

## Dorset Biodiversity Appraisal Protocol

Natural Environment Team

# Section D - Dorset Council Great Crested Newt Licensing Scheme

The following guidance note outlines options available to developers and consultants where planning applications have the potential to impact on Great Crested Newt ponds (GCN) and their associated terrestrial and aquatic habitats.

All the necessary forms and additional information can be accessed on the Dorset Biodiversity Appraisal Protocol website. The flow chart on Page 8. summarises the process.

### **1.0 Introduction**

- 1.1 The traditional Natural England survey and licensing route can be followed if preferred, however it is now possible to use an alternative approach.
- 1.2 Dorset Council are keen to adopt a more strategic solution to the protection of GCN and their habitat by encouraging sustainable development which delivers the best outcomes for GCN.
- 1.3 The Natural Environment Team (NET), Dorset Council have secured a District Level Licence (DLL) which permits them to provide choices to developers and consultants on the way mitigation and compensation required for GCN is delivered and licensed.
- 1.4 This licensing approach may help to reduce delays due to survey season restrictions and avoid translocation exercises.
- 1.5 Both published research and evidence from Natural England's models highlight the importance of ponds to the presence of suitable habitat and breeding of newts. This being the case the creation and restoration of ponds benefits newt distribution where i) ponds are delivered in existing suitable habitat near known populations and ii) where ponds are delivered in suitable terrestrial habitat within dispersal distance of known populations.

- 1.6 A conservation payment will be required to create and/restore ponds away from the development.
- 1.7 The conservation payment will ensure the ponds are managed and monitored for 25 years.

## 2.0 Licensing process

- 2.1 The choice as to whether the DLL approach can be used is dependent on where the development is in relation to important GCN ponds and associated terrestrial habitat. Please note transport schemes will not currently be eligible to apply for entry into the Dorset Council Licensing Scheme.
- 2.2 Developments located within the Bournemouth, Christchurch and Poole Planning Authority (BCP) area are not eligible to use the Dorset Council Licensing Scheme.
- 2.3 Collected data has been used in modelling to predict the distribution of GCN across Dorset. The modelled distribution has been used to map risk zones to assess the likely impact of development.

In **red zones** there are key populations of GCN (regional, national or international importance) and a DLL option will not be available for developments in these areas. A site survey and mitigation licence will be required.

In **amber zones** which include the GCN meta-population centres, habitats and dispersal routes, development will be expected to have a high impact on GCN. In this zone developments are eligible to join the DLL scheme. If the scheme is not being used, then there must be a clear assessment of risk and measures outlined to reduce that risk. This may involve a mitigation licence if the DLL scheme is not used.

In **green zones** GCN are sparsely distributed and impact of development may be low, though it may still pose a risk. In this zone developments are eligible to join the scheme. If the scheme is not being used further assessment to assess likelihood of impact on suitable habitats for the species will be required.

- 2.4 It is recommended as part of the desktop survey, to check with Dorset Environmental Records Centre (DERC) which GCN zone/zones the development site is in and whether the site is eligible to join the scheme.

- 2.5 As part of the required local records centre searches, DERC will also be able to confirm if they are aware of any survey information pertaining to the site that is less than four years old. If the 'no survey' part of the licence application is used, a declaration by DERC will be required to demonstrate no surveys for GCN have been undertaken on the development site. See 2.8.
- 2.6 If eligible please complete a GCN LS **application** form available on the Dorset Biodiversity Appraisal Protocol web site.
- 2.7 To process the licence application form, undertake the impact assessment and provide the Conservation Payment Certificate, an administration fee of £249.24 is charged which will be required prior to review of the DLL application form. This can be paid by calling 01305 228608 or 01305 225716 or by cheque; made payable to Dorset Council and sent to the Natural Environment Team. Please state this is for the GCN DLL Scheme.
- 2.8 When processing the enquiry, the impact assessment and the number of compensation ponds required will be dependent on whether surveys have been carried out in some or all of the ponds or if no surveys have been undertaken. Details of this will be required on the application form.
- 2.9 Please note the application also requires the following to be submitted:
- The proposed red line boundary:
- preferably as a geographic information system (GIS) polygon shapefile
  - or on an accurate map or plan (such as a PDF)
- 2.10 Presence/Absence surveys and population assessment surveys are not required for the DLL scheme but should information be provided for some or all the ponds it should follow the format:
- ponds on the site, and within 250 metres of the site
  - presence or absence of GCNs with methodology
  - any ponds which have not been surveyed
- 2.11 NET will undertake an impact assessment. This is based on extensive predictive modelling using local data and considers ponds and terrestrial habitat within the site plus within a

- 250m buffer around the development. This will determine the number of compensation ponds required.
- 2.12 A standard tariff is applied to the compensation ponds to calculate the conservation payment. This is detailed on the Conservation Payment Certificate which will be provided.
- 2.13 A Conservation Payment Certificate will be issued with the terms and conditions of the licence scheme and the conservation payment. This will require signing and returning by email to [net@dorsetcc.gov.uk](mailto:net@dorsetcc.gov.uk) for countersigning by NET. This will then be returned and should be included with the planning application along with the NET signed Biodiversity Plan and BP Certificate of Approval or the approved LEMP to show agreement to use the DLL scheme.
- 2.14 GCN details and reasonable avoidance methods (RAMS) to avoid killing and injury must still be included in the Biodiversity Plan or LEMP. In the BP the DLL box must be ticked in Section E. and the RAMs included in Section F. See Section 3.
- 2.15 To avoid unnecessary amendments or delays please apply to the DLL scheme prior to submitting the EclA Report and Biodiversity Plan/LEMP for review under the Dorset Biodiversity Appraisal Protocol (DBAP).
- 2.16 The review of the ecological survey information and Biodiversity Plan under the Dorset Biodiversity Appraisal Protocol remains the same for other habitats and species. The requirement for avoidance, mitigation and compensation in relation to other species and habitats remains unchanged.
- 2.17 All ponds located within a development boundary and within 250 metres have the potential to be used by GCN unless there are clear reasons why. These should be fully justified in the Biodiversity Plan if no licence (traditional or district level) is being applied for.
- 2.18 Please note a licence or other measures may be required for other species present on the site.
- 2.19 Dorset Council will only be able to grant authorisation under the licence to the developer once planning permission has been granted.
- 2.20 The NET will accept full and outline planning applications with or without reserved matters as the boundary will remain the same.

- 2.21 Once planning permission has been granted the authorisation form sent with the Conservation Payment should be submitted to NET.
- 2.22 NET will invoice for the conservation payment set out in the scheme agreement which should be paid within 28 days of the invoice date. Once payment has been received authorisation under the DLL will be granted. This authorisation will be valid for a period of two years from the date of issue.
- 2.23 Work can start as soon as the authorisation under the licence has been received.
- 2.24 A DLL can be used for new phased developments and tailored to those which are part way through in discussion with NET.
- 2.25 If planning permission is not granted a new application will be required for the revised development proposal and new planning application.
- 2.26 If you applied with outline planning permission, you must notify NET within 2 weeks of the local authority discharging any reserved matters.
- 2.27 If a site boundary changes, for example during phased developments, it may change how the development affects GCN habitat and the conservation payment and the conservation payment required to join the scheme. In this case please contact NET. You must stop all development work until a decision is made on whether the authorisation or conservation payment needs amending. An extra payment maybe required to mitigate against further impacts.
- 2.28 The Report of Action form provided with the authorisation must be sent to NET within 14 days of the date your authorisation expiring.
- 2.29 If your development takes longer than 2 years, you must email NET to request renewal of your authorisation at least 4 weeks before it expires. Include the compliance form with details of activities you've carried out to date. You'll need to pay an extra fee for the further authorisation under the DLL licence.

### **3.0 Reasonable Avoidance Measures**

- 3.1 An authorisation given under Dorset Council DLL permits acts including the killing, injury, disturbance, capture and transport of GCN, as well as damage and destruction of their breeding sites and resting places. The Conservation payment has provided habitat

compensation off-site. Development can proceed without further surveys or mitigation to retain GCN and their habitat on site. However, NET would expect to see some reasonable avoidance measures taken to avoid killing and injuring of newts within and adjacent to the development site and proportionate to the nature of the development and aquatic and terrestrial habitats present.

3.2 The ecological consultant will be able to advise on appropriate and proportionate measures. The reasonable avoidance measures may include one or a combination of the following:

- A toolbox talk, providing information on identifying GCN and what to do if a GCN is discovered or a requirement for an Ecological Clerk of Works.
- Sensitive and phased clearance of vegetation to make habitats less suitable for newts within areas which are to be cleared/soil stripped; first cut any scrub and other tall vegetation to a height of c.250mm with all arisings removed; 48hrs later cut remaining vegetation to a height of c.150mm. The second phase should be undertaken in a directional manner, moving towards suitable areas of retained habitat, with arisings removed. It is advisable to maintain the area as bare earth to minimise the likelihood of newts re-colonising. In order to be effective vegetation clearance should be undertaken during the active season for newts, typically February to October inclusive when temperatures are >5 degrees centigrade and should avoid prolonged periods of hot dry weather when newt activity is reduced.
- The storage of materials/waste which is best undertaken on areas of hard standing or bare ground such as areas which have been cleared as above. Waste is best stored in skips or removed off site as soon as possible and away from suitable retained or off-site habitat to avoid creating refuges which could be colonised by newts. Mounds of soil can be compacted around the base to avoid creating refuges which newts could occupy.
- Basic precautions around open trenches, including providing ramps (less than 45 degrees), back filling after checking for newts as soon as possible and avoiding creating temporary waterbodies which may be attractive to newts.
- Timing restrictions around removal of potential hibernation features.
- Fingertip searches of valuable features
- Protection measures for retained aquatic habitat.
- Draw down methods for aquatic habitats being lost (including timing restrictions). Damaging or destructive works affecting waterbodies potentially used by GCN should where possible be undertaken outside the breeding season (February – October, inclusive)

unless it is impractical to do so. Draining down of ponds can be undertaken via use of a pump operated at low speed fitted with a fine mesh filter or a trench dug into the bank of the pond from which the water can be drawn off. A fine mesh screen should also be fitted over the mouth of the trench to facilitate newt capture. Newts can be caught by netting as draining takes place and by hand searching through plants, debris and silt when the pond is dewatered.

- Provision for removal of any GCN discovered on site to an identified receptor site. Newts found to be at imminent risk of harm on development land may be captured and relocated to an area of land that will not be impacted by works, by any individual working under the Licence without direct supervision by an ecologist. In most cases it is likely some suitable habitat will remain on site such as rank grassland, scrub, hedge or woodland edge in which case any captured newts should be released on-site. If there is no such habitat remaining on site, then newts should be relocated to the safest possible location on-site, away from active works in suitable habitat and preferably near a pond, up to 2km from the development site. Works which may involve newt capture should be programmed to be undertaken during the active season, which is from February to October (weather dependent) when night-time temperatures are consistently > 5 degrees centigrade. Any newts captured should be handled (by hand or by net, if in water) and can, if necessary, be temporarily held in a secure but ventilated container lined with damp vegetation and stored in a shady location prior to release.

3.3 Hand/destructive searching, bottle trapping and pond drain down are permitted under the authorisation but they should be carried out or directly supervised by a licensed GCN ecologist and should follow the methodology identified in The Great Crested Newt Mitigation Guidelines (English Nature, 2001).

3.4 All reasonable avoidance measures must be included in the EclA report and Biodiversity Plan.

#### **4.0 Reporting**

Details on the required reporting will be included with the authorisation.

#### **5.0 Biosecurity**

The biosecurity guidelines in Amphibian Disease Precautions: A guide for UK fieldworkers, ARG-UK Note 4 (available from [www.arguk.org](http://www.arguk.org)) must be observed.

## **6.0 Great crested newt mitigation**

For further information on GCN mitigation please refer to:

Baker, J., Beebee T., Buckley, J., Gent, A. and Orchard, D. (2011). Amphibian Habitat Management Handbook. Amphibian and Reptile Conservation, Bournemouth.

English Nature (2001). Great Crested Newt Mitigation Guidelines. English Nature, Peterborough.

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



**Flow Chart 1. Summary of steps in application process**

Note: This process can be undertaken in conjunction with completion of the Biodiversity Plan.

