

Date: 3 January 2025
Application: 242913



**WOKINGHAM
BOROUGH COUNCIL**

WBC Ecology Newts

Development Management &
Compliance

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Dear WBC Ecology Newts,

Full Planning Approval Consultation

Application Number: 242913

Applicant: Mr Andy Knee

Site Address: Berks County Sports Club, Sonning Lane, Sonning, Wokingham, RG4 6ST

Parish: Sonning

Grid Reference: Easting - 475818, Northing - 174859

Type of Development: Minor All other developments

Proposal: Full application for proposed erection of 3no. covered padel tennis courts and 3no. outdoor tennis courts with associated flood lighting, parking and club huts.

Case Officer: Kieran Neumann

Development Management has received the above application and we require your comments on the proposal using the recommended memorandum below. The documents associated with this are available to view in NEC DM using the application number 242913. Alternatively, public documents are available to view on the Council's planning application search page: [Wokingham Borough Council Online Planning](#).

Please index your response into NEC DM against the application. If you are recommending conditions, you should give a reason with reference to relevant policies. A list of standard conditions can be found on the Z Drive at: [Z:\Standard Planning Conditions](#).

Your observations are required in respect of this application within **10 working days** of the above date or **15 working days** if the development type is classed as a major development.

Yours sincerely,
Development Management & Compliance

MEMORANDUM

From:	NatureSpace District Licensing Officer		
Service	WBC Ecology Newts	App No:	242913
Address:	Berks County Sports Club, Sonning Lane, Sonning, Wokingham, RG4 6ST.		
Proposal:	Full application for proposed erection of 3no. covered padel tennis courts and 3no. outdoor tennis courts with associated flood lighting, parking and club huts.		
Type of Development:	Minor All other developments		
Site Visit Made:	Yes/No		

Summary Of Recommendations

- ☐ No comment
- ☐ No objection
- ☒ No objection subject to conditions (and reasons) **stated below**
- ☐ Request further information before determination as **stated below**
- ☐ Objection due to the reason(s) **stated below**

Comments On Proposal

The application site falls within an amber Impact Risk Zone for great crested newts, indicating an area of suitable habitat and potential great crested newt presence. Three ponds appear on OS mapping within 500m of the application site and these are located approximately 110m north, 120m north, and 150m north, forming a small cluster of ponds in close proximity to each other.

The applicant has supplied an ecological report (Preliminary Ecological Appraisal, Arbtech Consulting Ltd, dated 19th September 2024). Within this report it states:

“Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction”

A search for local records of great crested newts in the area surrounding the application site was not undertaken, but the above recommendation for a non-licensed precautionary working approach was made under the assumption that great crested newts are present in the ponds to the north.

I agree that the application site offers relatively low suitability for great crested newts, limited to small areas of grassland and the hedgerows which surround the existing tennis courts. Great crested newts are confirmed to be present in all three ponds to

the north, two of which are located in Ali's Pond Local Nature Reserve (LNR) and adjoining Sonning Field nature area. Ali's Pond LNR was designated in part for the presence of great crested newt and is rich in many forms of wildlife. There are also many further records of great crested newts within 500m of the application site. While these records do not pertain to ponds which appear on OS mapping, they are likely indicative of small garden ponds, some of which are visible on satellite imagery.

I agree that due to the limited suitability of the application site, a non-licensed precautionary working approach should provide appropriate mitigation for the small risk of harm to individual great crested newts, which are confirmed to be present within 110m of the application site. Recommendations for some precautionary measures are provided in the ecological report. One of these measures reads:

"A staged approach will be adopted for vegetation clearance, whereby the vegetation will be trimmed to 15cm and left overnight to allow any amphibians to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter amphibians from the working area."

I recommend that the wording of this measure be altered to make clear that the staged approach should also apply to hedgerow removal, as reference to vegetation being "*trimmed*" implies clearance of grassland only. In addition, I recommend that a Great Crested Newt Precautionary Working Methods Statement (GCNPWMS) is produced to safeguard individual great crested newts. This must be written by a suitably qualified ecologist and submitted to the local planning authority for approval prior to determination or secured via a pre-commencement condition (see box below).

In addition to the measures proposed in the ecological report and the wording amendment recommended above, I recommend that the GCNPWMS also includes measures relating to:

- Sensitive timing of vegetation clearance to minimise the risk of encountering great crested newts
- The presence of an appropriately experienced great crested newt ecologist during vegetation clearance
- A 'toolbox talk' delivered by the ecologist before the start of works
- Fingertip searches of vegetation immediately before clearance works
- Appropriate storage of materials
- Prevention of trapping newts in excavations (if these are required)
- Great crested newts must not be handled if they are found – all works must stop and a professional ecologist must be contacted for advice. It may be necessary to obtain a licence before works can resume.

Alternatively, if the applicant wishes to proceed with full legal coverage and not be required to cease works in the event that a great crested newt is encountered, they may wish to register the development under Wokingham Borough Council's great crested newt District Licence.

More details on the District Licensing Scheme operated by the council can be found at www.naturespaceuk.com

Conditions & Reasons (if required)

Great Crested Newt Precautionary Working Methods Statement

Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a Great Crested Newt Precautionary Working Methods Statement (GCNPWMS), which shall detail reasonable avoidance measures to safeguard individual great crested newts from harm during the development. The development shall be carried out in accordance with the approved details within the GCNPWMS.

Reason: To minimise the impacts of development on biodiversity, in accordance with Policy CP7 of Wokingham Borough Council's Core Strategy, Section 15 of the NPPF, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

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.

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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Date:	13/01/2025	Signed:	NatureSpace
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