys to be undertaken and can be applied for outside of the survey	

season, providing certainty through planning, if the applicant chooses to use this route, a valid NatureSpace report or certificate must be submitted to planning.



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”*.