

Report : Great Crested Newt Assessment:
Proposed development at Grove Farm,
Sellack, Ross-On-Wye HR9 6LZ

Reference : PR/2367/19.1

Date : 15th February 2020

Client : Mr. & Mrs. P. Rimmer

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Planning : Herefordshire Council
Applications P193616/F – Change of Use from redundant farm buildings to 2 detached domestic dwellings
P193520/F – Change of Use from redundant farm buildings to 1 detached domestic dwelling

Purpose : Inform the proposed conversion of redundant agricultural buildings into domestic dwellings

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1. Introduction

There is a proposal to convert redundant agricultural buildings within the Grove Farm property into domestic dwellings.

Full details of the proposed development may be obtained from 3D Eco and from viewing documents submitted to Herefordshire Council to inform Planning Applications P193616/F and P193520/F.

Throughout this report the proposed development site (Grove Farm, Sellack, Ross-On-Wye HR9 6LZ) is referred to as 'The Site'.

The Site is approximately 4800m² (0.48 hectare) in size and is situated at approximate National Grid Reference (NGR) 355730, 225925.

Comments made by a Herefordshire Council Planning Ecologist (or similar) (contained within Memorandums dated 25th October 2019) on Planning Applications P193616/F & P193520/F, 'requested' Great crested newt survey/assessment and related work be carried out.

This Great Crested Newt Assessment has been carried out to determine the likely impact of the proposed development on Great crested newt.

The assessment has been informed by survey visits carried out on 1st August 2019, 9th September 2019, 30th September 2019, 11th December 2019 and 9th January 2020.

Dr. R. M. Jones, experienced field biologist, surveyor and Natural England licensed newt worker (Licence number 2015-11179-CLS-CLS) carried out the assessment.

2. Legislation

Great crested newt (*Triturus cristatus*) are protected under the Wildlife and Countryside Act 1981 ("WCA 1981"), the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017 ("Conservation Regulations 2017").

Under the Conservation Regulations 2017 legislation it is illegal to:

- deliberately capture, injure or kill a Great crested newt;
- deliberately disturb Great crested newt. This includes in particular, disturbance in a way any such which is likely to (i) impair their ability to survive, breed or reproduce, or to

rear or nurture their young; (ii) impair their ability to hibernate or migrate; or (iii) to affect significantly the local distribution or abundance of the species to which they belong

- damage or destroy a breeding site or resting place of a Great crested newt;
- to be in possession or control, to keep, transport, to sell or exchange, or to offer for sale or exchange, any live or dead Great crested newt, or any part of, or anything derived from such a wild animal.

Under the WCA 1981, it is illegal to:

- intentionally or recklessly disturb a Great crested newt while it is occupying a structure or place which it uses for shelter or protection.
- intentionally or recklessly obstruct access to any structure or place which a Great crested newt uses for shelter or protection.

A European Protected Species (EPS) Development Licence from Natural England will be required for development works triggering Conservation Regulations 2017 offences against Great crested newt.

3. Ponds

There is one mapped pond on The Site, a mapped pond within 250m of The Site and an unmapped pond within 250m of The Site:

- Pond 1: situated at approximate NGR 355730, 225915; within the south area of The Site.
- Pond 2: situated at approximate NGR 355680, 225975; approximately 15m north of The Site.
- Pond 3: situated at approximate NGR 355680, 226020 ; approximately 90m north of The Site.

4. Protected species presence on The Site

On 27th November 2015, Herefordshire Council granted Full Planning Permission for the conversion of the buildings on The Site into dwellings. See Herefordshire Council reference P153021/F.

Between 13th August 2015 and 9th September 2015, Betts Ecology Limited (of Bank House, Witley Road, Martley, Worcester WR6 6PB) carried out bat surveys to inform the previous planning application (Herefordshire Council reference P153021/F). See Betts Ecology Limited Bat Survey Report S6478 J000497 & J000511 dated August/September 2015(1).

The Betts Ecology Limited Bat Survey Report refers to the presence of Pond 1 (this report reference) on The Site.

However, it appears - from viewing publicly available documents on the Herefordshire Council planning portal - that Herefordshire Council did not require a Great Crested Newt Assessment or Survey to inform the previously approved development of The Site (as determined by Planning Permission P153021/F).

when Herefordshire Council considered the previous planning application (Herefordshire Council reference P153021/F) for the development of The Site; it appears - from viewing freely available published aerial photographs available on the internet - that Pond 2 and Pond 3 were in existence.

5. Historical records of Great crested newt

A search for historical records of Great crested newt on and within the vicinity of The Site (for example, from Herefordshire Biological Records Centre) was not commissioned.

However, within the Memorandums dated 25th October 2019 (produced to inform Planning Applications P193616/F & P193520/F), the Herefordshire Council Planning Ecologist (or similar) refers to a pond (presumably Pond 2) to the north of The Site as being "well recorded as supporting breeding Great Crested Newts".

No evidence or reference/s to the source of this information are provided.

6. The Site Terrestrial Habitat

The Site consists of the following terrestrial habitat:

- buildings (J3.6)⁽²⁾
- various areas of concrete and/or compacted aggregate hardstanding (J4)⁽²⁾
- areas of mown grassland (J1.2)⁽²⁾
- areas of unmanaged, rough, semi-improved grassland (B2.2)⁽²⁾
- stored building materials, including loose stone/rubble

The Site potentially provides habitat suitable for Great crested newt to use for foraging, rest, or shelter.

7. Assessment Method

7.1 Habitat Suitability Index

If possible; the likelihood of Great crested newts using ponds for breeding purposes was assessed using the Habitat Suitability Index (HSI)⁽³⁾ using the National Amphibian and Reptile Recording Scheme HSI calculation method⁽⁴⁾.

The HSI for Great crested newts is a measure of habitat suitability, but is not a substitute for formal Great crested newt surveys.

In general, ponds/waterbodies with high HSI scores are more likely to support Great crested newts than those with low scores.

7.2 Rapid Risk Assessment

Research undertaken by Natural England (previously English Nature)⁽⁵⁾ indicates the distances from breeding ponds within which Great crested newts are most likely to be encountered.

In relation to the appropriate use of Great crested newt mitigation measures, Natural England⁽⁵⁾ determines:

"The most comprehensive mitigation, in relation to avoiding disturbance, killing or injury is appropriate within 50m of a breeding pond. It will also almost always be necessary to actively capture newts 50-100m away. However, at distances greater than 100m, there should be careful consideration as to whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality.

At distances greater than 200-250m, capture operations will hardly ever be appropriate."

Natural England's valuation of habitats according to distance from Great crested newt breeding ponds has been adopted within the Natural England European Protected Species Licence application form for Great crested newts and within their 'rapid risk assessment' tool (contained in Form 'WML-A14-2.xls')⁽⁶⁾.

Assuming that the development of The Site was carried out in the absence of Great crested newt specific mitigation measures; if necessary, the Natural England 'rapid risk assessment' tool was used to qualify the likelihood of a criminal offence against Great crested newts being committed.

8. Pond 1

8.1 Habitat Suitability Index

Pond 1 is wholly unsuitable for use by Great crested newt to use for breeding purposes.

It appears that Pond 1 is connected to the Grove Farm yard and building complex drainage network (as well as, probably, Pond 2) and that water from Pond 1 drains southeast, along an open-channel drainage ditch.

Pond 1 has an approximate mapped area of 85m²; however, it appears that Pond 1 has not been managed and has (naturally) become in-filled (silted-up). On 1st August 2019, Pond 1 was completely dry. On any of the other survey dates, the approximate maximum area of open water present was 6m² and it was noted that water depth within the pond was never more than approximately 100mm.

The HSI Score for Pond 1 was calculated as follows:

HSI variable	Comment	Score
SI1 - Location	-	1.00
SI2 - Pond area	Informed maximum area \approx 6m ²	0.05
SI3 - Pond drying	Informed value: 'dries annually'	0.10
SI4 - Water quality	Informed value: 'bad'	0.01
SI4 - Shade	-	1.00
SI6 - Fowl	Informed value: 'absent'	1.00
SI7 - Fish	Informed value: 'absent'	1.00
SI8 - Nearby ponds	Mapped & known unmapped ponds within 1km: 6	1.00
SI9 - Terrestrial habitat	Informed value: 'poor'	1.00
SI10 - Macrophytes	Informed value	0.30
HSI		0.33

The HSI score of Pond 1 is 0.33.

Pond 1 provides 'poor' habitat for Great crested newt to use for breeding purposes.

8.2 Rapid Risk Assessment

Should Pond 1 be used by Great crested newt for breeding purposes and assuming the proposed development of The Site is carried out in the absence of (Great crested newt) mitigation measures:

the Natural England 'rapid risk assessment' tool shows the potential affect of developing the whole of The Site (i.e. 0.48 hectare) on Great crested newt is:

'Amber: Offence Likely'.

Notional offence probability score 0.5.

9. Pond 2

9.1 Habitat Suitability Index

Pond 2 does not appear to be managed, is heavily shaded by trees and has silted-up in parts.

It appears that Pond 2 accepts water from parts of the adjacent highways.

The HSI Score for Pond 2 was calculated as follows:

HSI variable	Comment	Score
SI1 - Location	-	1.00
SI2 - Pond area	Informed maximum area $\approx 1800\text{m}^2$	0.80
SI3 - Pond drying	Informed value: 'sometimes dries'	0.50
SI4 - Water quality	Informed value: 'poor'	0.33
SI4 - Shade	-	0.30
SI6 - Fowl	Informed value: 'minor'	0.67
SI7 - Fish	Informed value: 'possible'	0.67
SI8 - Nearby ponds	Mapped & known unmapped ponds within 1km: 6	1.00
SI9 - Terrestrial habitat	Informed value: 'moderate'	0.67
SI10 - Macrophytes	Informed value	0.50
HSI		0.60

The HSI score of Pond 2 is 0.60.

Pond 2 provides 'below-average' habitat for Great crested newt to use for breeding purposes.

9.2 Rapid Risk Assessment

Should Pond 2 be used by Great crested newt for breeding purposes and assuming the proposed development of The Site is carried out in the absence of (Great crested newt) mitigation measures:

the Natural England 'rapid risk assessment' tool shows the potential affect of developing the whole of The Site (i.e. 0.48 hectare) on Great crested newt is:

'Amber: Offence Likely'.

Notional offence probability score 0.5.

10. Pond 3

10.1 Habitat Suitability Index

Pond 3 is a man-made feature situated within a domestic garden.

No surveyor access was made available to Pond 3; however, the suitability of Pond 3 to be used by Great crested newt for breeding purposes was assessed from viewing freely available published aerial photographs available on the internet.

The HSI Score for Pond 3 was calculated as follows:

HSI variable	Comment	Score
SI1 - Location	-	1.00

SI2 - Pond area	Maximum area $\approx 15\text{m}^2$	0.05
SI3 - Pond drying	Assumed value: 'never dries'	0.90
SI4 - Water quality	Informed value: 'poor'	0.33
SI4 - Shade	-	1.00
SI6 - Fowl	Informed value: 'major'	0.01
SI7 - Fish	Assumed value: 'possible'	0.67
SI8 - Nearby ponds	Mapped & known unmapped ponds: 4	0.95
SI9 - Terrestrial habitat	Informed value: 'poor'	0.33
SI10 - Macrophytes	Assumed value	0.30
HSI		0.31

The HSI score of Pond 3 is 0.31.

Pond 3 provides 'poor' habitat for Great crested newt to use for breeding purposes.

10.2 Rapid Risk Assessment

Should Pond 3 be used by Great crested newt for breeding purposes and assuming the proposed development of The Site is carried out in the absence of (Great crested newt) mitigation measures:

the Natural England 'rapid risk assessment' tool shows the potential affect of developing the whole of The Site (i.e. 0.01 hectare) on Great crested newt is:

'Green: Offence Highly Unlikely'.

Notional offence probability score 0.05.

11. Conclusion

There is a mapped pond (Pond 1) on The Site, a mapped pond (Pond 2) approximately 5m north and an unmapped domestic garden pond (Pond 3) approximately 90m north.

It appears that Herefordshire Council did not consider Great crested newt to be of concern when considering a previously approved development on The Site (as determined by Planning Permission P153021/F).

Great crested newts are generally considered to be prevalent within Herefordshire⁽⁷⁾ and surrounding counties and, according to Herefordshire Council, Great crested newt are known to breed within Pond 2 (which is situated approximately 15m north of The Site).

Pond 1, a mapped pond on The Site does not provide habitat suitable for Great crested newt to use for breeding purposes. It is understood, from 3D Eco, that proposed development plans include the retention and restoration of Pond 1.

Pond 2 provides 'below-average' habitat for Great crested newt to use for breeding purposes.

It appears that Pond 3 provides 'poor' habitat for Great crested newt to use for breeding purposes.

The Site provides terrestrial habitat suitable to support Great crested newt.

Should Pond 2 and/or Pond 3 be used by Great crested newt for breeding purposes; the Natural England 'rapid risk assessment' tool indicates that the proposed development is likely to have a negative affect on Great crested newt.

However, the 'rapid risk assessment' tool is not able to take into account:

- the nature of the proposed development; and,
- non-licensed mitigation measures (such as 'Risk Avoidance Measures') for Great crested newt may be used to reduce the likelihood of Great crested newts being negatively affected by the proposed development.

It is considered that any potential risk of the development of The Site affecting Great crested newt may be assuaged by the adoption of Risk Avoidance Measures (RAMs) for Great crested newt.

A set of RAMs for Great crested newt, to be adopted by the proposed development of The Site, are contained in Appendix 2.

Adoption of RAMs will negate any potential impact of the development on Great crested newts and other wildlife, including common amphibians and small mammals.

With the adoption of mitigation measures; it is not considered likely that development of The Site will affect the conservation status of Great crested newt.

Considering the scale and location of the proposed development; no further Great crested newt survey is considered necessary to inform the proposed development. Furthermore, a European Protected Species Licence (authorised by Natural England) is not required to allow the proposed development to lawfully proceed.

12. References

- (1): Betts Ecology Limited (2015). Bat Survey Report Grove Farm, Sellack, Ross-on-Wye, Herefordshire For Mr & Mrs Hallam, S6478 J000497 & J000511. Betts Ecology Limited, Bank House, Witley Road, Martley, Worcester WR6 6PB.
- (2): JNCC, (1993). Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint). Joint Nature Conservation Committee, Peterborough.
- (3): Oldham, R.S., Keeble, J., Swan, M.J.S., and Jeffcote, M (2000). Evaluating the Suitability of Habitat for the Great Crested Newt (*Triturus cristatus*). Herpetological Journal, Vol. 10, pp. 143-155.
- (4): Amphibian and Reptile Groups of the United Kingdom (2010). ARG UK Advice Note 5: Great Crested Newt Habitat Suitability Index.
- (5): English Nature, 2006. An Assessment of the Efficiency of Capture Techniques and the value of different habitats for the great crested newt *Triturus cristatus*, Report Number 576.
- (6): Natural England (2017). European Protected Species Method Statement document. Form WML-A14-2.xls.
- (7): Hand, N., Watson, W. And King, P. (2006). *Amphibians and Reptiles of Herefordshire*. Herefordshire Biological Records Centre.

Appendix 1 – Pond photograph



View of Pond 1.
Looking southeast from northwest.
Photograph taken 9th September 2019.

Appendix 2. Mitigation

Risk Avoidance Measures (RAMs) for Great crested newt

- Adoption of Risk Avoidance Measures (RAMs) is *precautionary*, but may avoid the killing or injury of amphibians, mammals and general wildlife that may traverse The Site or be attracted to it during the construction phase. (E.g. animals may seek refuge or shelter within spoil heaps or building materials).

Ecological Clerk of Works

1. A Natural England Licensed Great Crested Newt surveyor will be employed as an Ecological Clerk of Works to advise the development and oversee development work which *may* impact on Great crested newt.
2. Specifically, the Ecological Clerk of Works will be required to oversee all site clearance and site preparation work.
3. The Ecological Clerk of Works will need to be consulted on all development work to take place on The Site and advise as necessary.
4. Contact details for the Ecological Clerk of Works will need to be provided to all main/lead contractors and be published on site and remain available for the duration of the development.

Site worker induction

5. All personnel working on The Site shall be made aware that there is, apparently, (a) record(s) of Great crested newt breeding within Pond 2; which is situated approximately 15m north of The Site.
6. All site personnel will be informed:
Should Great crested newt, or a suspicion of their presence, be found, work must cease immediately and the Ecological Clerk of Work and/or Natural England (Telephone 0845 600 3078) contacted.

Timing

7. Generally, Great crested newt are active on land from approximately mid-February to mid-November.
8. All site clearance and preparation work will be carried out between mid-February and mid-November **and** when night-time temperatures are consistently above 5°C (i.e. when Great crested newt are active).
9. All excavation work will be carried out between mid-February and mid-November.

Grass and vegetation clearance

10. In the event that the sward height of grass and other similar vegetation growing within The Site is above 50mm at the time that development work is to commence; action will be required to negate any likelihood of Great crested newt being present:

- a) Immediately prior to development works commencing: the Ecological Clerk or Works will walk and inspect the phase area for the presence of Great crested newt;
- b) Should Great crested newt be found, it may be necessary for the development-work schedule to be reassessed and Natural England be consulted;
- c) If no Great crested newt is found, the central area of The Site will be cut/strimmed to a height of no less than 50mm:
 - Cutting/strimming will start in the middle of The Site and work progressively towards the northwest boundary;
 - A 'buffer' area of vegetation approximately 2m in width will remain inside the northwest boundary for no less than 4 days;
 - All cut vegetation from the central area of The Site will be removed from The Site by hand; and,
 - After no less than four days, the (approximately 2m wide) 'buffer' area *within the northwest boundary) may be cut/strimmed and the resulting vegetation removed from The Site by hand.

Building material storage

11. Wherever possible; building materials will be stored within purpose-made (a) solid-floored compound(s).
12. Building materials stored on The Site during the construction phase will be on pallets, or similar, and at as great a distance as possible from hedges and trees.

This will:

- a) minimise the likelihood of Great crested newt using building materials as a place for rest or shelter.
 - b) ensure the protection of the root systems of any (section(s)s of) hedge and trees to be retained.
13. Where suitable, construction materials will be stored on pallets, or similar, to keep them off the ground and potentially prevent Great crested newt from resting underneath them.
 14. Pallets and other stored materials will not be kept on bare ground and in the same place for more than 3-4 weeks - to prevent them from creating potentially suitable resting places for Great crested newt.

Excavations

15. Excavated footings, post-holes, pipe trenches *et cetera* will be filled on the same day as they are opened.
16. Should the time between excavation and filling of foundations or trenches need to be extended, due to unforeseen circumstances, it will be necessary to prevent any chance of Great crested newt becoming trapped in excavations.

This may be achieved by:

- a) Covers:
Covering the excavations with ply-board sheeting or similar, ensuring a good seal between the bottom edge of the board and firm ground substrate.
- b) Ramps:
Should it not be possible to cover all excavations, wooden boards (or similar) will be placed extending from the bottom of excavations to the surrounding surface.

Should amphibians or small mammals become trapped in excavations, these 'ramps' may potentially allow amphibians and small mammals a method of escaping on their own accord.

- c) Prior to works re-commencing: the Ecological Clerk of Works will inspect all covered or 'ramped' excavations for the presence of Great crested newt.
- d) Should Great crested newt be found, it may be necessary for the development-work schedule to be reassessed and Natural England be consulted.
- e) Should no Great crested newt be found, under the direction of the Ecological Clerk of Works, work may re-commence.

Arisings and/or waste materials

- 17. Ideally, excavated soil (and any other arisings) will be removed from The Site on the same day as their creation.
- 18. (Soil) arisings that are to remain on The Site, perhaps for landscaping for example, will either need to be placed in (a) secure (solid-floored) compound(s) or placed immediately on The Site where they are required post-development. Should the latter be required, soils will need to be compacted and dressed to the required finished level on the same day (or as soon after as possible) as they were excavated.
- 19. Waste materials, such as builders rubble, generated within the development process will be stored within purpose-made refuse containers (such as 'skips') and or (a) secure (solid-floored) compound(s).
- 20. Where appropriate, the areas immediately surrounding the storage areas of (soil) arisings and/or waste materials will be kept clear of debris and/or vegetation, and (where appropriate) the grassland sward height will be kept to a minimum (<50mm).

Should Great crested newt, or a suspicion of their presence, be found, work must cease immediately and the Ecological Clerk of Work and/or Natural England (Telephone 0845 600 3078) contacted.