Case Ref: DC/25/0973	Date: 11/08/2025
From: NatureSpace	Response: Comments Only

Recommended Actions:

- The Avoidance measures on page 18 of the Ecological Impact Assessment (A. Rosenfeld, 2025), should be secured via suitably worded condition.

- Alternatively, should the applicant wish to exercise a precautionary approach they may choose to join the Council's district licence.

Summary:

This planning application is for Installation of solar panels.

- 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 17 ponds within 500m of the development proposal, 9 of which are within 250m of the development site with the closest being c.40m from the southeast boundary of the site. Please note that not all ponds are shown in figure 1.

- There is direct connectivity between the waterbodies/terrestrial habitat in the landscape and the development site, which could aid great crested newt dispersal into the development site. Although some of the site is walled there are gaps in the wall to the south which would allow direct passage of GCN from ponds to the south should these be occupied. Hedgerows which form the southern and eastern boundaries as indicated by PROPOSED BLOCK PLAN: 25571 / P003 (Mark Alford Design, May 2025) would not act as a dispersal barrier.

- There are suitable features on site which may be used by great crested newts. This includes rough grassland on the site and scrub on the site boundaries that may be used as foraging habitat for GCN as well as having potential to act as refugia. From development plans it appears that the scrub on the site boundary will remain undisturbed.

- Given the nature of the development it would be relatively low risk and Reasonable avoidance measures would suffice to safeguard GCN.

- There are historic great crested newt records within 500m of the redline boundary and indicates that there is a reasonable likelihood of GCN presence withing the landscape.

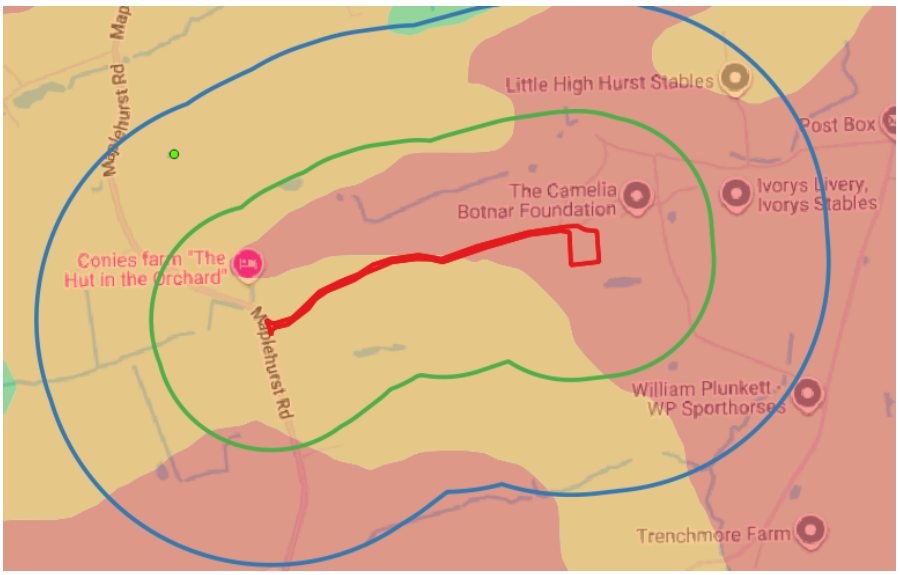


Figure 1: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

Ecological Information

- The applicant has provided an Ecological Impact Assessment (A. Rosenfeld, 2025).

- The report states that the scrub creates foraging and hibernating value, but these areas will be unimpacted by the development. It appears that ponds within 500m of the site were subject to no further survey effort.

- It indicates that there is a pond on site, but this could not be observed from aerial imagery.

- Whilst "The walls vastly reduce the potential for amphibians to enter the site" the site is not completely walled with two of the boundaries being hedgerows, one of which being between the site and a nearby pond which would not limit dispersal onto site should GCN be present within the pond.

- Section 8.22 states "In the absence of mitigation, works could lead to the injury or death of a reptile or amphibian." As such reasonable avoidance measures are recommended. These measures should be secured via suitably worded condition to ensure these measures are complied with prior to and during the installation of the solar panels.

Conclusion:

Reasonable Avoidance Measures

We are satisfied with this ecological report and recommend a compliance condition is used to ensure the measures are complied with:

- "The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated on page 18 of the supporting document; Ecological Impact Assessment (A. Rosenfeld, 2025)."

  Reason: To minimise the impacts of development on biodiversity, in accordance with Policy 31 of the Horsham District planning Framework 2015, Section 15 of the NPPF, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006."

- Alternatively, the applicant may choose to join the district licensing scheme as a precautionary approach given the close proximity of an un-surveyed pond.

Informative:

We recommend the following informative be added to any consent issued:

'This development has the potential to impact Great crested newts, a European protected species, as there are ponds and suitable habitat within 500m of the development. If Great crested newts are discovered during development, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed'.

Contact details: info@naturespaceuk.com

District Licensing Officers

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 (2023), 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, GCN and their habitats are a material consideration in the planning process.

© NatureSpace Partnership Limited 2025. This work is the copyright of NatureSpace Partnership Limited and is not to be reproduced, edited, modified or used for any purposes without express written permission from NatureSpace Partnership Limited.