

# ANNEX: SPECIAL CONDITIONS TO INDIVIDUAL GREAT CRESTED NEWT MITIGATION LICENCE



**IMPORTANT:** These special conditions are in addition to the standard licence conditions of this licence.

Where there are several options you are required to do those that are indicated by ☒.

Natural England Reference: **2016-21449-EPS-MIT-2**

## Summary table of permitted damage / destruction of breeding sites and resting places

Licensable activity		Permitted activity	Number (if applicable)
Breeding site	Damage	N	N/A
	Destroy	N	N/A
Resting place	Damage	Y	Number not specified
	Destroy	Y	Number not specified

### General:

- Persons acting under this licence must abide by the most up to date iterations of the relevant species guidance. In this context the relevant species guidance includes:
  - The advice on capture on the [.GOV.UK website](#) and in the “*Great Crested Newt Mitigation Guidelines*” (see ‘Licence Note’ b), and
  - “*Amphibian Disease Precautions – a guide for UK fieldworkers*” (see ‘Licence Note’ c).
- The Licensee, including the Named Ecologist, Accredited Agents and Assistants (see **Definitions** in conditions 20-23), must adhere to the activities and timescales agreed in work schedule WML-A14a-E6a&E6b (dated **31/10/2017**) between the licensee and Natural England\*.

\*Except for damage and destruction of breeding sites, carrying out licensable activities outside the periods specified within the licensed work schedule E6a is permitted provided that **all** of the following requirements are met:

- Licensable activities set out in the work schedule are carried out in the same chronological order and same calendar year; and
- Licensable activities involving the capture, and/or transport of the species and damage/destruction of resting places are carried out in the same active season of the species as specified in the licence (See Note h); and
- Habitat restoration, enhancement, and creation are carried out within the same calendar year as specified in the licence; and
- Where receptor site ponds are required to be created to facilitate capture and translocation these must be created within the relevant timeframes set out in guidance (see Note i). Where new aquatic habitat is the only breeding habitat available to the population it must be sufficiently established to support GCN prior to any translocation taking place; and
- There is no additional impact on any known or potential breeding sites or resting places (particularly hibernation sites) as a result of timing changes.

Post development works must be carried out in accordance with section E6b of the licensed work schedule. Should timings change such that one or more of requirements (a)-(e) will not be met, a modification request form must be submitted alongside a revised work schedule to enable Natural England to reassess the FCS test. This must be done as soon as it becomes clear that the work schedule is no longer deliverable. All other requirements in the licence and any annex must be complied with.

3. Figures: ☐ B1.1 -; ☐ B1.8 -; ☒ D **15/09/2015**; ☒ E2 **13/01/2017**; ☒ E3.1 **08/02/2017**; ☐ E3.3 -; ☒ E4 **15/09/2015**; ☒ E5.1 **31/10/2017**; ☒ E5.2 **02/02/2017** and ☒ F1 **08/02/2017** plus ☐ Other as specified, -, must be complied with (see end of Annex for list of Figures).
4. The Named Ecologist or an Accredited Agent must ensure that all those involved with the licensable works understand by way of a 'tool box talk' that great crested newts are present; the legislation relating to great crested newts; measures that will be used to protect them; good working practices; licensable activities and what to do should newts be found. This information must be provided before any licensable works commence on site. A written record that this has been undertaken, and that it covers the above points, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.
5. Damage and/or destruction of habitats (aquatic and terrestrial) will be limited to that shown in Figure D.
6. The number of Great Crested Newts to be captured and/or transported is specified on the licence. Should the number of individuals caught reach the licenced number before the capture period is complete it will be acceptable to capture the following additional number of individuals without applying for a modification to the licence:
- Original licence number between 50 and 150 – an additional **50** individuals can be caught and transported.
  - Original licence number between 151 and 400 – an additional **100** individuals can be caught and transported.
  - Original licence number over 400 – an additional **200** individuals can be caught and transported.

If it is expected that higher numbers than these are likely to be captured a modification request will need to be submitted. If you are close to reaching the additional number and individuals are still being captured a modification request will need to be submitted.

## Methodology and mitigation:

7. Capture and release of great crested newts must not be undertaken until the Named Ecologist has made a thorough check of the terrestrial and/or aquatic release habitats and ensured their suitability.
8. A written record must be kept of capture efforts undertaken, including weather conditions, minimum over-night temperature and rainfall.
9. ☐ Captured newts shall be placed on the outside of the exclusion fencing, including when the fencing is installed and removed.

And/or

☒ Captured newts shall be moved to receptor site/s as shown on Figure E2: 8 figure grid reference [REDACTED].

### 10. Methods licensed:

Location (also see Figure E4a)	Method	Details: including minimum capture period (days), to be undertaken in suitable conditions, where appropriate.
At waterbody	Pitfall trapping (and refuges)	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> 25; <input type="checkbox"/> 30; <input type="checkbox"/> 60; <input type="checkbox"/> 90; <input type="checkbox"/> Other: -.
	Bottle trap	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> 25; <input type="checkbox"/> 30; <input type="checkbox"/> 60; <input type="checkbox"/> 90; <input type="checkbox"/> Other: -.
	Net	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> 25; <input type="checkbox"/> 30; <input type="checkbox"/> 60; <input type="checkbox"/> 90; <input type="checkbox"/> Other: -.
	Water body drain down	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> Other: -.
	Hand search	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> Other: -.
	Water body destruction	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> : -.
	Other	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> : -.
Away from	Pitfall trapping (and refuges)	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> 25; <input type="checkbox"/> 30; <input type="checkbox"/> 60; <input type="checkbox"/> 90; <input type="checkbox"/> : Other -.

waterbody	Refuges only	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> 25; <input type="checkbox"/> 30; <input type="checkbox"/> 60; <input type="checkbox"/> 90; <input type="checkbox"/> : Other -.
	Night search	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> 25; <input type="checkbox"/> 30; <input type="checkbox"/> 60; <input type="checkbox"/> 90; <input type="checkbox"/> : Other -.
	Hand search	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> : <b>As required during fence removal and coal yard works.</b>
	Destructive search (following completion of other capture efforts)	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Other: <b>As required during fence removal and coal yard works.</b>
	Other	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> : -.
Fencing only	<input type="checkbox"/> Exclusion by permanent amphibian fencing	Additional fencing requirements:  <input checked="" type="checkbox"/> N/A; <input type="checkbox"/> : -.
	<input checked="" type="checkbox"/> Exclusion by temporary amphibian fencing	
	<input type="checkbox"/> Exclusion by temporary one-way amphibian fencing	
	<input type="checkbox"/> Drift fencing	
	<input type="checkbox"/> Ring fencing water body (as referenced)	
Other activity/activities	<b>See details</b>	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> : <b>The licence is to be used in combination with associated licence 2017-32871-EPS-MIT.</b>

<sup>1</sup>Pitfall trapping and night searching may only cease once the minimum capture period has been achieved, in suitable conditions, with 5 zero capture days, which may be the last 5 of the minimum capture period, but not earlier.

**Compensation:**

11. Aquatic compensation to be provided as shown in Figure E3.1:

Water body reference	Water body dimensions – surface area (m²) and depth (m).	To be created, enhanced or restored?
-	-	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> created; <input type="checkbox"/> enhanced; <input type="checkbox"/> restored
-	-	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> created; <input type="checkbox"/> enhanced; <input type="checkbox"/> restored
-	-	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> created; <input type="checkbox"/> enhanced; <input type="checkbox"/> restored
-	-	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> created; <input type="checkbox"/> enhanced; <input type="checkbox"/> restored

12. Terrestrial habitat compensation measures as below and as shown on Figure E3.1 and Figure F1. Any hibernacula to be created must be a minimum size of 2m in length x 1 m height x 1m width.

Compensation measure	Area (ha), length (m), number
Hedgerow planting	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> 1952m

Grassland seeding	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> <b>2.8546ha</b>
Grassland management	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> <b>2.8546ha</b>
Scrub planting	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> <b>1.2238ha</b>
Woodland planting	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> <b>7.4828ha</b>
Hibernacula creation	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> <b>5</b>
Refuge creation	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> <b>5</b>
Habitat re-instatement	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Other: -	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -

### Post-development habitat management and maintenance requirements:

13. The following habitat management and maintenance features must be undertaken in line with Figure E5.1:

- ☐ N/A;
- ☒ Aquatic vegetation management in water bodies referenced: **Px, Py and Pz**;
- ☒ Clearance of shading tree or scrub cover around water bodies margins referenced: **Px, Py and Pz**;
- ☒ Mowing cutting (to a minimum sward height 150mm) or grazing of grassland;
- ☒ De-silting or clearance of leaf fall in water bodies referenced: **Px, Py and Pz**;
- ☒ Scrub management;
- ☒ Other as specified: **Woodland management**.

14. Site maintenance operations must be undertaken in line with Figure E5.1:

- ☐ N/A;
- ☒ Checking of fish presence and undertaking remedial action to remove them if found in water bodies referenced: **Px, Py and Pz**;
- ☒ Checking water body condition and remedial action as necessary in water bodies referenced: **Px, Py and Pz**;
- ☒ Checking for and removal of dumped rubbish (reference ponds if appropriate): **Px, Py and Pz**;
- ☒ Re-instatement following fire, acute pollution or other major damage (reference ponds if appropriate): **Px, Py and Pz**;
- ☒ Repair or replace fencing;
- ☐ Maintain tunnel/s and/or underpass/es or green bridges, including guide fencing, in good condition;
- ☐ Repair or replace interpretation boards;
- ☐ Other as specified: -.

15. Is a Habitat Management and Maintenance Plan required for this licence?

☒ YES: ☐ NO

If Yes, all habitat management and maintenance must be carried out in accordance with Habitat Management and Maintenance Plan referenced [REDACTED] **Policy 3 - Habitat Management and Maintenance Plan. Rev B, 19/12/2017.**

16. Are newt tunnels/underpasses/green bridges and guide fencing required as part of this licence?

☐ YES: ☒ NO

If Yes, -newt tunnel and guide fencing, design as per Figure E3.3-, location as per Figure E3.1, of dimensions - x - x-m must be created.

### Post-development monitoring and reporting requirements:

17. Water bodies shown on Figure E5.2 must be monitored in years specified in WML-A14a-E6a&E6b table E6b for:

☐ N/A

☐ 2 (two) years; ☒ 4 (four) years; ☐ 6 (six) years; ☐ 10 (ten) years; ☐ Other time period as specified - -.

By way of: ☐ a presence absence survey; ☒ population size class assessment survey.

An assessment of the terrestrial habitat must also be made at this time. Should survey and habitat assessment indicate compensation provided is failing measures must be taken to remedy this as soon as practically possible. Details of such actions must be included within the [licence report](#).

18. Newt tunnel as shown on Figure E3.1 must be maintained and monitored:

☒ N/A

☐ -

19. It is a condition of this licence that the following reports are completed and returned to Natural England as specified:

☒ Report of Action within 14 days (two weeks) after the expiry of the licence (which includes any 'nil' reports).

☐ The following interim licence report/s is/are required:

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20. Is this licence part of a phased or multi-plot development?

☐ YES: ☒ NO

If Yes, Master Plan reference - must be re-submitted, and updated if necessary, with any modifications to this licence and any future licence applications for this phased or multi-plot development.

### Definitions used in this annex:

21. The "**Licensee**" named on the licence is responsible for ensuring that all activities carried out on site in relation to the licence comply with the terms and conditions of the licence. All persons authorised to act under the licence must comply with the licence and its conditions (see Regulation 58(1) of the 2010 Regulations (as amended)).

This means that those persons authorised by the Licensee also have a responsibility for ensuring that the licence is understood and complied with.

22. The “**Named Ecologist**” is a professional ecological consultant who has satisfied Natural England that they have the relevant skills, knowledge and experience of the species concerned and is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The ‘Named Ecologist’ has a responsibility for ensuring that the licence is complied with. They are responsible for advising the licensee on the suitability and competence of any Accredited Agents or Assistants employed on site to undertake the required duties and may include the direct supervision of Assistants where appropriate.
23. An “**Accredited Agent**” is a suitably trained and experienced person who is able to carry out work under a licence without the personal supervision of the Named Ecologist. Any Accredited Agent must be appointed by the Licensee and be in possession of a letter signed by the Licensee confirming their appointment. Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request.
24. An “**Assistant**” is a person assisting a Named Ecologist or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either the Named Ecologist or an Accredited Agent. However, Natural England has placed a standard condition that only applies to great crested newt licences (see licence condition 14). This authorises the Named Ecologist to appoint persons (such as site staff or field workers) as assistants, in writing, to specifically undertake the limited unsupervised task of inspecting pitfall traps and/or artificial refuges and relocating any captured animals in accordance with special conditions 7 - 9.

## Licence notes

- a. The following mitigation or compensation is being provided as part of a planning permission or other consent but is not required by Natural England to be provided as part of this licence: **N/A**. It is the licensee’s responsibility to ensure that they comply with planning permissions and other consents as necessary.
- b. “[Great Crested Newt Mitigation Guidelines](#)”. More general advice is given in the “[Great Crested Newt Conservation Handbook](#)”, available from [www.froglife.org](http://www.froglife.org).
- c. “[Amphibian Disease Precautions – a guide for UK fieldworkers](#)” (ARG-UK Advice Note 4) is available from [www.arg-uk.org.uk](http://www.arg-uk.org.uk).
- d. You are expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version.
- e. [Report of Action taken under Great Crested Newt Annexed Licences](#) can be used for reporting purposes and sent to the above address at each report interval.
- f. Any significant changes to a master plan should be agreed with Natural England in advance.
- g. This licence does not confer any right of entry upon land.
- h. Active season for GCN is generally considered to be February to October depending upon suitable weather conditions.
- i. Timeframes for the creation of new ponds are set out on the gov.uk website. Ponds should be created at least 6 months before moving the newts if:
- all the conditions are favourable;
  - the donor population is a “small population size class”.

Create new ponds at least one year before moving the newts for medium population size classes and 2 years for large population size classes.

Issued by and on behalf of

Date

19th December 2017

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### Figure references:

**Those marked with an '\*\*' are mandatory for each licence, and those marked '\*\*' are applicable to specific licences only).** Special Condition 3 of this licence annex details which Figures form part of this licence and its conditions: they must be complied with. Figures are not sent back out to the Licensee or Named Ecologist when the licence is granted as dated and referenced copies are already held by those persons.

B1.1 or B1.8\*\* – Project wide master plan (mandatory for phased and multi-plot licences).

D\* – Impacts: habitat damage and/or destruction.

E2\* – Receptor site location in relation to development site.

E3.1\* – habitat creation, restoration and enhancement measures.

E3.3\*\* – Diagram to show mitigation connectivity measures (e.g. underpasses).

E4a\* – Capture and exclusion measures.

E4b\*\* - Non-standard capture and exclusion measures.

E5.1\*\* – Post development management and maintenance measures.

E5.2\*\* –Ponds that will be surveyed as part of post development monitoring, with pond references.

F1\* – Final layout of development and mitigation measures.