

Date: 20 January 2025
Application: 243193



**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: 243193

Applicant: Mr Andrew Loveridge

Site Address: Dun Elms, Nelsons Lane, Hurst, Wokingham, RG10 0RE

Parish: St. Nicholas Hurst

Grid Reference: Easting - 480761, Northing - 172693

Type of Development: Minor Gypsy and traveller pitches (1-9)

Proposal: Full application for the proposed change of use of land for the stationing of mobile homes to form 5 no. additional Gypsy and Traveller pitches, the erection of 3 no. day rooms and 1 no. building to form a stable following demolition of the existing stables, plus associated hard and soft landscaping.

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 243193. 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:	243193
Address:	Dun Elms, Nelsons Lane, Hurst, Wokingham, RG10 0RE.		
Proposal:	Full application for the proposed change of use of land for the stationing of mobile homes to form 5 no. additional Gypsy and Traveller pitches, the erection of 3 no. day rooms and 1 no. building to form a stable following demolition of the existing stables, plus associated hard and soft landscaping.		
Type of Development:	Minor Gypsy and traveller pitches (1-9)		
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 applicant has supplied an ecological report (Cherryfield Ecology, Dunn Elms Nelsons Lane Hurst Reading Berkshire RG10 0RR, April 2024). The ecological report identifies that the application site falls within an amber impact risk zone for great crested newts, there are a number of wet ditches around the site and several further water bodies found within 250-500m of the site, and there is suitable terrestrial habitat for great crested newts within the site. No further surveys for great crested newts have been carried out.

The report recommends that to mitigate for potential impacts on great crested newts, the development should be covered under Wokingham Borough Council's District Licence. I am satisfied with this report and the recommendation to enter into the District Licence in the absence of further survey information.

The applicant has enquired with NatureSpace regarding District Licensing but has not yet applied to join the Scheme. Further information is therefore required, in the form of a NatureSpace report or certificate evidencing entry into Wokingham Borough Council's District Licence Scheme. This must be provided prior to determination.

Conditions & Reasons (if required)

If the applicant enters into the District Licence Scheme, their NatureSpace

report or certificate will include planning conditions and informatives which must be attached to the decision notice if the Council is minded to approve the application.

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 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”*.

© NatureSpace Partnership Limited 2025. This work is the copyright of NatureSpace Partnership Limited and is not to be reproduced, edited, modified or used for any purposes without express written permission from NatureSpace Partnership Limited.

Date:	30/01/2025	Signed:	NatureSpace
--------------	------------	----------------	-------------