



Great Crested Newt Non-Licence Mitigation Plan

97 Woodside Green, Great Hallingbury, Bishop's Stortford, Essex CM22 7UJ

Sinead Brophy

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Contents

1.0 Introduction and Context5

 1.1 Background 5

 1.2 Site Location and Landscape Context 5

1.3 Scope of This Report 5

2.0 Ecological Baseline Conditions Relevant to This Report6

2.1 Habitats Recorded on Site 6

2.2. Value to Great Crested Newts and Other Common Amphibians 6

2.3 Impact Assessment 6

5.0 Bibliography10

 Appendix 1: Proposed Development Plan..... 11

 Appendix 2: Site Location Plan 13

 Appendix 3: GCN Mitigation and Enhancement Plant 14

 Appendix 4: Legislation and Planning Policy 15

1.0 Introduction and Context

1.1 Background

Arbtech Consulting Ltd. was commissioned by Sinead Brophy to produce a Great Crested Newt Non-Licence Mitigation Plan (GCN NLMP) for the proposed development at Site on 97 Woodside Green, Great Hallingbury, Bishop's Stortford, Essex, CM22 7UJ (hereafter referred to as “the site”).

The site has been subject to previous ecological assessment, as follows:

- A Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) in January 2023 (Arbtech Consulting Ltd, 2023).

1.2 Site Location and Landscape Context

The site is located at National Grid Reference TL 5118 7442 and has an area of approximately 0.1ha. The site comprises a single semi-detached dwelling, a garage, two sheds and associated garden areas. The site is located rurally south east of Bishop’s Stortford. Other residential plots are found to the west and south. The village of Woodside Green is found to the south, with Hatfield Forest found to the east. A site location plan is provided in Appendix 2.

1.3 Scope of This Report

Following submission of planning application UTT/23/2234/HHF, the proposed development was conditionally approved. Of relevance to this report, planning condition 3 states:

‘Prior to commencement, a Great Crested Newt method statement shall be submitted to and approved by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction phase. The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner hereafter.’

The aim of this report is to provide ecological mitigation and enhancement prescriptions to ensure great crested newts and other common amphibians are protected during development works and the ongoing ecological value of the site is maintained and enhanced for amphibians post-development. As a result, this GCN NLMP aims to provide sufficient detail in support of the discharge of planning condition 10.

2.0 Ecological Baseline Conditions Relevant to This Report

The ecological baseline conditions at the site of relevance to this GCN NLMP was determined as a result of the update PEA and PRA undertaken in January 2023 (Arbtech Consulting Ltd. 2023).

2.1 Habitats Recorded on Site

The site is characterised by a typical residential plot comprising a single dwelling and garage and associated garden areas with hardstanding and vegetation. Habitats recorded on and directly adjacent to the site include:

- Building;
- Hardstanding;
- Modified grassland with scattered trees and introduced shrubs;
- Hedgerows; and
- Fencing.

2.2. Value to Great Crested Newts and Other Common Amphibians

No ponds are present within the site. A search of the magic database indicates the presence of nine ponds within 500m of the site boundary; the closest of which is found approximately 50m south of the site. This pond is separated from the site by an adjacent residential property enclosed by intact fencing, suboptimal terrestrial habitat in the form of grassland with a short sward, and multiple access roads. Similar physical barriers are also present separating the site and the other ponds in the wider landscape. Whilst these separating landscape features provide suboptimal commuting habitat which is likely to limit terrestrial connectivity between the site and the wider landscape for amphibians, there are no definitive barriers to dispersal. Habitats recorded on site including the hedgerows are noted to provide elevated value to GCN and other amphibians due to providing suitable refugia. However, the site is dominated by managed grassland which is considered suboptimal habitat due to the lack of refuge and hibernation opportunities, whereby amphibians are only anticipated to be present for transient periods whilst foraging and commuting.

Given the presence of ponds with potential connectivity to the site and that habitats on site could support amphibians during their terrestrial phase, the presence of GCN and other common amphibian cannot be discounted, albeit considered unlikely.

2.3 Impact Assessment

Given the potential presence of GCN and other common amphibians, the Natural England GCN Rapid Risk assessment was completed in accordance with the proposed terrestrial impacts of the development to broadly identify the risk of an offence taking place. Based on the location of ponds with potential connectivity within 500m and the anticipated area of terrestrial impacts associated with the proposed development (0.005ha of hardstanding), the resulting notional offence probability score is classed as green, predicting an offence to GCN is highly unlikely.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	0.001 - 0.01 ha lost or damaged	0.05
Land 100-250m from any breeding pond(s)	0.001 - 0.01 ha lost or damaged	0.005
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
	Maximum:	0.05
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

Figure 1: A screenshot of the Natural England GCN Rapid Risk Assessment completed in accordance with the proposed development.

Given the limited habitat removal proposed and subsequent low risk of an offence taking place as a result of the proposed development, the use of Reasonable Avoidance Measures (RAMs) in place of further surveys and licensing is considered suitable to eliminate impacts to great crested newts. This procedure is in accordance with current Natural England Guidance (Natural England 2015). As such, this report provides mitigation measures to prevent harm occurring to GCN and other common amphibians during construction and provides habitat enhancement prescriptions to ensure the ongoing value of the site to amphibians is maintained post-development.

3.0 Mitigation and Enhancement Prescriptions

Table 1 below details the mitigation measures for the site as to prevent impacts to GCN and other common amphibians as a result of the proposed development and details enhancement prescriptions to ensure the continued value of the site to amphibians is maintained post-development.

Table 1: Proposed Mitigation and Enhancement

Mitigation and Enhancements	Specification
Ecological Clerk of Works	The below RAMs will be supervised by an Ecological Clerk of Works (ECoW) comprising a suitably qualified ecologist. The ECoW will ensure that the mitigation detailed below is implemented effectively and that no GCN or any other amphibian species are harmed during the works. Once the below mitigation has been completed successfully and the development area has been successfully cleared of habitat of value to amphibians, the project can then commence in the absence of the ECoW.
Informative Statement	If any GCN are found on site during the development all works must stop immediately and the ECoW will need to advise how to progress the development in line with wildlife legislation and planning policy. Further surveys to determine the size of the population present and/ or an EPSL may be required where impacts to GCN cannot be avoided.
Reasonable Avoidance Measures	<p><i>Pre-development vegetation clearance</i> The development will not result in the removal of any vegetation on site; the proposed extension will be erected on the existing hard standing surrounding the dwelling.</p> <p><i>Destructive searches of alternative refugia</i> GCN and other amphibians may be utilising alternative features typically present within residential gardens for refuge such as dislodged paving slabs, plant pots, compost heaps, and timber decking. The ECoW will survey the area to be impacted by the development works for any alternative features suitable for refuge; any suitable features will be carefully dismantled by hand and removed from the impacted area by the ECoW.</p> <p><i>Displacement of common amphibian species</i> As above, should any great crested newts be encountered development works must stop immediately until further instruction from the ECoW. Should any common amphibian species be found during the works such as common frog <i>Rana temporaria</i>, common toad <i>Bufo bufo</i>, smooth newt <i>Lissotriton vulgaris</i>, and plamate newt <i>Lissotriton helveticus</i>, works can continue so long as individuals are carefully removed from the impacted area by the ECoW or site manager and placed within suitable retained habitat on the site peripheries.</p>

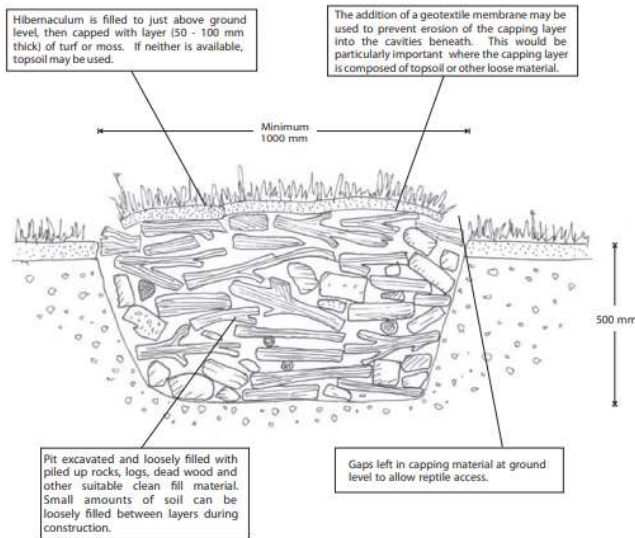
Removal of debris and storage of building materials
 Once the above RAMs have been completed and the site has been suitably prepared for development activity, demolition and construction activity can commence in the absence of an ECoW. However, in order to prevent the creation of large debris piles resulting from demolition works that could in turn become suitable refuge hibernacula for amphibians, all debris will be removed from site immediately and stored over hardstanding or within a skip. Furthermore, the storage of building materials should also be located over hardstanding or bare ground and located on a pallet to prevent providing refuge value to amphibians.

Hibernacula creation

One hibernacula will be created using natural materials such as logs collected from the site, stone, vegetation arisings, and earth (see **Figure 2**) to enhance the site for great crested newts and other amphibians post-development. The hibernaculum will be installed in the southern area of the rear garden as it is the least disturbed and is within close proximity to the boundary hedgerows which provide suitable terrestrial opportunities.

Hibernaculum on free-draining ground

Where ground conditions allow, the hibernaculum should be incorporated into a shallow pit. This design is more likely to remain frost-free, and will be less obtrusive and thus unlikely to be subject to interference.



Hibernaculum on impermeable ground

Where ground conditions are impermeable, then an 'above-ground' or mounded design should be utilised in order to prevent the hibernaculum from flooding. This design should also be used if it is not possible to excavate a pit for any other reason.

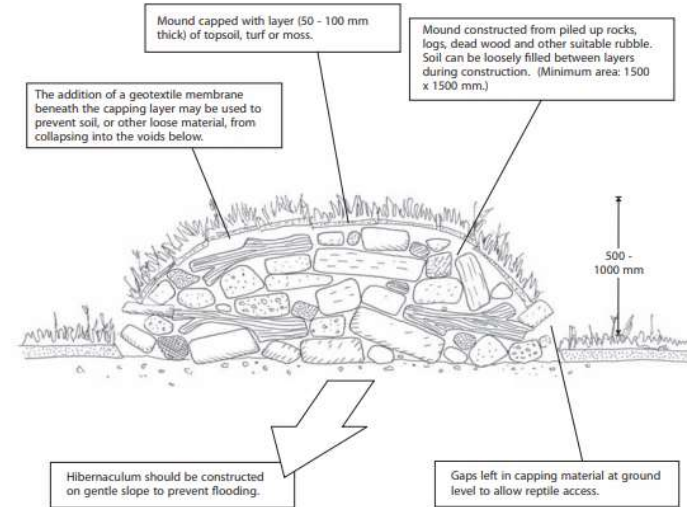


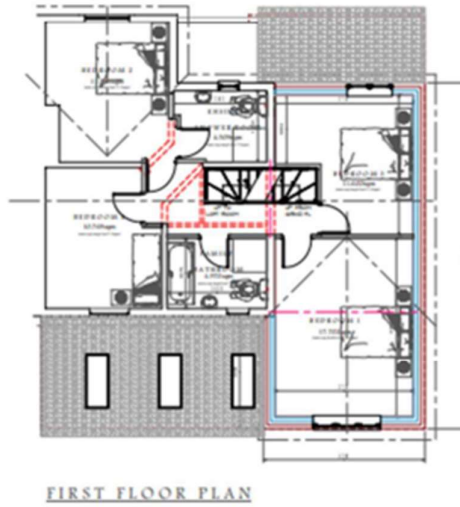
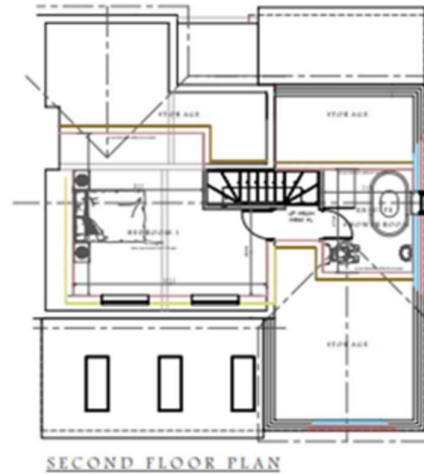
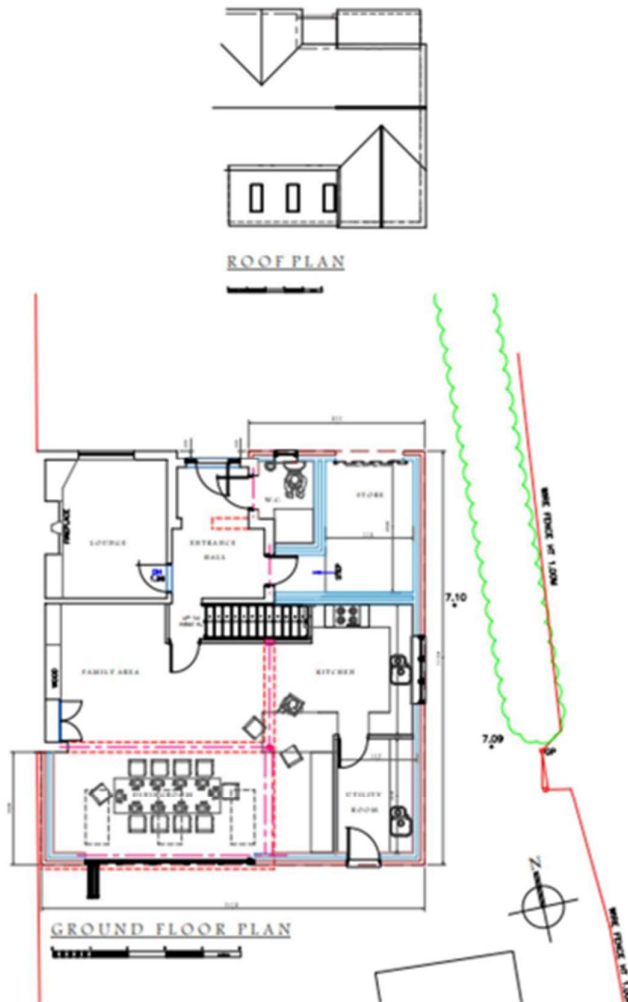
Figure 2: A schematic representation of a man-made hibernaculum.

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Appendix 1: Proposed Development Plan

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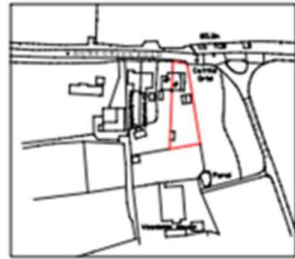
Project Site
**97 WOODSIDE GREEN,
 GT HALLINGBURY,
 NR BISHOP'S STORTFORD,
 CM22 7UJ**

Drawing Title
PROPOSED FLOOR LAYOUTS

Date OCT 2022	Project No. 585
Scale 1:50 @ A1	Drawing No. PL_002

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LOCATION PLAN



FRONT ELEVATION

REAR ELEVATION

LEFT FLANK ELEVATION



ROOF PLAN



BLOCK PLAN



GROUND FLOOR PLAN



FIRST FLOOR PLAN



LOFT FLOOR PLAN

Project Site
**97 WOODSIDE GREEN,
 GT HALLINGBURY,
 NR BISHOP'S STORTFORD
 CM22 7UJ**

Drawing Site
EXISTING LAYOUTS

Date: OCT 2022 Project No: 585

Scale: 1:1250 / 1:200 / 1:300 & 1:50 @ A1 Drawing No: 001

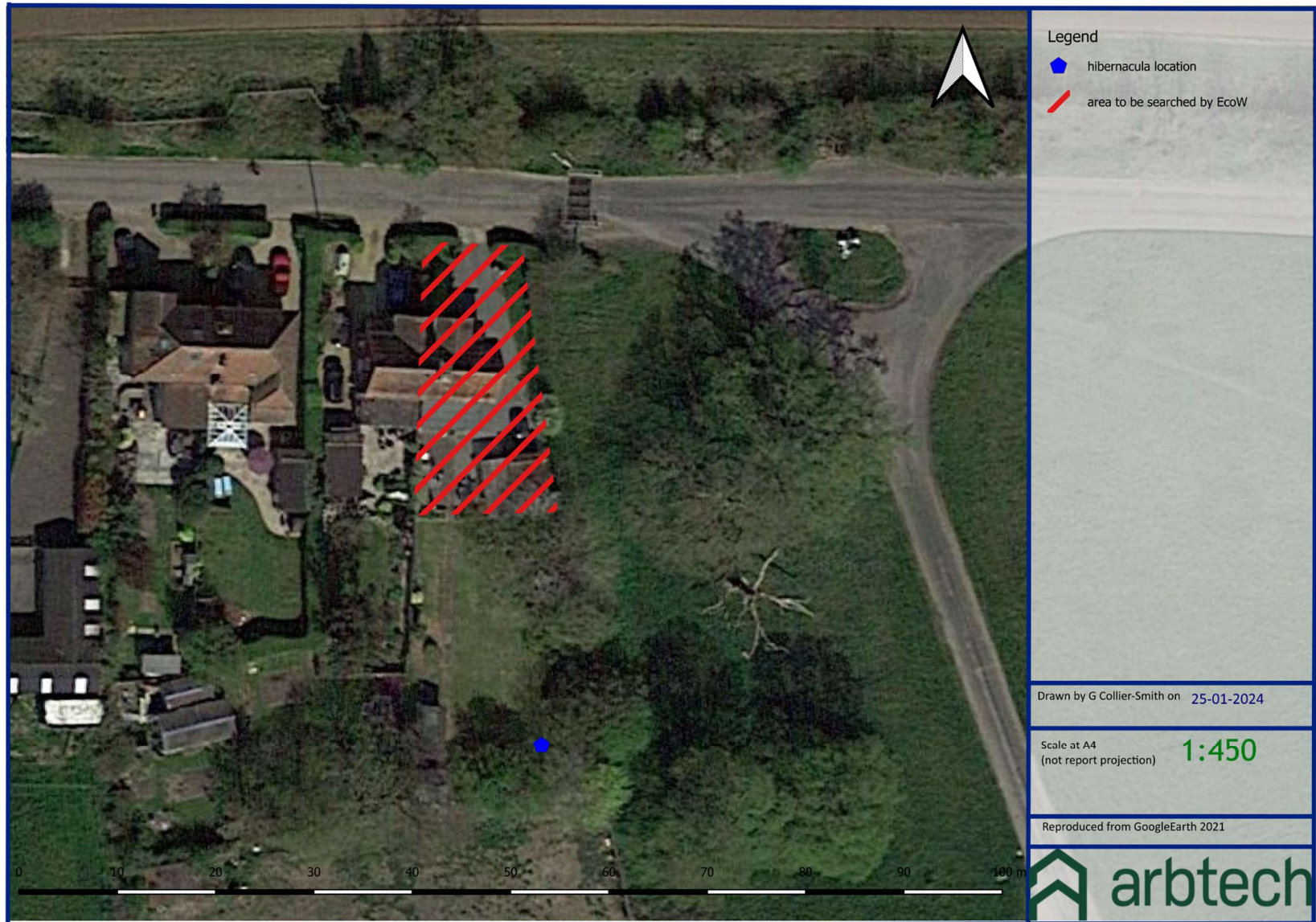
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Appendix 2: Site Location Plan



Appendix 3: GCN Mitigation and Enhancement Plant



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

The great crested newt receives full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

This species are also listed on Schedule 5 of the Wildlife and Countryside Act and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

NATIONAL PLANNING POLICY

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect the breeding sites or resting places of great crested newts protected. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.