

Consultee Response

Case Ref: DM/25/3129	Date: 23 February 2026
From: NatureSpace	Response: PWMS required and update surveys at Reserved Matters stage

This planning application is for: **Outline planning application for the erection of up to 125 dwellings, together with the provision of landscaping, open space, and associated development works, with access from Balcombe Road. All matters reserved except for access**

Summary

- The development falls within the amber 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 amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence.
- There are 17 ponds within 500m of the development proposal, the closest of which is located onsite and within 70m.
- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.



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, *Ecological Impact Assessment, Land North of Balcombe Road, Haywards Heath, The Ecology Co-op, December 2025*. Within this report it states that:

- *"The proposal will result in the loss of almost all grassland habitat, a small amount of hedgerow habitat, and fragmentation of the central hedgerow."*

- *“There is one pond and a slow moving stream within the site. A further 10 ponds are located within 500m of the site’s boundaries. The pond within the site is heavily shaded, has limited macrophyte presence, and the Habitat Suitability Index (HSI) assessment undertaken in April 2024 assessed it as ‘below average’. Previous Ecological Assessments of this site recommended that all ponds within 250m that are assessed as potentially suitable for great crested newts should be tested using eDNA.”*
- *“The eDNA samples were taken on the 30th April 2024. Four ponds in the adjacent Borde Hill Gardens underwent eDNA sampling by Arbtech in 2023.”*
- *“As all of the ponds and streams on site and within 250m of the site have returned negative results for great crested newt DNA, it is considered highly unlikely that the land north of Balcombe Road supports great crested newts. Based on these factors, the site is considered to be of negligible importance to great crested newts.”*

Conclusion and recommendations

The onsite habitats for the above development include long sward neutral grassland, woodland, hedgerows and an onsite waterbody. The site therefore offers suitable terrestrial GCN habitat and opportunities for foraging, sheltering and hibernation. According to submitted plans, it also looks as though the onsite waterbody is planned to be removed, which could also result in impacts to GCN breeding habitat. Some HSI and eDNA results have been included, the eDNA surveys for the onsite pond and stream were undertaken in 2024, and the results included for some other waterbodies were undertaken in 2023, all of which returned negative eDNA. Whilst we agree the likely impacts have been demonstrated as low in this case, due the presence of suitable habitat on site (including an onsite pond) and due to the large scale of the development, it is recommended that a Precautionary Working Methods Statement (PWMS) is written by a suitably qualified ecologist and submitted to the Local Planning Authority for approval prior to determination or secured in a condition.

The eDNA results within the above report are nearly two and three seasons old, this information is therefore becoming out of date at which point the information would no longer reliable for basing any mitigation strategies (CIEEM, 2019). We therefore also want to highlight that updated surveys on all ponds with ecological connectivity to site are likely to be required at reserved matters stage. This could be secured via a CEMP condition (in line with Place Services recommendations) or another condition.

More details on the District Licensing Scheme operated by the council 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”*.