

Case Ref: 21/04289/OUT	Date: 22/04/2022
From: Connie Martin	Response: No further information required
<p>Comments:</p> <p>This planning application is for Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access</p> <ul style="list-style-type: none"> <li>- 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 suitable habitat and a high likelihood of great crested newt presence.</li> </ul> <p><b>Summary</b></p> <p>The applicant has provided an ecological report, Ecological Impact Statement, Heyford Park - North Ecological Impact Assessment (EclA), RammSanderson Ecology Ltd, December 2021. Within this report it states that:</p> <ul style="list-style-type: none"> <li>- Ponds on-site support a GCN population</li> <li>- Habitat on site is suitable for GCN to use during their terrestrial phase</li> <li>- A GCN mitigation licence is recommended</li> </ul> <p><b>Conclusion and recommendation for conditions:</b></p> <p>The development is likely to have an impact on GCN, as supported by the information provided in the Ecological Impact Statement. I am satisfied with this ecological report and the recommendations to acquire a GCN licence to mitigate impact from this development.</p> <p>The Ecological Impact statement recommends applying for a mitigation licence for GCN. The applicant is reminded that as well as the Natural England EPS Mitigation Licence there is also the option to utilise Cherwell District Council's District Licence to address the impact on great crested newts. More details on the district licensing scheme operated by the council can be found at <a href="http://www.naturespaceuk.com">www.naturespaceuk.com</a></p>	
Contact details: connie.martin@naturespaceuk.com	
<b>Legislation, Policy and Guidance</b>	
<p><b>Reasonable Likelihood of Protected Species</b></p> <p>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</p>	

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 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.

### **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".