

Case Ref: F/23/96527	Date: 08/01/2024
From: NatureSpace	Response: Further Information Required- Licence Recommended

Recommended Actions:

- Proof of entry into Eastleigh Borough Councils District Licence Scheme – via provision of a NatureSpace Report or Certificate; **or**
- Provide the necessary great crested newt survey information to satisfy the licence requirements for a European Protected Species Licence.

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

This planning application is for **Development of Solar Farm and Battery Storage with combined maximum grid export capacity of 27 MW, including solar panels... | land between Allington Manor Farm, Roddington Forge & Chalcroft Farm, Allington Lane, West End, SO30 2HU.**

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 17 ponds within 500m of the development proposal with the closest being located onsite to the north, 150m north, 75m east and 80m west. Please note that not all ponds are shown on the map below.
- There are 7 recent great crested newt records within 500m.

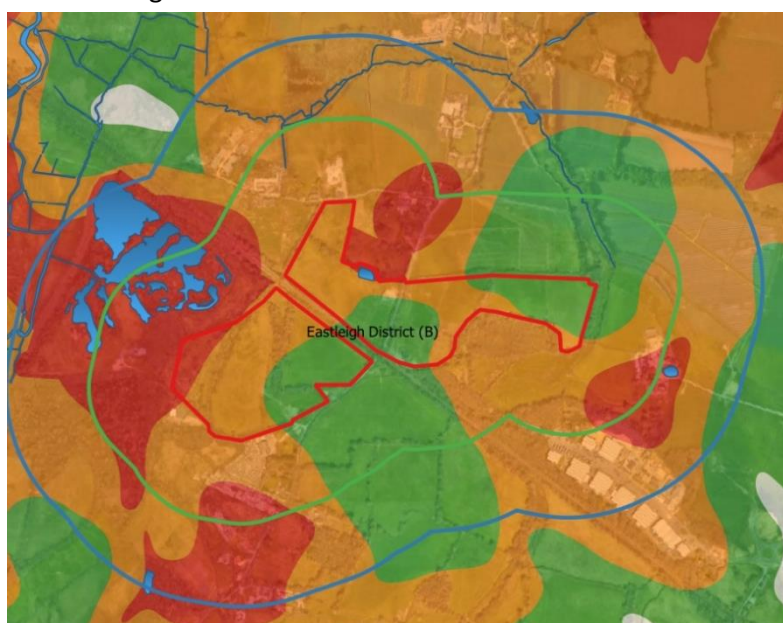


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newt. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

Ecological Information

The applicant has provided an ecological assessment, (*Technical Appendix 2: Ecological Assessment, Allington Solar Farm, NEO Environmental Ltd., December 2023*). To summarise this report:

- All ponds and waterbodies onsite were assessed and surveyed.
- Allington Lane Pond SINC had formal permission to be surveyed which returned a negative eDNA result.
- *"Multiple ponds were noted on the site and within 250m of the site boundary however, none of the ponds that were surveyed tested positive for Great Crested Newt."*
- *"The absence of GCN DNA from the ponds on this site does not mean there is no impact on great crested newt as the site is suitable terrestrial habitat for this species and there have been adjacent breeding records."*
- *"To mitigate any potential risk to GCN a District Level Licence (DLL) issued through NatureSpace is proposed"*
- Further survey information is available in Appendix 2H- Great Crested Newt Report.

Conclusion

We are in agreement with the submitted ecological assessment in that a form of licencing is appropriate for this development due to the scale and presence of great crested newt records in the surrounding area. Given the number of ponds in the surrounding landscape and the suitable habitat present onsite, undergoing the site works with a licence is the most appropriate route.

Therefore, in line with the guidance from Natural England ([Great crested newts: District Level Licensing for development projects, Natural England, March 2021](#)), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Eastleigh Borough Council's District Licence (more details can be found at www.naturespaceuk.com); or
- The European Protected Species Licence (EPSL) route can be taken - this may involve surveying* for great crested newts in the surrounding ponds and submitting a mitigation plan to the LPA to show how impacts on the species can be adequately addressed. This should be submitted prior to determination.

* Population size class assessments may need to be undertaken by a suitably qualified ecologist in accordance with Natural England's Standing (Great crested newts: advice for making planning decisions – GOV.UK). Appropriate mitigation and compensatory measures will then need to be identified to satisfy planning requirements and a site-based mitigation licence may be required. Surveys are seasonally constrained.

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"*.