

Date: 8 July 2025
Application: 251488



**WOKINGHAM
BOROUGH COUNCIL**

WBC Ecology Newts

Development Management &
Compliance

P.O. Box 157

Shute End, Wokingham

Berkshire, RG40 1BN

Tel: (0118) 974 6000

Minicom No: (0118) 974 6991

Dear WBC Ecology Newts,

Full Planning Approval Consultation

Application Number: 251488

Applicant: Hall Hunter Partnership

Site Address: Dairy Cottage, Heathlands Road, Wokingham, RG40 3AN

Parish: Wokingham Without

Grid Reference: Easting - 482330, Northing - 166733

Type of Development: Minor Dwellings (1-9)

Proposal: Full application for the proposed erection of 5no. dwellings with associated landscaping, open space and entrance gate following demolition of existing dwellings.

Case Officer: James Fuller

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 251488. 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:	251488
Address:	Dairy Cottage, Heathlands Road, Wokingham, RG40 3AN.		
Proposal:	Full application for the proposed erection of 5no. dwellings with associated landscaping, open space and entrance gate following demolition of existing dwellings.		
Type of Development:	Minor Dwellings (1-9)		
Site Visit Made:	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

Summary

The applicant has not provided sufficient information to demonstrate that the proposed development is unlikely to impact great crested newts and/or their habitats. 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. As great crested newts are a protected species and material consideration of the planning process, further information should be provided before determination, or the application should be refused.

The following options could be available to the applicant:

- Provide further information on the application site and surrounding habitats to demonstrate that non-licensed precautionary working methods can be used to avoid impacts on great crested newts, alongside a suitable precautionary working method statement.
- Provide further information on the application site and surrounding habitats to demonstrate that great crested newts are likely absent and so will not be impacted. This is likely to require surveys of surrounding ponds. Surveys are seasonally constrained: the annual survey season runs from mid-March to June inclusive.
- Provide further information demonstrating great crested newts are likely present and will be impacted, alongside details of appropriate mitigation and

European Protected Species Licensing. This is also likely to require seasonally constrained pond surveys.

- Provide evidence of joining Wokingham Borough Council's district licence scheme. This does not require further survey work.

Detailed comments

The application site falls within a red impact risk zone for great crested newts, indicating an area of highly suitable habitat and likely presence of great crested newts. There are no ponds within the application site, but there are 11 ponds within 500m of the application site, the nearest of which are two ponds to the east of the site, 30m and 50m away. Natural England [Standing Advice](#) for planners is that surveys of all ponds up to 500m away should be requested.

The applicant has provided a Preliminary Ecological Appraisal (PEA; Preliminary Ecological Appraisal and Preliminary Roost Assessment, Arbtech Consulting Ltd, April 2025) which 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"

However, there are some key issues with the above conclusion:

- The proposed precautionary working method is not suitable to appropriately safeguard great crested newts. For example, it does not include standard methods such as a toolbox talk, sensitive timing of works, ecological watching brief, sensitive vegetation clearance and destructive search of potential refugia.
- The PEA has not demonstrated the low potential for impacts to great crested newts which would render further surveys disproportionate. No pond surveys have been undertaken. It is not clear that Heathlands Road by the site is a major barrier to newt dispersal. The site overall may be considered sub-optimal (which does not preclude use by great crested newts), but there are several areas of habitat suitable for foraging, sheltering and hibernation which will be impacted by the development. The likely impacts of development if great crested newts are present are therefore destruction of resting places, significant disturbance, and potential killing/injury, all of which are criminal offences. Further surveys of at least the two nearest ponds are considered proportionate to the scale of development and potential impacts.

The conclusion that there is a very low risk of great crested newt presence is based on an inadequate assessment of the suitability of the site and its connectivity to the surrounding landscape. Further details of limitations of the PEA are provided below:

- The assessment of the site's suitability for great crested newts is informed by the site being within a green impact risk zone, where risks are relatively lower, but this is incorrect and the correct impact risk zone is red, where risks are relatively higher.
- The assessment of the suitability of habitats within the site is unclear. For example, the modified grassland is described first as sub-optimal and then as unsuitable. Modified grassland provides little shelter, but it can be

traversed by great crested newts moving between more sheltered habitats, and may be used for foraging. It is stated that the only areas of shelter are the lines of trees along the site boundaries, but other potential sheltering habitats are described and/or shown in site photographs. These include and are not necessarily limited to: hedgerows; bramble scrub; leaf litter; large log pile; pile of discarded car tyres; around plant pots and other objects stored on the ground; spaces beneath outbuildings.

- The north-eastern area of the site is described as being more suitable as the sward height is longer and there is a large log pile (there are also other potential shelter features which are not mentioned) and it is stated that this area will be retained, with the implication being that it will be unimpacted. However, being retained does not necessarily mean it will be unimpacted. The development plans show a building in this area will be removed, a footpath will be instated, and trees will be planted. It is not clear that the large log pile, or pile of tyres behind it, will be retained. There is also the potential for temporary impacts such as storage of materials, movement of machinery, etc.
- Heathlands Road by the site is stated in the PEA to be a busy road which would be a significant barrier to newts dispersing from nearby ponds into the application site. The structure of the road does not make it an obvious barrier to dispersal. The road is relatively narrow, with well vegetated banks, and lacks obstacles such as raised kerbs and gulley pots. Great crested newts will cross such roads. A high volume of overnight traffic (great crested newts are active overnight rather than during the day) would limit dispersal, but no evidence of this has been provided.
- The presence of close-boarded fencing has not been reported on or factored into the site assessment. If the fencing is in good condition with no gaps at the base, this could reduce newt dispersal into the site. However, the extent and condition of fencing has not been established.
- The site surveys were carried out in January 2024, around 18 months ago. The site and its suitability to support great crested newts could have changed considerably in this time. A walkover update survey should be carried out to record any changes from the original survey results and reassess as necessary.
- The proposed precautionary method statement would need to be significantly amended. As one example, the site contains potential hibernation habitat and great crested newts are particularly vulnerable to disturbance while hibernating, to the extent that it could impair an individual's ability to survive. Without a licence, such disturbance would be a criminal offence, and finding the newt could cause significant delays to the development project. If the resting place was destroyed, this would also be a criminal offence, as would killing or injury of the newt. A reasonable avoidance measure is to time destructive works outside of the hibernation period, with all potential refugia subject to a destructive search under ecological watching brief.

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 Advice note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019) 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”.

Conditions & Reasons (if required)			
Date:	22/07/2025	Signed:	NatureSpace