

Date: 9 April 2025
Application: 250733



WOKINGHAM
BOROUGH COUNCIL

WBC Ecology Newts

Development Management &
Compliance

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Dear WBC Ecology Newts,

Full Planning Approval Consultation

Application Number: 250733

Applicant: Sophie Horsley

Site Address: Land at Ducks Nest, Eversley Road, Arborfield

Parish: Arborfield and Newland

Grid Reference: Easting - 476108, Northing - 166301

Type of Development: Major Dwellings (10+)

Proposal: Hybrid application comprising a Full application for the change of use of land from agricultural land to provide an area of Suitable Alternative Natural Greenspace (SANG), including the details of associated landscaping, planting, drainage measures, parking, walking routes and other works associated with the creation of the SANG, and an Outline application with all matters reserved other than access into the site for a residential development of up to 135 dwellings, open space, internal accesses and parking, drainage measures, landscaping and all other associated works.

Case Officer: Mark Croucher

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 250733. 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:	250733
Address:	Land at Ducks Nest, Eversley Road, Arborfield.		
Proposal:	Hybrid application comprising a Full application for the change of use of land from agricultural land to provide an area of Suitable Alternative Natural Greenspace (SANG), including the details of associated landscaping, planting, drainage measures, parking, walking routes and other works associated with the creation of the SANG, and an Outline application with all matters reserved other than access into the site for a residential development of up to 135 dwellings, open space, internal accesses and parking, drainage measures, landscaping and all other associated works.		
Type of Development:	Major Dwellings (10+)		
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

Summary of further information request

Either

1. A NatureSpace report or certificate as evidence of joining Wokingham Borough Council's District Licence Scheme for great crested newts.

Or

2. Demonstrate that negative impacts on great crested newts and/or their habitat are unlikely by providing:
 - Up-to-date waterbody screening assessment including waterbodies missed from the original assessment and reasons specified for each waterbody screened out.
 - Up-to-date eDNA surveys of all waterbodies which are not screened out. If waterbodies cannot be accessed or other limitations arise, the significance of these limitations should be explained and appropriate recommendations be made.

- If after the above surveys impacts on great crested newts cannot be ruled out, appropriate mitigation/compensation proposals will be required. This may include an application to Natural England for a site-based mitigation licence (if the District Licence will not be used).

Detailed comments

The application site falls within a red Impact Risk Zone for great crested newts (though much of the SANG is within an amber zone), indicating an area of highly suitable habitat and potential great crested newt presence. There appear to be 11 ponds within 500m of the application site boundary as well as several ditches. Of these ponds, four are located within 50m of the application site and two within 250m. There are no ponds within the application site, but great crested newts could be present within the site if they are breeding in nearby ponds.

The applicant has provided an Ecological Impact Assessment (Thompson Environmental Consultants, September 2024). This Ecological Impact Assessment (EcIA) recommends that an enquiry should be submitted to NatureSpace about authorising the development under Wokingham Borough Council's District Licence for great crested newts. No enquiry has yet been received by NatureSpace. If the applicant intends to join the District Licence Scheme, this must be done prior to determination of the current application. A NatureSpace report or certificate would be required, which would satisfy the Council's obligations toward great crested newts.

Alternatively, if the applicant does not intend to use the District Licence, further information regarding great crested newts will be required. The EcIA is broadly in accordance with guidance on the lifespan of ecological surveys, however justification as to why the 2022 great crested newt eDNA surveys were not updated alongside other surveys in 2024 should be clearly stated. The EcIA recommends updated eDNA surveys be undertaken prior to commencement of development, likely because the existing surveys would be expected to be over three years old at that time. However, further surveys should not be the subject of a pre-commencement condition. This approach is uncertain and could result in a situation where great crested newts are discovered after planning approval has been given based on their likely absence. Therefore, I would recommend the eDNA surveys are updated prior to determination of the current application. It should be noted that up-to-date great crested newt surveys are not a requirement of the District Licence.

Only three out of five ponds identified for survey by the EcIA were accessed and the impact that this limitation had on the assessment should be explained. Several ditches were scoped out of requiring survey and the reasons for this should be given in each case. Also, an additional six ponds are visible on OS maps which fall within the 500m survey area but are not identified within the EcIA. It may not be necessary to survey all of these ponds, but an assessment should be made and surveys be carried out if necessary. In particular, two of these ponds are close to the site (30m east and 80m west) and not separated by any barriers to newt dispersal. Again, a complete set of survey information is not required if the District Licence is used.

The EcIA states that impacts on great crested newts are considered unlikely. This appears contradictory to the recommendation to enquire with NatureSpace as the

District Licence cannot be used where no impacts on great crested newts are expected. The EclA also states that there will be no residual effects on great crested newts following mitigation implementation, which implies that there would be impacts on great crested newts in the absence of mitigation. The EclA does not detail any mitigation proposals and these should be provided if mitigation (other than through the District Licence) is required. Given the above limitations to the survey methodology, I would argue that it has not been demonstrated that impacts on great crested newts are unlikely, and therefore either the District Licence can be used or further information should be provided as detailed above.

Planning policy encourages the incorporation of ecological enhancements into development proposals, and the EclA states that the development will enhance the site for great crested newt, including a fenced off wildlife pond which will be undisturbed. However, I cannot see a wildlife pond on current landscaping proposals (Figures DNF-SANG-001.2 to 006), though a number of dog ponds are proposed. Regular disturbance by dogs has several impacts which negatively affect the suitability of ponds for wildlife.

Note on the Hybrid application

With an Outline planning application, if an applicant intends to join the Council's District Licence Scheme, it is not always necessary to do so at the Outline stage, though it can be beneficial as it ensures any access or enabling works are covered by the Licence. The District Licence can be joined as part of a future Reserved Matters application. However, with a Full application, the District Licence Scheme must be joined prior to determination. Due to the Full element of this Hybrid application, joining the District Licence at the Reserved Matters stage is not an option.

Conditions & Reasons (if required)

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*”.

Date:	24/04/2025	Signed:	NatureSpace
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