

33 Orchard Estate
Twyford
Reading
RG10 9LA

Great Crested Newt Statement

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Report Quality Control Information	
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1 EXECUTIVE SUMMARY

- 1.1.1** John Wenman Ecological Consultancy LLP was instructed by Mr Joshua Che Jian to prepare a Great Crested Newt (GCN) Statement at 33 Orchard Esate in Twyford, Berkshire to accompany a householder planning application to be submitted to Wokingham Borough Council for a proposed single-storey rear extension.
- 1.1.2** The application site falls within a 'Red' GCN Habitat Zone and therefore the Council require a statement demonstrating how the proposals will safeguard against the risk of harming GCN. The aim of the GCN Statement was to determine the suitability of the habitats for GCN on site and whether further survey and/or mitigation would be required for the proposals.
- 1.1.3** A search on MAGIC revealed that whilst no European Protected Species (EPS) mitigation licenses have been granted, five class licence survey returns for GCN have been returned within a 1km radius of the application site. There was no evidence of GCN presence during the visual assessment.
- 1.1.4** Based on the assumption that the four water-bodies within 500 metres of the application site support breeding GCN, the Natural England GCN Rapid Risk Assessment Tool was used to assess the risk of the development proposals adversely affecting GCN. The development footprint is less than 0.01ha and the Tool indicates that the loss of or damage to 0.001ha – 0.01ha of land within 100m, 100-250m and greater than 250m from any breeding ponds is highly unlikely to result in an offence.
- 1.1.5** In the absence of precautionary mitigation there is an extremely low risk that individual GCNs could potentially be injured and/or killed during the construction activities if a local population exists. To avoid this, it is recommended that reasonable avoidance measures to minimise the risk of killing individual GCNs are implemented during the construction phase – as set out in **Section 6.3**.

2 INTRODUCTION

2.1 Project Background

- 2.1.1** John Wenman Ecological Consultancy LLP was instructed by Mr Joshua Che Jian to prepare a Great Crested Newt (GCN) Statement at 33 Orchard Estate in Twyford, Berkshire.
- 2.1.2** The GCN statement was commissioned to accompany a householder planning application to be submitted to Wokingham Borough Council for a proposed single-storey rear extension; replacing an existing conservatory.
- 2.1.3** The application site falls within a 'Red' GCN Habitat Zone (see NatureSpace Impact Risk Maps) and therefore the Council require a statement demonstrating how the proposals will safeguard against the risk of harming GCN.

2.2 Site Location and Context

- 2.2.1** The semi-detached property is located at the south-eastern end of the Orchard Estate -a cul-de-sac in Twyford, Berkshire (central OS grid reference: SU 79333 76112).
- 2.2.2** The property is bordered by neighbouring properties and their associated gardens to the north and east. The rear of the property backs onto land with two ponds situated to the rear of Ruscombe Business Park, which is surrounded by deciduous priority woodland, grassland and ponds. The adjacent woodland is connected to further woodland and tree-lines along the railway line situated 130 metres south of the property, with open grassland present over 220m to the south of the site.

2.3 Report Objectives

- 2.3.1** The aim of the GCN Statement was to determine the suitability of the habitats for GCN on site and whether further survey and/or mitigation would be required for the proposed development.

3 LEGISLATION AND POLICY

3.1 Relevant Legislation

3.1.1 In England and Wales, GCNs found in the wild are fully protected under the Wildlife & Countryside Act 1981 (as amended) (WCA) and Conservation of Habitats and Species Regulations 2017 (as amended); the regulations are commonly referred to as the Habitat Regulations and hereafter referred to as such. The Habitat Regulations refer to European Protected Species (EPS) and the GCN is an EPS. Although the UK left the European Union on the 31st January 2020 and is therefore no longer tied to European legislation, the Habitat Regulations have been retained in their current format.

3.1.2 The legal framework underpinned by the WCA and Habitat Regulations makes these specific actions an offence as follows:

- Deliberately kill, injure, capture or take a wild GCN;
- Deliberately, intentionally or recklessly disturb GCNs; in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or to significantly affect local distribution or abundance;
- Damage or destroy a place used by a GCN for breeding or resting; and
- Intentionally or recklessly obstruct access to any place used by a GCN for shelter or protection.

3.1.3 The GCN is listed as a species of principal importance for the conservation of biodiversity (a.k.a. priority species) in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

3.2 Planning Policy

3.2.1 The biodiversity duty imposed through the Environment Act 2021 states that Local Planning Authorities (LPAs) must consider what action they can take to conserve and enhance biodiversity in England. Government planning policy, such as the ODPM Circular 06/2005, requires LPAs to account for

the conservation of protected species when considering and determining planning applications.

- 3.2.2** The ODPM Circular 06/2005 states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.'* This policy means that in instances where there is a reasonable likelihood of GCNs being present and affected by a development, surveys must be undertaken to inform a mitigation strategy to be agreed prior to granting planning permission.

3.3 Mitigation Licensing

- 3.3.1** The government's statutory nature conservation body, Natural England, is responsible for issuing European Protected Species (EPS) mitigation licences that would permit activities that would otherwise lead to an infringement of the Habitat Regulations. An EPS mitigation licence can be issued if the following three tests derived from Regulation 55 have been satisfied:

- (2)(e) – the derogation is for the purposes of *'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.'*
- (9)(a) – there is *'no satisfactory alternative'* to the derogation; and
- (9)(b) – *'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.'*

- 3.3.2** LPAs have a statutory duty under Regulation 7(3)(e) of the Habitat Regulations to consider and determine whether these three tests are likely to be satisfied by planning proposals affecting EPS before granting planning permission. If an EPS mitigation licence is necessary, a licence can be sought once all the necessary planning consents have been granted. Natural England aims to issue a decision on licence applications within 30 working days of submission.

- 3.3.3** The District Level Licensing (DDL) scheme is an alternative approach to traditional mitigation licensing which authorises developments that adversely affect GCNs. Instead of relying solely on site-specific mitigation and

compensation, a 'Conservation Payment' can be made to fund a net increase in GCN habitat elsewhere. Please refer to the NatureSpace guidance for more details.

4 SURVEY METHODS

4.1 Desk Study

4.1.1 The DEFRA Data Services Platform was used to obtain geospatial datasets, such as GCN eDNA Pond Surveys for District Level Licensing and GCN Class Survey Licence Returns, for examination on QGIS. The Multi-Agency Geographical Information Centre (MAGIC) website was examined for nearby granted EPS licences; MAGIC was used in conjunction with Google Earth satellite imagery to identify ponds and assess the permeability of habitats within a 500m radius of the application site.

4.2 Field Survey

4.2.1 The application site was visually assessed for its potential to support GCN on the 5th November 2024 by John Wenman MCIEEM, registered under the Natural England GCN Survey Class Licence CL08.

4.2.2 GCN require standing water for breeding and favour small to medium-sized ponds with surface areas ranging from 50m² to 250m². For larval development to take place and young newts to emerge from ponds, ponds must hold water until the end of August (Langton *et.al.* 2001).

4.2.3 GCN require terrestrial habitats for feeding, movement from pond to pond and for hibernation. Habitats of greatest value to GCN are those listed below that provide invertebrate prey and provide cover such as under logs or stones:

- Woodland;
- Rough grassland;
- Scrub;
- Hedgerows; and
- Waste ground.

4.2.4 Terrestrial habitats of highest value to GCN are those rich in invertebrate prey, which provide cover during periods of cold and dry weather, such as under logs or stones for example. Open habitats, such as closely mown grassland, do not provide important habitats for feeding or shelter but can be traversed by GCN moving between more preferable habitats (English Nature 2001; Langton *et. al.* 2001).

4.3 Risk Assessment

- 4.3.1** A rapid risk assessment of the impacts to GCN was carried out using the Natural England Rapid Risk Assessment Tool. The Tool takes into account the impacts of the development on GCN and determines the likelihood of effects on populations in the absence of mitigation.

4.4 Survey Constraints

- 4.4.1** There were no significant survey limitations because a visual assessment of terrestrial habitat for GCN can be carried out at any time of year under any weather conditions and the application site was fully accessible.

5 SURVEY FINDINGS

5.1 Desk Study

- 5.1.1** A search on MAGIC revealed no granted European Protected Species (EPS) mitigation licence applications for GCN, however, two class licence survey returns for GCN have been returned within 500m of the site, with the closest site situated approximately 190 metres to the east and the second 480 metres northwest with GCN presence confirmed in 2014.
- 5.1.2** OS mapping revealed four waterbodies that could potentially support GCNs within a 500m radius of the application site boundary: approximately: 20 metres northeast, 25 metres southeast, 285 metres northeast and 470 metres east.
- 5.1.3** The application site falls within a 'Red' GCN Habitat Zone (see NatureSpace Impact Risk Maps) – these zones contain highly suitable habitat and are the most important areas for GCN.

5.2 Field Survey

- 5.2.1** The findings of the visual assessment of the site are described with photographs, as follows:
- 5.2.2** The application site comprised a semi-detached house with a front driveway, side gravelled area and rear garden comprising modified grassland and a paved walkway around the sides of the house (**Photographs 1 & 2**).



Photograph 1. Side garden.



Photograph 2. Rear garden.

- 5.2.3** A brick-paved drive was bordered by a small grass lawn on the front elevation of the house. The rear garden closely-mown grass lawn with species present including perennial rye grass (*Lolium perenne*), red fescue (*Festuca rubra*), white clover (*Trifolium repens*), dandelion (*Taraxacum*

officinale), daisy (*Bellis perennis*) and catsear (*Hypochaeris radicata*) (**Photograph 3**). A chain-link fence was present along the rear boundary with offsite woodland featuring elm (*Ulmus procera*), sycamore (*Acer pseudoplatanus*), bramble (*Rubus fruticosus*), ivy (*Hedera helix*) and wood avens (*Geum urbanum*) (**Photograph 4**).



Photograph 3. Modified grassland.



Photograph 4. Chainlink fence along rear boundary with offsite scrub.

5.2.4 There were two timber sheds in the garden (**Photograph 6**). There was a timber-panel fence with frequent gaps at its base (**Photograph 7**).



Photograph 6. Timber shed on gravel area in the northern corner of the site.



Photograph 7. Timber shed on paving along rear boundary.

5.3 Risk Assessment

5.3.1 Based on the assumption that the four local ponds within 500 metres of the application site support breeding GCN, the Natural England GCN Rapid Risk Assessment Tool was used to assess the risk of the development proposals adversely affecting GCN. The development footprint is less than 0.01ha and the Tool indicates that the loss of or damage to 0.001ha – 0.01ha of land within 100m, 100-250m and greater than 250m from any breeding pond is highly unlikely to result in an offence – see **Figure 1** below.

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
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)	0.001 - 0.01 ha lost or damaged	0.0005
Individual great crested newts	No effect	0
	Maximum:	0.05
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

Guidance on risk assessment result categories

"**Green: offence highly unlikely**" indicates that the development activities are of such a type, scale and location that it is highly unlikely any offence would be committed should the development proceed. Therefore, no licence would be required. However, bearing in mind that this is a generic assessment, you should carefully examine your specific plans to ensure this is a sound conclusion, and take precautions (see **Non-licensed avoidance measures tool**) to avoid offences if appropriate. It is likely that any residual offences would have negligible impact on conservation status, and enforcement of such breaches is unlikely to be in the public interest.

Figure 1. Natural England GCN Rapid Risk Assessment Tool.

6 DISCUSSION AND RECOMMENDATIONS

6.1 Assessment of Habitat Suitability

- 6.1.1** The eastern boundary of the application site directly borders woodland, separated by a chain-link fence. In addition, whilst no European Protected Species (EPS) mitigation licenses have been granted, two class licence survey returns for GCN have been returned within a 1km radius of the application site, with the closest situated 190 metres to the east and the second 480 metres northwest with GCN presence, both confirmed in 2014.
- 6.1.2** OS mapping revealed four waterbodies that could potentially support breeding GCNs within a 500 metre radius of the application site boundary, the closest of which situated approximately 20m from the property.
- 6.1.3** The application site falls within a 'Red' GCN Habitat Zone (see NatureSpace Impact Risk Maps) – these zones contain highly suitable habitat and are the most important areas for GCN. However, the site was a residential property with garden habitats, including a closely mown lawn and hard standing, which are terrestrial habitats of negligible value to GCN.

6.2 Impact Assessment and Required Actions

- 6.2.1** The development proposals involve a proposed single-storey rear extension. The development footprint is small and will impact existing developed land only, i.e. terrestrial habitats of negligible value to GCN.
- 6.2.2** Based on the assumption that the nearby ponds support breeding GCN, the Natural England GCN Rapid Risk Assessment Tool was used to assess the risk of the development proposals adversely affecting GCN. The development footprint is less than 0.01ha and the Tool indicates that the loss of or damage to 0.001ha – 0.01ha of land within 100m, 100-250m and greater than 250m from any breeding ponds is highly unlikely to result in an offence.
- 6.2.3** In line with the guidance contained in the Tool and the impact assessment presented above, the nature and scale of the proposed development is highly unlikely to breach legislation protecting GCN or their habitats. However, in the absence of mitigation there is an extremely low risk that individual GCNs could potentially be injured and/or killed during the

construction activities if traversing across the habitats on site. To avoid this, it is recommended that reasonable avoidance measures to minimise the risk of killing individual GCNs are implemented during the construction phase – as set out in **Section 6.3** below.

6.3 Reasonable Avoidance Measures

6.3.1 The following reasonable avoidance measures should be adopted to minimise the extremely low risk of harming individual GCNs:

Pre-commencement of construction activities

- The formal mowing of the lawn should be maintained prior to the commencement of site work to minimise the likelihood of GCN being present during excavations.

During construction activities

- Any stored building materials or waste, such as bricks or debris etc., that might offer shelter for GCN will be kept raised off the ground on pallets or on existing hard standing, and efforts should be made to process and remove from site as soon as possible; and
- Excavation works will be avoided after dusk and any open excavations or trenches will be backfilled (after a check for GCN presence) or left with escape ramps to prevent GCN from becoming trapped.

6.3.2 In the unlikely event that a GCN is found during the course of construction, works will stop immediately and a licensed ecologist will be called onto site to ensure the GCN is not harmed and provide further advice on how to proceed; work will recommence only once further written advice has been received.

6.3.3 The value of the application site to wildlife could be enhanced by adding features suitable for sheltering and hibernating GCN, such as creating rockeries and allowing areas of grassland to grow tall and diversify.

7 REFERENCES

English Nature (2001). *Great crested newt mitigation guidelines*. English Nature, Peterborough.

Langton, T.E.S, Beckett, C.L., and Foster, J.P. (2001). *Great Crested Newt Conservation Handbook*, Froglife, Halesworth.