

9 Hard Dyke Close
Wokingham
Berkshire
RG41 2HQ

GCN Habitat Assessment

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1 EXECUTIVE SUMMARY

- 1.1.1** John Wenman Ecological Consultancy LLP was instructed by Mr and Mrs Batista to undertake a Great Crested Newt (GCN) habitat assessment at 9 Hart Dyke Close in Wokingham, Berkshire.
- 1.1.2** The application site falls within a 'Amber' GCN Impact Risk Zone within the Berkshire GCN District Licence and therefore the Council require a statement demonstrating how the proposals will safeguard against the risk of harming GCN. The aim of the GCN habitat assessment 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** The survey methods comprise a desk-based study for GCN, site walkover survey, and an impact risk assessment. There were no significant survey limitations.
- 1.1.4** The desk study revealed three ponds within 500m of the application site boundary that could potentially support breeding GCNs, however, one was entirely isolated within residential development.
- 1.1.5** The site comprised a residential house and garage with a front and rear garden that had formally managed grassland with beds of introduced shrubs, hedgerows and scattered trees i.e. terrestrial habitats of low - moderate value to GCN. The development footprint is very small and will impact a limited area of amenity grassland and planted shrub beds on the rear elevation of the building (i.e. terrestrial habitat of negligible - low value to GCN).
- 1.1.6** The Natural England GCN Rapid Risk Assessment Tool was used to assess the risk of the development proposals adversely affecting GCN and the proposed works were considered highly unlikely to result in an offence.
- 1.1.7** In the absence of precautionary mitigation measures, there is a low risk that individual GCNs could potentially be injured and/or killed during the construction activities if a local population exists in the wider area. 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 & Mrs Batista to undertake a Great Crested Newt (GCN) habitat assessment at 9 Hart Dyke Close to accompany a planning application to be submitted to Wokingham Borough Council for a single-storey extension to replace the existing conservatory and a loft conversion for the house and garage (see proposed drawings in **Appendix 4**).
- 2.1.2** The application site falls within a 'Amber' GCN Impact Risk 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 detached house is located on the eastern side of Hart Dyke Close in Wokingham, Berkshire (central OS Grid Reference: SU 80628 66993).
- 2.2.2** The property is situated on the edge of a suburban area with neighboring properties and their associated gardens along Hart Dyke Close. The rear garden directly borders a grassland paddock with parcels of broadleaved woodland and mixed priority woodland situated 80 metres to the north and 220 metres to the northeast respectively. Conifer woodland is also situated approximately 230 metres to the southwest.
- 2.2.3** Further surroundings are primarily suburban to the north and west, with agricultural land and Wokingham Family Golf Course to the east and south.

2.3 Report Objectives

- 2.3.1** The aim of the GCN habitat assessment 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 GCNs, on the 27th May 2025 by John Wenman MCIEEM – an ecologist registered under the Natural England GCN Survey Class Licence CL08.

4.2.2 GCNs 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 GCNs require terrestrial habitats for feeding, movement from pond to pond and for hibernation. Habitats of greatest value to GCNs 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 GCNs 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 GCNs 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 GCN habitat assessments 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 Whilst no European Protected Species (EPS) mitigation licences have been granted for GCN within a 1km radius of the application site, one GCN Class Survey Licence has been returned approximately 870m to the southwest, confirming the presence of GCN in 2014.

5.1.2 MAGIC and OS mapping revealed that there are three ponds that could potentially support breeding GCN within 500m from the site boundary: situated approximately 310 metres to the northeast, 420 metres to the southeast, and 480 metres to the southeast. Water filled drains are also situated within a 500m radius, however, these are unlikely to support breeding newts due to the lack of consistent water retention within them.

5.1.3 The application site falls within a 'Amber' GCN Impact Risk Zone (see NatureSpace Impact Risk Maps) – these zones contain suitable habitat in which GCN are likely to be present.

5.2 Field Survey

5.2.1 The findings of the visual inspection of the site are described with photographs as follows:

5.2.2 The application site is a residential house with a front and rear garden that comprise formally managed grassland with beds of introduced shrubs, hedgerows and scattered trees (**Photographs 1 & 2**).



Photograph 1. Front garden and elevation of the property.



Photograph 2. Rear garden.

5.2.3 A fully bedded stone patio was situated on the rear elevation of the property and the rear garden was bordered by an grassland paddock, separated by low timber-panel fencing that had slight gaps at its base (**Photographs 3 & 4**). Ruderal vegetation was situated along the rear fence within the bordering field.



Photograph 3. Rear patio.



Photograph 4. Slight gaps at the base of the rear timber panel fence.

5.3 Risk Assessment

5.3.1 Based on the assumption that the nearby pond supports breeding GCN - the Natural England GCN Rapid Risk Assessment Tool was used to assess the risk of the development proposals adversely affecting GCN.

5.3.2 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 greater than 250 m from any breeding pond is highly unlikely to result in an offence – see **Figure 2** 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)	No effect	0
Land 100-250m from any breeding pond(s)	No effect	0
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:
		0.0005
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 2. Natural England GCN Rapid Risk Assessment Tool.

6 DISCUSSION AND RECOMMENDATIONS

6.1 Assessment of Habitat Suitability

6.1.1 The desk study revealed three ponds that could potentially support breeding GCNs within 500m of the application site boundary: situated approximately 310 metres to the northeast, 420 metres to the southeast, and 480 metres to the southeast. Whilst there is a network of hedgerows and tall grass that connect the site to the southern ponds, the northeastern pond is an ornamental feature isolated within an area of residential development with no connectivity to the site.

6.1.2 The application site falls within a 'Amber' GCN Impact Risk Zone – these zones contain suitable habitat and are likely to support GCN. However, the application site comprised garden habitats, including formal amenity grassland, planted shrubs, hedgerows, scattered trees and a paved patio that are of negligible to moderate value for GCN.

6.2 Impact Assessment and Required Actions

6.2.1 The development proposals include a single-storey extension to replace the existing conservatory and a loft conversion for the house and garage (see proposed drawings in **Appendix 4**). The development footprint is very small and will only impact limited areas of mown grassland and planted shrub beds (i.e. terrestrial habitats of negligible - low value to GCN). The garden provided limited sheltering opportunities for GCN as bare ground was present beneath the shrubs.

6.2.2 The Natural England GCN Rapid Risk Assessment Tool was used to assess the risk of the development proposals adversely affecting GCN and it was considered highly unlikely that the proposed works would result in an offence – see **Figure 2** above.

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 a risk that individual GCNs could potentially be injured and/or killed during the construction activities if traversing across the habitats on site or sheltering onsite. 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 It is likely that any residual offences would have negligible impact on the conservation status of a local GCN population and the enforcement of such breaches is unlikely to be in the public interest. Therefore it is considered that a European Protected Species (EPS) mitigation licence or a District Level Licence would not be required to allow the works to proceed lawfully, but 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 of 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;
- 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; and
- If any extensive groundworks are required, a destructive search using a machine with a toothed bucket will be undertaken in the presence of a suitably licensed ecologist.

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 and other amphibians, such as creating rockeries and log piles.

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.