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# Great Crested Newt Mitigation Strategy

Prepared on behalf of: Town Centre Parking (Headcorn) Ltd  
The Foreman's Centre, Headcorn, Ashford, Kent, TN27 9NE

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**Validity**

This report should be read in full and detailed guidance given in this report must be followed to avoid breaching legislation regarding protected species and Habitats. This report is valid for two years from the date of the survey visit. Should works be delayed to later than one year after the survey then a further update survey of the site would be required as habitats change over time, along with their potential to support protected species.

This report must be read in combination with the Preliminary Ecological Appraisal Survey Report (Fellgrove, April 2022). This document has been prepared by Fellgrove Ecological Consultancy in accordance with the Chartered Institute of Environmental Management (CIEEM) guidelines for Ecological Report Writing, Second Edition December 2017. Planning policy and legislation may affect the timing works and operations described in this report.

It is accepted that this document may need to be updated and more detailed information added throughout the planning and development process. The interpretations and recommendations contained within this report represent our professional opinion in addition to using accepted industry practice based on current legislation. Fellgrove accept no responsibility for any use of this document outside that of which it is intended.

**Report contributor/s:**

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### Overview

The Foreman's Centre, Headcorn, Ashford, Kent TN27 9NE

**Client/on behalf of:** Town Centre Parking (Headcorn) Ltd

**Baseline Information:** Preliminary Ecological Appraisal Survey Report (2022, Fellgrove)

## 1 Introduction

- 1.1 On behalf of Town Centre Parking (Headcorn) Ltd, Fellgrove have been commissioned to undertake a mitigation strategy in response to planning condition 13 provided by Maidstone Borough Council as outlined.
- 1.2 [13] “Prior to the commencement of any development, details of amphibian mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Works shall only commence and take place in accordance with the approved details. If at any point great crested newt are encountered on site, any works in progress must stop and a Protected Species license application be prepared and submitted to Natural England.”
- 1.3 The results from a Preliminary Ecological Assessment provided by Fellgrove in April 2022 outlines the potential for GCN to be present on the borders of the site. The PEA identified the site as having a negligible potential for GCN being present on site due to the nature of the hardstanding covering the majority of the site and construction being limited to the hardstanding area of the site. However, a precautionary approach was suggested due to its proximity to suitable habitat and the local records of GCN being present within 2km of the site.
- 1.4 This report will outline the precautionary approach and enhancements that can be implemented to increase the quantity of quality habitat for GCN in the local area and reduce any impact to local GCN and amphibian populations. Due to the quality of the terrestrial habitat being poor and limited to the edge of the site boundary, a series of mitigation methods are considered more appropriate than application for a District Level License. This will allow a bespoke approach to the site mitigation, with its own features and challenges associated with mitigating for GCN which may not be satisfied with the DLL scheme approach.
- 1.5 This document has been prepared by Level 1 GCN Licensed Ecologist Liam Mattingly – BSc (Hons). Liam is experienced in ecological surveying, biodiversity net gain calculations, field work and report writing. Field work includes regularly undertaking Preliminary Ecological Appraisals and protected species surveys, to advise as appropriate in respect of ecology and biodiversity on sites of all contexts and sizes, and to design and implement the working methods as outlined in this document. Liam is working towards his Level 2 License and continues his professional development and training.
- 1.6 Great crested newts are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law. Further information is detailed within the Appendices of this document.

## 2 Site Overview

- 2.1 The site application area is located at TQ833440 and is approximately 0.2ha in size, located south of the Foreman Centre Car Park, Tallow Court, off the high street in Headcorn.
- 2.2 Planning has been granted for the construction of five, two-storey residential properties associated parking and private amenity space. The existing hardstanding within the site are to be demolished as part of the proposals for the new development.
- 2.3 The site is largely hard standing as a used car park with a variety of ornamental planting between parking bays and larger deciduous trees on the border of the site.
- 2.4 There is a dry ditch on the northern edge of the site that connects to 3 ponds just beyond the north-western edge of the site. To the south of the site is a train track that separates the site from a larger woodland and arable area. To the west is a managed burial ground that goes on to Parsonage Meadow that is a community park and garden. To the East is a residential area.
- 2.5 A data search within the PEA (Fellgrove, 2022) identified the presence of Great Crested Newt within a 2km search radius of the site, within the previous 20 years.
- 2.6 Results from the data search identified 10 waterbodies within 250m as suitable breeding ponds for GCN.

### 3 Evaluation

- 3.1 The waterbodies identified within 250m of the site are suitable for amphibians to breed within and it is reasonable to assume that in their terrestrial phase amphibians would use the site on at least an occasional or transitory basis.
- 3.2 For a pond within an urban/sub-urban environment there are a few factors which increase the potential for the pond to be suitable for GCN. Pond density can be low and requires a number of ponds within proximity to each other. There also must be good terrestrial habitat next to the ponds (such as parsonage meadow and the woodlands within the burial ground to the west of the site). The connecting habitat between the ponds is fragmented due to the urban nature of the local area however there is a potential for GCN to be present in the local area in relation to the development site.
- 3.3 Due to the location of the ponds, the relationship of the development to the aquatic and terrestrial newt habitat that is found on site, and current development plans, it is considered proportionate to conduct a mitigation strategy to reduce the impact on GCN to negligible.
- 3.4 The recommendations outlined within this report follow the methodology required to ensure no great crested newts are harmed during the construction phase of the development using best practices.
- 3.5 Additional enhancement measures within the recommendations will help to increase the viability of the habitat on site for great crested newt, and other local amphibians.
- 3.6 **Note: a low>negligible amphibian population is predicted on the development site itself.**

## 4 Recommendations

- 4.1 This section identifies measures to be implemented, unless otherwise agreed by planning authority and/or Natural England, during development of the site to avoid and mitigate potential impacts on Great Crested Newts and the other amphibians present within the site.
- 4.2 The waterbodies identified within 250m of the site are suitable for amphibians to breed and on this basis, it is considered appropriate to make recommendation for the following mitigation measures under ecological supervision.
- 4.3 If any GCN/amphibians are found during the mitigation methods outlined below, all works on site must STOP. An alternative and appropriate mitigation method will need to be sought by an EPS Licensed Ecologist before works can continue.

### 4.4 Identification of a Receptor Area

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- 4.4.1 Prior to the commencement of any development works, it will be necessary to select a receptor area. If any amphibians are found, they can be either shepherded into a more suitable location or placed within the pre-designated receptor area.

### 4.5 Installation of Exclusion Fencing

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- 4.5.1 To protect and prevent any amphibians from a) entering the development area and b) dispersing into the development area during construction and operational phases of development, exclusion fencing should be erected around the southern, western and northern boundary of the development area. (See area marked in green, Appendix A).
- 4.5.2 As a note: no development works should be carried out outside of the fencing zone to ensure no otherwise this will run the risk of harming amphibians that may be present outside the excluded fencing zone are harmed.

### 4.6 Vegetation Manipulation

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- 4.6.1 Manipulation any existing vegetation around the northern, western and southern boundary of the site to 150mm is required to encourage amphibians out of the development area and create the path that protective fencing will follow.
- 4.6.2 To encourage capture of amphibians, remaining vegetation requires clearance to no less than 150mm (by hand) in areas of suitable habitat, to be cut using hand tools under the supervision of a suitably qualified ecologist.
- 4.6.3 Again, any amphibians encountering the area of works during vegetation clearance will be captured and moved to within the receptor site outside the exclusion area.

### 4.7 Destructive Search

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- 4.7.1 In order to be certain that no amphibians are present within the area of works, vegetation will be cleared from areas to ground level and topsoil disturbed by scraping back to a depth of up to 10cm where the possibility of amphibians being present remains. This will be carried out under the direct supervision of a suitably qualified ecologist where it is expected amphibians might still be present.
- 4.7.2 A destructive search of all areas within 5m of the development footprint, plus hand

searching of any log, brash and rubble piles and including the destructive search during the removal of topsoil within the development area and all areas within the orange area (Appendix A).

- 4.7.3 Any potential hibernation habitat (log piles, brash piles etc) will need to be destructively searched before or after the winter months when temperatures are consistent (above 5 degrees at night) as not to disturb any hibernating amphibians.

## 4.8 Site Safeguarding & Enhancement

- 4.8.1 All works are to be restricted to within the mitigation fencing that is placed as far away from the ponds on the northern edge of the site as possible (Appendix A). Any works conducted outside the mitigation fencing must be discussed with Fellgrove prior and completed with an Ecologist present to assist.
- 4.8.2 During the operational construction phase of the development, all excavations must be filled in before nightfall or a ramp must be left in the trench to allow any wildlife to escape.
- 4.8.3 Any gully pots within the development will be suitably designed with a stand-off from the kerb and/or use of 'wildlife friendly' kerbs and escape ladders to avoid entrapment of any amphibians and other wildlife passing over hard landscaped areas.
- 4.8.4 Any stored materials must also be left on pallets to deter GCN from using them as temporary resting places.
- 4.8.5 Exclusion fencing will be retained and maintained until completion of works. Upon completion of the development, protective fencing can be taken down to allow any GCN to naturally disperse naturally back into suitable habitat on site.
- 4.8.6 Topsoil must not be stripped from the root protection areas of retained trees, or scrub, or where translocation results and vegetation clearance to ground level allows satisfactory inspection to confirm likely absence of amphibians. If the destructive search is delayed, the vegetation will be maintained at ground level until the destructive search is carried out.
- 4.8.7 On completion of vegetation clearance and destructive search measures in accordance with the methodology outlined above, development can commence in cleared area (see Appendix A).
- 4.8.8 On completion of development, in order to enhance the viability of suitable on-site habitat for amphibians, it is necessary to provide enhanced opportunities for Great Crested Newts and other amphibian species and encourage them to use the site for foraging and shelter.
- 4.8.9 Enhancement can be achieved with the creation of brash and log piles for shelter, and planting of native wildflower mixes to attract insects as a food source, provide more foraging potential for amphibians on site.



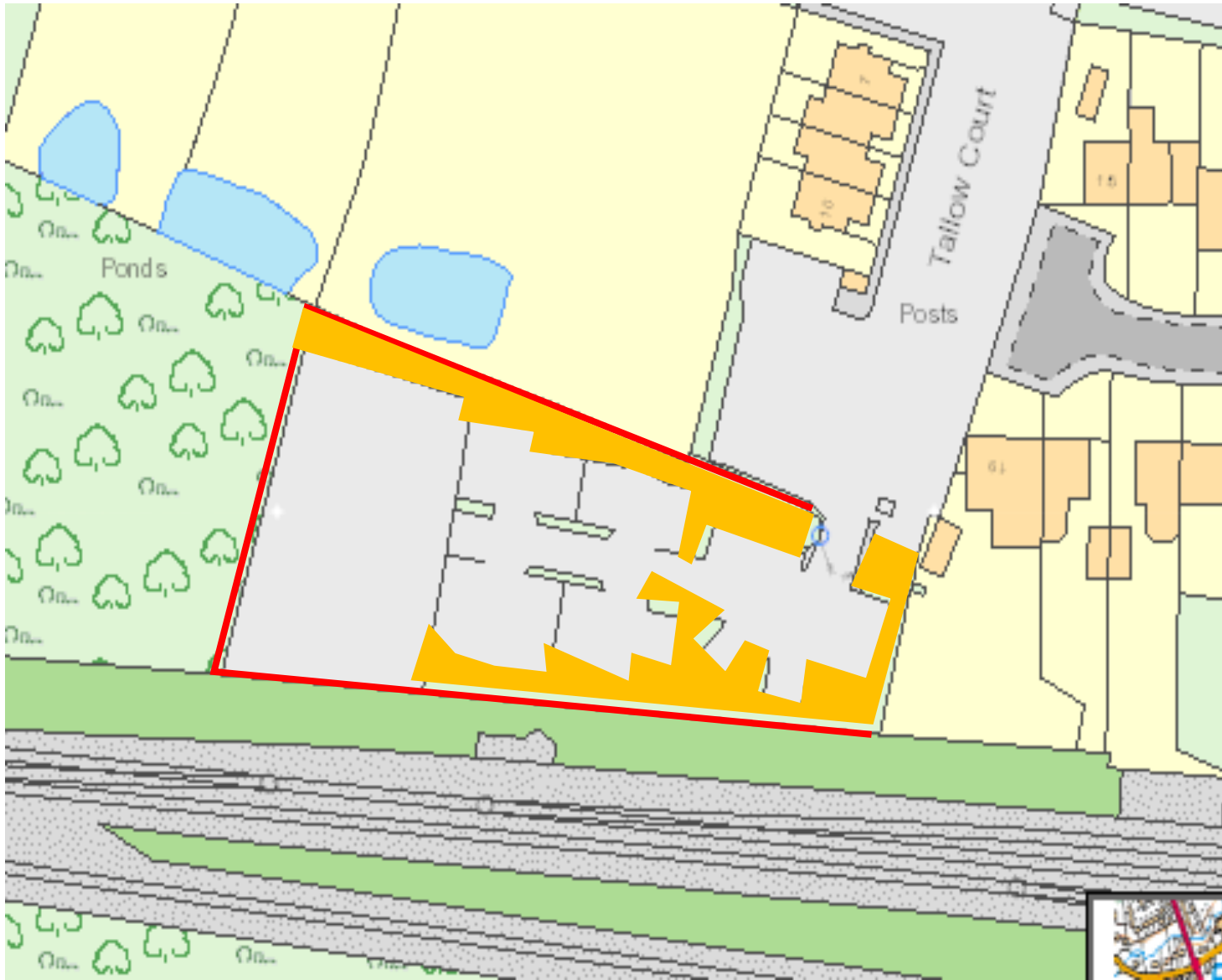
## 5 Conclusions

- 5.1 The data obtained from the survey efforts undertaken found a negligible potential for GCN presence at this site. However, with consideration of available local record data and the proximity of various ponds, it is important to implement a precautionary approach to mitigating any impacts to the local GCN population.
- 5.2 Small sections of suitable GCN habitat are located on the northern, southern and western boundaries of the site – these areas should be destructive-searched with an ecologist present to oversee prior to the construction phase.
- 5.3 The surveys also found a potential low impact on other amphibians that may in the local area and on the edges of the site. The mitigation strategies outlined within this report will also mitigate from any impacts on these species such as common frog and toad.
- 5.4 The approach to mitigation set out in this report avoids the need for district level licensing by creating robust mitigation methods that are unique to the proposed development requirements and will ensure that no GCN are impacted by the development proposal.
- 5.5 The proposed development would be expected to maintain compliance with nature conservation legislation and planning policy. Enhancement opportunities have been identified and if implemented as outlined within this report, will not only maintain the long-term favourable conservation status of local amphibian population, but increase.



## 6 Appendices

*Continued below.*

**Appendix A**  
**Indicative Mitigation Strategy**



Key:

Mitigation fencing	
Vegetation manipulation and destructive search	

## Appendix B

### Reference Material

Gent, A.H and Gibson, S.D eds (1998). Herpetofauna Workers Manual. Joint Nature Conservation Committee, Peterborough.

Herpetofauna Groups of Britain and Ireland (1998) Evaluating Local Mitigation/ Translocation Programme's: Maintaining Best Practice and Lawful Standards. HBGI Advisory Notes for Amphibian and Reptile Groups. Froglife, Halesworth, Suffolk.

Inns, H. (2011) Britain's Reptiles and Amphibians. Wild guides, Princeton Fellgrove, PEA (April, 2022) GOV UK Guidance – Great Crested Newts Protection <https://www.gov.uk/guidance/great-crested-newts-protection-surveys-and-licences>

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

### Amphibian Policy and Legislation (United Kingdom) – guidance only

This section contains details of legislation and planning policy applicable in Britain only and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

Five species of amphibian are widespread in England: Common Frog, Common Toad, Smooth Newt, Palmate Newt and Great Crested Newt.

Amphibians require aquatic habitat within which to breed and suitable terrestrial habitat to forage and hibernate. Suitable breeding waterbodies are usually well vegetated with still, shallow water that is not heavily shaded or very exposed.

Terrestrial habitat includes woodland, scrub, field edges and gardens. Hibernation can occur under stone or log piles, in crevices or leaf litter and under the soil. Occasionally amphibians may be found hibernating in their breeding pools.

The Great Crested Newt is protected under the 2019 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations. In addition, Great Crested Newts are protected under the 1981 Wildlife and Countryside Act (as amended). The Great Crested Newt is listed on Schedule 5 of the Act and is subject to the provisions of Sections 9.4b and 9.4c.

Where works are planned that may result in an offence under the current legislation then works should be carried out under an appropriate licence from Natural England.

Great Crested Newt, Natterjack Toad and Common Toad are also listed as priority species for conservation under the UK Biodiversity Action Plan (BAP) and are listed as Species of Principal Importance - Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act. Section 40 of the NERC Act requires that these species are a material consideration in the planning process.