Case Ref: DC/24/1487	Date: 31/03/2025
From: NatureSpace	Response: Holding objection - Further Information Required

Recommended Actions:

- An ecological report has been submitted with this application, it recommends undertaking further surveys to identify presence or absence of great crested newts.
- Alternatively, should the applicant not wish to undertake further surveys, Horsham District Council have a District Licence scheme that the applicant can join to negate the need for delays associated with additional surveys.

These comments are in relation to DC/24/1487|Erection of a covered horse exercise area.|Glenard Farm Henfield Road Albourne West Sussex BN6 9JJ

Ecological Summary:

The development is situated in the red impact risk zone indicating that highly suitable habitat is present in the surrounding landscape.

Site context:

- There are 14 ponds within 500m of the site boundary. The closest to being 105m south east of the proposed development boundary.
- There is good connectivity with the wider landscape.
- Suitable habitat on site includes grassland, hedgerow and shrubs.

Conclusion:

The applicant has provided an ecological report (Preliminary Ecological Appraisal, Environmental Assessment Ltd., July 2024). The report identifies nearby ponds and other suitable habitat within the wider landscape, highlighting the potential for great crested newts to be utilising the landscape and encountered during works. It calls for the survey of the ponds within 250m of the proposed development boundary or alternatively, exploring the options through the District Licence.

Without these surveys, there is not enough information to mitigate or rule out any potential impacts to great crested newts and/or their habitat. The applicant must provide further ecological information on the site to evidence how there is no risk to great crested newts from the proposed development, in the form of a report from a suitably qualified ecologist.

Should the applicant not wish to undertake further surveys, use of the District Licence can negate the need for this and can be applied for outside of the survey season, providing certainty through planning, if the applicant chooses to use this route, a valid NatureSpace report or certificate must be submitted to planning.

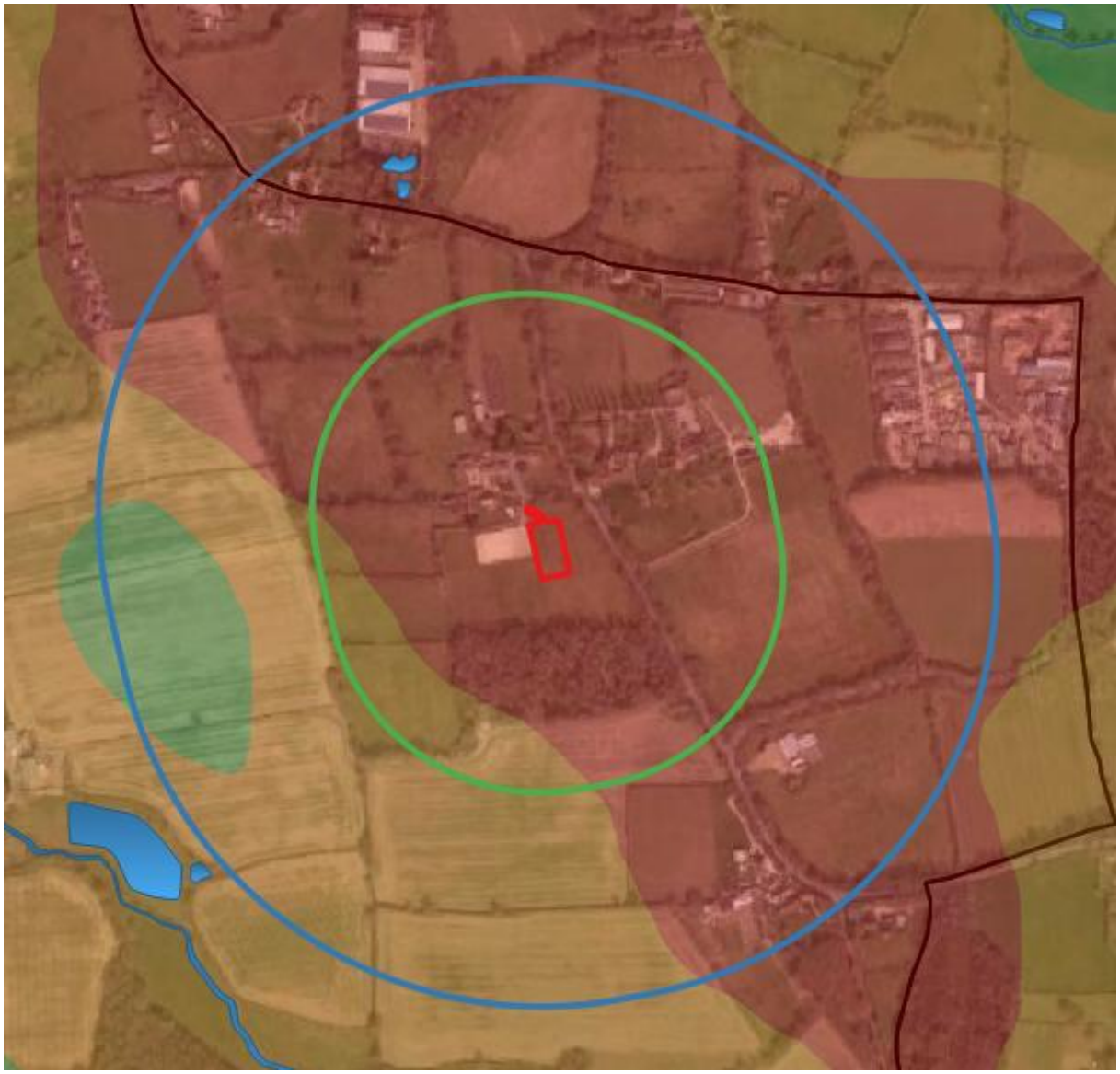


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newt. Ponds are shown in light blue – not all ponds are visible on this map. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public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

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 (2021), 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, 2019) 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".*

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