18th December 2025

Horsham District Council
Parkside
Horsham
West Sussex
RH12 1RL

Application Ref: DC/24/1620
Site: Land at Slinfold Stud, Stane Street, Slinfold, West Sussex
Re: NatureSpace Partnership consultee response dated 4 December 2025

This letter is written on behalf of the applicant to provide clarification on the correct interpretation of the submitted ecological evidence, including the Preliminary Ecological Appraisal (PEA) and subsequent site-specific Great Crested Newt surveys. It also explains why, in our professional opinion, the proposed development is reasonably unlikely to result in an offence under the Conservation of Habitats and Species Regulations 2017, such that no licence is required, subject to the implementation of the Non-Licenced Method Statement (as outlined in the Great Crested Newt Surveys Report, Arun Ecology, 2025).

Legal basis for licensing
Under Regulation 43 of the Conservation of Habitats and Species Regulations 2017, a European Protected Species (EPS) licence is required only where a development is reasonably likely to result in an offence, namely:

- killing or injury of a Great Crested Newt;
- deliberate disturbance; or
- damage or destruction of a breeding site or resting place.

This statutory test must be applied on the basis of site-specific survey evidence and professional ecological judgement. It is not triggered by red-zone mapping, development scale, or proximity to off-site records alone.

Clarification of PEA conclusions
The NatureSpace response states that the original PEA concluded the likelihood of GCN commuting across the site was “high”. This does not accurately reflect the conclusions of the PEA.
The PEA concluded that GCN *could* be encountered transitioning through the site, based on desk-based risk indicators, and that further surveys may be required should the Applicant choose not to opt into the District Level Licensing scheme. This represents a precautionary, screening-stage conclusion consistent with standard PEA methodology.

The PEA’s precautionary assumptions have now been fully superseded by robust, site-specific GCN surveys undertaken by Arun Ecology in May 2025. It is therefore not appropriate to continue to rely on PEA-level assumptions where targeted survey evidence is available.

Site-specific survey effort and findings
A comprehensive GCN survey was undertaken comprising:

- 20 consecutive days of pitfall trapping using 17 m of drift fencing and 12 pitfall traps; and
- 20 consecutive days of artificial refugia checks (66 carpet tiles),

Carried out during the appropriate survey season and under suitable weather conditions.
No Great Crested Newts were recorded within the development footprint during any survey visits. This level of terrestrial survey effort is specifically designed to detect terrestrial presence, site usage, and commuting behaviour.

Interpretation of negative survey results
Pitfall trapping is a sensitive and targeted method for detecting terrestrial movement by GCN. Where GCN are regularly commuting through an area, individuals would be expected to be recorded during a continuous 20-day trapping period. The absence of any GCN records demonstrates that the development footprint is not used regularly by GCN and that regular commuting across the footprint is unlikely.

Habitat assessment and breeding or resting places
The terrestrial habitat within the development footprint comprises modified, heavily grazed grassland and disturbed ground and was assessed as sub-optimum terrestrial habitat for GCN.
No breeding ponds, hibernacula, or other breeding or resting places were identified within the development footprint. Accordingly, the proposed works would not damage or destroy a breeding site or resting place.

Weight of survey evidence versus red-zone mapping
We note reference to the site lying within a strategic "red-zone" area. In accordance with Natural England guidance and established practice, greater weight should be afforded to site-specific survey results than to habitat suitability indices or strategic predictive tools. Red-zone mapping is intended to inform strategic population-level risk and compensation requirements, rather than to provide evidence of species presence or site-level offence risk. It does not, in itself, demonstrate the presence of Great Crested Newts, regular commuting, or a likelihood of an offence and cannot override robust, up-to-date survey evidence.

Natural England correspondence and licensing threshold
The applicant has confirmed to Arun Ecology that Natural England has advised directly that the licensing decision rests on the professional judgement of the consultant ecologist, based on survey evidence and specialist knowledge of the species.

Natural England states in their email:
"A licence is needed if the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably likely to result in an offence under Regulation 43."

"If the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably unlikely to result in an offence under Regulation 43 then no licence is required."

"In the latter circumstances Natural England would urge that reasonable precautions be taken to avoid affecting protected species during works, and that an audit trail is kept on the decision-making process. This is often achieved by implementing Reasonable Avoidance Measures (RAMs)."

Tom Martin-Tennant
Senior Wildlife Licensing Manager
Natural England

Appropriateness of Reasonable Avoidance Measures
NatureSpace concludes that licensing remains necessary because commuting has "not been adequately ruled out" and RAMs are "not appropriate". In our professional judgement, this position is not consistent with Natural England guidance or the submitted evidence.
In this case:

- robust surveys recorded no GCN within the development footprint;
- habitat within the footprint has been assessed as sub-optimal for GCN;
- no breeding or resting places will be affected; and
- precautionary working practices (as outlined in the submitted Non-Licenced Method Statement) can fully avoid any residual risk.

These are precisely the circumstances in which Natural England guidance supports the use of RAMs and a non-licensed Method Statement rather than licensing.

On-site mitigation and biodiversity enhancement
In addition to avoiding harm, the proposals will deliver on-site mitigation and habitat creation secured through the Applicant's Biodiversity Net Gain (BNG) strategy. Measures include retention of short, open sward grassland, and the creation and long-term management of enhanced terrestrial habitats, including mixed scrub, tussocky grassland, and hibernacula.
These measures reinforce the conclusion that the proposals will result in a significant increase in the availability of suitable terrestrial habitat for GCN, comparative to the baseline extent.

Conclusion
In summary:

- the PEA conclusions were precautionary and have been mischaracterised;
- site-specific surveys supersede those assumptions;
- robust evidence confirms GCN absence within the development footprint;
- no breeding or resting places will be adversely impacted; and
- with RAMs in place, the development is reasonably unlikely to result in a Regulation 43 offence.

Accordingly, in our professional opinion, no EPS licence or District Level Licence is required.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,



Yours sincerely,

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