

Case Ref: F/25/99169	Date: 29/04/2025
From: NatureSpace	Response: Further Information Required
Recommended Actions - An ecological report has been submitted with the application. This recommends undertaking further surveys to determine the presence or absence of great crested newts in the surrounding landscape. I agree with this approach. - Alternatively, should the applicant not wish to undertake further surveys, Eastleigh Borough Council have a District Licence scheme that the applicant can join to negate the need for delays associated with additional surveys.	
This planning application is for Construction of a 68-bed care home (Use Class C2) and 3 x close care cottages (Use Class C3 Age Restricted) with associated access, internal access roads, parking, landscaping and infrastructure (revision to application ref. F/24/97312) Land adjoining 4 Brookfield, Providence Hill, Bursledon., Summary - The development falls within the amber 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 amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence. - There are 2 ponds within 500m of the development proposal with the closest being located 135m north. Ecological Information The applicant has provided an Ecological Impact Assessment for Land Adjoining 4 Brookfields, Providence Hill, (<i>EcoSupport, April 2025</i>). Within this report it states that: • Ponds located within 500m of the site with the closest one located approximately 0.16km to the north of the site, situated within the grounds of Bursledon. Previous habitat suitability assessments of this waterbody undertaken in 2016, 2021 and 2022 assessed the pond as holding 'good' suitability for Great Crested Newts. • Previous Survey Work (2022)- In addition to an updated HSI assessment of the Bursledon Windmill pond, an eDNA sample was also collected in June 2022 by ACD Environmental. The sample subsequently returned a negative result for Great Crested Newt. • The site does offer some suitable habitat for GCN in the form of unmanaged grassland and scrub. Given the lack of local GCN records and the previous negative eDNA result in 2022, it is considered unlikely that the Bursledon Windmill pond would support GCN. However, since 3 years have now elapsed since the eDNA survey took place and considering the relatively close proximity of this pond to the site, it is considered necessary to carry out an updated eDNA survey of this pond in line with CIEEM guidance (2019). • The Windmill Pond will be subject to updated eDNA analysis during April 2025 to determine the presence / likely absence of GCN. Should this return a positive result, the pond will be subject to further population surveys. A Technical Note addendum will be provided with the results of the eDNA sampling once complete.	

Conclusion

I agree with the submitted ecological report and that the great crested newt surveys should be updated, as they are more than a few years old. These results should be submitted prior to the determination of this application, so appropriate mitigation can be determined.

The applicant also has the option of enquiring and pursuing the Council's District Licence, which provides full legal cover for any impacts to great crested newts and therefore removes the risk of having to stop works if great crested newts are found on site. This method of licensing removes the need for survey work and provides compensatory habitats off site. This would provide certainty for the applicant, as their licensing route can be determined within 10 working days at any time of the year (more details can be found at www.naturespaceuk.com).

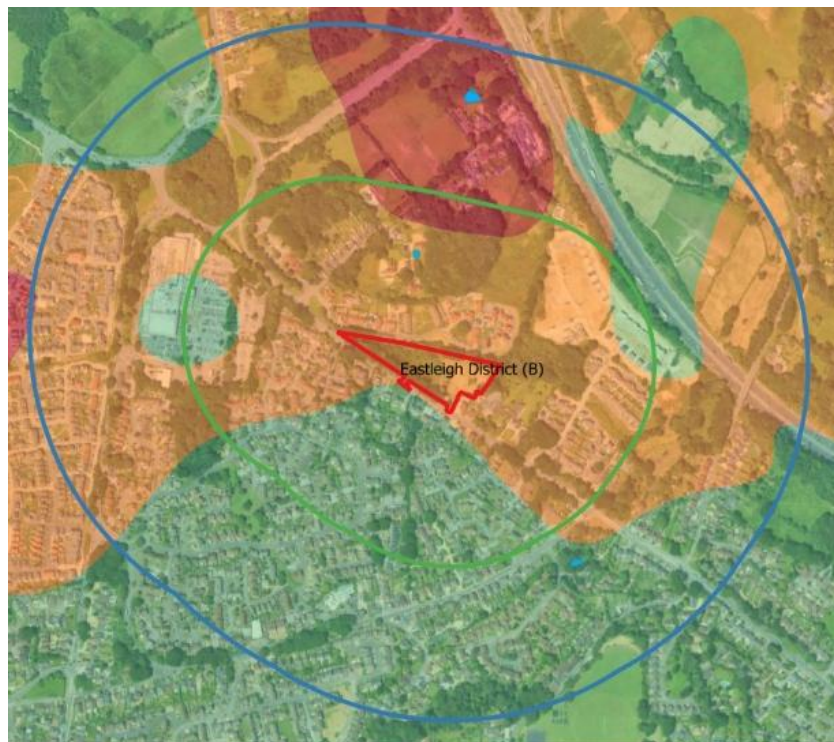


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for great crested newts. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the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

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Relationship between NatureSpace Partnership 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.

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 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, 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".