

Katherine Williams

From: [REDACTED]
Sent: 16 October 2025 22:52
To: Katherine Williams
Subject: Protected Species concerns for DM/25/1593 ahead of committee decision

[REDACTED]

Dear Katherine Williams and Mid Sussex District Council,

RE: Protected Species concerns regarding DM/25/1593 – 48 dwellings on land to the north of Burleigh Lane, Crawley Down

I am writing further to **Worth Parish Council's unanimous objection** to this application (published on the Planning Portal, 4th September 2025). While their objection rightly raised a number of planning concerns, I am concerned that the significant environmental and biodiversity issues have not been given sufficient weight and need further attention.

As you will be aware, **Protected Species are a material consideration of the planning process and must, by law, be addressed before permission can be granted**. The following points therefore require urgent attention before any decision is made:

1. Great Crested Newts (GCN)

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- It is an offence under the Wildlife & Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 to disturb, capture, injure, or kill GCN or to damage, destroy, or obstruct their habitat.
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- The submitted GCN survey is over
- **two years old**
- and therefore invalid under **CIEEM survey guidance**.
- Case law confirms that determining an application without up-to-date protected species information may be unlawful.
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- The survey timing (28 June 2023) is at the end of the survey season when newts migrate

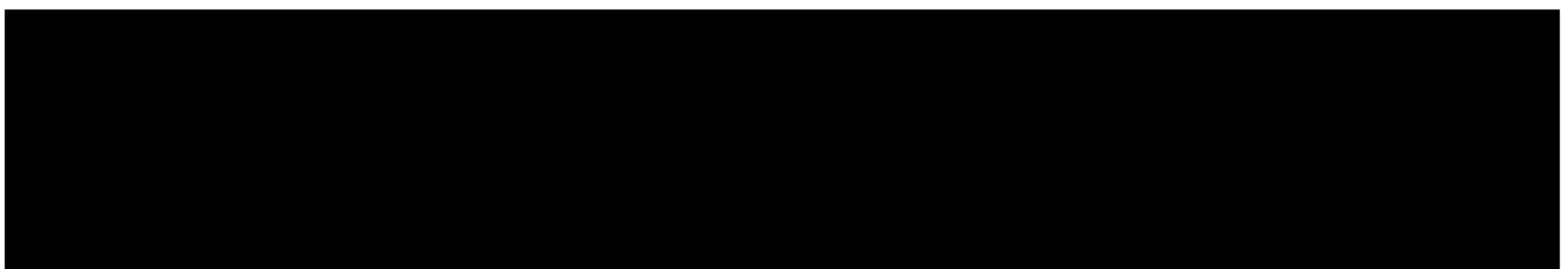
- from ponds, which could have under-recorded their presence. eDNA detected at that time confirms recent GCN activity.
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- The site is within **250m of known GCN habitat**,
- verified by photographic evidence and records submitted to the Sussex Biodiversity Records Centre, Sussex Wildlife Trust (via Wildcall), and ARC Trust.
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- The site is in a **Natural England “Red Zone”**,
- indicating the highest likelihood of GCN presence and impact. This is supported by the developer’s own Protected Species Report, and by the independent NatureSpace report, which states:
- *“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...”*
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- **Mitigation:**
- If MSDC were minded to approve this application, **appropriate and enforceable mitigation measures for GCN must be agreed in advance**, in line with Natural England licensing requirements. This should include habitat creation, translocation (if applicable), timing of works, and long-term monitoring to ensure the population is protected and legal requirements are fully satisfied.
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- **Request:**
- MSDC should ensure an independent review of the Protected Species Report is undertaken, and updated surveys commissioned in the correct season (mid-March to mid-June).
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2. Biodiversity Net Gain (BNG)

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- The
- **Environment Act 2021**
- requires a minimum 10% BNG. The NPPF
- also requires enhancements, not just damage limitation.
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- If habitat has been cleared or degraded prior to assessment, the **baseline must reflect the pre-clearance state**.
- The Sandhill Lane Residents Association (www.slra.co.uk)
- has dated photographic evidence of clearance at this site.
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- **Request:**
- MSDC should confirm that BNG calculations use the pre-clearance baseline, in accordance with the law.
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4. Legal risk

If permission is granted without proper ecological assessment and compliance with statutory protections, the decision could be vulnerable to legal challenge, including Judicial Review.

Conclusion

Given the above, I strongly urge MSDC to:

1. Ensure up-to-date, independent surveys for GCN and other protected species are secured.
2. Confirm that BNG calculations use the correct pre-clearance baseline.
3. [REDACTED]
4. Ensure that any mitigation for GCN is enforceable and meets Natural England licensing requirements.

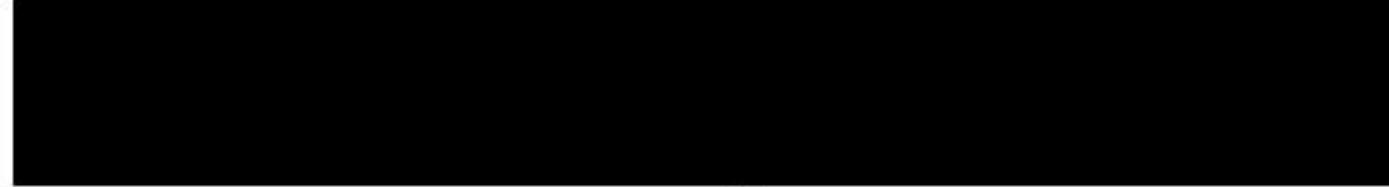
I, and the Sandhill Lane Residents Association (slra.co.uk), have also submitted detailed objections via the Planning Portal, which complement and expand upon the points raised by Worth Parish Council. Addressing these points will ensure that the Council's decision is lawful, evidence-based, and robust against challenge.

I intend to be present at the MSDC planning committee meeting when this planning application is discussed/decided upon, and I hope to speak in support of these points, to ensure that the environmental and biodiversity issues are fully considered.

I would be grateful if these points are fully recorded and addressed in your officer's report and at committee

Thank you for your attention.

Yours sincerely,



Resident of Sandhill Lane and Member of the SLRA Committee