Consultee Response

Case Ref: DC/25/1999	Date: 10 February 2026
From: NatureSpace	Response: Further Information Required

This planning application is for: **Demolition of existing residential bungalow and associated outbuilding. Erection of single dwelling together with associated outbuilding.**

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 15 ponds within 500m of the development proposal, the closest of which are located 78m west and 105m north west

- There is direct connectivity between the development and surrounding features in the landscape.

- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.

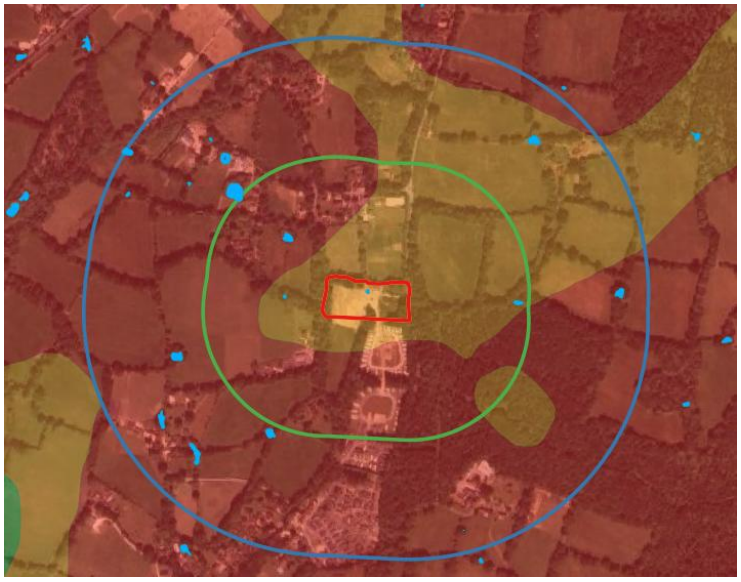

Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government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

Ecological Information

The applicant has provided an ecological report, *Preliminary Ecological Appraisal, Tickners Barn, Brooks Green, Horsham, Ecology and habitat management ltd, September 2025.* Within this report it states that:

- *"The site is roughly rectangular in shape, covering an area of approximately 1.00 ha. It comprises of a single residential dwelling with two outbuildings, vegetated garden and c.0.5ha of disturbed ground, formerly a horse grazed paddock."*

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- *"The local landscape has some good connectivity between habitats in the form of hedgerows, woodland edges and grassland although, roads do separate habitats."*
- *"There are a few large patches of bramble Rubus fruticosus which have established and encouraged into the garden. See Appendix B Figure 2 Target Note TN6 and TN7."*
- *"The site is not considered likely to support GCN or amphibians due to a lack of waterbodies on site and lack of nearby waterbodies."*
- *"Proposals are not anticipated to impact great crested newts or other common and widespread amphibian species."*

Conclusion and recommendations

The above report has evidenced that the onsite habitats (as pictured below) are overgrown, scrubby and long in sward, providing optimal GCN habitat and ample hibernating and sheltering opportunities. There is also potential hibernacula on site in the form of rubble piles. There is a pond recorded on site and while it does seem that this may have been removed during site clearance works, there is no further detail regarding this waterbody provided. The above report has ruled out any GCN concerns due to a lack of nearby waterbodies, however there are several located within 250m, the closest of which is only 78m west. Although there are two roads located either side of the development site, using mapping software it is evident that these roads are minor lanes without curbs or gulley pots, and are therefore not considered a barrier to the site.

Therefore, there is suitable GCN habitat onsite which is due to be removed under proposals, and a number of waterbodies well within dispersal distance with no justification provided as to why these have been ruled out from consideration with no mitigation proposed. It is therefore considered that the applicant has not provided enough detail to fully assess the site for GCN constraints or adequately demonstrate that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

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 has three options:

- 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





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- Provide further information (more robust assessment of GCN constraints), 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 precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licenced 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 15, ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the

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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.

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".*

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