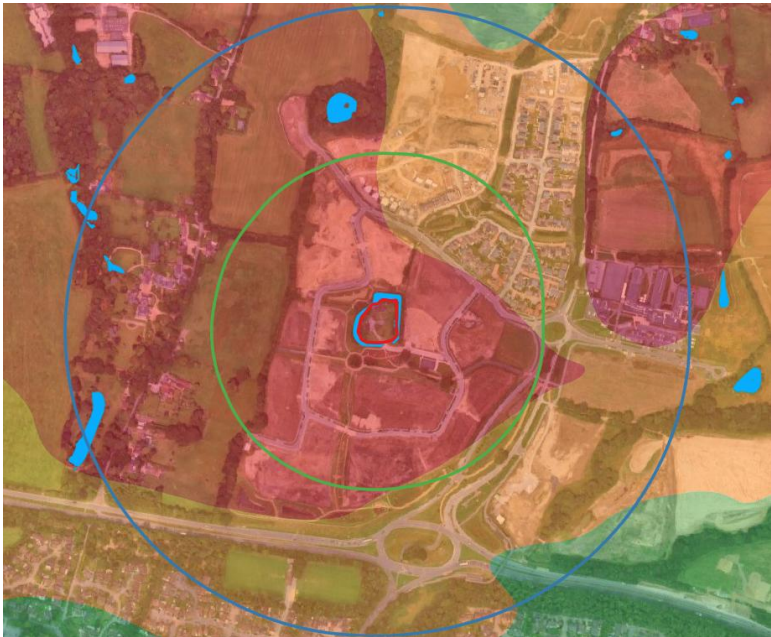


Consultee Response

Case Ref: DC/26/1323	Date: 17 September 2026
From: NatureSpace	Response: Licence recommended
This planning application is for: Application for approval of Reserved Matters (layout, scale, appearance, means of internal access and landscaping) pursuant to Condition 5 of Outline Planning Permission reference DC/16/1677 for RM Area 11 comprising demolition of existing garage and outbuilding and provision of 11 residential (C3) units, including single storey side extension to existing dwelling and conversion into 2 residential units and car and cycle parking, drainage, internal roads, landscaping 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 9 ponds within 500m of the development proposal, the closest of which is located on site. - There are recent great crested newt records within onsite.  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, RMA 11 Moat House: <i>Ecological Mitigation and Management Plan</i> , Phase 1- Mowbray North Horsham, CSA, June 2026. Within this report it states that:	

- *“Suitable terrestrial habitat for great crested newt within the Site was limited to the hedgerow bases, construction equipment storage areas, and the moat (P5) banks at the site perimeter. Update water samples of ponds were undertaken in 2026 by CSA Environmental to test for great crested newt environmental DNA (eDNA) within the water body”*
- *“The moat (P5) and recently created water retention basins P54 and P55 came back as negative for great crested newt DNA (although eDNA samples for ponds P54 and P55 were taken outside the guideline survey time which is up to the end of June. They were carried out on 16th July 2026”*
- *“On 27th July 2026 a great crested newt and a frog were discovered by landscape maintenance staff under a paving slab within the south of the Site boundary.”*
- *“As a great crested newt was found on Site on 27th July 2026, a protected species licence is likely to be required from Natural England to allow Site construction works to commence”*
- *“The licence will include a method statement outlining steps to minimise harm to great crested newts, where present.”*

Conclusion and recommendations

The above report states that some eDNA surveys have been undertaken on the onsite and nearby waterbodies, which came back negative, however some have been recorded outside of the survey season. Despite this however, as a GCN has been discovered sheltering onsite, it has been recommended that a licence is obtained before works commence. We are in agreement with this approach. It states within the report that an EPSL will be sought from Natural England. To take this route, the applicant must provide sufficient survey data and an outline mitigation plan to satisfy the LPA that a licence will be granted by Natural England. This route should be addressed prior to determination and secured via condition.

Alternatively, the applicant also has the option of enquiring for the District Licensing scheme. 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).

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".