

Date: 11 July 2025
Application: 251413



**WOKINGHAM
BOROUGH COUNCIL**

WBC Ecology Newts

Development Management &
Compliance

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Dear WBC Ecology Newts,

Full Planning Approval Consultation

Application Number: 251413

Applicant: Ex- Army Builders

Site Address: Robin Lodge Nursery, Part Lane, Swallowfield, Wokingham, RG7 1TB

Parish: Swallowfield

Grid Reference: Easting - 472749, Northing - 164574

Type of Development: Major All other developments

Proposal: Full application for the proposed erection of 2no. buildings and open log store with associated parking, access and landscaping, plus installation of acoustic screen following demolition of existing buildings and mobile home.

Case Officer: Connie Davis

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 251413. 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:	251413
Address:	Robin Lodge Nursery, Part Lane, Swallowfield, Wokingham, RG7 1TB.		
Proposal:	Full application for the proposed erection of 2no. buildings and open log store with associated parking, access and landscaping, plus installation of acoustic screen following demolition of existing buildings and mobile home.		
Type of Development:	Major All other developments		
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

Assessment of available information

The application falls within a green impact risk zone for great crested newts, which indicates moderate suitability habitat in the surrounding area and great crested newts may be present. There are five ponds within 500m of the application site, the nearest of which is approximately 50m north-east. There are three separate records of great crested newts 400 – 500m west and north-west of the application site, dated to 2014, 2019, and 2022. There are no clear barriers to newt dispersal into the site from the nearest pond.

The applicant has provided the following documents in relation to assessing the impacts of the proposed development on great crested newts:

- Provisional Environmental Assessment (Dr Jonty Denton, October 2021)
- Reptile Survey (Dr Jonty Denton, March 2022)
- Preliminary Ecological Appraisal (Ref: R2623_PEA_a, John Wenman Ecological Consultancy, February 2024)

2021 Provisional Environmental Assessment

The 2021 Provisional Environmental Assessment states that *“The site supports habitats suitable for GCN in their terrestrial phase”*. The application site is described and photographed as comprising a mosaic of tall ruderal vegetation, dense scrub,

and bare ground interspersed with large piles of timber, numerous piles of debris, and large bunds of gravelly spoil. This is relatively optimal habitat for great crested newts, providing cover, foraging, sheltering, and hibernation opportunities. The report recommends further survey to determine presence or likely absence of great crested newts. However, the survey method recommended is unorthodox, being a reptile survey, the results of which are presented in the 2022 Reptile Survey report.

2022 Reptile Survey

A reptile survey is not an appropriate survey for great crested newts. The survey is designed around reptile ecology and cannot give confidence that great crested newts will be detected if present. The Great Crested Newt Mitigation Guidelines (English Nature, 2001) give the minimum survey effort to determine presence/likely absence of great crested newts from terrestrial habitat as: 60 nights of pitfall trapping using drift fencing. Alternatively, if pond surveys demonstrate great crested newts are likely absent from nearby ponds, it can be assumed that they are also absent from the application site.

2024 Preliminary Ecological Appraisal

The 2024 Preliminary Ecological Appraisal (PEA) states that the habitats within the site are poor overall for amphibians, though conceding that areas of scrub provide cover and there are sheltering and hibernation opportunities. I do not agree with this assessment that the quality of the habitats is poor overall. The habitat survey was undertaken in February, a time of year when much of the tall ruderal vegetation will have died back (a limitation which is acknowledged within paragraph 5.2.2 of the report). Nevertheless, the site photographs within Appendix 2 indicate that the site remains broadly as suitable as was assessed in the 2021 Provisional Environmental Assessment (i.e., highly suitable).

Natural England standing advice is that survey data should be no more than 4 survey seasons old (2022 from today's date), and the Chartered Institute of Ecology and Environmental Management (CIEEM) guidance is that surveys 18 months to 3 years old require justification as to their continued validity, and surveys over 3 years old are very likely to need updating. The PEA relies on a 2018 eDNA survey (7 years old) of the nearest pond and the 2022 reptile survey to conclude great crested newts are likely absent so will not be impacted by the proposed development. This assessment cannot be relied upon because the eDNA survey is considerably out of date, and the reptile survey is inappropriate (as described above) and also out of date. As the presence or likely absence of great crested newts has not been established, the supplied information does not allow for an assessment of the impacts of the development on great crested newts.

Conclusion and recommendations

I am not satisfied that the information provided allows for an appropriate assessment of the likely impacts of the proposed development on great crested newts and/or their habitat. The presence or likely absence of great crested newts is unknown as suitable surveys have not been carried out. Further information is therefore required, or the application should be refused.

Given the habitats reported within the site, the presence of a pond 50m away and records of great crested newts within 500m, there is reasonable likelihood that great crested newts could be present and affected by the proposed development. As such, ODPM Circular 06/2005 requires an appropriate assessment of the impacts *before* planning permission is granted.

Great crested newts *and their habitats* are legally protected. For example, if great crested newts are breeding within the nearby pond, destruction of habitats within the site could constitute a criminal offence regardless of whether or not great crested newts are found at the time of the works. A non-licensed approach (reasonable avoidance measures / precautionary working methods) is not likely to be appropriate without confirming the likely absence of great crested newts from the nearest pond.

Surveys are seasonally constrained and the 2025 survey season has passed, so the next opportunity to survey the pond will be April 2026. If it is determined that impacts are unavoidable and licensing is required, either a traditional mitigation licence or use of the district licence would be necessary.

However, Wokingham Borough Council's District Licence Scheme could be used to address any potential impacts without requiring further survey information be submitted. If the applicant were to join the scheme, the necessary information to satisfy the planning authority's duties as regards great crested newts would be provided within up to 10 working days. Evidence of joining the scheme could be provided prior to determination of the current application.

In the absence of information allowing an assessment of the impacts of the development on great crested newts (presence/likely absence surveys OR entry into the district licence scheme), the development proposal is unacceptable according to ODPM Circular 2006/05, NPPF paragraphs 187(d) and 193(a) and local plan policies CP7 and TB23.

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 as 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, surveys should be updated or written justification of their continued validity will be required; and anything more than 3 years old “*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:

Signed: