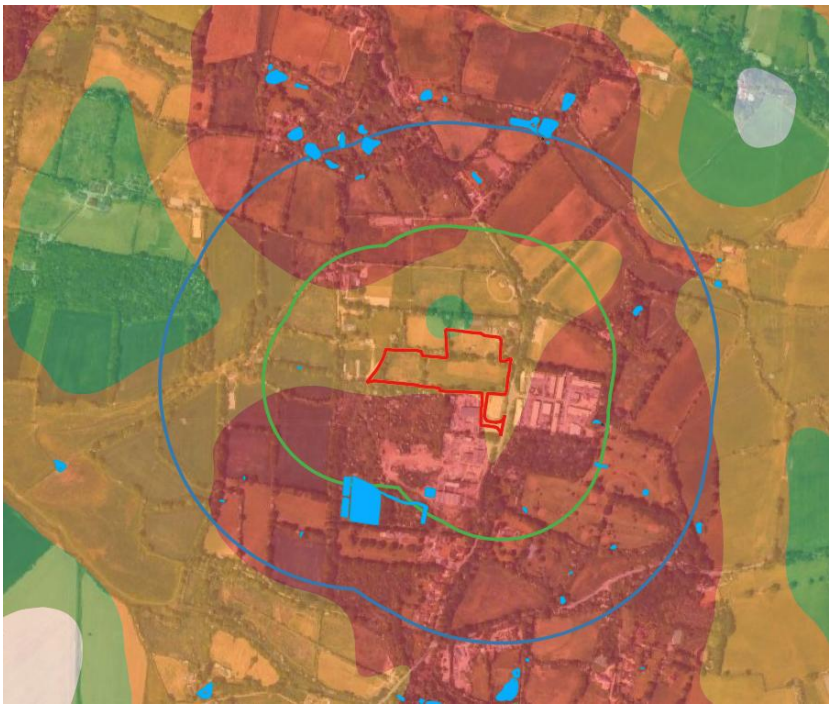


Consultee Response

Case Ref: DC/26/0556	Date: 09 June 2026
From: NatureSpace	Response: Licence recommended
This planning application is for: Erection of a complex of 4no. buildings comprising of 12no. light industrial units for employment use (office, industrial, storage and distribution uses (B2, B8 & E(g) use)) with associated car parking, access and landscaping 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 27 ponds within 500m of the development proposal, the closest of which are located 161m west and 180m south. - There is 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>eDNA Report, 2024, Land to the North of the Old Brickworks, Henfield, BN5 9SE, Ecology Partnership, November 2024</i>. Within this report it states that:	

- *"The site covers an area of c. 3.27 hectares and consists of a small cluster of horse-grazed pasture fields. These are bounded by a combination of treelines, and mixed scrub (developed from unmanaged hedgerows)."*
- *"Some ponds (P1-5) were on land owned by the client and of these, three were accessible for surveys to be undertaken (P1, P2, and P3)"*
- *"Of the three surveyed ponds, one returned negative results, whilst two returned positive results"*
- *"Although the GCN ponds (P2 and P3) are located 230m and 250m from the red line boundary, they are realistically 270m-280m from the impacted area of the site"*
- *"The habitats surrounding the off-site ponds appears to be of far more significant value than that contained within the site. The site offers relatively poor terrestrial habitat, being dominated by short-sward horse pasture grassland, with no refugia of note or clear commuting pathways across site."*
- *"As such it is considered unlikely GCN are present on site, however, presence of low numbers of individuals in the edge habitat cannot be discounted. If present, these would be considered to be of Site value."*
- *"With the relative unsuitability of site and factors limiting likelihood of on-site presence, it is recommended that works are conducted under a system of Reasonable Avoidance Measures (RAMs)."*

Conclusion and recommendations

The above report has demonstrated a confirmed presence of GCN within 250m of the development site. The positive waterbodies have good connectivity to the development site through a scrubby/well vegetated patch of habitat (to the north of the ponds). The report has also stated that given this, it is possible that GCN will be present within the edge habitat. This would mean GCN presence on site also cannot be discounted, and therefore mean working under RAMS could be considered a high risk approach. As it is planned that grazed grassland (occasionally tussocky and longer in some areas) as well as scrub will be removed under plans, and as GCN presence is confirmed well within dispersal distance, we do not believe 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. We therefore recommend 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:

- **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 provides compensatory habitats off site (more details can be found at www.naturespaceuk.com); or
- **The European Protected Species Licence (EPSL)** route can be taken - 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.

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 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"*.