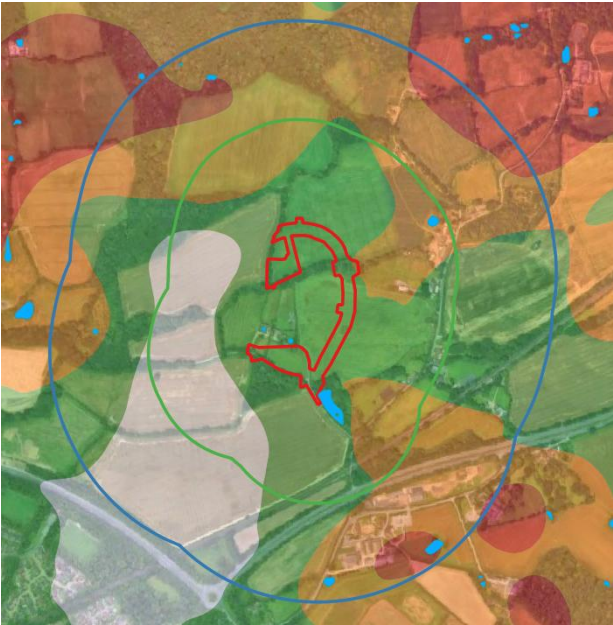


Consultee Response

Case Ref: DC/26/0731	Date: 10 September 2026
From: NatureSpace	Response: Further Information Required
This planning application is for: The Mowbray Development Site Horsham West Sussex	
Summary - The development falls within the green and amber 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 amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence. - There are 9 ponds within 500m of the development proposal, the closest of which is located adjacent to the site. - There are historical and recent great crested newt records within 500m. - There is direct connectivity between the development and surrounding features in the landscape.  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>RMA 3: Ecology Mitigation and Management Plan, Phase 2- Mowbray, North Horsham, CSA Environmental, August 2026</i>. Within this report it states that: - Environmental DNA (eDNA) water sampling was used to determine the presence/likely absence of great crested newt from 12 ponds - The GCN eDNA Results Plan (CSA/7937/135) provided in Appendix B. Habitat connectivity is generally good between all ponds located north of the A264.	

- *The positive ponds located in the west of the Site are within close proximity to each other and have the potential for newts to disperse between ponds. The ponds have the potential to support a metapopulation based on a cluster of positive eDNA results within 250m of each other.*
- *While the ponds within the eastern part of the Site remain connected by suitable habitat, they are located at greater distances from one another.*
- *Terrestrial habitats both within and adjacent to the Site are of good quality and provide suitable refugia, foraging opportunities, and dispersal habitat for GCN outside of the breeding season.*
- *The positive ponds are clustered and connected by suitable terrestrial habitat, including hedgerows, woodland margins and other refugia within and adjacent to the Site, indicating the presence of a local GCN population.*

Conclusion and recommendations

The above report has undertaken a suite of surveys surrounding the development and has concluded (as stated within the Consultee Comment Responses letter, Stantec August 2026), that GCN do not pose a constraint to the delivery of this phase of development.

We recognise that a large set of surveys has been undertaken and appreciate that the effort implemented has intended to provide a detailed assessment of GCN constraints, however we do have some concerns with the development proceeding without further considerations. Out of the returned results the closest positive is located outside of 500m of the site, however P30, a pond which has historically been consistently positive, was dry at the time of survey. We believe this is likely due to the very high temperatures observed this season, and do believe this pond is otherwise suitable and likely to support GCN most years, as evidenced by previous survey data. P30 is located around 437m west of the development site, with direct connectivity via woodland. An inconclusive result was also returned for pond 34, located around 400m from the development site, and again well connected via woodland/treelines. The ponds for which these data are missing are therefore well within dispersal distance for the species. Due to the removal of suitable habitat required for implementation of development plans, due to the known populations of GCN surrounding P30 and P34, and the connectivity of these ponds to the suitable habitat onsite, we do have concerns regarding the scheme going ahead without the coverage of a licence.

Therefore, we are not yet 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.

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

- If it can be evidenced that 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.

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, December 2024, section 19, 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

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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"*.