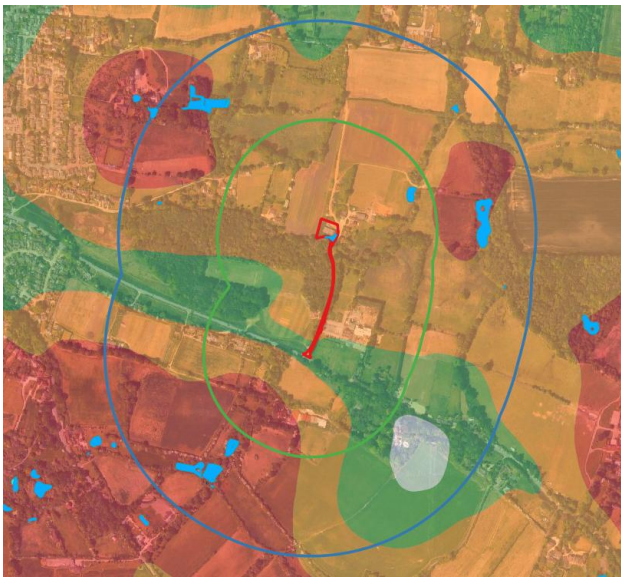


Consultee Response

Case Ref: DC/26/1003	Date: 07 September 2026
From: NatureSpace	Response: Further Information Required
This planning application is for: Demolition of existing and erection with 4no. dwellinghouses and associated landscaping works. 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 12 ponds within 500m of the development proposal, the closest of which is located onsite. - There are a few recent great crested newt records within 500m. - 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 Impact Assessment, Land at Swains Farm, Henfield, South Downs Ecology, May 2026</i>. Within this report it states that: - <i>“The existing site consists of an existing agricultural barn surrounded by bare surfaces, vacant land, grassland, scrub and pond. Some of the scrub and vacant land has recently been cut down around the pond.”</i>	

- *"The proposals are not anticipated to have any significant impact upon ecology; the habitats proposed for removal are of low-moderate distinctiveness and offer no significant potential for protected species."*
- *"The existing site consists of an existing agricultural barn, surrounded by bare ground, sparse vacant land, a pond and a bank of bramble scrub"*
- *"The garden curtilages have been reduced compared to previous schemes to allow for a much larger ecological enhancement zone."*
- *"There is a small pond to the south-east corner of site. The pond is on the fringe of the adjacent woodland and as of 2024 was heavily shaded, appears relatively full of leaf litter, and displays both algae and surface scum. No aquatic macrophytes are present. By June 21st 2024 the pond was effectively dry."*
- *"As of 2026 the area surrounding the pond had been cleared. The water was turbid and brown green suggesting nutrification. The pond now receives more sunlight and less leaf litter which will ultimately be a benefit."*
- Some brief avoidance measures are then included

Conclusion and recommendations

The above report has stated that following an updated walkover survey (previous surveys from 2024), there is unlikely to be a major impact on GCN as a result of the development works providing other mitigation is in place. In our comments on the previous application for this development, we highlighted that there was a risk associated with undertaking works without having completed surveys on the onsite pond, however at the time, this pond was not holding water and therefore eDNA could not be carried out. It has however been confirmed that this pond is now holding water (and therefore does some years), and that there has been some clearance undertaken which has reduced the shading on the pond, improving suitability. Additionally, there are a number of positive GCN records from 2023 located to the west of the site with direct connectivity to this pond, meaning it is considered reasonably likely that P1 may be utilised by GCN.

It has also been stated that there has been a degree of habitat clearance across the wider site, however the site photos provided still demonstrate suitable terrestrial habitat and hibernacula onsite. Given the requirement of the onsite building to be demolished, and now in such close proximity of a pond holding water, it is considered that the risk of the development has increased since the previous plans, and therefore we are of the opinion that more information is required here on the onsite pond.

Therefore, in line with the guidance from Natural England ([Great crested newts: District Level Licensing for development projects, Natural England, March 2021](#)), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, 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 (survey information on the onsite pond), 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 it is determined that there is no suitable habitat impacted on site and the likelihood of great crested newts is very low, then a full precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

*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.

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".