Case Ref: DC/24/0095	Date: 02/05/2024
From: NatureSpace	Response: PWMS/RAMs required

Recommendations:

- The ecological report submitted suggests undertaking Precautionary Working Methods to minimise risk to great crested newts. It is considered that this is an appropriate approach for the site and the scale of works, however, due to the proximity of records, a full precautionary working methos statement would be expected. It is recommended that these measures be conditioned.
- Should the developer wish to remove all risk associated with the development, they can obtain a licence to undertake works.

These comments are in relation to DC/24/0095|Erection of a part agriculture / part multi-purpose storage barn|Oaklands House Cowfold Road West Grinstead Horsham West Sussex RH13 8LZ

Ecological Summary:

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

Site context:

- There are eighteen ponds within 500m of the site boundary, the closest of which is 20m north of the boundary.
- Habitat within the boundary consists primarily of grassland.
- The ecologist recommends some precautionary steps outlined in the Ecological Report, it is recommended a full precautionary methods statement is created for the development.
- There are 2 historical and 1 recent positive record of great crested newts within 500m of the proposed development.

Conclusion:

The applicant has provided an ecological report, [Preliminary Ecological Appraisal, Co-ecology, March 2024]. The report considers great crested newts within the context of the proposed site and outlines some precautionary measures to minimise the impact on biodiversity. Given the scale of the proposed development and the limited suitable habitat on site and within the surrounding area, it is considered that precautionary working measures are appropriate for the site. However, as there are records of great crested newts within 250m of the development boundary, a full precautionary methods statement is appropriate.

There is one recent great crested newt record approximately 300m of the development boundary where the landscape has good connectivity with the broader area and the proposed site. The ponds closest to the site have not been surveyed for great crested newts and have the potential to support a population. These ponds have been given a HSI score, however, this is not a substitute for a full survey and cannot accurately define whether a pond can sustain great crested newts (Buxton *et al*., 2021). Therefore, this is still a risk that great crested newts could be utilising the site and the closest ponds. Should a great crested newt be found during the development works must stop immediately and a suitably qualified Ecologist consulted. Should you wish to eliminate the risk, a licence can be

obtained, there are 2 licensing routes available, District Licensing or European Protect 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".*