|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Request** | **Conditions of approval: installation requirements** | **Conditions of approval: Responsibility for maintenance** | **Reference to external guidance** | **Once you have completed the work** |
| **Ponds** | Planning permission may be required for some proposals, such as applications in conservation areas, within or close to designated statutory and non-statutory sites such as SSSIs, LNRS and Local Wildlife Sites (LWS), locations known to support protected species, or as a result of their size and depth. If planning permission is required, the application will be the responsibility of the applicant to ensure it has been granted before requesting landlord’s permission via the fixtures and fittings team.For any queries relating to planning or biodiversity, please contact the Planning Team or Councils Principal Ecologist at North Tyneside Council.Small back garden ponds are allowed providing the following conditions are adhered to:* The pond shall not affect neighbouring property, footpaths, boundary treatments, designated wildlife sites (statutory or non-statutory), drainage, watercourses, or result in the spread of invasive non-native species (INNS) as set out in Schedule 9 of the Wildlife & Countryside Act (1981 as amended).
* Where necessary, planning permission is obtained.
* The pond design must be constructed so as to meet all relevant ecological and animal welfare considerations. Applicants must make clear their intention of introducing wildlife to the pond. Non-native plant or animal species must not be introduced into the pond. For further guidance see the following :

[Invasive Pond Plants to Avoid - Which plants can't you have in ponds? - Pond Expert](https://pondexpert.co.uk/invasive-plants-avoid/)Invasive non-native (alien) plant species: rules in England and Wales - GOV.UK (www.gov.uk)Invasive non-native (alien) animal species: rules in England and Wales - GOV.UK (www.gov.uk)[Pond FAQs | Amphibian and Reptile Conservation (arc-trust.org)](https://www.arc-trust.org/pond-faqs)* A pond liner or box is used.
* The installation meets the criteria allowed as Class E permitted development.
* The pond shall not present a nuisance or hazard to neighbours, residents, or guests.
* The installation shall be no deeper than 300mm, with a shallow end where amphibians and other wildlife can easily enter or exit.
* The pond shall be in the back garden or yard only.
* There shall be a minimum distance of 2m away from any boundary treatment, footpath, or building or outbuilding to allow for safe access for maintenance and repairs.
* Ponds should be retained wherever possible for biodiversity purposes. Where there is a request to remove a pond, this would be assessed on an individual basis and if approved, the tenant will be responsible for the correct infilling/removal of the pond. This may require planning permission and appropriate ecological checks and measures in place to avoid impacts on wildlife, particularly protected and priority species and to avoid the spread of invasive non-native species if present in the pond. If Infilling of a pond has to be carried out, it should be undertaken in autumn when there will be less impacts and works completed in one go - do not leave a drained, empty pond as this can trap amphibians and other wildlife. **Do not** release spawn or tadpoles into a public water body (reservoirs, lakes/ponds in nature reserves or wildlife sites) without permission. Movement of some species, if protected or considered damaging to native wildlife, is illegal under the Wildlife and Countryside Act 1981. Transferring fish and some amphibians may also require a licence or consent. Moving plants and animals between ponds is not recommended as this risks accidentally spreading various invasive plants and diseases.

[Pond FAQs | Amphibian and Reptile Conservation (arc-trust.org)](https://www.arc-trust.org/pond-faqs#Filling)* The cost of installation, repair, maintenance, and decommissioning will be borne by the tenant. The tenant applicant will be liable for any damage or injury that results as a consequence of the installation; all efforts should be made to ensure the installation is safe.
* Any damage due to the installation shall be repaired by the tenant, or repaired by NTC and the tenant will bear the cost.
* Where the pond must be removed, the installation must be returned to its original state on termination of the tenancy and the cost for the removal and remedial work will be borne by the tenant.
* Permission may be rescinded should the installation fall into disrepair or cause nuisance to other residents.
 | **TENANT.**Condition of approval requires that the tenant applicant is solely responsible for maintenance, related upkeep, and decommissioning of the installation.Permission for the installation may be rescinded if the tenant fails to maintain the installation, allowing risk to people, property, or environment. Any remedial work undertaken by North Tyneside Council may be recharged to the tenant.The installation of a pond does not qualify under the Compensation for Improvements Regulations. | North Tyneside Council Principal Ecologists:0191 219 2388jackie.hunter@northtyneside.gov.ukderek.hiltonbrown@northtyneside.gov.uk[North Tyneside Planning](https://my.northtyneside.gov.uk/category/915/planning)[Class E - Permitted Development Guidance](https://assets.publishing.service.gov.uk/media/5d77afc8e5274a27cdb2c9e9/190910_Tech_Guide_for_publishing.pdf) | Please email us with the completion details, any necessary certificates and warranty details. We may contact you to carry out a post-inspection. |