Case Ref: DC/24/0176	Date: 04/03/2024
From: NatureSpace	Response: Reasonable Avoidance Measures recommended

Recommendations:

- It is recommended the development follow Reasonable Avoidance Measures to minimise the risk of impact on great crested newts. These may come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.
- Should the developer wish to minimise all risk associated with the development, they can obtain a licence to undertake works.

These comments are in relation to DC/24/0176|Alterations to existing building, two storey extension to dwelling and erection of a detached store/carport and pergola|1 Bayley Paddock Mill Lane Partridge Green West Sussex RH13 8JU

Ecological Summary:

The development is situated in the red impact risk zone indicating that suitable habitat is present in the surrounding landscape.

Site context:

- Sixteen ponds have been identified within 500m of the proposed development boundary.
- Habitat on site consists of amenity grassland with some hardstanding.
- There are nine historical great crested newt records within 500m of the site.

Conclusion:

The development lies within the red impact risk zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for great crested newts within the area surrounding the application site. The site contains grassland, and potentially other suitable habitat features that great crested newts would use during their terrestrial period.

There are sixteen ponds within 500m of the proposed development, with the closest falling 30m northwest of the site. The landscape shows a clear pond network through the area with few barriers and many wildlife corridors.

Due to the close proximity of potentially suitable ponds, it is recommended that the development follow reasonable avoidance measures to minimise the risk to great crested newts. These could come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.

Should the developer wish to eliminate all risk associated with great crested newts. The developer can obtain a license for the works. There are 2 licensing options available, the District License, or tradition European Protected Species Licensing.



Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newt. Ponds are shown in light blue – not all ponds are visible on this 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.

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Relationship between NatureSpace and the Local Authority

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 Newt 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 (2021), 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, great crested newt 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".*