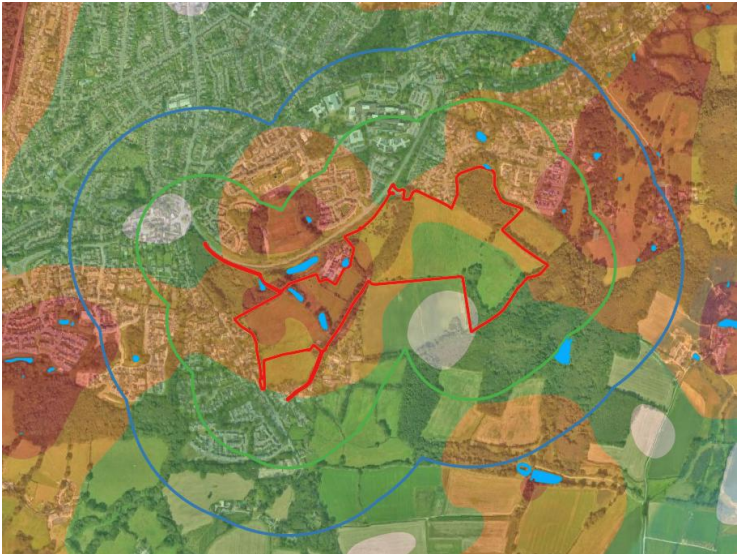


Consultee Response- UPDATE

Case Ref: DM/26/0682	Date: 18 th August 2026
From: NatureSpace	Response: further information required
This planning application is for: Reserved Matters Application Pursuant to Outline Planning Permission Mid Sussex District Council (MSDC) Reference: DM/25/1630, Lewes District Council (LDC) Reference: LW/2510707 at Hurst Farm, for appearance, layout, scale and landscaping only. (additional ecology information received 28/05/2026) 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 15 ponds within 500m of the development proposal, three of which are located onsite. - There is direct connectivity between the development and surrounding features in the landscape.  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>Ecology Technical Update-27th May, Hurst Farm, Hurstwood Lane, Haywards Heath, ACD Environmental, May 2026</i>. Within this report it states that: - <i>There are two waterbodies within the Approved Development Site which are located within small pockets of woodland in the western parcel of the site. Additionally, there are several ponds within the surrounding area including one located within the area of ancient woodland in the north-eastern corner of the site, one to the north of the western parcel</i>	

adjacent to Rocky Lane, and one within the built-up area adjacent to the north of the western parcel.

- *“An eDNA survey of ponds 3 and 6 was carried out in June 2025. Ponds 1, 4 and 5 were dry at the time of the survey and therefore could not be surveyed. Ponds 3 and 6 both returned negative results for GCN. As such, it is considered unlikely that there are breeding GCN onsite.”*
- *“The ponds situated within the site boundary are considered to unlikely to support GCN and will be retained during the proposed development, therefore, no further surveys for great crested newts are considered necessary”.*
- *“However, given that the site falls within both Red and Amber IRZs for GCN according to NatureSpace and that there will be impacts to suitable terrestrial habitat on-site, it is recommended that the site should be registered under NatureSpace’s District Level Licencing scheme.”*

Conclusion and recommendations

Within the above report, it has been recommended that the applicant join the District Licencing scheme to cover the planned works and address their GCN concerns. However we have not yet received an enquiry from the applicant and as such they have not yet joined the scheme. In order to take this route, the applicant must submit a NatureSpace Report or Certificate prior to determination. 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. 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 19, 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”*.