

Consultee Response

Case Ref: F/25/100141	Date: 27/10/2025
From: NatureSpace	Response: Precautionary Approach
Recommend Actions We recommend that the applicant supply a precautionary working method statement for great crested newts. This must be written by a suitably qualified ecologist and submitted to the Local Planning Authority for approval prior to determination. We also recommend the use of the following informative: <i>“The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence”</i> The Eastleigh Borough Council’s District Licencing Scheme is available should the applicant wish to remove all risk of delay associated with finding a great crested newt or should great crested newts be encountered subsequently. More details on the district licensing scheme operated by the council can be found at www.naturespaceuk.com For other ecology matters, please see Ecology Officer’s comments This planning application is for Residential development of 192 dwellings comprising houses and apartments, to include access, parking, landscaping and other associated works, along with off-site footway and bridleway improvements. Land south east of Kings Copse Avenue, Hedge End Summary - The development falls within the green 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 green impact zone, there is moderate suitable habitat and a low likelihood of great crested newt presence. - There are 4 ponds within 500m of the development proposal, with the closest being located 322m south of the site . - There are 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 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 report in the form of – Ecological Impact Assessment (EclA), Hampshire (ACD Environmental Ltd, October 2025) which states:

- *There is one collection of smaller ponds within 500m of the Application Site to the , with no major dispersal barriers in between, but these ponds are surrounded by suitable terrestrial habitat and, if great crested newt are present in these ponds, it is considered highly unlikely that they would disperse to the Application Site given the suitability of adjacent habitat. Also, although there are areas of standing water within the acid grassland, these are considered too small in their extent and poor in quality to support great crested newt. In addition, the stream is considered too fast-flowing to support great crested newt.*
- *The habitats on-site are considered largely suitable to support great crested newts during their terrestrial phase. These habitats consist of the woodland, grassland, hedgerows, ruderal, scrub and log piles. However, these habitats are common and widespread in the wider area and it is considered unlikely that great crested newts would commute to the Application Site to utilise it.*
- *Given the lack of habitat suitable for great crested newts and the minimal records in the local area, it is considered that GCN are likely absent from the Application Site and have been scoped out of further assessment.*

There is a low risk of impact to great crested newts however there is some suitable terrestrial habitat on site that is connected to the wider landscape. Therefore, we recommend the use of a Precautionary Working Methods Statement (PWMS) that incorporates great crested newts to mitigate against the low risk of impact to great crested newts. This must be written by a suitably qualified ecologist and submitted to the Local Planning Authority for approval prior to determination or secured in a condition such as below:

Condition “No development shall take place until a Precautionary Working Methods Statement (PWMS) detailing reasonable avoidance measures for great crested newts has been submitted to and approved by the Local Planning Authority. Works shall only be undertaken in accordance with the approved Method Statement.”

The recommended PWMs for great crested newts must include:

- Definition of a working corridor and access route to ensure that surrounding habitat is not impacted as a result of the proposals.
- Toolbox talk for contractors working on site including great crested newt ecology, features, and what to do if a great crested newt is found.
- Managing vegetation to ensure it does not become suitable.
- Removing waste off site, storing materials properly, and excavation best practice for great crested newts.
- As well as additional site-specific best practice measures required to ensure no impacts to great crested newts.

Alternatively, potential impacts to great crested newts can be dealt with through the Council’s District Licence. In order to take this route a NatureSpace Report or Certificate must be submitted prior to determination. This option provides certainty and avoids potential delays should great crested newts be encountered.

Please note that NatureSpace can be contacted at any time for a quote to enter the District Licensing scheme, which does not require further seasonally constrained newt survey work. 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 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. 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 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".