

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)

-
-
- 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.
-
-
-
-
-
- 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.
-
-
-
-
-
- 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.
-
-
-
-
-
- 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.
-
-
-
-
-
- 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...”*
-
-
-
-
-
- **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.
-
-
-
-
-
- **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).
-
-
-

2. Biodiversity Net Gain (BNG)

- -
 - The
 - **Environment Act 2021**
 - requires a minimum 10% BNG. The **NPPF**
 - also requires enhancements, not just damage limitation.
 -
 -
 -
 -
 -
 - 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.
 -
 -
 -
 -
 -
 - **Request:**
 - MSDC should confirm that BNG calculations use the pre-clearance baseline, in accordance with the law.
 -
 -
 -
-
- -
-

- _____


Resident of Sandhill Lane and Member of the SLRA Committee