

# Non-licensed GCN Method Statement (NGMS)

Peach Barn, Halls Lane, Norton, Suffolk

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*By submitting this document to the LPA the proposer and their agents confirm they are in agreement with and will work to the recommendations made within it. For the avoidance of doubt and on a precautionary basis all recommendations made in this report must be followed in full. No deviations will be made without the prior and written agreement of an MHE Consulting ecologist; to do otherwise may result in a criminal offence being committed.*

## 1. Proposed development

This document relates to the planning approval (Ref: DC/21/05831) granted by Mid Suffolk District Council for the conversion barn to form a dwelling, the erection of a two storey Extension, and detached outbuildings (following demolition of existing) at Peach Barn, Halls Lane, Norton, Bury St Edmunds Suffolk IP31 3LG. A previous planning approval (DC/18/02040) for the conversion of the barn was granted.

Conditions (4 to 6) relating to ecology. Condition 5 is as follows:

### **5. ACTION REQUIRED PRIOR TO COMMENCEMENT: GREAT CRESTED NEWT METHOD STATEMENT**

*Prior to commencement of development, a Non-Licensed Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.*

*The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.*

*Reason - To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).*

This document will enable the discharge of Condition 5 and has been produced by Christian Whiting BSc (Hons) MSc MCIEEM, an experienced ecologist with over 24 years' experience and holder of the relevant NE Great crested newt (*Triturus cristatus*) (GCN) survey licence (Class A licence 2015-17633-CLS-CLS). Christian has undertaken numerous impact assessments and regularly provides mitigation guidance for GCN, as well as acting as an Accredited Agent on full European Protected Species Mitigation (EPSM) licences for the species.

### *Legal protection*

In England, GCN are afforded full legal protection under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (originally Schedule 2 of the Conservation of Habitats and Species Regulations 2010) and under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). A mitigation licence is required if works will have impacts on great crested newts (GCN) which result in:

- capturing, killing, disturbing, or injuring them (deliberately or by not taking enough care);
- damaging or destroying their breeding or resting places (even accidentally); and/or

- obstructing access to their resting or sheltering places (on purpose or by not taking enough care) form of disturbed, dry, mainly short grassland (though animals may pass or forage over it e.g. on wet, mild evenings).

This document therefore proposes measures to be implemented to ensure offences will not occur during the development, and that an EPSM licence is not required. It has been prepared with reference to the Rapid Risk Assessment tool within the Natural England (NE) Method Statement template<sup>1</sup> as well as recent CIEEM guidance<sup>2</sup>.

## 2. Ecological sensitivity

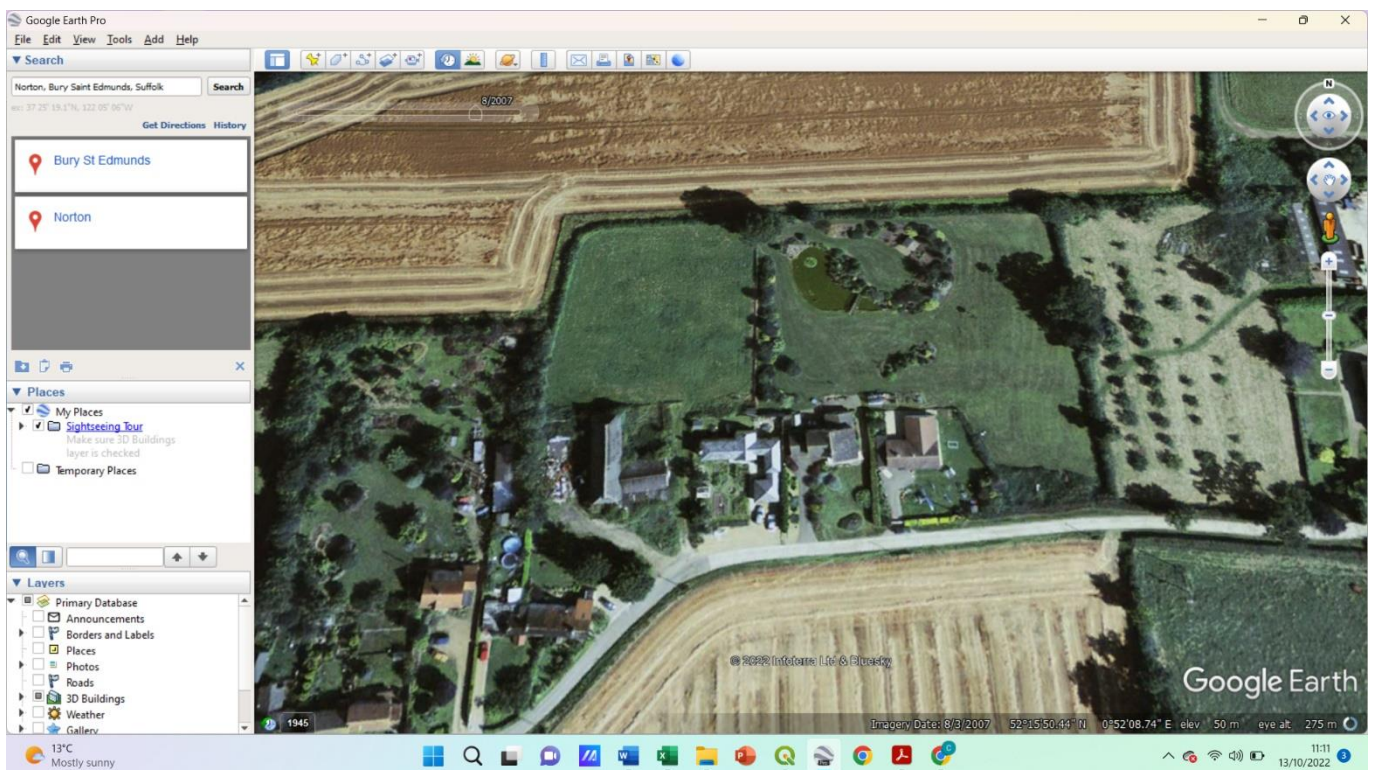
### 2.1 Potential for GCNs

#### a) Ponds

A pond P1 (Figure 1) is located c. 50m to the north-east of the barn proposed for conversion with a second pond P2 located c. 200m to the east.

No assessment of the potential impacts of the proposed development on great crested newts (GCNs) (*Triturus cristatus*) was undertaken with a Preliminary Roost Assessment for bats (Greenlight Environmental, 2017) prepared for the 2018 application also considering impacts on breeding and roosting birds. This report did not consider potential impacts on amphibians and the close proximity of ponds. Place Services identified the potential risk to GCNs when they were consulted on the 2021 application and condition 5 was placed on the planning permission.

Access to assess the suitability of the ponds has not been secured, whilst historical aerial photos (Plate 1, Google Earth Pro) shows P1 is very turbid which might reflect waterfowl and/or fish both of which can affect their suitability for supporting sustainable breeding populations of GCNs. The ponds could potentially support habitat for GCNs (e.g., foraging and breeding) as well as common amphibians.



**Plate 1 Pond P1 in 2007**

<sup>1</sup> <https://www.gov.uk/government/publications/great-crested-newts-apply-for-a-mitigation-licence>

<sup>2</sup> CIEEM (2020). Guidance on Ecological Survey and Assessment in the UK During the Covid-19 Outbreak. Version 3. Published 29 June 2020. Chartered Institute of Ecology and Environmental Management, Winchester, UK.

b) Terrestrial habitats on site

Figure 2 shows the site comprises the former farmyard and the barn proposed for conversion (Photos 1 to 4) at the south and lawn (Photo 5) to the north with a dry pond. A hedgerow with trees exists along the western site boundary with a hedgerow along the northern site boundary. A post and rail fence (see Photo 4) has been established along the eastern site boundary.

Photos are provided in Appendix A1.

The regularly mown grassland provides foraging habitat for amphibians at night during warm, wet nights when earth worms etc come to the surface. Amphibians and hedgehog may seek refuge within the boundary hedgerows and under any rubble/rubbish (see Photo 6) stored on site around and in the buildings.

### 2.2 GCN distribution

Assessment of MHE Consulting Ltd (Ashfield Road Norton), SBIS, Natural England's GCN class licence return data and eDNA pond survey records show the closest positive record (class license return) to be located c. 1.2km south of the application site (dated 2021), which is outside the normal dispersal range of the species. However, given the lack of records this does not mean that GCNs are not present locally but may simply reflect the lack of surveys undertaken and/or submission of records to the records centre.

Given the extent of the proposed development and the nature of the habitats which will be impacted and the establishment of gardens proposed no significant long-term habitat losses are predicted. There is, however, potential for animals to pass through and potentially seek refuge (e.g. overwintering) within the application site.

### **3. Ecological objectives**

The objective of this non-licensed method statement is to ensure no GCN are harmed during the construction phase of the development and therefore avoid any offences under The Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 and the Wildlife and Countryside Act 1981 (as amended). In addition, the proposed avoidance measures will ensure other wildlife such as small mammals and reptiles are not impacted, and landscaping proposals once established will deliver biodiversity enhancements for GCN and other wildlife.

### **4. Impact assessment**

#### *a) Proposed works*

Construction phase impacts could occur as a result of vegetation clearance, moving of any rubble piles, stored items in the buildings on site, removal of concrete floors etc., excavation of foundations and any pipe runs for services. In addition, animals could potentially seek refuge in building materials brought to site which are subsequently moved.

Upon scheme completion surface water drainage systems (e.g. gully pots connected to soakaways) have the potential to trap and kill amphibians.

In combination and given the presence of a pond within 50m of the site separated by largely sub-optimal habitats, the above impacts could result in negative ecological effects upon small to moderate numbers of individuals. Although when the scheme is considered in isolation, such impacts are unlikely to have a significant effect upon the conservation status of the wider meta-population, such impacts could result in offences under the relevant wildlife legislation and are therefore considered significant in the context of Ecological Impact Assessment<sup>3</sup>.

Once established, the proposed development will not result in a significant reduction in functional habitat with lawns and gardens providing terrestrial habitat.

<sup>3</sup> CIEEM. (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

## 5. Mitigation, compensation and enhancement strategy

The following good practice measures will be implemented for the scheme:

- All boundary habitats such as hedgerows, trees, and potential refuge areas such as brick piles must be protected with temporary fencing (e.g. Heras fencing) and the latter should not be moved during October to February inclusive;
- The developer will secure the services of a suitably experienced Ecological Clerk of Works (ECoW; as per BS 42020:2013<sup>4</sup>). The ECoW must hold a Natural England GCN survey licence and be familiar with the NGMS prior to visiting site. MHE Consulting Ltd (01986 788 791) can provide staff for this role.
- A Tool Box Talk (TBT) will be provided by the ECoW to the building contractor and any sub-contractors ahead of their commencing work on the scheme. Staff will be required to complete the declaration included at the end of this document;
- A poster to help aid identification of GCN encountered (Appendix A2) must be erected in the welfare facilities on site. All staff must be briefed to stop works immediately if they encounter a GCN;
- Where localised ruderal vegetation/tall grass requires removal it must be cut (and subsequently maintained) close to ground level using a two-stage cut during the period amphibians are active. The first cut should be to a height of no less than 150mm followed by the second cut to near ground level with a minimum of one hour (and a visual check) between cuts to allow wildlife to disperse into retained cover;
- Impacts on pond P1 will be avoided by:
  - ❖ Limiting topsoil removal as required and covering topsoil if stockpiled;
  - ❖ Cleaning machinery in designated areas, away from the pond, with a sump and re-using wastewater where possible;
  - ❖ Mixing concrete, cement, or grout in designated areas on an impermeable surface away from the ponds;
  - ❖ Storing chemical and fuels securely within double-banded bowzers or chemical stores (with a 110% capacity to contain any spillage) away from the pond;
  - ❖ Using water-based, non-toxic chemicals and wood preservatives/paints, and biodegradable hydraulic and fuel oils where possible;
  - ❖ Mixing and washing chemicals and associated equipment in designated areas with wastewater safely disposed of via mains sewerage or tanker as appropriate;
  - ❖ Having adequate site security in place; and
  - ❖ Regularly checking equipment for failures and/or leaks.
- Removal of concrete slabs and excavation of footings during November to February inclusive to be overseen by an ECW;
- During the construction phase, any excavations (e.g. concrete slabs and trenches) must be filled on the same day as excavation where possible to prevent animals falling in. Where this is not possible the trenches should be covered overnight with ply/OSB sheets and damp sand used to fill any gaps or mammal ladders (e.g. rough planks securely placed at an angle to allow safe egress) installed at a 45° angle should be fitted;
- Open excavations during February(if seasonally warm)/March to October will be inspected for the presence of amphibians, reptiles, and small mammals immediately prior to filling with any aggregates or concrete;
- Concrete pours will be undertaken in the morning to allow them to harden prior to the evening when amphibians become active, or must be covered overnight;
- Excess cement/concrete must be disposed of in such a way as to prevent contact with animals, e.g., poured into a concrete skip and covered;
- Any caustic materials (e.g. concrete) to be hand mixed must be on ply boarding over a tarpaulin which is folded over the boarding at the end of each day's use to prevent animals coming into contact;
- All building materials will be stored on areas of hardstanding or stored off the ground on pallets, and not on areas of vegetated ground;
- All building waste must be removed from site as promptly as possible. Any waste that must be stored on site temporarily will be stored within skips which must rest on areas of hard standing to prevent animals from seeking refuge; waste should be removed as promptly as possible to prevent animals seeking refuge; and
- To prevent amphibians entering the proposed surface water drainage, any gutters and downpipes must discharge via a sealed leaf and debris hopper at ground level<sup>5</sup>. Any driveway drains must have an amphibian ladder installed<sup>6</sup>.

## 6. Emergency provisions

If GCN are encountered by construction operatives, there is a significant risk that proceeding with works unchecked may result in

<sup>4</sup> BSI Standards publication BS 42020:2013 Biodiversity – Code of practice for planning and development

<sup>5</sup> <https://www.wickes.co.uk/FloPlast-Leaf-Debris-Interceptor-Gully---Black/p/158828>

<sup>6</sup> <https://www.thebhs.org/the-bhs-amphibian-gully-pot-ladder>

a criminal offence being committed (as described in *Background information* above). Therefore, if at any stage during vegetation clearance or construction GCN (Appendix A2) are observed by any member of staff, work must immediately cease and a suitably experienced ECoW be contacted.

## 7. Monitoring during works

Regular ECoW checks are recommended to confirm the following measures have been implemented and actions taken:

- To confirm temporary fencing has been erected to protect retained habitats, prior to wider site vegetation clearance commencing;
- To confirm any vegetation within the works footprint has been cut and maintained as described; and
- To confirm all excavation and concreting works are completed safely depending on the time of year they are undertaken.

Checks will be completed by a suitably experienced ECoW as described above. Monitoring reports will be logged and made available to third parties including the LPA upon request and provided to the developer upon scheme completion.

Any issues or deviations from the NGMS identified will be reported in the first instance to the developer and their contractor for resolution. If issues remain unresolved, a report will be made to the LPA accordingly. Any wildlife offences must be reported to the police.

## 8. Management

The developer/proposer is responsible for ensuring all pre-construction, construction and operational phase elements of the proposal are successfully implemented by their staff and contractors. The developer/proposer is responsible for the timely instruction and funding of works and associated ECoW costs.

## 9. Timetable

An indicative timetable of actions is given below (N.B. 'works' include vegetation/debris clearance and associated site management in addition to construction works):

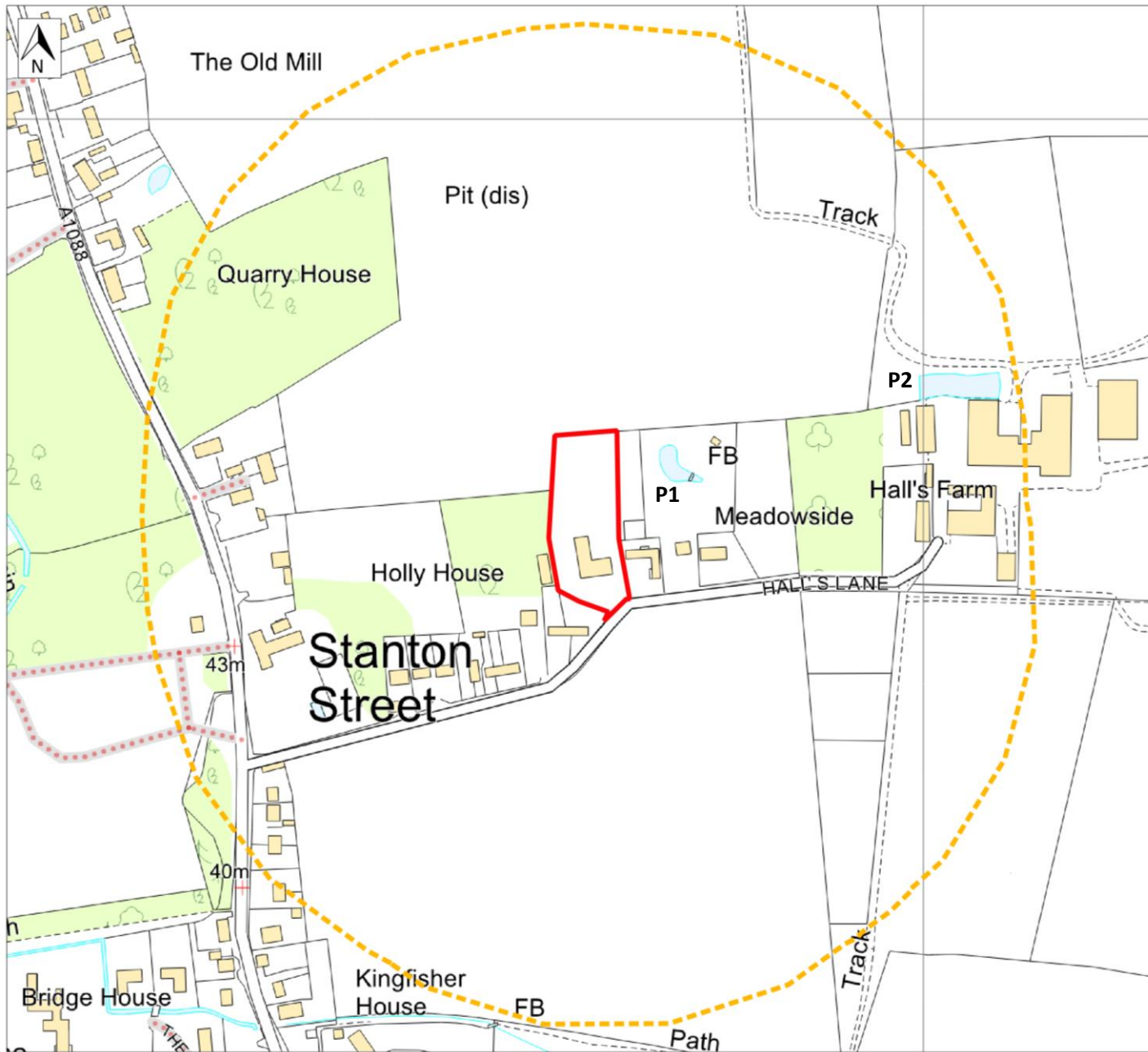
Action	Programme timescale	Timing constraints	Responsibility
Erect temporary protective fencing	Prior to works commencement	N/A	Developer/contractor
Monitoring visit to confirm fencing erected	Prior to works commencement	N/A	Developer/contractor (procurement); ECoW (implementation).
Provide TBT to all operatives	Prior to works commencement and as required for new staff	N/A	As above
Vegetation cutting and maintenance of habitats as unsuitable within works footprint	Prior to works commencement and ongoing as required.	Two stage cut required if completed during March to October inclusive.	Developer/contractor
Monitoring to confirm any vegetation cuts implemented and maintained	Ongoing as required	To be combined with other ECoW visits	Developer/contractor (procurement); ECoW (implementation).
Trenching/concreting works.	Main construction phase.	To be completed during: <ul style="list-style-type: none"> <li>• <b>February/March to October inclusive</b> with measures adopted to avoid capture of animals, e.g. checking of excavations prior to the pouring concrete in the morning.</li> <li>• <b>November to February</b> if location of works will not impact potential hibernacula. ECoW to supervise breaking out of concrete.</li> </ul>	Developer/contractor.

Monitoring visit to confirm trenching and concreting works completed in specified window	As above	As above	Developer/contractor (procurement); ECoW (implementation).
Site landscaping/habitat reinstatement	Upon completion of works and prior to commercial operation.	N/A	Developer/contractor





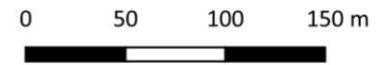
## Figures





### Legend

-  250m buffer
-  Site boundary

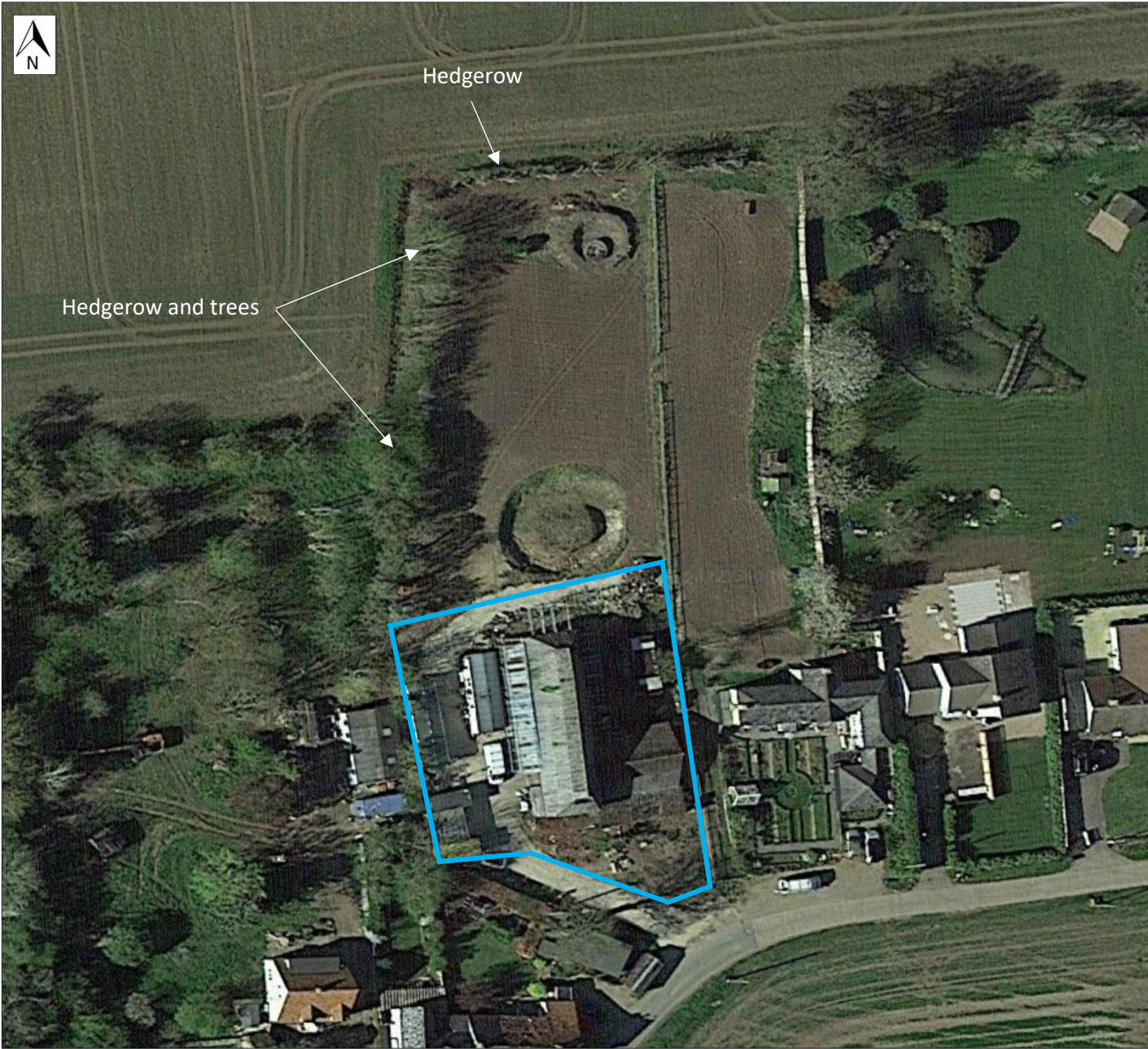


Client: Mr D. Peachey and Ms T. Robinson


Project: Peach Barn, Norton, Halls Lane, Suffolk IP31 3LG

Drawn:	Date:	Drawing Ref:
CW	13/10/2022	PEACHBARN/PWMS/001

**Figure 1 Site location and ponds plan**



### Legend

 Potential refuge habitat



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Project: Peach Barn, Norton, Halls Lane, Suffolk IP31 3LG

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CW	13/10/2022	PEACHBARN/PWMS/002

**Figure 2 Habitats plan**

**Appendix A1    Photos**



Photo 1 South gable of barn



Photo 2 Side extension to the timber framed barn



Photo 3 Barn proposed for conversion – east elevation



Photo 4 Boundary fence



Photo 5 Dry pond with lawn to the north



Photo 6 Concrete rubble

**Appendix A2    GCN poster**

# Great Crested Newt

**If seen by any employee, works must cease immediately and an ecologist be contacted for advice**

It is an offence to intentionally or recklessly disturb, injure or kill great crested newts

Further information can be found at [www.arguk.org](http://www.arguk.org)

