

Date: 11 December 2024
Application: 243099



**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,

Outline Planning Approval Consultation

Application Number: 243099

Applicant: The Owner and/or Occupier

Site Address: Land North Of Reading Road, Arborfield

Parish: Arborfield and Newland

Grid Reference: Easting - 475510, Northing - 167508

Type of Development: Major Dwellings (10+)

Proposal: Outline application for the proposed erection of up to 111 no. dwellings with associated works, parking, landscaping, publicly accessible open space and access from Reading Road. (All matters reserved except for means of access.)

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 243099. 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:	243099
Address:	Land North Of Reading Road, Arborfield.		
Proposal:	Outline application for the proposed erection of up to 111 no. dwellings with associated works, parking, landscaping, publicly accessible open space and access from Reading Road. (All matters reserved except for means of access.)		
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

Site Context

- The development falls within the **red** impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is highly suitable habitat and a high likelihood of great crested newt presence.
- Great crested newts have been confirmed to be present within 40m of the application site (see neighbouring application 242994).
- There are two ponds within the application site and a further 12 ponds within 500m of the development proposal.
- There is direct connectivity between the development and surrounding features in the landscape.

Ecological Information

The applicant has provided an ecological report (Ecological Impact Assessment and Shadow Habitats Regulation Assessment, Land at Reading Road, Arborfield, Sam Watson Ecology, November 2024). Within this report it states:

- *“Analysis of the water samples collected from ponds P1 (on site), P2 and P3 (both off site) were negative for great crested newt eDNA (see analytical reports at Appendix 3). Based on this result it is reasonable to assume that the ponds do not support breeding great crested newts. As such, this species is unlikely to be present within the application site.*

Two further waterbodies adjacent to the development site were scoped out of requiring further survey as water levels were too low for eDNA sampling (ponds 5 & 6). One pond within the site was not surveyed as it was inaccessible at the time of survey (pond 4).

I am not satisfied that the applicant has sufficiently demonstrated that approval of the proposed development will not result in negative impacts on great crested newts and/or their habitats. Great crested newts have been confirmed to be present within a pond approximately 40m north of the application site (neighbouring application 242994) and terrestrial and aquatic habitats within the site are suitable for this species. There is therefore a risk that great crested newts will enter the site during their terrestrial phase. The applicant should provide an updated assessment of the risks to great crested newts and any necessary mitigation measures given this information of confirmed presence adjacent to the application site.

Further information should be provided on Pond 4. Given that pond 4 is within the application site, it would be expected that the applicant would be able to access the pond for eDNA survey. This is of particular importance as great crested newts have been confirmed to be present within 200m of pond 4.

Alternatively, evidence of entry into Wokingham Borough Council's great crested newt District Licence Scheme should be provided to demonstrate that the impacts of the proposed development can be addressed through the Council's District Licence (more details can be found at www.naturespaceuk.com).

Conditions & Reasons (if required)

None.

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:	24/12/2024	Signed:	NatureSpace
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