Consultee Response

Case Ref: DC/26/1258	Date: 10/11/2026
From: NatureSpace	Response: Further information required

This planning application is for: **Conversion of building to a single dwellinghouse, erection of detached garage with accommodation within the roof, provision of a garden area and additional planting**

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 19 ponds within 500m of the development proposal, the closest of which are located 10m southeast and 116m north.

- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.

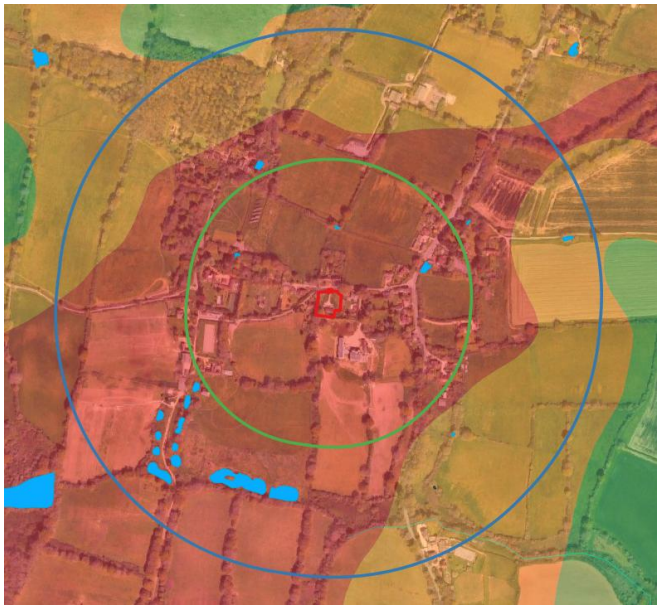

Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue, not all ponds are visible on map. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information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

Ecological Information

The applicant has provided an ecological report, *Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment, Batts Barn, School Lane, Ashurst, Steyning, West Sussex, BN44 3AY, CT Ecology, July 2026*. Within this report it states that:

- *"There are no ponds within the site. There is one pond within a 250m radius; which is a large garden pond approximately 10m to the south-east"*

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- *"The site is connected via suitable terrestrial habitat to this pond and ruderal vegetation together with earth mounds in the south of the application site provide potential sheltering opportunities and the site is connected to potentially suitable terrestrial habitat to the south, east and west."*
- *"An environmental DNA (eDNA) assessment was undertaken in relation to the adjacent pond on the 29th June 2026. The eDNA assessment returned a negative result for the pond."*
- *"An eDNA survey of the only pond within 250m of the application site; located adjacent to the south, confirmed the absence of great crested newts from the pond and therefore absence from terrestrial on-site habitats can be assumed and mitigation in respect to this species is not considered necessary."*
- *"Due to an absence of other ponds within 250m of the site, the potential presence of this species within on-site terrestrial habitats can be scoped out based on the results of the eDNA survey."*

Conclusion and recommendations

The above report has identified only one waterbody within 250m of the site, which was eDNA surveyed and returned a negative result. The applicant has therefore determined that in the absence of any other nearby waterbodies, mitigation is not required for GCN. However, looking at landscape mapping there may be a further three water bodies located north, north west and north east of the site, all of which are within 250m. As these ponds have been omitted from the report we do not have any information on their current status or condition, and therefore some further information is required from the applicant to provide an updated assessment of the likely impacts of the development in light of these further waterbodies, to determine the need for further mitigation and/or licensing.

Therefore, we are not 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. 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. This would provide certainty to 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

- Provide further information (further detail and/or survey information on ponds with ecological connectivity to the site), in line with Natural England's Standing Advice, to rule out impacts to great crested newts*, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals**; or

- If further survey information or justification can determine that the likelihood of great crested newts is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licenced Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

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*i.e., to show that any ponds within 500m are not suitable for great crested newts and/or show how any potential impacts can be avoided.

*To do so, surveys to determine presence/likely absence and 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) (and if using eDNA surveys, the Great Crested Newt Environmental eDNA Technical Advice Note (Natural England 2014)). If GCN are identified, appropriate mitigation and compensatory measures will need to be identified to satisfy planning requirements and a site-based mitigation licence may be required. Surveys are seasonally constrained.

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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

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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".*

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