

Dear Katherine Williams and MSDC,

**RE. Planning application DM/25/1593 - 48 dwellings on land to the north of Burleigh Lane, Crawley Down.**

We object to the planning application outlined above. Please take our objection into consideration for the following reasons outlined below. These include:

1. **Great Crested Newts** - Evidence and Conservation
2. **Badgers** - Loss of habitat and pollution
3. **Bats** - Loss of habitat and pollution
4. **Hedgehogs** - Loss of habitat and pollution
5. **Birds, Amphibians, Reptiles and Mammals** - Loss of habitat and pollution
6. **Biodiversity Net Gain will not be achieved**
7. **Deviation from the District Plan**
8. **Access** - Burleigh Lane/Sandhill Lane
9. **Infrastructure** - Consultation needs updating

**1. Great Crested Newts - Evidence and Conservation**

**Evidence of Great Crested Newts within 250m**

Most importantly, we have evidence of Great Crested Newts (GCN) within 250m of the proposed site. Our photographic evidence has been confirmed by The Sussex Biodiversity Records Centre, via Wildcall at the Sussex Wildlife Trust, and by the Amphibian and Reptile Conservation (ARC) Trust. These sightings will be officially recorded with these Trusts' conservation records (irecord, Garden Dragon Watch and Record Pool).

It is of great concern to us that, as Great Crested Newts are protected under the Wildlife and Countryside Act 1981, and the Conservation of Habitats and Species Regulations 2017, that this site is being considered despite the evidence.

In addition to our personal sightings, we know that Sussex has been recognised as “*a stronghold for the great crested newt*” (Sussex Wildlife Trust) due to its abundant, interconnected habitat for metapopulations. It is also widely recognised that: “*their populations are patchily distributed and numbers are in decline*” (Sussex Wildlife Trust). We would therefore argue that maintaining these ‘newt networks’ is essential for the long-term survival of the local species.

**Findings and concerns regarding the Protected Species Report**

With reference to the Protected Species Report (Dec 2023) commissioned by Merrow Wood for this specific development site, the report states that:

*“...the survey area is considered to be of Local-District Importance for GCN.”*  
(0.3 Evaluation, page i).

In addition, the inspector found:

*“two ponds returned a positive result”* [for Great Crested Newt eDNA].  
(0.3 Evaluation, page i).

The Evaluation of this report also states that this proposed development, if given planning permission, would constitute an offence under the Wildlife & Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017:

*“Without mitigation, the Proposed Development is likely to result in destruction of great crested newt habitat or present a risk of killing, injury or disturbance for individuals if present during the works, which would constitute an offence under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017”*  
(0.3 Evaluation, page i).

Given the significance of this evaluation, we urge the Council to seriously consider the impact this development would have on these Great Crested Newt habitats and species.

We would also like to point out that the survey appears to have the following weakness. A *“single visit to each pond”* was carried out on 28 June 2023. Even if a single visit was enough to find adequate evidence of newts in some ponds, this report fails to mention that June is the very end of the season when newts are present in ponds. Great Crested Newts move to ponds to breed during spring and summer, therefore the best time to find them in a pond is from March to June. The fact that this survey was carried out at the very end of June should be of interest to the Council, especially as eDNA degrades after approximately 7 to 21 days. Perhaps a survey in April/May would reveal greater amounts of eDNA in more ponds and/or biological samples.

### **Findings of the NatureSpace Report**

We notice that the later report, by NatureSpace in August 2025, confirms that Great Crested Newts are likely to be present on this site (Summary, p1). The report also adds the following criticism:

*“We are not satisfied that the applicant has adequately demonstrated that there will be no impact to great crested newts and/or their habitat as a result of the development being approved.*

*Protected species are a material consideration of the planning process and 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”*

*(Conclusion, p3)*

### **Protection rather than ‘Mitigation’**

We understand that as the site is in a Great Crested Newt ‘red zone’ the developer can apply for a mitigation licence. Since ‘mitigation’ aims to reduce the impact of a negative action (i.e. destroying the habitat and local species of GCNs), we would urge the Council not to allow this development to proceed under the pretence of ‘protecting’ Great Crested Newts.

We also understand that mitigation may involve trapping and translocation of Great Crested Newts and/or new habitat creation. However, given that Mid Sussex is a stronghold for Great Crested Newt metapopulations, we strongly argue that there AREN’T any better habitats than the one they have naturally chosen to live in.

We would suggest the Council would be better to promote and enhance Crawley Down as an area of abundant wildlife, including these protected species, in accordance with the

## **2. Badgers - Loss of habitat and pollution**

As local residents, we know that badgers live in the surrounding area of this site. We are concerned that there is the potential for a loss of badger habit due to development on this site, which would contravene the Protection of Badgers Act 1992. In addition, should this development go ahead, we are also concerned about the long-term effect of additional light pollution and noise pollution on badgers in this area. We urge the Council to check the confidential Badger Report for this site (as quoted in the Protected Species Report, Dec 2023, 1.1.2 page 1) for further confirmation on the risk to badgers.

## **3. Bats - Loss of habitat and pollution**

As residents who regularly see bats (a Protected Species) flying around this area, we are concerned about the impact to bats. Sussex is of national and local importance to bat populations (Sussex Wildlife Trust) and bats play a key role in the ecosystem.

The Protected Species Report (Dec 2023) for this proposed site confirms that:

*“The site is predominately used by a high proportion of common and widespread bat species with variable levels of activity recorded and is considered to be of Local Importance for its bat population.” (page ii)*

*“In the absence of mitigation, the Proposed Development will result in negative impacts to [...] foraging and commuting bats”  
(page iii)*

Rather than mitigate against the loss of bat habitat, we would urge the Council not to allow building work on this open space where bats are known to forage and commute.

## **4. Hedgehogs - Loss of habitat and pollution**

We are aware that hedgehogs are classified as ‘Vulnerable to Extinction’ and have been placed on the ‘Red List’ for British Mammals (The British Hedgehog Preservation Society). We are concerned that a development of 48 dwellings will further impact the decline of hedgehogs in Crawley Down due to the following reasons: Fences, walls, and roads add barriers which restrict the movement of hedgehogs; removing brambles and long grass reduces shelter, nesting areas and foraging areas; additional roads create additional hazards; and light pollution disrupts hedgehogs’ nocturnal activity and increases their risk from predators.

## **5. Birds, Amphibians, Reptiles and Mammals - Loss of habitat and pollution**

We have evidence that the following wildlife live and travel around this immediate area and we are concerned that they will be negatively affected by a loss of habitat, and additional light pollution and noise pollution:

- Birds - such as owls, birds of prey and migratory birds such as blackbirds, song thrushes, ducks and geese
- Amphibians - such as frogs, toads (which are in decline in the UK), newts, and Common Lizards (which are a Protected Species)
- Reptiles - such as Grass Snakes and Barred Grass Snakes

- Deer such as roe deer and fallow deer
- Nocturnal wildlife such as foxes, badgers and bats

## 6. Biodiversity Net Gain will not be achieved

We understand that Biodiversity Net Gain (BNG) is a condition of planning permission in England (Environment Act 2021, also set out in Schedule 7A of the Town and Country Planning Act 1990) which requires developers to deliver at least a 10% gain in biodiversity value, using a statutory biodiversity metric. We know this means developments must, therefore, increase the quantity/quality of natural habitat compared to the pre-development baseline.

In addition, this Act states that, *"The biodiversity gain condition is met only if the biodiversity enhancements are maintained for at least 30 years."* (Schedule 7A, Paragraph 9(3)).

The Biodiversity Net Gain Assessment, commissioned by Merrow Wood in June 2025 fails to mention the above condition. This Assessment also concludes the following:

*"There is a calculated net loss of -11.24 habitat units, equivalent to -58.41%, associated with the current development proposals"*  
(0.1.5, page i)

*"The Proposed Development therefore does not meet current requirements for net gain, nor does it satisfy trading rules associated with Medium Distinctiveness grassland, scrub and tree habitats."*  
(0.1.8, page i)

To put this in context, not only does the proposed development fall short of the Environment Act 2021 and Town and Country Planning Act 1990, the The Wildlife Trusts currently recommends the UK government raises the minimum 10% to ensure at least 20% Biodiversity Net Gain and their 'Gold Standard' approach secures land beyond the mandatory 30 years.

In addition, with respect to the dates of the inspections of The Biodiversity Net Gain Assessment (26 June 2025), Urban Edge Environmental Consulting Ltd state they carried out "walk over" site visits on "13 March and 3 June 2025". We would therefore question why there were two tractors on the site one month prior to this on 12th and 13th February which appeared to be clearing bushes and brambles. We urge the Council to investigate this and to take into account that The Environment Act 2021 legally requires that if a developer has cleared or degraded habitat, the baseline must use the habitat condition before clearance, regardless of when the planning application is made, in order to prevent pre-clearing to reduce baseline biodiversity value.

## 7. Deviation from the District Plan

This planning application, with access via Woodlands Close, is a material deviation from the approved site allocation in the District Plan, without proper justification.

## 8. Access - Burleigh Lane/Sandhill Lane

Whilst the planning application details access via Woodlands Close, we would be particularly opposed to any future changes to create access via Burleigh Lane or Sandhill Lane. Burleigh

Lane is a private lane where the only access is from Sandhill Lane. There is no public right of way for motorised vehicles along Sandhill Lane and access is via prescriptive rights to existing personal residence. Sandhill Lane is narrow with ditches and blind bends and, along with Burleigh Lane, is not suitable for additional traffic. Both lanes are also registered Public Footpaths (55W) and are popular with walkers, dog walkers, families with children, and horse riders. Any additional traffic (including construction traffic) would cause a hazard to the public.

## **9. Infrastructure - Consultation needs updating**

We recognise that in the Appeal Decision document (March 2013) that residents' concerns about the Crawley Down doctors have been 'alleviated' with the statement that *"NHS Sussex is however unequivocal in its assertion that more than sufficient capacity exists in the Crawley Down Health Centre for this and future developments"*. However, considering this report was carried out over 12 years ago - and since then the surgery (now Modality Mid Sussex) has been put into "Special Measures" (2023) by the Care Quality Commission - we would argue NHS Sussex should be consulted again.

The Appeal Decision document (July 2014) that addresses residents' concerns about lack of places at Crawley Down Village School, suggested that *"there are plans to extend two other primary schools which pupils in Crawley Down would be able to attend"*. Again, as this statement was made 11 years ago, it would be helpful for the Council to assess whether this is still the case and to publicise which alternative schools would be suitable for pupils who would move into the village if this application is approved.

Thank you for taking our objection into consideration.

Residents of Sideways, Sandhill Lane