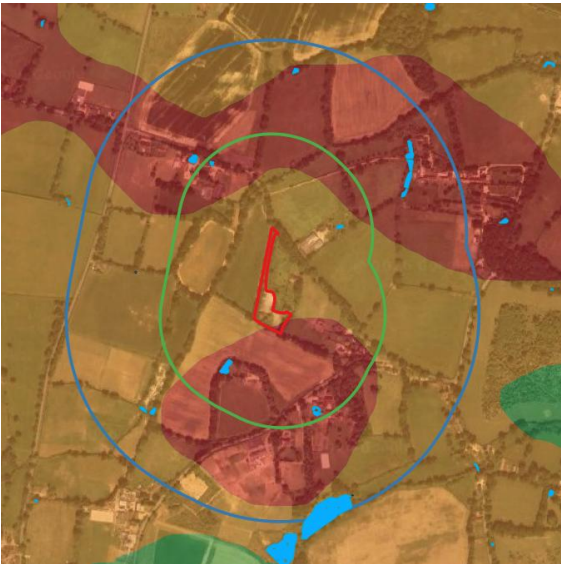


Consultee Response

Case Ref: DC/25/2131	Date: 03 February 2026
From: NatureSpace	Response: Licence recommended
This planning application is for: Demolition of existing buildings. Erection of four barn style detached dwellings with associated garages utilising existing access together with landscaping. 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 14 ponds within 500m of the development proposal, the closest of which is located onsite. - There is a recent great crested newt record within the development site.  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, <i>Great crested Newt Survey Report, Land at Greenacres, Saucelands Land, Shipley, West Sussex, RH13 8PU, Arun Ecology, June 2025</i>. Within this report it states that: - <i>"There being suitable resting places for GCN present within the development boundary including other neutral grassland, lowland mixed deciduous woodland, artificial unvegetated unsealed surface (soil bunds and building debris)."</i> - <i>"GCN were confirmed to be present at Pond P1 within the development boundary. Based on the survey data collected to date, a small GCN population was recorded."</i>	

- *“A GCN breeding pond has been confirmed as being present within the development boundary and is within 100m of the main footprint of the development. In our professional opinion, the development is reasonably likely to result in adverse impacts on GCN”*
- *“Based on the above, it is our professional opinion, a GCN Mitigation Licence (European Protected Species Licence) will be required for the development to proceed lawfully, as the risk of an offence being committed is reasonably likely.”*
- *“An outline mitigation strategy that outlines how adverse impacts on a GCN population and how harm to GCN will be avoided or adequately mitigated is provided in Section 9 of this report, and will form part of the EPSL Method Statement.”*

Conclusion and recommendation for conditions

We agree with the submitted ecological report that a licence is necessary for these works. The applicant has stated that they wish to pursue the European Protected Species Licence. The applicant has submitted an outline mitigation strategy within section 9 of the above report, which outlines the avoidance, mitigation and compensatory measures the proposed development will undertake to address great crested newt impacts and support the EPSL application. Ultimately this information must satisfy the local planning authority that the three licensing tests have been met and that they will successfully be granted an EPSL by Natural England post planning consent.

Alternatively the applicant would also have the option of enquiring into the District Licence scheme 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 (more details 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, December 2024, section 15, 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”*.