



The Cottage, Ashley Stud
Species Protection Plan (SPP) for Great Crested Newts
For Jennifer Jenkins

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1. Introduction

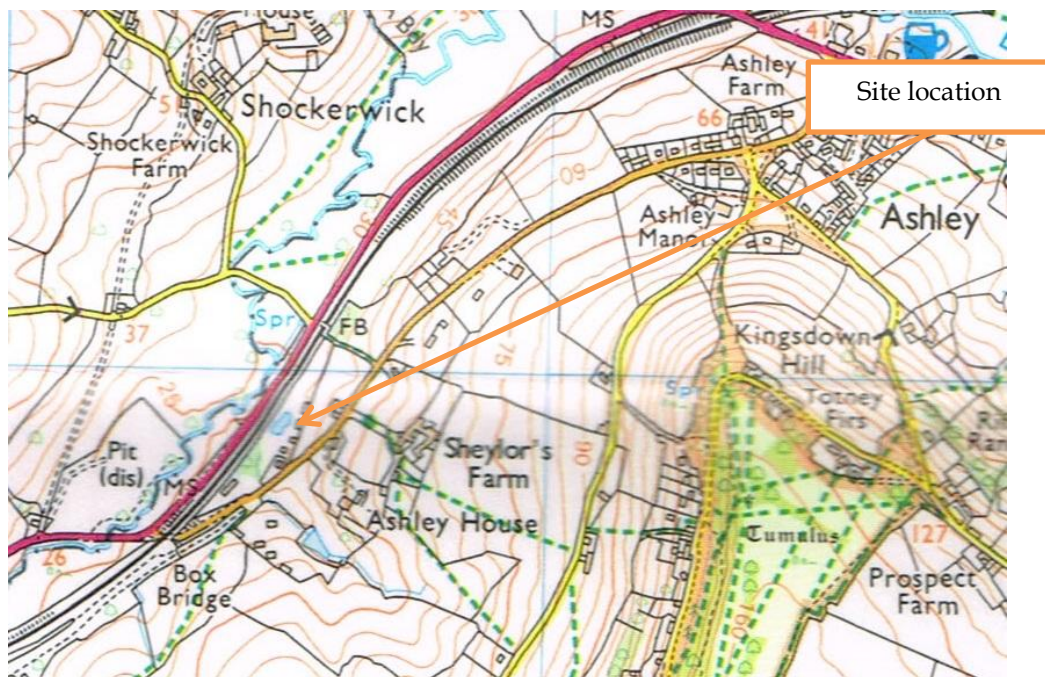
1.1 Commission

Ellendale Environmental Limited was commissioned by Jennifer Jenkins to provide a Species Protection Plan (SPP) for Great Crested Newt (GCN) to ensure all reasonable protection measures are undertaken with regard to GCN at The Cottage, Ashley Stud, Box, Wiltshire ('the site'). It is proposed to demolish the outbuildings present on the site and construct a replacement annex structure adjacent to the main property ('the proposed development').

1.2 Project Location & Description

The site is located to the south-west of Ashley, a small village in the civil parish of Box in Wiltshire, approximately 3.5 miles east of the village of Box, at OS Grid Reference ST 80549 67900.

Figure 1: Site location



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The site comprises a residential property and three small outbuildings, areas of hard standing and amenity grassland. The site is surrounded by residential properties to the north and south and a railway line to the west. To the east there is an unnamed road, beyond which is managed grassland and a residential property. It is proposed to demolish the three small outbuildings on the site and construct an annex to the existing (main) property.

A pond is present to the west of the proposed development and is surrounded by an area of amenity grassland which is managed through mowing.

Photograph 1: showing a view of the garden and pond



The pond was surveyed for the presence/likely absence of GCN in 2013 on behalf of Carillion as part of drainage works being undertaken along the railway embankments. A maximum count of 14 adult GCN were recorded in the pond and eggs were found during the survey indicating a breeding population.



Vegetation along the railway embankments was recorded as coarse grassland with scattered trees and scrub which provides suitable habitat for terrestrial GCN and a commuting corridor.

Photograph 2: showing a view of the pond



The pond has not been altered since the surveys were undertaken in 2013 and there is therefore no reason to believe that GCN will not still be present, using the pond for breeding and the habitat between the pond and the railway embankments for commuting and foraging.

However, it is unlikely that GCN would use the habitat to the east of the pond, as this more heavily managed and is used for residential/recreational purposes as part of the amenity area of the main property. It does not provide suitable cover for commuting or foraging, this being used much more often than the area to the west, i.e., between the pond and the railway embankments.



There is therefore a low likelihood of GCN being encountered within the working area around the proposed development, i.e., to the east of the pond, and it is proposed that no further surveys are required. Furthermore, a Natural England licence would not be required in support of the proposed works.

1.3 Purpose of the Species Protection Plan

Notwithstanding the above, this Species Protection Plan (SPP) provides guidance and agreed procedures for the protection of GCN during the works, in the unlikely event that they are encountered.

The emphasis throughout is on pragmatic measures that nonetheless take full account of the legal and conservation status of GCN and provides guidance and agreed procedures for the protection of GCN and suitable terrestrial habitat during the works at the site. The SPP details the procedures that must be followed where there is potential for GCN to be present.

Efforts to avoid or minimise disturbance should be proportionate to the status of the species, with special attention paid to the rarest and most susceptible or those with special protection. The best way to avoid disturbance is by good forward planning. It is important to be able to demonstrate that all reasonable steps have been taken to avoid damage or disturbance and to comply with legislation and guidance.



2. Legislation and Ecology

2.1 Legislation

Five species of amphibian are widespread in England; common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Lissotriton vulgaris*, palmate newt *Lissotriton helveticus* and great crested newt *Triturus cristatus*. A sixth species of amphibian, the natterjack toad *Bufo calamita*, also occurs in England but this species has special habitat requirements that limits its range to certain sand dune and heathland sites that are not present on the site.

Amphibians require aquatic habitat within which to breed and suitable terrestrial habitat to forage and hibernate. Suitable breeding waterbodies are usually well vegetated with still, shallow water which is not heavily shaded or very exposed. Terrestrial habitat includes woodland, scrub, field edges and gardens. Hibernation can occur under stone or log piles, in crevices or leaf litter and under the soil. Occasionally amphibians may be found hibernating in their breeding pools.

Over the last few decades all amphibians have suffered a decline in numbers. This is due to a combination of many factors, which include habitat destruction and fragmentation, loss of breeding pools through unsympathetic management and neglect, introduction of fish (which eat amphibian larvae) and pollution.

The GCN is a European Protected Species (EPS) protected under the 2017 Conservation of Habitats and Species Regulations, which implements the EC Habitats Directive 92/43/EEC in the United Kingdom. In relation to an EPS, the 2017 regulations make it an offence to:

- Deliberately capture, injure or kill any wild animal of an EPS;
- Deliberately disturb wild animals of any such species, in particular any disturbance which is likely to: (i) impair their ability to survive, to breed or reproduce, or to rear or nurture their young; or to hibernate or migrate; (ii) affect



significantly the local distribution or abundance of the species to which they belong;

- Damage or destroy a breeding site or resting place of such an animal; and/or
- To (a) be in possession of, or to control; (b) to transport any live or dead animal or any part of an animal; (c) to sell or exchange or (d) offer for sale or exchange any live or dead animal or part of an animal of an EPS.

In addition, GCNs are protected under the 1981 Wildlife and Countryside Act (as amended). The GCN is listed on Schedule 5 of the Act and is subject to the provisions of Sections 9.4b and 9.4c, which make it an offence to:

- Intentionally or recklessly disturb a GCN while it is occupying a structure or place which it uses for shelter or protection; and/or
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection by a GCN.

Where works are planned that may result in an offence under the current legislation then works should be carried out under an appropriate licence from Natural England.

The GCN, natterjack toad and common toad are also listed as priority species for conservation action under the UK Biodiversity Action Plan (BAP) and are listed as Species of Principal Importance under Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act. Section 40 of the NERC Act requires that these species are a material consideration in the planning process.

2.2 Mitigation Hierarchy

There is a general presumption against works being carried out which could disturb GCN in terrestrial habitat/place of shelter or breeding ponds/waterbodies. A hierarchical approach to mitigation of 'Avoidance - Disturbance – Destruction' will be applied to any place of shelter or waterbody that may be affected.

Avoidance



This is the preferred option for terrestrial habitat/place of shelter or breeding ponds/waterbodies identified within 30m of works. A protection zone of 30m will be marked and signed on the ground with appropriate material to restrict work access.

The protection zone must be maintained until works are completed. Site staff will be briefed of their purpose through a toolbox talk and works micro-sited out with the protection zone. If GCN disturbance can be avoided in this way, there is no need to obtain a licence from Natural England for the works.

Disturbance

For any works required within 30m of terrestrial habitat/place of shelter or breeding ponds/waterbodies, a licence from Natural England will be required.

Licence applications to Natural England will be accompanied by a revised SPP which will outline how disturbance will be minimised and GCN protected, for example through screening of works and modifying protection zones.

Destruction

Destruction of terrestrial habitat/place of shelter or breeding ponds/waterbodies should only be undertaken as a last resort. For destruction of terrestrial habitat/place of shelter or breeding ponds/waterbodies a licence will be required from Natural England.

Licence applications to Natural England will be accompanied by a revised SPP which will outline how disturbance will be minimised and individuals protected. The plan should include monitoring to ensure breeding is not taking place and provision for the creation of new ponds/waterbodies if required. Terrestrial habitat/place of shelter subject to works under licence will be monitored during and after those works.



3. Impact of Development

The works have the potential to impact upon GCN both directly and indirectly. These potential impacts are considered in more detail below, in relation to the ecology and status of GCN and their shelters, and where necessary, mitigation proposals and best practice measures have been detailed in order to safeguard GCN.

3.1 Key Considerations

A consideration of the potential impacts arising on bats can be broken down into a number of key aspects, which reflect GCN ecology. These are:

- Potential for direct disturbance to GCN and terrestrial habitat/place of shelter or breeding ponds/waterbodies;
- Potential for indirect disturbance to GCN and terrestrial habitat/place of shelter or breeding ponds/waterbodies;
- Maintenance of links with other terrestrial habitat/place of shelter or breeding ponds/waterbodies;
- Potential for loss of foraging grounds;
- Construction considerations; and
- Check surveys.

Each of these points is discussed in more detail in the following sections.

Potential for direct disturbance to GCN and terrestrial habitat/place of shelter or breeding ponds/waterbodies

GCN are well known to be relatively tolerant of indirect disturbance such as noise; however, they are less tolerant of direct disturbance such as physical interference and light.

The pond present within the area of amenity grassland will be maintained in its current location during the works and will not be directly impacted. The habitat



surrounding the pond will continue to be managed through mowing making it unsuitable for GCN.

Potential for indirect disturbance to GCN and terrestrial habitat/place of shelter or breeding ponds/waterbodies

There is potential for indirect disturbance to the existing pond through noise and lighting within the site during the works. Best practice mitigation for the works is discussed in Section 4.

Maintenance of links with other existing terrestrial habitat/place of shelter or breeding ponds/waterbodies

There is no potential for the works to damage links between foraging and commuting habitat and shelters out with the site boundaries.

Potential for loss of terrestrial habitat/place of shelter

There will no loss of foraging grounds for GCN and no detrimental effects are anticipated.

Construction considerations

During the construction phase of any development, it is often necessary to undertake a number of additional measures to safeguard any GCN present on a site, particularly in regard to disturbance and other related issues. Best practice mitigation for the works is discussed in Section 4.

Check surveys

GCN are a dynamic species and are also highly mobile and readily move between sites. An Ecological Clerk of Works (ECoW) will be available to visit the site throughout the works to undertake surveys and inspections of the site and adjacent



habitats as required. The results of these surveys will be given to the project team on site immediately following the surveys/inspections.



4. Mitigation Measures

The following mitigation measures relating to GCN will be undertaken during the works at the site:

4.1 Generic Mitigation

- Site personnel are to be made aware of the potential presence of GCN through a toolbox talk (Appendix A);
- Site personnel will be inducted to the environmental constraints of the site;
- A suitably experienced ecologist/ECOW will be available to attend site on a regular basis throughout the works to ensure all environmental mitigation relevant to GCN is delivered;
- Any temporarily exposed pipes or similar will be capped when staff are off site to prevent mammals from gaining access and becoming trapped;
- Habitat management and manipulation (Section 4.2) should be implemented to ensure the area is unsuitable for terrestrial amphibians;
- Felled trees and shrubs should be chipped and mulched so as to not create habitat for amphibians;
- Any trenches or excavations on site should have a plank placed within them overnight at an angle of no greater than 45 degrees, to ensure that trapped animals have a means of safe egress;
- Water will be prevented from pooling on the site (i.e., in tyre ruts, etc.) through the use of drains and/or pumps as appropriate to prevent amphibians from colonising ephemeral pools;
- No materials are to be stored directly on the ground. Storage should be raised off the ground to prevent amphibians from crawling underneath for shelter. Pallets or racking should be used;
- If bulk sand and/or ballast are to be stored on site, it should be stored off the ground as specified in suitable one tonne storage bags on pallets or stored directly on the ground within areas enclosed by amphibian proof fencing. Amphibians and



other animals will quickly colonise rubble/aggregate or sand piles as suitable areas for hibernation;

- An emergency procedure will be implemented by site workers if an GCN are unexpectedly encountered. All work will cease until a suitably qualified and experienced ecologist has inspected the site and determined the appropriate course of action; and
- Should GCN be identified within an area works will be halted within the area whilst mitigation is determined (under consultation with Natural England if required).

4.2 Habitat Management and Manipulation

- Vegetation within areas of suitable terrestrial habitat located within the proposed area of works should be cleared using hand-held machinery to a height of no less than 100mm to reduce suitability of the habitat and to encourage the dispersal of any animals away from affected areas;
- Vegetation should be cut using hand-held tools (and under the supervision of a suitably qualified ecologist if required, who could inspect affected areas prior to and during works);
- In addition, any refuge opportunities present should be dismantled by hand and searched prior to being removed; and
- Vegetation removal works should be carried out at a time of year when amphibians are active (generally March to October inclusive), ideally during the newt breeding season (mid-March to mid-June inclusive) when newts are even less likely to be present at the site.



Appendix A – Toolbox Talk for GCN



GREAT CRESTED NEWT AND COMMON AMPHIBIANS

Great Crested Newt (*Triturus cristatus*) and common amphibians are widely distributed throughout the UK and are found in a wide variety of habitats. Great crested newts (GCN) are the largest of the UK's three native species. Newts along with Common Frog and Toad use both terrestrial and aquatic habitats returning to water during April/May when breeding takes place.



Identification

- Dark grey-brown backs and flanks, and are covered with darker coloured spots so that they appear almost black in colour.
- Their undersides are either yellow or orange-coloured and are covered in large black blotches.
- Males have a jagged crest during the breeding season with a marked break in the dorsal crest.

- Males also have a silver-grey stripe that runs along the tail.
- Females lack a crest, but have a yellow-orange stripe along the lower edge of their tail and often a marked orange stripe along the top of the lower back and tail.

Great Crested Newts (GCN) is afforded full protection by the 2017 Conservation of Habitats and Species Regulations and the Wildlife and Countryside Act 1981. It is an offence to deliberately or recklessly kill, injure or take (capture) GCN, intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a GCN (aquatic and terrestrial habitat) or intentionally or recklessly disturb a Great Crested Newt while it is occupying a structure or place which it uses for that purpose

Common/ Smooth Newt (*Triturus vulgaris*)



Identification

- Females and non-breeding males are pale brown or olive green, often with two darker stripes on the back.
- Both sexes have an orange belly, although it is paler in females, which is covered in rounded black spots.
- They have a pale throat with conspicuous spots.
- During the breeding season the male is far darker than the female, with a tall wavy and transparent crest along the spine and tail, with dark spots covering the rest of the body.

Palmate Newt (*Triturus helveticus*)



Identification

- Both sexes are olive-green/brown; a dark line runs across the head through the eyes.
- Females may have dark stripes on their flanks and down the middle of their backs. Sometimes females also have light-coloured stripes, or dark and light spots along the sides of their backs
- Does not have the spotted throat of the smooth newt.
- Both sexes have a yellow or pale orange belly with some spotting

Common Frog (*Rana temporaria*)



Identification

- Adults have a body length of 6 to 9 centimetres (2.4 to 3.5 in).
- Flanks, limbs and backs are covered with irregular dark blotches.
- The frogs' underbellies are white or yellow (occasionally more orange in females)
- Relatively short hind legs and possess webbed feet.
- During the mating season, males are generally light and greyish in colour, whereas the female is browner, or even red.

Common Toad (*Bufo bufo*)



Identification

- The common toad can reach about 15 cm (6 in) in length.
- Females are normally stouter than males.
- Eyes have yellow or copper coloured irises and horizontal slit-shaped pupils.
- Short hind legs and long unwebbed toes.
- Skin is dry and covered with small wart-like lumps.
- Colour is a fairly uniform shade of brown, olive-brown or greyish-brown.

Common and Palmate Newt, Common Frog and Toad are protected under the Wildlife and Countryside Act 1981. It is an offence to deliberately kill, harm or injure them, sell or trade them in any way.