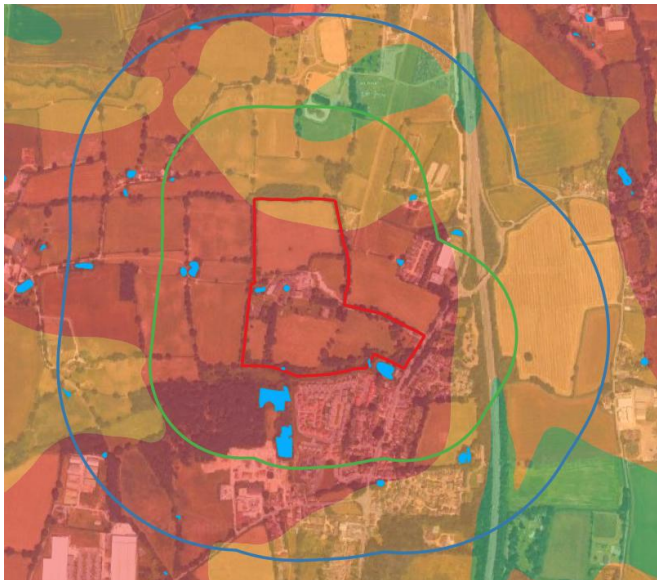


Consultee Response

Case Ref: DM/26/0238	Date: 03 March 2026
From: NatureSpace	Response: Further Information Required
This planning application is for: Hybrid application that seeks consent for separate and severable elements comprising: Demolition of all existing buildings bar the chapel, to retained for use within Use Class F and: a) Full planning permission for the development of the north western part of the Land at LVS Hassocks so as to accommodate a new SEN School with associated access from London Road, car parking, landscaping and drainage works; and b) Outline planning permission (Appearance, Landscaping, Layout and Scale Reserved) for the development of the rest of the land at LVS Hassocks so as to accommodate up to 210 dwellinghouses (including 30% affordable housing) with associated access, car parking, landscaping, play areas, informal outdoor space and drainage 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 22 ponds within 500m of the development proposal, four of which are located on site. - There is a recent great crested newt record within 500m. - There is direct connectivity between the development and surrounding features in the landscape.  <i>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.</i>	

Ecological Information

The applicant has provided an ecological report, *Ecological Appraisal, Land at LVS Hassocks, London Road, Sayers Common, West Sussex, aspect ecology, January 2026*. Within this report it states that:

- *"14 ponds were identified within 250m of the site, with 5 being onsite and 9 being offsite (see Plan 6836/ECO10). Three onsite ponds (P1, P2 and P5) were subject to an eDNA survey (with P3 being dry at the time of survey and P4 being inaccessible due to dense vegetation) to determine the presence/absence of Great Crested Newt, which returned a negative result. A single Great Crested Newt was found within Field F0 in terrestrial vegetation during one of the reptile surveys onsite."*
- *"The above onsite and offsite ponds will not be directly affected by the proposals. However, given the presence of Great crested Newt and suitable terrestrial habitat within the site and within 250m of these ponds, it is possible that Great Crested Newt could be present within the site outside of the breeding season. The majority of suitable terrestrial habitat, comprising rank grassland and scrub, is to be lost within the proposals for residential development and associated roads"*
- *"Given Great Crested Newt has been recorded at the site and is likely to be affected by the proposed development, it will be necessary for the works to be carried out under licence. A Nature Space-led district licensing scheme is in place for Sussex and accordingly, an application will be made to join the district licensing scheme."*

Conclusion and recommendations

The above report has determined that due to the confirmed presence of a great crested newt onsite, a licence will be required in order to ensure the development proceeds lawfully. We are in agreement with this approach and it should be noted that the applicant has enquired into the District Licensing Scheme but has yet to join. 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 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”*.