

Case Ref: DC/25/2100	Date: 15/04/2026
From: NatureSpace Partnership	Response: Further Information Required.
Recommended Actions We are not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved. In line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2025), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either: - Provide further information on the ponds with ecological connectivity to the site, in line with Natural England's Standing Advice, to rule out impacts to great crested newts*; or - Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through the Council's District Licence (more details can be found at www.naturespaceuk.com) *i.e., to show that any ponds within 500m are not suitable for great crested newts and/or show how any potential impacts can be avoided.	
COMMENTS: This planning application is for <i>"Erection of a self-build dwelling with associated landscaping"</i>. 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 highly suitable habitat and a high likelihood of great crested newt presence. - There are 7 ponds within 500m of the development proposal. One of which falls in close proximity (~60m) from the site boundary. - There are great crested newt records within 500m of the proposed site. - There is direct connectivity between the development and surrounding features in the landscape. - Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.	

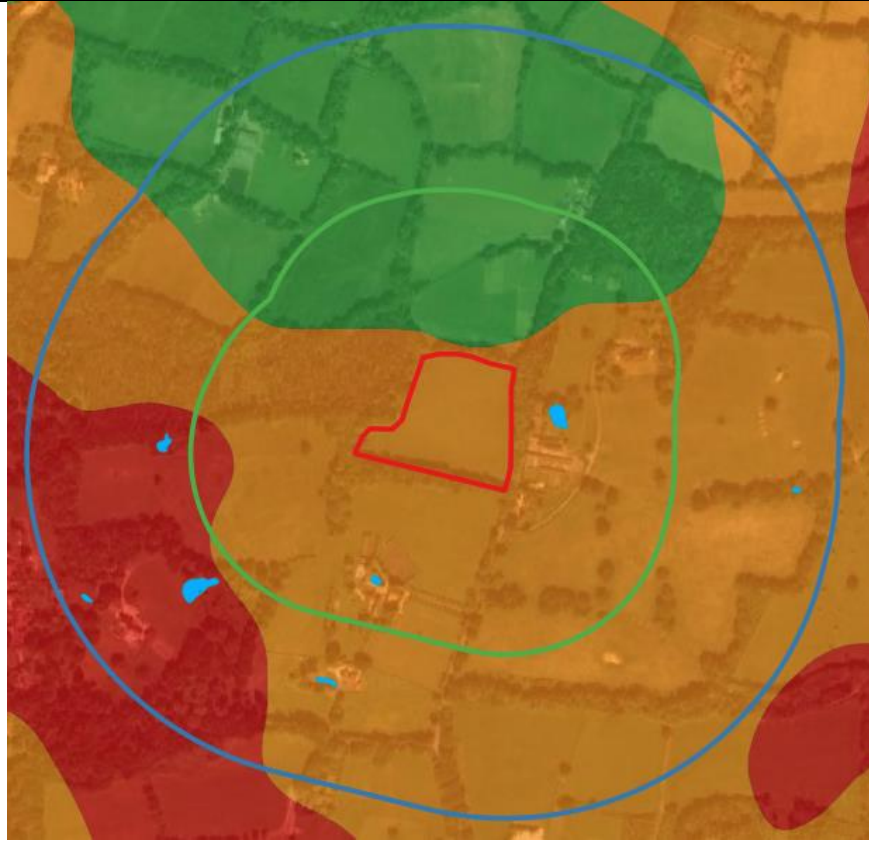


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newts. Ponds are shown in light blue. Please note that sometimes not all ponds are visible. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

Ecological Information

The applicant has provided an ecological report, [Preliminary Ecology Appraisal, Land north of Warnham, Lodge Farm; Leith Ecology Consulting Ltd; June 2025]. Within this report it states that:

- *“Two ponds are present within 250 meters of the site: one located 60 meters to the east, separated from the site by Mayes Lane, and another approximately 180 meters to the south within the grounds of Warnham Lodge Farm. There are no ponds or wet features on the site itself.”*
- *“The intensively managed grassland, dominated by a low-diversity sward and subject to regular grazing and mowing, does not provide suitable terrestrial habitat for great crested newt (*Triturus cristatus*). The sward structure and lack of cover or refugia significantly limit the suitability of the site for GCN foraging, sheltering, or dispersal.”*
- *“While GCN, common toad (*Bufo bufo*), smooth newt (*Lissotriton vulgaris*), and palmate newt (*Lissotriton helveticus*) are present locally, with recent records at Mayes Park and other nearby sites, the development area itself is unlikely to provide significant terrestrial habitat. The risk of direct impact on amphibians is therefore considered low, though occasional dispersal cannot be entirely ruled out”*

The applicant has not conducted surveys on any of the 7 ponds within 500m of the site, including the pond within 60m, therefore the status of these ponds is currently unknown. Should GCN be present at ponds with connectivity to the site, they may well use the site during their terrestrial dispersal phase. If GCN are present then it is likely an offence could be committed, therefore a licence would be needed to undertake these works.

The terrestrial habitat types described within the site have the potential to be suitable foraging and migrating habitat for great crested newts. Sufficient ground cover such as that provided by rough grassland is preferable, but great crested newts are able to cross stretches of bare open ground. GCN are likely to be found in piles of wooded material, as this provides good hibernacula during the winter if GCN are present they may use this for shelter. "For hibernation, newts seek out a location that affords them protection from winter conditions. Such places include underground crevices, tree root systems, mammal burrows, rubble piles or old walls" (Froglife, 2001).

Conclusion and recommendation for conditions

We are not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

It is recommended that the applicant provides further information which is outlined in the recommended actions section of this document.

Potential impacts to protected species are a material consideration and therefore sufficient information must be submitted prior to determination.

More details on the District Licensing Scheme operated by the council can be found at www.naturespaceuk.com

Contact details: info@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), 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 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*”.