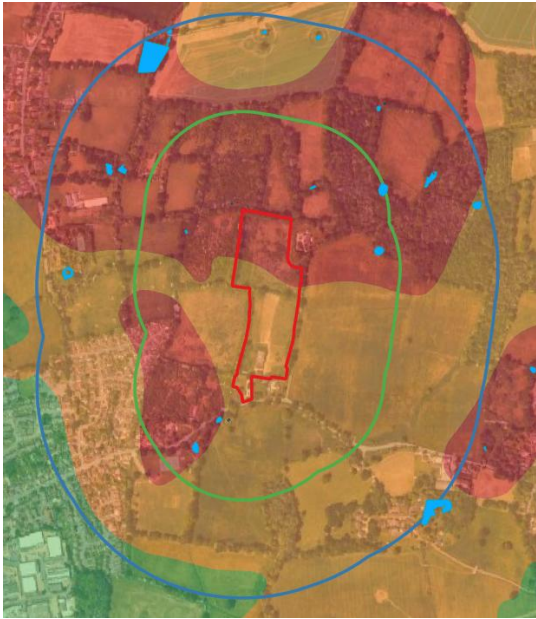


Consultee Response

Case Ref: DC/26/1318	Date: 06 October 2026
From: NatureSpace	Response: Further Information Required
This planning application is for: Outline Application for the demolition of existing buildings and structures and the erection of up to 75 dwellings with public open space and vehicular access point from Shermanbury Road with all matters reserved except access. 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 likelihood of great crested newt presence. - There are 17 ponds within 500m of the development proposal, the closest of which are located 25m east, 68m south west and 88m north east. - 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>Ecological Appraisal, Shermanbury Road, Partridge Green, FPCR, July 2026</i>. Within this report it states that: - “The grazed modified grassland and areas of hardstanding in south of the Site do not provide optimal terrestrial habitat for GCN. However, hedgerows and pockets of scrub throughout the Site provide suitable habitat for GCN in their terrestrial phase”	

- *“Within a 500m buffer of the Site were 17 additional ponds”*
- *“Access to survey the offsite ponds using environmental DNA (eDNA) for GCN was sought in April 2026. However, only access to P12 was granted.”*
- *“The eDNA survey completed on P12 returned a negative result for GCN, meaning they are likely absent from this waterbody. As access was not granted to survey the other ponds within 500m of the Site boundary, it cannot be assumed that GCN are absent from the Site”*
- *“Mitigation measures are required to ensure GCN are not harmed as a result of the development. Following conversations between Wain Estates and FPCR, it was decided that the scheme will seek to secure a District Level Licence from NatureSpace which will allow the development to go ahead, without committing an offence.”*

Conclusion and recommendations

Within the above report, it is stated that access could only be granted for one of the 17 ponds located within 500m of the site, and as such that it has not been possible to determine a likely absence of GCN from the site or surrounding waterbodies. In order to progress with development plans lawfully, the applicant has stated they wish to join the District Licensing scheme. We are in agreement with this approach, however it is important to note that the applicant has not yet enquired or joined.

In order to take this route, the applicant must submit a NatureSpace Report or Certificate **prior to determination**. 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. More details and how to enquire can be found at www.naturespaceuk.com

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”*.