

**SOUTH NORTHAMPTONSHIRE COUNCIL
MEMORANDUM**

To: Samuel Dix – Principal Planning Officer
(Development Management)

From: Paul Evans – Ecology Officer
(Enforcement – Development Management)

Date: 25th November 2020

Ref: S/2020/1376/MAO Land South Of Blakesley Hill Greens Norton – Ecology Comments

Having reviewed the following submitted reports for this application, Ecological Assessment by Tyler Grange dated 22nd July 2020, I have the following comments.

Summary

The area identified for development does not contain and is not within close proximity to any statutory and non-statutory designated sites. The closest being a potential non-statutory designated site Potential Local Wildlife Site (pLWS) No. 187 located 530m south of the site. Therefore, there will be no impact from the proposals on designated sites. The habitats present on site mainly compose arable farmland with grassy margins. The site boundaries compose species poor hedgerows, with scattered trees. In the southeast corner is an area of standing water surrounded by scatter scrub and a dry ditch runs along the southern boundary. The site lies adjacent to the grazed grassland to the south, arable farmland to the north and west and residential to the east.

The submitted ecology reports identify the majority of the ecological constraints to development of the site and goes some way to assessing the potential impacts and mitigation requirements based on the baseline ecological conditions. However, there are some limitations by not adequately surveying for Great Crested Newt (GCN).

Without this further information it is not possible to fully assess the impacts of the proposed development on protected species, i.e. great crested newts, and detail appropriate mitigation. Sufficient survey information should be gathered to ensure the impacts of a development can be adequately assessed and taken into account as part of the planning decision making process prior to determination. This is in line with government guidance ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system (paragraph 99), NPPF and Natural England standing advice in respect to protected species.

An updated ecology report(s) should therefore be submitted addressing the following comments prior to any permission being granted.

Detailed Comments

Great Crested Newts

A pond (P1) lies on opposite side of Blakesley Hill road to the site, within approximately 16 metres of the site, the Ecological Assessment details in paragraph 3.22 that Great Crested Newts (GCN) were confirmed present in this pond in 2019 via an eDNA, however no further surveys were carried out to assess the size and significance of the population. Paragraph 4.12 goes on to state “...it is assumed that the population of P1 is likely to be small”, however no surveys have been undertaken to support this assumption.

Paragraph 4.15 goes on to detail that using Natural England's rapid risk assessment tool it indicates that the development based on current evidence would result in 'likely offence' under the Habitats Regulations. In this instance it is likely a EPS mitigation licence would be required which would require supporting with sufficient survey information on the population size.

I don't feel the Blakesley Hill road constitutes a significant barrier to GCN movements.

South Northamptonshire Council operates Great Crested Newt District Level Licensing (DLL) scheme across the district as such the interim guidance from Natural England for local planning authorities in the South Midlands on District Level Licensing for great crested newts dated January 2020 applies (now incorporated on the main Standing Advice since 12th November 2020). The development site is located in the Amber/Red zone on the district wide Impact Risk Mapping that supports the DLL scheme, therefore the following extract from the Interim guidance from Natural England applies;

- Check if the site is located within a *Red zone* or *Amber zone*. If the developer has not proposed to join the DLL scheme then Natural England's [Standing Advice](#) applies. Natural England's advice is that the planning authority should draw this to the attention of the applicant and require that they either demonstrate that their proposal poses no risk to GCN or they submit an assessment of the risk to GCN and set out any measures which they propose to take to safeguard against significant risks and compensate for any impacts (which may be through the DLL route, or standard approaches to compensation and licensing). This may result in the need for a GCN site mitigation licence if the developer chooses not to use DLL.

In line with the above further survey information, assessment and mitigation measures or a proposal to join the DLL scheme is required to be submitted to the planning authority prior to the granting of any planning permission. Further information on the DLL scheme can be found below.

Further Comments

Other potential protected species on site than those mentioned above have been adequately surveyed and the impacts of the proposals on them assessed with appropriate mitigation measures detailed.

The veteran trees and hedgerows on site will largely be retained and protected during construction, apart from a small section for the access. The grassy margins to these hedgerows will also be retained and protected during construction.

The site was surveyed for evidence of badgers, no setts were found, but evidence of badger foraging was present. There is unlikely to be a significant impact on badgers posed by the development if the recommendations in the report are followed.

No evidence of breeding birds was found during the surveys, there is a potential for them to be present within the scrub, hedgerows, trees and grassy margins on site, these are however on the whole to be retained and protected. There is unlikely to be a significant impact on birds posed by the development if the recommendations in the Ecological Assessment are followed.

South Northamptonshire Council Great Crested Newt District Level Licensing (DLL) Scheme

When considering the potential for impact on Great Crested Newts it should be noted that South Northamptonshire Council holds a District Licence for great crested newts. This means that impacts on this species can be authorised by this planning authority as part of the planning process, rather

than developers having to seek a separate great crested newt mitigation licence from Natural England following the grant of planning consent. Without prejudice to due process and determination of the planning application, developers in this area are advised to consider both standard and District licensing options and to ensure that the appropriate information is provided to support the planning application: either:

- a survey to demonstrate newts are unlikely to be affected by the development proposal;
- a standard ecological mitigation plan to demonstrate how great crested newts will be protected and conserved during development; or
- a District Licence report/certificate to demonstrate how the development can be dealt with under this Council's District Licence.

NatureSpace Partnership administers the district licensing scheme in this area on behalf of South Northamptonshire Council. Developers pay a proportional contribution to the scheme, which is used to create compensatory habitat throughout the area, away from development sites. In doing so, developers can access a simpler, quicker licensing option that is available at the same time as planning consent. Entry into the district licensing scheme needs to be at the planning application stage, so should be considered early in pre-application design stage. More information is available at www.naturespaceuk.com