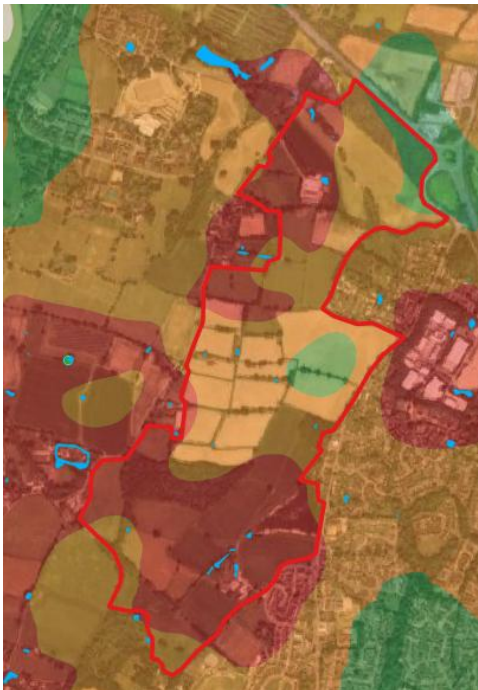


Consultee Response

Case Ref: DC/26/0366	Date: 25 March 2026
From: NatureSpace	Response: Further Information Required
This planning application is for: Outline planning application, with all matters reserved (except for primary access to the highway) for a phased development comprising: the demolition of existing buildings and the construction of residential dwellings (including affordable housing) (Use Classes C2 and C3); a mixed-use neighbourhood centre (Use Classes E and F); education facilities (Use Class F1(a)); business and employment floorspace (Use Classes B2, B8 and E(g)); redevelopment of existing agricultural buildings including construction of a building for community use (Use Classes E and F2); improvements to public rights of way; sports pitches; gypsy and traveller pitches/plots; public open space; 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 56 ponds within 500m of the development proposal, 17 of which are onsite - There are recent great crested newt records within on and offsite - Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.  <i>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.</i>	

Ecological Information

The applicant has provided an ecological report, *2025 Great Crested Newt eDNA and HSI Report, Land North West of Southwater, Horsham, Environmental Statement, Volume II, Appendix 8.14, Hankinson Duckett, January 2026*. Within this report it states that:

- *“The site is split into a main site and a smaller area. The main site lies on the north-western edge of the village of Southwater and comprises a series of arable fields, semi-improved grassland fields, and improved grassland fields bordered by hedgerows, treelines, and fence lines. Other habitats present include areas of broadleaved woodland, mixed woodland, and tall ruderal vegetation.”*
- *“There are two waterbodies within the wider area that returned a positive result for Great Crested Newts during the eDNA survey, and this species is therefore expected to be present within the site during terrestrial phases. Within the site, the hedgerow bases, woodland, grassland and scrub habitats at the site provide areas of suitable terrestrial habitat for Great Crested Newts, and piles of brash and debris provide suitable opportunities for refuge.”*
- *“In view of this, unless otherwise agreed with Natural England it would therefore be necessary to: Protect individual Great Crested Newts through removal and exclusion from affected habitat within the site prior to and during construction works”*
- *“Unless covered under a Natural England District Licence, these works should be carried out under a Natural England European Protected Species (EPS) licence.”*

Conclusion and recommendations

We are in agreement with the above report which states that due to the presence of GCN within two nearby waterbodies, and due to the scale of the development, that a licence will be required here to ensure the development proceeds lawfully. The applicant has the following two options:

- **The District Licensing route**- 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 and allow any enabling works such as archaeological investigations/access works to begin as soon as the outline application is authorised (more details can be found at www.naturespaceuk.com); or
- **The European Protected Species Licence (EPSL)** – the applicant has submitted an outline mitigation strategy, and it is stated within the report that full population estimates would be undertaken should the EPS route be chosen. The LPA must be satisfied that the information submitted is sufficient and robust enough that the applicant will be successfully granted an EPSL by Natural England post planning consent.

As stated within the ecological report, if the DL route is not taken, the survey work undertaken on connected ponds may need to be updated over time to ensure the results remain relevant and can be relied upon to base mitigation schemes.

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 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

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"*.