

## Consultee Response

Case Ref: DC/25/0523	Date: 27 October 2025
From: NatureSpace	Response: Further Information Required

This planning application is for: **Erection of 18no. 2, 3 and 4 bedroom dwellings, (including 6no. affordable housing units), together with access from East Street, vehicle and cycle parking, landscaping and open space, and sustainable drainage**

### 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 7 ponds within 500m of the development proposal, the closest is located 35m north of the site
- There are 3 positive records of great crested newts within 500m of the development, the closest and most recent is within 250m.
- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.

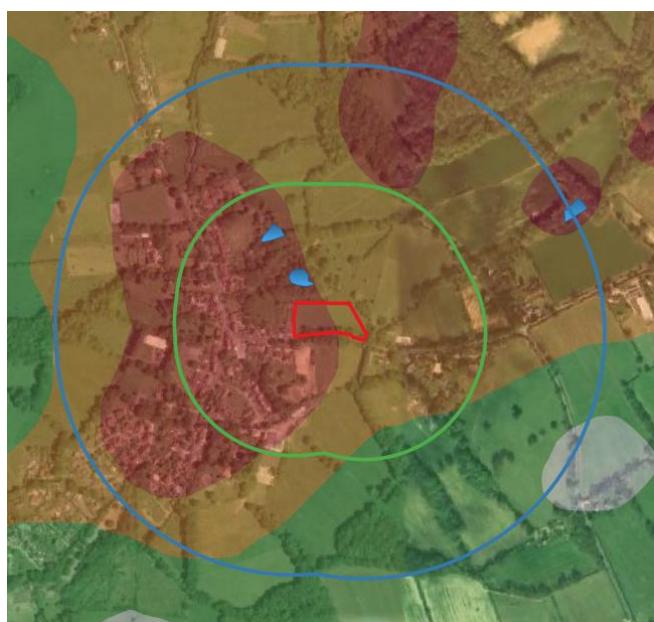


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue, not all ponds shown on map. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed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

### Ecological Information

The applicant has provided an ecological report, "eDNA Report 2024, Land North of East Street Rusper, Ecology Partnership, May 2025". Within this report it states that:

- *"No ponds were present on site, however five were present within 250m of the site boundary. Of these, only the closest one (c.35m north of the site) was publicly accessible, as shown in Figure 1. This was subject to a Habitat Suitability Index (HSI) and environmental DNA (eDNA) assessment for great crested newts (GCN) on 15th April 2025."*
- *"The results of the eDNA survey returned negative for great crested newt eDNA within this pond (See Appendix 1)."*
- *"Due to the negative results of the eDNA surveys of the waterbody c.35m north of the site, it is confirmed that GCN are likely absent from this pond currently, despite it being of 'good' suitability. Owing to the close proximity of this pond to the site, it is considered highly unlikely that GCN would be present within the application site in their terrestrial phase if, absent from the nearby pond in their aquatic phase."*
- *"As a precaution, it is recommended that reasonable avoidance measures to avoid impacts on GCN are taken when clearing the small area of scrub for the site access."*

It is welcomed that the applicant has carried out an eDNA survey as part of their onsite assessment, and whilst it is recognised that the closest waterbody is negative, we do not believe that the survey effort has been in depth enough to adequately rule out risks to great crested newts. Within the applicants original PEA, it was stated that:

- *"There are no ponds present on site, however, a total of five ponds were identified within 250m of the site, several of which have no significant dispersal barriers between them and the site. A GCN record from 2015 is located c. 250m north-west of the site, with several suitable ponds and terrestrial habitat separating it from the site."*
- *"The site itself is dominated by short sward, grazed grassland and is considered unsuitable GCN terrestrial habitat. However, due to the proximity to a confirmed GCN pond, separated only by suitable ponds and terrestrial habitat, the site is likely to contain GCN"*
- *"As such, it is recommended that the project apply for district licencing for great crested newts through the Horsham Nature Space scheme"*

### Conclusion

The applicant had originally determined that due to the proximity of the nearby positive pond, that GCN presence is likely and that a licence would be required in this instance. It is important to note that the pond located c.250m north west also tested positive more recently in 2023. As surveys have not been completed by the applicant on this pond due to accessibility issues, it cannot be determined that this pond is now negative, and therefore there has been no demonstration as to why a licence would not still be necessary. As the PEA states, this pond as well as others located within 250m do not have any significant dispersal barriers separating them from the site. As these ponds remain unsurveyed, presence must be assumed as a precaution.

Although the onsite habitat has been identified as mostly short sward and unsuitable, it has been highlighted that development plans would require the removal of some hedgerow and scrub, as well as the removal of key hibernacula features (e.g. piles of broken and overgrown concrete surrounding some trees).

Therefore, in line with the guidance from Natural England ([Great crested newts: District Level Licensing for development projects, Natural England, March 2021](#)), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Horsham District Council's District Licence. 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 can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)); or
- Provide further information (information on ponds with ecological connectivity to the site), in line with Natural England's [Standing Advice](#), to rule out impacts to great crested newts\*, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals\*\*; or
- If it is determined that there is no suitable habitat impacted on site and the likelihood of great crested newts is very low (through further survey work), then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licenced Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

\*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.

\*\*To do so, surveys to determine presence/likely absence and population size class assessments may need to be undertaken by a suitably qualified ecologist in accordance with Natural England's Standing (Great crested newts: advice for making planning decisions – GOV.UK) (and if using eDNA surveys, the Great Crested Newt Environmental eDNA Technical Advice Note (Natural England 2014)). If GCN are identified, appropriate mitigation and compensatory measures will need to be identified to satisfy planning requirements and a site-based mitigation licence may be required. Surveys are seasonally constrained.

Please note that Naturespace can be contacted at any time for a quote to enter the District Licensing scheme, which does not require further seasonally constrained newt survey work. More details on the District Licensing Scheme operated by the council can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

### Relationship between NatureSpace and Horsham District Council

*Horsham 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](http://www.naturespaceuk.com)*

### Legislation, Policy and Guidance

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## **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 (2023), 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*".