



Directorate for Planning, Growth & Sustainability

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Ecology Planning Application Response

Date: 08 February 2022
From: Charley Scales, Newt Officer

Application reference:	PL/21/0130/FA
Site:	Land at Magpie Lane Amersham Road Coleshill Buckinghamshire
Proposal:	Demolition of the existing dwelling and erection of replacement dwelling, three car garage and associated landscaping and external works.

Summary

Holding Objection; Insufficient GCN Information Provided.

Further Information Required:

- **Proof of entry into Buckinghamshire Council's District Licence Scheme – via provision of a NatureSpace Report or Certificate; or**
- **Provide the necessary GCN survey information.**

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

Discussion

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 habitat and a low likelihood of great crested newt presence. A small portion of the site also lies within the amber zone which has suitable habitat and a high likelihood of great crested newt presence.

- There are 4 ponds within 500m of the development proposal. The closest pond is located 130m to the west of the site. There is one pond located 350m to south-west. The last 2 ponds are located 430m and 475m to the north-east of the site.

- There is connectivity between the waterbodies and terrestrial habitat in the landscape and the development site, which could aid GCN dispersal into the development site.

An updated Preliminary Ecological Appraisal (PEA) by Ellendale Environmental (January 2022) of the site at Land at Magpie Lane, Amersham Road, Coleshill, Buckinghamshire was submitted concludes:

- *'No refugia or hibernacula suitable to support common reptile or amphibian species was noted during the survey. No waterbodies are present that could support breeding amphibians. Previous management of the site is likely to limit presence of common reptile and amphibian species.'*
- *'Overall, the site was assessed as providing a low suitability to support protected species and no evidence of protected species was identified during the survey.'*

I am not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved. None of the waterbodies within 500m of the site have been taken into consideration. Furthermore, habitats throughout the site do provide suitable terrestrial habitat for great crested newts including scrub, hedgerow, and tussocky grassland. With the current level of information presented the likely absence of GCN from this site cannot be determined.

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 Buckinghamshire Council's District Licence; or
- Provide further information to describe the status of the ponds within 500m and the suitability of habitat on and adjacent to site, in line with Natural England's [Standing Advice](#), to rule out impacts to great crested newts, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals*; or
- If it is determined that there is no suitable habitat impacted on site and the likelihood of GCN is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

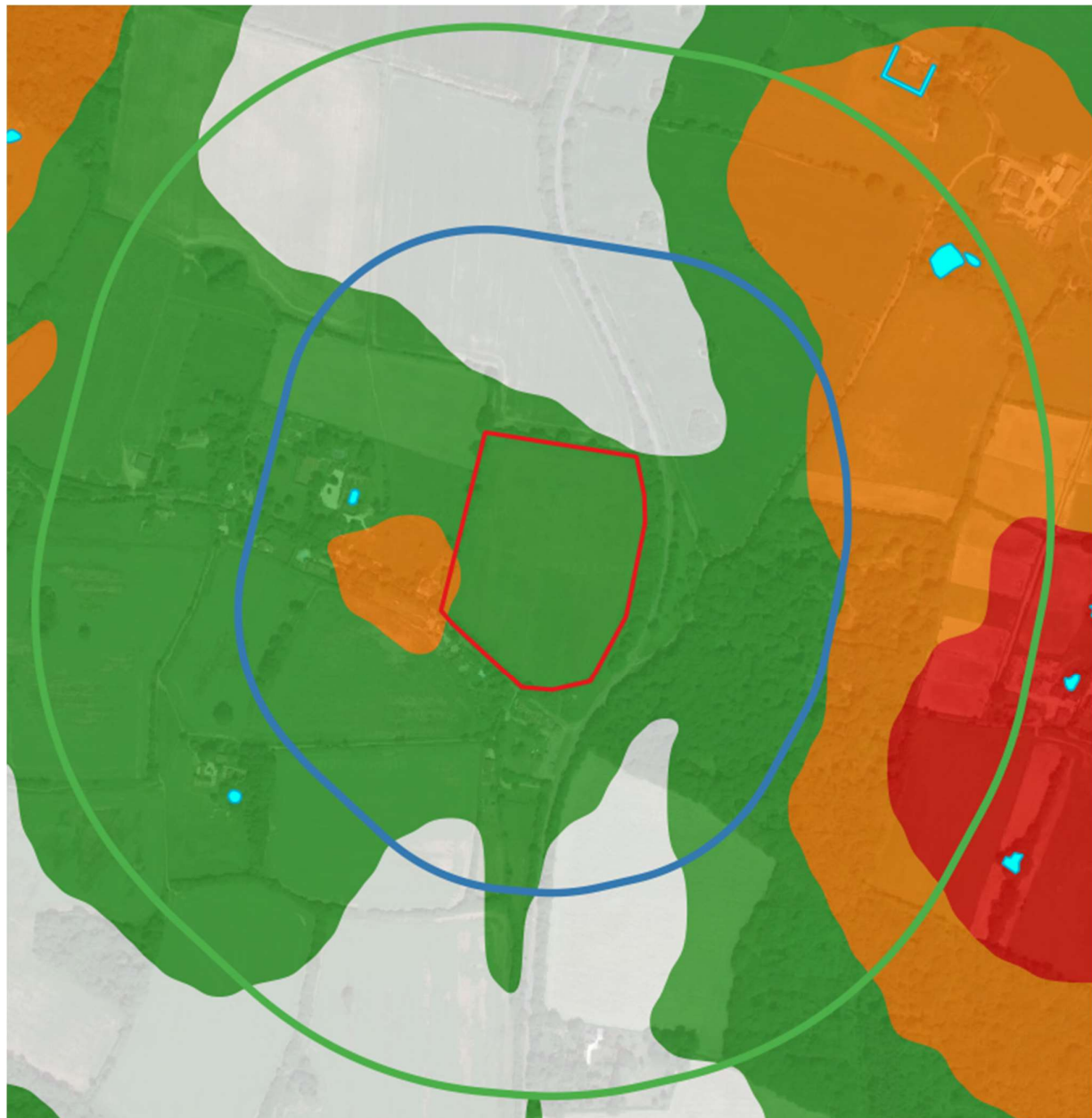
For all other matters relating to Ecology please refer to the Ecology Officer's Comments.

*Please be aware that as part of this potential population assessments may need to be undertaken by a suitable qualified ecologist in accordance with the Great Crested Newt Mitigation Guidelines (English Nature, 2001). If GCN are identified, then an EPS site-based mitigation licence may be required. Some of the surveys are seasonally constrained.

More details on the district licensing scheme operated by the council can be found at www.naturespaceuk.com

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The image below shows a rough outline of the site (red) in the context of the surrounding landscape, including the impact risk zones. Ponds are shown in light blue. A 250m buffer is shown around the site in blue and a 500m buffer in green.



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 (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. 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). Buckinghamshire Council 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 biodiversity*', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result GCN and their habitats are a material consideration in the planning process.