Consultee Response

Case Ref: DC/26/1668	Date: 17/11/2026
From: NatureSpace	Response: Further information required

This planning application is for: **Erection of 1.no dwelling and detached garage with access from Reeds Lane with associated driveway and parking**

Summary

- The development falls within the 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 10 ponds within 500m of the development proposal, the closest of which is located 195m southeast

- There is a recent great crested newt records within 250m.

- There is direct connectivity between the development and surrounding features in the landscape.

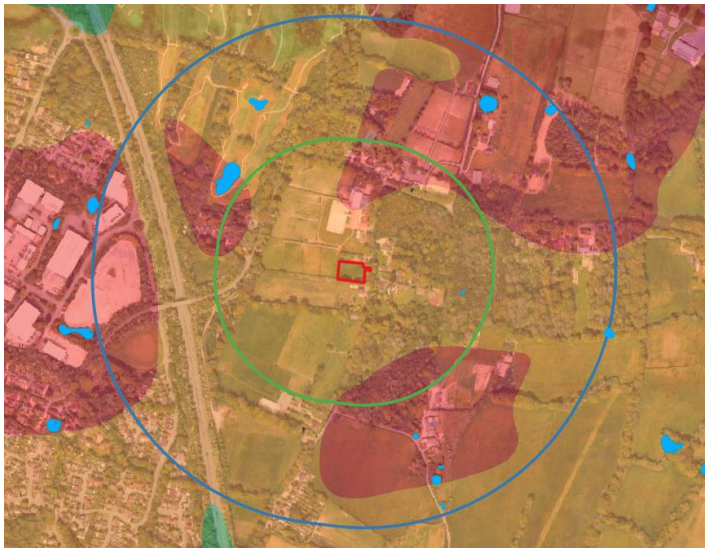

Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue, not all ponds are visible on map. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information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

Ecological Information

The applicant has provided an ecological report, *Great Crested Newt Survey Report, Land North of the High Winds, Reeds Lane, Southwater, West Sussex, RH13 9DQ, Arun Ecology, September 2026*. Within this report it states that:

- *"Suitable GCN terrestrial habitat was recorded within the development boundary, including the other neutral grassland and the native hedgerow with trees. There were also two brash piles within the development boundary that provided suitable resting places for GCN."*

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- *" It was concluded that GCN could be encountered within the development boundary and that the habitat has the potential to form part of the terrestrial habitat of any nearby GCN population."*
- *"As such, GCN eDNA surveys were recommended for all ponds that fall within 250 m of the development boundary to determine the impacts of the development."*
- *"Great crested newts have been confirmed to be present within Pond P2, located approximately 0.22 km from the development boundary, based on the positive GCN eDNA survey result. "*
- *"GCN have been confirmed to be present at a pond located approximately 0.22 km from the development boundary. Ideally, impacts to GCN should be avoided wherever possible and habitat with suitability for GCN should be retained. However, the proposed development cannot entirely avoid impacts to potential GCN habitat and, therefore, there is a risk of an offence being committed under the Conservation of Habitats and Species Regulations 2017 (as amended)."*
- *"It is therefore recommended that the proposed works are undertaken under an appropriate GCN licence to ensure that the development proceeds lawfully."*

Conclusion and recommendations

Within the above report, it is stated that some eDNA surveys have been undertaken on the ponds within 250m of the site, and that P2 returned a positive result. It is anticipated due to the suitable habitat located onsite that there is risk of an offence being committed. As such, the applicant has stated that they wish to obtain a GCN licence to cover the development works. As mentioned within the report, the applicant has two licensing options should they wish to take this route:

- **The District Licensing route** - 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); or

- **The European Protected Species Licence (EPSL) route-** 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.

* Population size class assessments may need to be undertaken by a suitably qualified ecologist in accordance with Natural England's Standing (Great crested newts: advice for making planning decisions – GOV.UK). Appropriate mitigation and compensatory measures will then need to be identified to satisfy planning requirements and a site-based mitigation licence may be required. Surveys are seasonally constrained.

Contact details: info@naturespaceuk.com

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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 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

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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".*

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