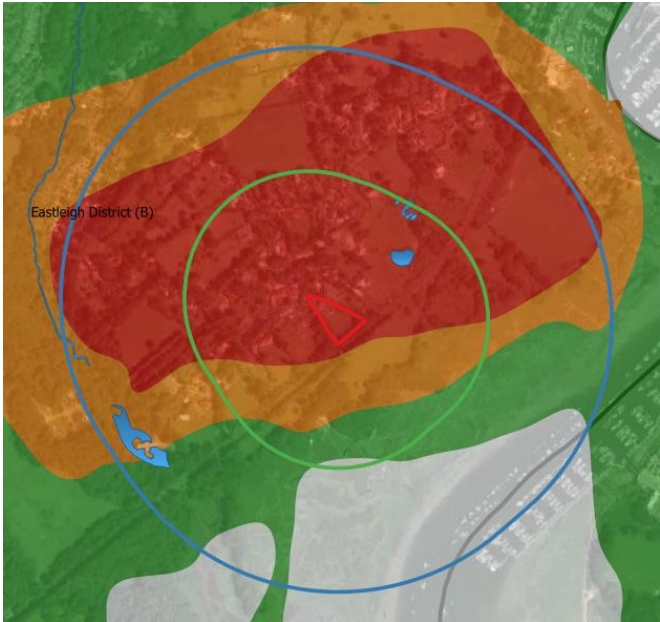


Case Ref: F/23/96152	Date: 06/12/2023
From: NatureSpace	Response: Further Information Required- Reasonable Avoidance Measures
Recommended Actions: - It is recommended that the development follow Precautionary Working Methods Statement in the form of Reasonable Avoidance Measures to minimise the risk to great crested newts. For all other matters relating to Ecology please refer to the Ecology Officer's Comments. This planning application is for Construction of five bedroom detached dwelling over three levels, together with topographical changes to the rear garden, following demolition of existing dwelling CHERRY COURT, SALTERNS LANE, BURSLEDON, SOUTHAMPTON, SO31 8DH. Summary - 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. - There are 10 ponds within 500m of the development proposal with the closest being located 130m east. Please note that not all ponds are shown on map below. - There are recent great crested newt records within 250m.  Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newts. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.	

Ecological Information

The applicant has provided an Ecological Appraisal and Bat Roost Assessment, (*Cherry Court, Salterns Lane, Bursledon, fpcr Environment & Design Ltd., September 2023*). To summarise this report:

- The proposal will result in no loss of habitats other than the building and replace it with a new property of the same footprint.
- Three great crested newt records were returned 181m East of the site.

Great crested newts were otherwise not considered to be relevant to this development.

It is noted that landscaping works are occurring as a part of this development.

Conclusion

This development falls in the red impact risk zone, which indicates that there is highly suitable habitat for great crested newts within the area surrounding the application site. Great crested newt records have been recorded within 250m of the development and as there are few barriers present between the nearby waterbodies and the application site, there is potential for great crested newts to terrestrially disperse across the site.

As this development is occurring on a similar footprint to the existing building to be demolished, the potential impacts on great crested newts and/or their habitat is expected to be low. However, as mentioned above, landscaping works are to occur onsite which could have a greater effect on great crested newts. **Therefore, it is recommended that the development follow Reasonable Avoidance Measures to minimise the risk to great crested newts. This should be produced by a suitably qualified ecologist.**

It should be noted that if an individual great crested newt is found at any point during the works, a European Protected Species Licence (EPSL) or District Licence (DL) may be required to permit works that would potentially cause disturbance and otherwise commit an offence under the relevant legislation.

For all other matters relating to Ecology please refer to the Ecology Officer's Comments.

More details on the District Licensing Scheme operated by the council can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

Relationship Between NatureSpace and Eastleigh Borough Council

Eastleigh Borough Council holds a Great Crested Newt Organisational (or "District") Licence granted by Natural England. This is administered by NatureSpace Partnership through their District Licensing Scheme as the council's delivery partner. A dedicated Newt Officer is employed by NatureSpace to provide impartial advice to the council and help guide them and planning applicants through the process. All services and arrangements are facilitated in an unbiased, independent and transparent manner. You can find out more at www.naturespaceuk.com.

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 (2021), 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 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".