

Consultee Response

Case Ref: DC/25/0486 and DC/24/0298	Date: 29 May 2025
From: NatureSpace	Response: Further Information Required

This consultation response is applicable for the two following applications located at the same site:

- **DC/25/0486** (Outline application for the demolition of existing buildings and erection of 9 No self-build / custom build dwellings with all matters reserved.)
- **DC/24/0298** (settled gypsy accommodation site comprising 10 no pitches and associated utility buildings).

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 11 ponds within 500m of the development proposal, the closest of which are located 179m southeast, 194m southeast and 235m south.
- There is 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 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 (*Preliminary Ecological Appraisal, Oakhurst Centre, West Chiltington Lane, Coneyhurst, Billingham, West Sussex, RH14 9QG, Sylvatica Ecology Ltd, 15th February 2024*). Within this report it states that:

- *“The eastern comprised of buildings mostly used for storage and works units, in addition to a working equestrian centre and associated stables.”*
- *“The western and southern boundary of the site survey area was screened by a line of trees comprising ash and oak. This remained, structurally, a hedge-line”*
- *“Should any habitat that has been identified as having the potential to support GCN, be impacted by the proposed works (the hedgerow around the periphery and grassland, scrub and deciduous woodland in the northern section), then further consideration for this species is recommended.*

Conclusion

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.

There are a number of ponds with good connectivity to the development site through hedgerow, and upon reviewing the development plans, it appears that the development would require the removal of sections of hedgerow on the borders.

As the northern parcel of the wider site has been described as providing suitable great crested newt habitat (i.e. hibernacula, scrub), and due to there being ponds located on either side of the red line boundary, it is also considered possible that great crested newts could be using the site/hedgerow features during their terrestrial dispersal stage to commute to other suitable habitat nearby.

Additionally to facilitate this development, the buildings located in the south east parcel will need to be demolished. The habitat plans suggest that areas of scrub between and around buildings would need to be removed which could provide great crested newts with places of shelter. Therefore as it states in the above report, further consideration is needed for great crested newts

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); or
- Provide further information (information on ponds with 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, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed 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.

It should be noted that within the ecological report, the development is described as a 12 pitch caravan development on the south western parcel of the site. This does not align with the block plans or descriptions, and is not believed to reflect the actual work which will be undertaken.

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

Contact details: 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

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 (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 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”*.