

Consultee Response

Case Ref: DC/26/1241	Date: 17 September 2026
From: NatureSpace	Response: Licence recommended
This planning application is for: Reserved Matters application (layout, scale, appearance, internal access and landscaping) pursuant to Condition 5 of Outline Planning Permission reference DC/16/1677 for RM Area 12 comprising 278 (C3 Use) residential units, car and cycle parking, play area, drainage, internal roads, and associated infrastructure. 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 at least 13 ponds within 500m of the development proposal, three of which are adjacent to the site - There are recent great crested newt records within 50m. - 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 12: Ecological Mitigation and Management Plan, Phase2- Mowbray North Horsham, CSA, June 2026</i>. Within this report it states that:	

- *“A desk-based search identified 24 waterbodies within 500m of the Phase 2 boundary, 10 of which lie within 250m of the RMA 12 boundary. Pond P19, c. 104m north of RMA 12, was dry during 2023 and 2025 surveys. Pond P31, often referred to as NP1 in historic reports, supported a peak count of four great crested newts in 2023 (see Appendix B)”*
- *“Pond P2 supported a peak count of five great crested newts in 2025 and falls within an area covered by mitigation licence 2025-72835-EPSMIT to enable pond removal and a newt displacement exercise (see Appendix B). The scope of this licence extends to the neutral grassland and Hedgerows H3 and H4 within RMA 12, therefore the removal of these habitats will comply with a licenced methodology as per licence documentation.”*
- *“Post-translocation, great crested newts are not expected to be present within this neutral grassland parcel to the western extent of RMA 12. Modified grassland to the eastern extent of RMA 12, however, is not covered by a mitigation licence and its removal risks causing harm to great crested newts during their terrestrial phase.”*
- *“Habitat Suitability Index (HSI) and eDNA collection surveys for ponds within 250m of Phase 2 are being undertaken in May and June 2026. The results of these are still being compiled.”*
- *“Should eDNA analyses confirm the presence of great crested newts within ponds adjacent to RMA 12, such as Pond P31 immediately west, a great crested newt European Protected Species mitigation licence may be required to facilitate the development of RMA 12”*

Conclusion and recommendations

The above report has stated that updated surveys were to be undertaken in the 2026 season to determine whether a licence would be required for this section of the wider site, or whether a non-licensed approach may be appropriate. Although not submitted alongside this application, the results from updated surveys have been submitted in support of DC/26/0731, which show that P2, P31 and P32 have returned positive results. As P31 and P32 in particular are on the border of the red line boundary for the site, we would recommend that a licence is obtained for this development

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

- **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 and secured via condition.

* 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.

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 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"*.