From: Nicola.Pettifer <Nicola.Pettifer@horsham.gov.uk>
Sent: 27 February 2026 09:20:25 UTC+00:00
To: "Nicola.Pettifer" <Nicola.Pettifer@horsham.gov.uk>
Subject: FW: Slinfold Stud DC/24/1620
Attachments: Response to NatureSpace Comments.pdf

Nicola Pettifer
Senior Planning

Telephone: 01403 215238
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Horsham District Council

Horsham District Council, Albery House, Springfield Road, Horsham, West Sussex RH12 2GB
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From: Debby Lax
Sent: 21 January 2026 10:46
To: Nicola.Pettifer <Nicola.Pettifer@horsham.gov.uk>
Cc: NIk Antoniou
Subject: Re: Slinfold Stud DC/24/1620

Dear Nicola,

Thank you for your recent email. I just wanted to clarify a few points to ensure we are working from the same information and applying the correct framework so the application can progress smoothly.

Could you please confirm whether you have received and reviewed the written response from **Arun Ecology dated 18 December**, which I sent on 19 December? I note that it does not currently appear on the planning portal, and I was not sure whether it had been considered. I attach it again for ease of reference, as it directly addresses the points raised by the DLL officer.

I think the key issue is a misunderstanding of the licensing framework being applied. When I was given the option of **survey or District Level Licensing (DLL)** last April, I chose not to pursue the DLL route. The surveys were therefore commissioned not to assess DLL eligibility or to prove absence, but — in line with **Natural England guidance** — to assess whether the proposed development is **reasonably likely to result in an offence under Regulation 43**, and therefore whether an **EPS licence** is required at all.

As set out in the GCN survey submitted in June 2025, the assessment was undertaken on the basis that the DLL route was not being pursued and instead focused on the Regulation 43 offence-based test.

I also sought clarification directly from Natural England, who confirmed that the requirement for a licence depends on whether the proposed works are reasonably likely to result in an **offence under Regulation 43**, based on survey information and the professional judgement of the consultant ecologist. They confirmed that where an ecologist concludes an offence is reasonably unlikely, **no licence is required**, even where Great Crested Newts are known to be present in the wider area. Arun Ecology have expressly referenced this advice in their written response. The intention was therefore to proceed lawfully either under a **Non-Licensed Method Statement** where no offence risk arises, or, only if required, via a **site-specific European Protected Species Licence (EPSL).**

The Arun Ecology assessment accepts nearby GCN presence but concludes that, with the proposed mitigation and method statement, **no offence is likely to occur**, and therefore **no licence is required**. That conclusion addresses the statutory test. Applying DLL-based reasoning, including an expectation that surveys must "prove absence", applies a different and higher threshold than the law requires where the DLL route is not being pursued.

If the Arun Ecology response has been reviewed and the Council still considers that a licence is required, I would be grateful for clarification as to **which specific Regulation 43 offence** is considered reasonably likely to arise from the proposed development, and the evidential basis for that conclusion. As you will appreciate, the presence of GCN in off-site ponds or within the wider landscape does not of itself establish that an offence is likely to occur within the development footprint.

Thank you also for confirming that the application is otherwise in a good position. I appreciate that Great Crested Newts are a material consideration, but national guidance allows a planning decision to be made where the evidence shows the development can proceed without harm, with any licensing dealt with separately. As

planning permission would not authorise any breach of the Habitats Regulations, I am hoping this doesn't prevent the application being determined.

Given the length of time the application has already been under consideration, I would be grateful if you could let me know how the Council now proposes to proceed.
I am of course very happy to assist further if any additional information or clarification would be helpful.

Kind regards,
Debby

> On 16 Jan 2026, at 14:02, Nicola.Pettifer <Nicola.Pettifer@horsham.gov.uk> wrote:
>
> Dear Debby
>
> I appreciate your comments sent through before Christmas on the issue of GCN, which have been back to the District Licensing Officer for comments. As they relate to a specialised field of expertise, I have provided you with the returned comments, which I would suggest are referred back to your ecologist, Arun Ecology, for consideration:
>
> 1) Firstly the applicant believes that our comments are in conflict with the ecology teams comments as the ecology team has not raised GCN as a concern. It is important to note however that Place Services have been instructed by the LPA not to address GCN concerns as they leave such matters to NatureSpace (there is a section which can be found within their comments which state this). Additionally, the ecology teams comments from earlier this year are from HDC ecology who only deal with BNG (to my knowledge). They therefore also do not discuss GCN matters, and as such lack of reference to the species in both parties' comments does not mean GCN are not a consideration for the development. We therefore don't believe our comments are in conflict with the council.
> 2) In our previous comments, the applicant was given the option of a licence or surveys, surveys which needed to prove likely absence to demonstrate that a licence would not be required. Due to access issues, it is recognised that the applicant was only able to survey one of the numerous ponds which surround the site. Despite this fact, the single surveyed pond came back positive for GCN anyway. And therefore the applicant has evidenced likely presence rather than absence, and from the original two options is now left with the option of obtaining a licence.
> 3) It is acknowledged that the positive pond is further away from the development than the whole RLB might suggest, however this pond is still well within dispersal

distance. Additionally, as mentioned above there are a number of other ponds within close proximity which are unsurveyed but may also be positive for GCN
4) The applicant's report details pitfall trapping exercises which have been undertaken to try to demonstrate that GCN are not dispersing across the site, however it is important to note that this is not a recognised terrestrial survey technique to rule out GCN presence/traversing across site. Similarly, artificial refugia surveys (typically undertaken for reptiles) are also not considered a suitable survey method for GCN when presence has already been confirmed. This is why the conclusion reached by the report has not been accepted
5) The applicant has suggested that RAMS in this instance would suitably mitigate risks to the species. Due the positive pond within such close proximity to the site, a measure which might be able to prevent GCN from crossing the site would be amphibian fencing, however this would require a licence to be utilised (and particularly removed) in this instance anyway.
6) The applicant has referenced these points whereby low impact but presence-confirmed sites should not require a licence:

- *The footprint does not support GCN,*
- *There is no breeding or resting habitat affected,*
- *The risk of an offence is low*

7) It is our opinion that the last bullet point does not apply in this case. Due to the high number of past GCN records and the recent record from the applicant located adjacent to the boundary, as well as the numerous ponds within the landscape which surround the site in nearly all directions, the potential for GCN to be crossing the site is very high and cannot be appropriately mitigated for under RAMS. We therefore still recommend that a licence is obtained.
8) As the applicant has stated, when they enquired into the DL scheme the projected fees for this development could have been very high, and as such the District Licence may not be financially feasible for this development. This is understandable, and as such we feel it important to highlight again that the EPSL is still an option here and may be a more viable option.

I am therefore unable to progress the application until we've resolved this issue as GCN are legally protected in the UK and therefore a material planning consideration. We're in a good position in terms of the legal agreement, and in relation to the principle, highways and amenity considerations, so I am able to offer an extension of time with a view of seeking a positive way forward.

Kind regards
Nic

Nicola Pettifer

Senior Planning
Officer

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From: Debby Lax
Sent: 02 January 2026 08:05
To: Nicola.Pettifer <Nicola.Pettifer@horsham.gov.uk>
Subject: Slinfold Stud DC/24/1620
Importance: High

Dear Nicola
Happy New Year
Im just chasing up to make sure you have seen the response from my ecologist in regards to GCN licensing as it has not appeared on the portal yet.
Please let me know if you need any further information.
Kind regards
Debby Lax

Begin forwarded message:

From: Debby Lax
Subject: Re: Slinfold Stud DC/24/1620
Date: 19 December 2025 at 15:41:58 GMT
To: Nicola.Pettifer@horsham.gov.uk
Cc: NIk Antoniou

Dear Nicola,

Further to my comments below, please find attached, Arun Ecology's response, my consultant ecologists, to Nature Space.
I hope this will put your mind at rest and you will now be able to proceed in making a determination, without further delay, with all the evidence we have provided.

Kind Regards
Debby Lax
Applicant

On 10 Dec 2025, at 11:18, Debby Lax wrote:

Dear Nicola

I hope you are well. Thank you for sending over the NatureSpace comments to Nik. I've now had a chance to read them alongside my GCN survey from May, and I wanted to get in touch in a friendly and constructive way, just to ensure there hasn't been any misunderstanding. I am a little confused as to why they have waited over a year to comment. My dealings with them over the past have been less than constructive and they have been very keen for me to get a DLL, which they estimated would cost between £30,000-£70,000!!

NatureSpace do reference my survey, but their conclusion seems to differ from both the survey's findings and the Council's own ecology advice earlier in the year. Their overall conclusion seems to come from a more desktop-based assessment of the site rather than the actual survey results and the ecologist's professional judgement.

As you'll recall, in April you kindly advised that I could either enter DLL or provide a site-specific survey. I followed the survey route and provided the highest level of survey evidence possible as confirmed in the report, and the results were clear:

- No GCN were found within the development footprint
- Habitat in the footprint was assessed as unsuitable/sub-optimal
- No breeding or resting sites would be affected
- The ecologist concluded that a licence is not required and that works could proceed under a Non-Licenced Method Statement

I note that no concerns were raised by the Council for the next **seven months** after the survey and the Council's **formal Ecology Consultation Report** contained **no reference at all** to GCN or licensing.

I suspect the difference in conclusions may simply be due to NatureSpace treating the whole red line boundary as the development area. The pond is near the *boundary*, but the actual construction footprint sits much further inside the site, which aligns with the survey's findings and the absence of GCN in all pitfall traps.
NatureSpace conclude that:
"The likelihood of GCN commuting across the site is still considered very high."

But the pitfall trapping — carried out precisely to determine whether GCN cross or use the site — recorded zero GCN, and habitat within the footprint was assessed as unsuitable or sub-optimal. My ecologist therefore deemed presence in terrestrial habitat unlikely.
There is no ecological basis to override pitfall trapping results with a theoretical commuting assumption.

The NatureSpace conclusion appears to be based on the risk zoning map, rather than on the outcome of the survey.
My ecologist's conclusion was very clear:

"A GCN mitigation licence is reasonably unlikely to be required to proceed lawfully, as the risk of an offence being committed is acceptably low."
(Page 15)

This is the central conclusion and is fully supported by Natural England guidance for low-risk, absence-confirmed sites.
NatureSpace do not appear to engage with this conclusion or explain why they disagree with it.
I also want to reassure you of the Reasonable Avoidance Measures I will undertake during construction and are outlined in the GCN report from my ecologist. These follow standard procedures recommended by Nature England. NatureSpace's assertion that RAMs are inappropriate is incorrect. Natural England Standing Advice states RAMs are appropriate where:

- The footprint does not support GCN,
- There is no breeding or resting habitat affected,
- The risk of an offence is low.

My ecologist clearly states all three apply

To help resolve this, I am very happy to ask Arun Ecology to provide a short-written response to NatureSpace so you have everything you need

Before doing that, may I please check with you whether—based on the survey findings—you believe a Regulation 43 offence is likely? If not, I hope this may allow the application to progress without DLL or an EPS licence.

Thank you so much for your help and for considering this. I know you have been I really appreciate it.

Kind regards
Debby Lax

On Tue, 9 Dec 2025 at 13:56, Nicola.Pettifer <Nicola.Pettifer@horsham.gov.uk> wrote:

Dear Nik

I've been trying to find a way of addressing these comments which don't involve a further delay, but I simply can't see a way around it, I'm afraid. I will be uploading these comments to the file by tomorrow.

The site lies within a red zone for 'high potential' for GCN habitat, and the newt officer has come back with comments on the GCN survey submitted, proposing two options, both of which require further details / information:

The applicant has two licensing options which require further information to satisfy the LPA that great crested newts can be dealt with. Either:

The European Protected Species Licence (EPSL) route can be taken - this may involve surveying* for great crested newts in the surrounding ponds and submitting a mitigation plan to the LPA to show how impacts on the species can be adequately addressed. This should be submitted prior to determination.

The District Licensing route can be used - in order to demonstrate that the impacts of the proposed development can be addressed through the Council's District Licence, a NatureSpace Report or

Certificate must be submitted prior to determination. This method of licensing removes the need for survey work and provides compensatory habitats off site. This would provide certainty for the applicant, as their licensing route can be determined within 10 working days at any time of the year (more details can be found at www.naturespaceuk.com)

Kind regards
Nic

Nicola Pettifer

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