



Great Crested Newt Mitigation Method Statement

Partridge Green

On behalf of: Roydon Homes

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1 Introduction

1.1 Background

Harper Environmental Ltd was commissioned by Roydon Homes Ltd to prepare a Great Crested Newt mitigation method statement for an area of land known as Land North of the Rise, Partridge Green, West Sussex, RH13 8JB, hereafter referred to as 'the site'.

1.2 Site Description

The site extends to 4.3 hectares (ha) area and is centred on Ordnance Survey Nation Grid Reference (OS NGR): TQ 19428 19692.

The site comprised two buildings, hedgerows, mixed woodland, modified grassland, other neutral grassland, a wet ditch, scattered trees, bramble scrub, blackthorn scrub, broadleaves woodland and areas of tall ruderal species.

The site is located north-east of the village of Partridge Green and south-east of West Grinstead. The wider landscape consists of roads, residential housing and associated gardens, with arable farmland to the north, east and west.

1.3 Consented Development

The consented development includes the demolition of a stable and wooden workshop, and provision of 55 residential dwellings, internal access roads, garages, parking, two attenuation basins and open space hereafter referred to as 'the development'.

1.4 Purpose of the Report

The Great Crested Newt (GCN) (*Triturus cristatus*) mitigation method statement is required to discharge ecology related Schedule of Condition 7 (planning permission ref: APP/Z3825/W/23/3324144) which states:

'No development, including demolition pursuant to the permission granted, shall commence unless a Great Crested Newt Mitigation Method Statement has been 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 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 thereafter.'

1.5 Ecological Background

A Preliminary Ecological Appraisal¹ (PEA) was undertaken in 2019 by ADAS which recorded the above mentioned habitats. During the field survey, the wet ditch was assessed as unsuitable for GCN as it contained flowing water, however suitable terrestrial habitat was present on site in the form of woodland, hedgerows and scrub. Five waterbodies were present within 250m of the site and it was

¹ ADAS (2019); Preliminary Ecological Appraisal. Land at Littleworth Lane, Partridge Green, Horsham, West Sussex.

recommended that a Habitat Index Assessment (HSI) and environmental DNA (eDNA) survey be undertaken of these waterbodies. If they were identified with positive results for GCN, it was recommended that population size assessments to be undertaken of all the waterbodies within 500m of the site.

A File Note² was produced in 2022 by ADAS to confirm the validity of the original PEA undertaken in 2019 due to the time elapsed since the original survey date. Site visits were undertaken in 2020, 2021 and 2022 with the condition of the site remaining largely the same as 2019. The wet ditch on site was deemed as still unsuitable. A series of GCN surveys were undertaken in 2013, 2016 and 2019 by ADAS of the waterbodies within 250m of the site. The results are summarised below:

- No access was granted to the closest waterbody (Pond 1), 30m north of the site in 2013, 2016 or 2019. It was noted that the waterbody was fully enclosed by metal corrugated fencing, with numerous waterfowl presence and the pond was heavily poached. It was considered unlikely to be able to gain access to the waterbody in future visits;
- Pond 4, 70m north-east of the site was surveyed in 2013 and was incredibly shallow (30cm deep) with minimal vegetation. No GCN were recorded during the survey effort, with water levels reducing over the survey period. Access was refused for the 2016 and 2019 round of surveys, with the landowner stating it was man-made and above the water table;
- Pond 2, 230m from the site was too shallow for bottle trapping in 2013, with no GCN recorded. No access was granted in 2016, however was granted in 2019. eDNA results were negative for GCN.
- Pond 3, 240m from the site was surveyed in 2013, with no GCN recorded. In 2016 eDNA surveys were carried out that were negative for GCN. Access was denied for survey effort in 2019.
- Pond 5, 210m from the site. It was not surveyed in 2013 as it was further than 250m from the site, due to a smaller site boundary at the time. In 2016 a HSI survey was undertaken and the pond was identified with poor suitability for GCN and returned a negative eDNA result. Access was not granted in 2019.
- Taking the above into account, with difficulty of gaining access to the offsite ponds, with no ponds, waterbodies, hedgerows or woodland impacted by the development, it is considered unlikely to impact on GCN, with their presence unlikely within the construction areas of the site. It was recommended that a GCN Non-Licensed Method Statement (NLMS) be produced.

1.6 Legal Protection for GCN

GCN are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Protection to the species is also afforded by Regulation 43 of the Conservation of Habitats and Species Regulations 2019, making the GCN a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a GCN;
- Possess or control and live or dead specimen or anything derived from a GCN (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a GCN; and

² ADAS (2022); File Note: Partridge Green

- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for that purpose.

Regulation 43 of the Conservation of Habitats and Species Regulations 2019 makes it an offence to:

- Deliberately capture or kill a GCN;
- Deliberately disturb a GCN;
- Damage or destroy a breeding site or resting place of a GCN; and
- Keep transport, sell or exchange, or offer for sale or exchange a live or dead GCN or any part of a GCN.

1.7 Rationale for Method Statement

The site contains suitable terrestrial habitat along the peripheries of the site in the form of hedgerows, woodland and scrub. The majority of this suitable habitat lies outside the construction zone.

Areas to be impacted by construction include small areas of scrub, a cut through the central and western hedgerow and grassland. The grassland has low suitability, however GCN may use it to commute across the site.

GCN are considered unlikely to be encountered within the construction zone of the site and therefore the risk of a legal offence occurring is considered to be extremely low. As such a GCN Non-Licensed Method Statement (NLMS) is considered to be appropriate.

2 Method Statement

A copy of this method statement will remain available on site throughout the duration of the development should any site staff wish to refer to it.

Figure A.1 in Appendix A shows the site, the suitability of habitat onsite for GCN, and the impact areas covered by this method statement.

2.1 Definitions

GCN = great crested newt.

ECoW = Ecological Clerk of Works - a suitably experienced ecologist.

The works area is defined as:

- pathways for plant / machinery / vehicles;
- locations where ground works will occur; and
- vegetation clearance.

Suitable GCN habitat at the site (shown in Figure A.1) is defined as:

- western hedgerow;
- central hedgerow;
- scrub around the edges of the site;
- woodland around the edges of the site; and
- grassland.

Works that require ecological supervision under this Method Statement are:

- establishment and clearance of vehicle pathways across the site;
- ground works; and
- vegetation clearance.

2.2 Before Vegetation Clearance

The ECoW will supervise clearance of suitable GCN habitat.

A toolbox talk will be given by the ECoW to all operatives for any ground and vegetation clearance. This talk will include:

- A summary of the legal protection afforded to GCN;
- Information regarding where the species may be present;
- An explanation of this Method Statement and methodology required to minimise the chance of committing an offence; and
- What to do if a GCN is discovered.

All staff that have attended the toolbox talk must sign the attendance form (reproduced in Section 3 of this report), confirming that they have understood all bullet points listed above.

The ECoW will conduct a pre-works search of the works area and adjacent habitats to check for GCN. This will involve a hand-search of any suitable habitat and will also ensure the pathway that any plant machinery will be tracking is free from GCN.

The ECoW will remain on site during vegetation clearance to ensure works are undertaken in accordance with the method statement.

Should the ECoW deem that proceeding with the works or certain elements/methods of the works has the potential to harm or kill GCN, they will instruct the works to cease. Works will be rescheduled with any further mitigation measures or licences deemed necessary in place.

2.3 During Vegetation Clearance

The ECoW will be present during the vegetation clearance works.

Each day the ECoW will conduct a search of the works area. This search will be undertaken at the start of the day prior to works being carried out, and as often as possible throughout the works.

Vegetation clearance will follow a 2 stage-cut process. The ECoW will inspect dense vegetation and once they are happy the area is free of GCN, it will be cut to 150mm, re-inspected by the ECoW and then cleared to ground level. For the grassland, a directional clearance approach will occur where it will be initially inspected by the ECoW and cleared towards the boundary woodland and scrub habitats.

Any potential hibernacula/refugia such as log and brash piles which will be impacted by the works will be dismantled by hand. Good quality hibernacula materials will be retained and moved to an area that will be undisturbed by the development.

All site operatives will remain vigilant throughout the duration of the works and notify the ECoW if any GCN or any other ecological constraints are encountered.

Any excavations will be covered if left overnight or have a ramp installed so there is no risk to any animals injuring themselves or getting trapped.

2.4 Discovery of a GCN

Once vegetation clearance is completed, the risk of encountering a GCN is reduced to near zero and works may then proceed without supervision by an ECoW.

If a GCN is encountered when the ECoW is not present, the works will immediately cease and it should be left *in situ* to disperse of its own accord. A record of its location and a photo will be taken. In the extreme circumstance where the individual is in danger, it will be moved by the ECoW to a place of safety away from the works area. No works must continue on site until a licence is submitted to and accepted by Natural England.

If a GCN is discovered at any point during the development when an ECoW is not present on site, all works will immediately cease and the ECoW will be contacted in the first instance. A photograph of the individual must be taken by the team and sent to the ecologist to confirm identification. A licence will then be submitted to and accepted by Natural England before works can proceed.

3 **Toolbox Talk Attendance Form**

Please sign below to confirm that you have read and understood this method statement document and the toolbox talk in relation to GCN, and to confirm that you agree to follow the measures therein.

TOOLBOX TALK BRIEFING RECORD		
Briefing delivered by	Position	Date
Name (PRINT)	Signature	Date

Appendix A Figure A.1



Appendix B Legislation

Great crested newt are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, (as amended). Protection to the species is also afforded by Regulation 43 of the Conservation of Habitats and Species Regulations 2019, making the great crested newt a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a great crested newt;
- Possess or control and live or dead specimen or anything derived from a great crested newt (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt; and
- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for that purpose.

Regulation 43 of the Conservation of Habitats and Species Regulations 2019 makes it an offence to:

- Deliberately capture or kill a great crested newt;
 - Deliberately disturb a great crested newt;
 - Damage or destroy a breeding site or resting place of a great crested newt; and
 - Keep transport, sell or exchange, or offer for sale or exchange a live or dead great crested newt or any part of a great crested newt.
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