

**APPLICATION NO:** 16/1046N

**LOCATION:** LAND OFF CREWE ROAD HASLINGTON

### **Background**

The biodiversity enhancement plan (reference C120518-06-01) included with the submitted Ecological Mitigation Strategy includes areas of formal grassland around the southern most breeding pond.

This plan indicates that there will be a reduction in the volume of water entering the existing pond which is used by great crested newts.

To address this issue the applicant is proposing that the SUDS scheme for the site discharges into the existing pond to the rear of 194 Crewe Road, to essentially use the SUDS scheme to keep the water levels of the pond filled up.

### **REPRESENTATIONS**

Further representation has been received which raises concern about the pond structure of the pond to the rear of 194 Crewe Road and its capability to be utilized with specific regard for GCN habitat.

The neighbor considers the Submitted Environmental Report to be inaccurate and considers the pond to not be clay based (as submitted in the application), rather sandy soil based. There is no clay in the area to the south of Crewe Road and none imported to construct this pond. Accordingly, the neighbor advises the ponds dry out in the summer months.

This indicates that there will be a reduction in the volume of water entering the existing pond which is used by great crested newts. This could result in a loss of habitat.

### **CONSULTATION**

#### **Council's Ecologist**

The Council's Ecologist has discussed this issue with the applicant. To address this issue the applicant is proposing that the SUDS scheme for the site discharges into the existing pond. This water would be at the end of the treatment chain

The Council seeks to ensure, in determining applications, that GCN ponds and ponds associated with SUDS are kept separate to avoid any risk of contamination. However, in this instance it is important to ensure that the existing pond receives sufficient water as part of the proposed development to maintain water levels in the pond.

There are two issues here; firstly it must be ensured that the water entering the pond is sufficiently clean to not affect newts and; secondly it must be ensured that sufficient water enters the pond to ensure the existing water levels in the pond are maintained.

In order to ensure that the water entering the newt pond is of sufficient quality the applicant is proposing that the water from the site discharges into the newt pond at the end of the SUDS 'treatment train'. Therefore water entering the pond would already of been filtered through gravel/reedbeds prior to reaching the pond which should remove any contamination.

The Council's Flood Risk Manager advises that the proposal is feasible that the SUDS could be designed to maintain the existing flow of water to the newt pond. To ensure the above was taken forward a detailed design for the SUDS would need to be submitted prior to the commencement of development. This could be a planning condition which is provided below.

### **OFFICER COMMENT**

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

With respect to these matters; the development has the benefit of outline planning permission and the benefits to the housing land supply position of the Council are considered to be of overriding public interest and that there are no suitable alternatives in the vicinity of the site which could be utilised to deliver the housing development, however, at this time it is not possible for the ecologist to conclude that the favourable conservation status of the great crested newt can be maintained.

In order for this to be assessed the extent of dedicated GCN terrestrial habitat is needed at this stage. The ecologist advises that all of the open space around the existing pond and proposed ponds be given over to GCN terrestrial habitat and also that the newts be provided with a suitable swath of habitat around the boundary of the site. An indicative proposals to provide an amphibian tunnel under the site access should also be included.

A small block of woodland is located towards the northern boundary of the application site. This woodland was shown as being retained on the illustrative layout plan submitted with the outline application. The woodland is however lost under the reserved matters layout to facilitate the proposed attenuation pond. The ecologist advises that the submitted layout plan must be amended to include the retention of the woodland both as GCN habitat and also a habitat within its own right.

### **RECOMMENDATION**

**In addition to the further consultation period, the submission of an amended plan/information for retention of the woodland should be Delegated to the Head of Planning Regulation in consultation with the Chairman of Strategic Planning Board and to be approved subject to the following additional condition:**

19. SUDS scheme produced for the site to include proposals to ensure that water levels of the identified great crested newt ponds are maintained in accordance with the pre-development levels. To be provided prior to commencement of development and implemented as approved