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Precautionary Method Statement for Amphibians and Reptiles

Site Name

Huddlestone Farm, Steyning

Client

Enso Energy Ltd

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About the Author

This report has been prepared by Meerabai Kings, an Assistant Ecologist at The Ecology Co-op with over one year's experience. As a qualifying member of the Chartered Institute of Ecology and Environmental Management (CIEEM) she is bound by CIEEM's code of professional conduct.

About the Reviewer

This report has been reviewed by Kate Priestman, who is a Principal Ecologist with over twenty years' experience. Kate has undertaken survey work and reporting, and prepared European Protected Species licences for numerous schemes. As a Full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and a Chartered Environmentalist (CEnv), she is bound by CIEEM's code of professional conduct.

Report Summary

Purpose	The Ecology Co-operation was commissioned by Enso Energy Ltd to produce an Amphibian and Reptile Precautionary Method of Working Statement for the construction of an access track at Huddlestone Farm, Horsham Road, Steyning, West Sussex BN44 3AD. This document outlines targeted precautionary site-wide measures and will be submitted to Horsham District Council as part of planning application reference, DC/24/1534.
Context	A Preliminary Ecological Appraisal of the site was undertaken in June 2024 by The Ecology Co-op. No Phase 2 surveys were recommended or conducted. A Landscape and Ecology Management Plan has been provided for the site and should be read in conjunction with this report.
Pre-construction phase measures	Section 2 of this report details mitigation measures before construction including: • a toolbox talk from a suitably qualified ecologist; • a two-phase strim under ecological supervision; and, • the dismantling of potential refugia under ecological supervision.
Construction phase measure	Section 3 sets out the proposed construction phase measures for the site, including: • the safe storage of materials; • vehicle tracking; and, • covering excavations at night.
Toolbox talk	Site staff must be briefed prior to the commencement of construction on the importance of protecting wildlife and be provided with reptile and great crested newt information sheets as well as the contact details for an ecologist whom they must revert to in the event that any amphibians, reptiles, or other wildlife are identified within the construction zone.

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1 INTRODUCTION

1.1 Purpose of the Report

The Ecology Co-operation was commissioned by Enso Energy Ltd to produce a Precautionary Method of Working Statement for reptiles in relation to the construction of a proposed access track for a proposed solar farm at Huddlestone Farm, Steyning. This document outlines site-wide mitigation for habitats and protected species as well as targeted enhancement measures. It also includes the management objectives, responsibilities and maintenance schedules, including remedial responsibilities, should they be necessary. It will be submitted to Horsham District Council as part of planning application reference, DC/24/1534.

A Biodiversity and Ecology Management Plan has been provided for the site by The Ecology Co-op[1], which should be read in conjunction with this report. Please note a Biodiversity Net Gain Assessment is not included within either report.

All of the prescribed mitigation measures described within this document will be issued to relevant works contractors to ensure that they are carried out in full and the implementation of this will be overseen by a suitably qualified ecologist.

1.2 Background

The site is located at Huddlestone Farm, Horsham Road, Steyning, West Sussex BN44 3AD. The farm comprises a dairy farm with a complex of buildings and associated arable and pasture land. The proposed access track for the approved solar farm follows the route of an existing earthen farm track. The grid reference for the centre of the track section is TQ 18054 14082.

The farm is situated in a rural area within a mosaic of arable and pasture land, hedgerows, woodland and scattered trees across the wider landscape.

The proposed new access route follows the line of an existing bare earth farm track, which is orientated north to south. This track runs to the west of Huddlestone Wood, which is listed as the priority habitat Ancient and Semi-Natural Woodland. A ditch runs to the east of the track, between the track and the woodland. This ditch is orientated south to north and adjoins a ditch which runs under the track from east to west. Together these contribute to a network of drains over the River Adur catchment. Overhead power cables are also present on the site. Figure 1 shows the track section that has been surveyed as part of the planning application. Figure 2 outlines the site location plan with proposed access route in orange as provided by the client.

[1] The Ecology Co-Op (2024) Huddlestone Farm Biodiversity and Ecology Management Plan..



Figure 1. An aerial image showing the location of the site. The approximate site extent is indicated in orange. Image produced courtesy of Google maps (map data ©2024 Google).

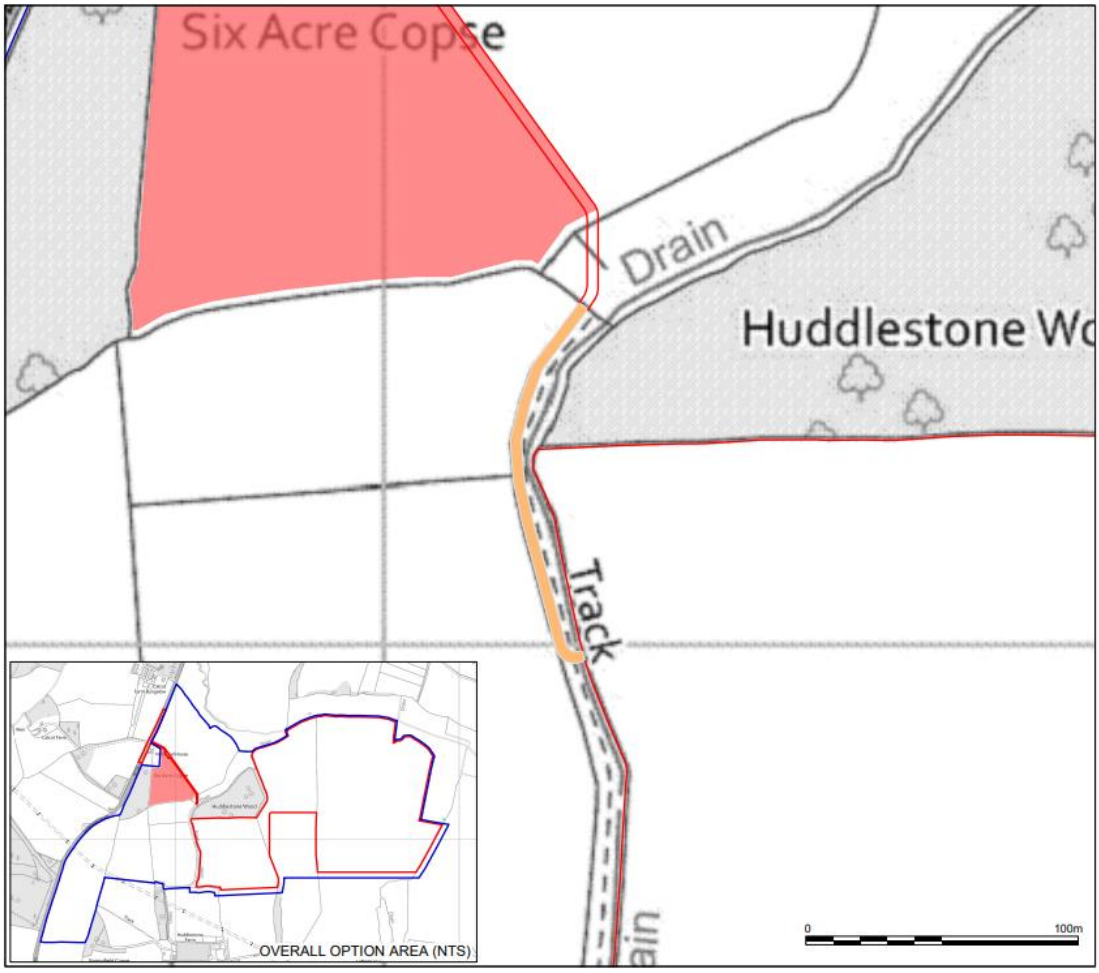

Figure 2. Proposed access track location in orange as provided by the client Enso Energy Ltd.

A Preliminary Ecological Appraisal[2] was completed by The Ecology Co-op on the 10th June 2024 by Theresa Stewart, a principal ecologist with 15 years' experience. She has a level 4 bat and level 1 great crested newt survey licence. During the PEA, a low potential for reptiles and amphibians was identified, associated with hedgerow, woodland edge and grassland habitats. The grassland habitats are very small in scale and are restricted to the grass verges either side and on the existing farm track.

The proposed works will result in an impact to the bare earth track and grassland. The woodland trees, hedgerows and ditch will not be directly impacted.

The presence of further grassland in the immediate surroundings suggests that the loss of this will not have a significant negative impact on reptiles and amphibians which may be utilising the site. Furthermore, the impacts of the works will be limited to the grass verges and earth track, thus, no further surveys have been recommended for both reptiles and amphibians. Instead, precautionary measures should be implemented.

As the possible presence of great crested newts *Triturus cristatus* (GCN), other amphibians and reptiles cannot be wholly discounted, this report sets out mitigation as a precautionary measure to safeguard these species (should they be present).

This report should be read in conjunction with the Biodiversity Enhancement Management Plan (BEMP)[3] for Huddlestone Farm.

1.3 Legislation and Policy

National and European legislation that protects GCN and reptiles is included in Appendix 1.

2 PRE-CONSTRUCTION MITIGATION MEASURES

2.1 Habitat Manipulation – Two Phase Strim

Given the small size of the site, small-scale impacts to habitats and the low potential for GCN and reptiles to be present, precautionary mitigation is recommended. The construction zone will be strimmed through a two-phase process to reduce the suitability for reptiles and amphibians and encourage them to move into adjacent habitats. The two-phase process involves initially strimming grass down to 10 cm from ground level to encourage reptiles to migrate away from the construction zone, followed by a second strim of the area where the grass is taken as low as possible to remove any suitable habitat for reptiles. The process must be overseen by a suitably qualified ecologist so that any wildlife which is found can be safely moved into suitable habitat. The area will need to remain cut short until works commence to ensure that reptiles are not encouraged to move back onto the site.

2.2 Supervision

All contractors working on site will be subject to a toolbox talk from the on-site ecologist explaining the

[2] The Ecology Co-op (2024). *P6603 Huddlestone Farm* Preliminary Ecological Appraisal
[3] P6603 Huddlestone Farm Biodiversity Enhancement Management Plan, The Ecology Co-op (2024)

legal protection of common reptiles and great crested newts and the process of the destructive search. Appendix 2 gives details on reptile species, Appendix 3 gives details on GCN.

All habitat manipulation works must be overseen by a suitably qualified ecologist, so that in the event protected species be found within the construction zone, they can be safely relocated to suitable habitats in the surrounding landscape.

The dismantling of potential refugia on site, such as log or rubble piles, will be supervised by a suitably qualified ecologist.

In the unlikely event that a GCN is found on site at any time, all activity will cease immediately with an ecologist contacted if not present, and the mitigation strategy reviewed. It may be necessary to apply to Natural England for an EPS licence to continue.

3 CONSTRUCTION PHASE MITIGATION MEASURES

Site staff must be briefed prior to the commencement of construction on the importance of protecting wildlife and must contact an ecologist in the event that any amphibians, reptiles, or other protected species are identified within the construction zone.

3.1 Material Storage

Construction materials should be stored within the construction zone or on hard standing and must not be piled on grassland or scrub where they may provide suitable habitat for reptiles and amphibians.

3.2 *Vehicle Tracking*

The tracking of vehicles must stay within the construction zone and hard landscaping areas, avoiding habitats which are being retained.

3.3 Covering Excavations

All excavations must be covered to prevent amphibians and reptiles from falling in.

4 CONCLUSION

Impacts upon common reptiles and GCN as a result of the installation of a new access track at Huddlestone Farm are not anticipated and this document provides a Precautionary Working Methods Statement which details reasonable avoidance measures for GCN to prevent an offence from occurring. **In the unlikely event that a GCN is found anywhere upon the application site, all works will cease until EPS license has been obtained for works to resume.**

Should you need any further advice on the information provided above, please do not hesitate to contact The Ecology Co-op.

APPENDIX 1 – Wildlife Legislation and National Planning Policy

Introduction

The following text is intended for general guidance only and does not constitute comprehensive professional legal advice. It provides a summary of the current legal protection afforded to wildlife in general and certain species. It includes current national planning policy relevant to nature conservation.

The 'Birds Directive', 'Habitats Directive' and 'Natura 2000 Sites'

The Council Directive 79/409/EEC on the Conservation of Wild Birds ("the Birds Directive") sets a framework for the protection of wild birds. Under the Directive, several provisions are made including the designation and protection of 'Special Protection Areas' (SPAs) – areas which support important bird populations, and the legal protection of rare or vulnerable species.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the "Habitats Directive") directs member states of the EU to take measures to maintain the favourable conservation status of important habitats and species. This requires the designation of a series of sites which contain important populations of species listed on Annex II of the Directive (for example Bechstein's bat *Myotis bechsteinii*, Barbastelle bat *Barbastella barbastellus* and white-clawed crayfish *Austropotamobius pallipes*. Together with 'Special Areas of Conservation' (SACs), SPAs form a network across Europe of protected areas known as the 'Natura 2000 sites'.

Annex IV lists species in need of more strict protection, these are known as "European Protected Species (EPS)". All bat species, common dormice *Muscardinus avellana*, otter *Lutra lutra* and great crested newts *Triturus cristatus* are examples of EPS that are regularly encountered during development projects.

The 'Habitats Regulations'

The Conservation of Habitats and Species Regulations 2017, as amended (the "Habitats Regulations") is the principle means of transposing the Habitats Directive and the Birds Directive, and updates the Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 regulations") in England and Wales.

'Natura 2000' sites, now known as National Site Network sites under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, receive the highest level of protection under the Regulations which requires that any activity within the zone of influence of these sites would be subject to a Habitats Regulations Assessment (HRA) by the competent authority (e.g. planning authority), leading to an Appropriate Assessment (AA) in cases where 'likely significant effects' to the conservation objectives are identified.

For European Protected Species, Regulation 41 makes it a criminal offence to:

- deliberately capture, injure or kill any such animal;
- deliberately disturb wild animals of such species;
- deliberately take or destroy their eggs (where relevant);
- damage or destroy a *breeding or resting place* of such an animal;
- possess, control, sell or exchange any live or dead animal or plant, of such species;

- deliberately pick, collect, cut, uproot or destroy a wild plant of such species.

The Habitats Directive and Habitats Regulations provide for the derogation from these prohibitions for specific reasons provided certain conditions are met. An EPS licensing regime allows operations that would otherwise be unlawful acts to be carried out lawfully. Natural England is the licensing Authority and, in order to grant a license, ensures that three statutory conditions (sometimes referred to as the 'three derogation tests') are met:

- a licence can be granted for the purposes of "preserving public health or safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (Regulation 53 (2) (e);
- a licence can be granted if "there are no satisfactory alternatives" to the proposed action;
- a licence shall not be granted unless the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Wildlife and Countryside Act (1981) as amended.

This remains one of the most important pieces of wildlife legislation in the UK. There are various schedules to the Act protecting birds (Schedule 1), other animals including insects (Schedule 5), plants (Schedule 8), and control of invasive non-native species (Schedule 9).

Under the Wildlife and Countryside Act (WCA) 1981, all wild birds (with the exception of those listed on Schedule 2), their eggs and nests are protected by law and it is an offence to:

- take, damage or destroy the nest of any wild bird while it is in use or being built
- take or destroy the egg of any wild bird
- disturb any bird listed on Schedule 1, while it is nest building, or at a nest with eggs or young, or disturb the dependant young of any such bird.

Schedule 5 lists all non-avian animals receiving protection to a varied degree. At its strongest, the Act makes it an offence to intentionally kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturb animals while occupying such places. Examples of species with *full protection* include all EPS, common reptile species, water vole *Arvicola amphibius*, white-clawed crayfish *Austropotamobius pallipes* and Roman snail *Helix pomatia*. Other species are protected from sale, barter or exchange only, such as white letter hairstreak *Satyrium w-album*.

The Act makes it an offence to intentionally pick, uproot or destroy any plant or seed, and sell or possess any plant listed on Schedule 8. It is also an offence to intentionally uproot any wild plant not listed on Schedule 8 unless authorised [by the land owner]. Species on Schedules 5 and 8 are reviewed every 5 years when species can be added or removed.

Measures for the prevention of spreading non-native species which may be detrimental to native wildlife is included in the Act, which prohibits the release of animals or planting of plants into the wild of species listed on Schedule 9 (for example, Japanese knotweed *Fallopia japonica*, Himalayan balsam *Impatiens glandifera*, New Zealand Pygmyweed *Crassula helmsii*).

The Wildlife and Countryside Act 1981 (as amended) also prohibits certain inhumane methods of traps and devices for the capture or killing of wild animals and certain additional methods such as fixed trap,

poisoning with gas or smoke, or spot-lighting with vehicles for killing species listed on Schedule 6 of the Act (this includes all bat species, badger, otter, polecat, dormice, hedgehog and red squirrel).

Natural Environment and Rural Communities (NERC) Act (2006)

The NERC Act (2006) created the statutory nature conservation body Natural England, and places a statutory duty on all public bodies, including planning authorities, under Section 40, to take, or promote the taking by others, steps to further the conservation of *habitats and species of principal importance for the conservation of biodiversity* in England (commonly referred to as the 'Biodiversity Duty'). This duty extends to all public bodies the biodiversity duty of Section 74 of the Countryside and Rights of Way (CROW) Act 2000, which placed a duty only on Government and Ministers. Section 41 of the NERC Act lists the habitats and species of principle importance. This includes a wide range of species from mosses, vascular plants, invertebrates through to mammals and birds. It originates from the priority species listed under the UK Biodiversity Action Plan (UK BAP) with some omissions and additions.

Environment Act (2021)

The Environment Act sets a target of halting the decline in species through the inclusion of a legally binding 2030 species abundance target. Aiming to restore natural habitats and enhance biodiversity, the Act requires new developments to improve or create habitats for nature (through mechanisms such as mandatory Biodiversity Net Gain), and tackle deforestation. Going forwards, UK businesses will need to look closely at their supply chains as amongst other measures they will be prohibited from using commodities associated with wide-scale deforestation. Woodland protection measures are also strengthened through the Act.

The Act enables the reform of the Habitats Regulations and further improves protection for nature through the establishment of Local Nature Recovery Strategies that support national Nature Recovery Networks. In addition, the Act provides for the production of Protected Site Strategies and Species Conservation Strategies, aimed at supporting the design and delivery of strategic approaches to deliver better outcomes for nature.

Protection of Badgers Act (1992)

The badger *Meles meles* is afforded specific legal protection in Britain under the Protection of Badgers Act (1992), and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) (see above).

Under this legislation, it is a criminal offence to:

- intentionally kill, injure, take, possess, or cruelly ill-treat, a badger, or to attempt to do so;
- interfere with a sett, by damaging or destroying it;
- to obstruct access to, or any entrance of, a badger sett; or
- to disturb a badger when it is occupying a sett.

A licence may be obtained from Natural England to permit certain prohibited actions for a number of defined reasons including interference of a sett for the purpose of development, provided that a certain number of conditions are met. Note that licenses are not normally granted for works affecting badgers between the end of November and the start of July.

National Planning Policy Framework

The National Planning Policy Framework (NPPF 2023)[4] sets out the Government's view on how planners should balance nature conservation with development and helps ensure that Government meets its biodiversity commitments with regard to the operation of the planning system.

Paragraph 185b, states that council plans should "*promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity*."

The Office of the Deputy Prime Minister (ODPM) Circular 06/2005, 2005) [5]. In accordance with the NPPF, it is important that developments should contribute to and enhance the natural and local environment by:

- minimising impacts on existing biodiversity and habitats;
- providing net gains in biodiversity and habitats, wherever possible;
- establishing coherent ecological networks that are more resilient to current and future pressures.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (UK BAP), first published in 1994, was the UK's response to the commitments of the Rio Convention on Biological Diversity (1992) until 2010, when the UK BAP was replaced by the UK Post-2010 Biodiversity Framework. This framework covers the period 2011 to 2020 and forms the UK government's response to the new strategic plan of the United Nations Convention on Biodiversity (CBD) published in 2010. This promotes a focus on individual countries delivering target for protection for biodiversity through their own strategies.

The most recent biodiversity strategy for England, 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' was published by Defra (2011), and a progress update was provided in July 2013 (Defra 2013).

'Biodiversity 2020' builds on the Natural Environment White Paper for England – 'The Natural Choice', published on 7 June 2011, and sets out the strategic direction for biodiversity policy for the next decade.

Biodiversity 2020 deliberately avoids setting specific targets and actions for local areas and species because the Government believes that local people and organisations are best placed to decide how to implement the strategy in the most appropriate way for their local area or situation.

Birds of Conservation Concern (BoCC)

In 1996, the UK's leading non-governmental bird conservation organisations listed the conservation status of all bird species in the UK against a series of criteria relating to their population size, trends and relative importance to global conservation. The lists, known as the 'Red', 'Amber' and 'Green' lists (in order of decreasing concern) are used to inform key conservation policy and decisions. The lists are reviewed every five years and are a useful reference for determining the current importance of a particular site for birds. The most recent review was undertaken in 2021 (Stanbury et al, 2021), which provides an up to date assessment of the conservation status of birds in the UK.

[4] HM Government (2023). National Planning Policy Framework. Department for Communities and Local Government. Available online at: https://assets.publishing.service.gov.uk/media/64f991c99ee0f2000fb7c001/NPPF_Sept_23.pdf.

[5] HM Government (2005) ODPM Circular 06/05 Government Circular: *Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*. Available online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf.

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Wildlife and Countryside Act (WCA) (1981). HMSO London. Available at: http://www.legislation.gov.uk/ukpga/1981/69/contents

APPENDIX 2 – Reptile Information Sheet

There are 6 native reptile species in the UK, all of which hibernate in the winter and become active when temperatures are approximately 9^0c or higher.

Common lizard: Adults grow to approximately 15cm in length and they can detach their tail to evade predation. They live for about 5-6 years, feeding on spiders and insects. They can be found in a range of habitats, including meadows, woodland, marshes, swamps, damp forests and heathland. Common lizards breed in April and live young hatch in July.



Figure 3. From left to right: Pregnant (gravid) female, non-gravid adult (note the thin body shape) and an adult lizard that has lost its tale.

Slow worm (a legless lizard): Can grow up to 50cm in length and can drop their tail to evade predation. Can live up to 20 years, feeding on slugs, spiders, insects and worms. They can be found in a range of habitats, including heathland, woodland rides, tussocky grassland and compost heaps. Males (large head and uniform colouration) will start courtship in May and become aggressive. Females (a dark stripe along top of body and flanks) incubate eggs internally (ovoviviparous) and give birth in later summer to approximately 8 young. The young are approximately 4cm long, and golden and brown.



Figure 4. From left to right: Female (note the dark striped), male (note the uniform colour) and juvenile (gold and brown).

Grass snake: Grass snakes are not venomous but when threatened can release a foul-smelling excretion from an anal gland. Can grow up to 10cm in length and live for 15-25 years. They favour damp areas with long grass, or in gardens and parks close to waterbodies, feeding on amphibians, fish, small mammals and small birds. They mate in April/May and the female lays 30 to 40 eggs in June and July (often in compost heaps) and these hatch in August/September.



Figure 5. Adult grass snake (left) and juvenile (right).

Adder: The only venomous snake in the UK, but it is rarely fatal for humans and dogs. Can grow up to 60-80cm in length and lives for 5 to 10 years. Found in heathland, moorlands, open woodland, sea cliffs and rarely found in garden spaces. Adders feed on small rodents and lizards. They breed in April, with females bearing live young in August/September.

Smooth snake: Smooth snakes are constrictors, and will often coil around prey to subdue it. Smooth snakes look similar to adders, but are smaller and more slender with a less defined zig-zag pattern on their backs They grow up to 50-70cm long and live for up to 20 years. Smooth snakes are limited to a number of heathland habitat sites within the UK in Dorset, Hampshire and Surrey. They have also been reintroduced in West Sussex and Devon. They feed on sand lizards, slow worms, insects and nestlings. In April the males compete to impress the female, the females incubate the eggs internally (ovoviviparous) and will give birth to approximately 4 to 15 young in September.



Figure 6. An adult smooth snake (note the smooth appearance and the lack of markings). Picture © ARC Trust.

Sand lizard: These are extremely rare within the UK, limited to sites in Dorset, Hampshire, Surrey, Merseyside and reintroduced in South East, South West and Wales. Sand lizards are bigger than common lizards (up to 25cm in length), short-legged and stocky with a deep head and a dark band down the centre of their back. Overall a brown/grey colour. They will burrow for shelter, for refuge at night and during brumation (hibernation-like state). They live on sandy heaths, feeding on slugs, spiders and insects, but also fruits and seed heads. Males emerge from hibernation in Spring and their flanks become a bright green in an effort to attract the females. Females will lay eggs in June and July and these will hatch around 1 to 2 months later.



Figure 7. An adult male sand lizard (note the green flanks)

Legal protection

Adder, **grass snake**, **common lizard** and **slow worm** are protected via part of Section 9 of the **Wildlife & Countryside Act 1981** against: intentional killing and injuring, selling, offering or exposing for sale, or having in possession or transporting for the purpose of sale, any live or dead wild animal or any part of, or anything derived from, such an animal; or publishing or causing to be published any advertisement likely to be understood as conveying buying or selling, or intending to buy or sell, any of those things.

Smooth snakes and **sand lizards** are **European Protected** Species via a combination of Regulation 41 of the Conservation of Habitats and Species Regulations 2010 and Sub-sections 9 and Section 9 of the Wildlife & Countryside Act 1981.

Destructive Search

- Ecologist to oversee removal of vegetation and stripping of soil.
- No works to be undertaken without supervision or prior notice
- Work **must** be completed “methodically” to ensure safe escape for reptiles on site and avoid breach in legislation.

APPENDIX 3 – Great Crested Newt Information Sheet

Great Crested Newts Triturus cristatus (GCN) are our largest newt, measuring up to 16cm. They are usually very dark in colour, with an orange belly with dark spots. Males have a jagged crest along the back with a break at the base of the tale and a silver flash. protected species.

GCN are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law. A license must be given by Natural England if a development is to proceed which would otherwise impact on GCN.

Terrestrial habitat is just as vital as aquatic! On average amphibians spend 80% of their lives on land, preferring generally damp and secluded places and returning to water to breed and hunt.

Amphibians depend on a mosaic of multiple breeding ponds and good terrestrial habitat, including tussocky grass, scrub and woodland.

GCN will typically travel up to 500m (though distances have been recorded up to 1300m).

GCN typically breed in ponds between March – June (but this can vary depending on the weather) until they leave the pond and spend the rest of the year on land.



Figure 1. The crest of a male GCN flops to one side on land.



Figure 2. Female GCN. Note the orange strip along the bottom of the tail.



Figure 3. Comparisons in size of a common newt (left) and a GCN (right).



Figure 4. Underside of a GCN.