



ARCUS

GREAT CRESTED NEWT SURVEY REPORT

NINFIELD GREENER GRID PARK

JULY 2021



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1 INTRODUCTION AND BACKGROUND

Arcus Consultancy Services ('Arcus') was commissioned by Statkraft UK LTD (the 'Applicant') to undertake presence/likely absence surveys and population size class estimates for great crested newt (GCN), (*Triturus cristatus*) on land south-west of Ninfield substation, East Sussex (the 'Site'). The information is required as part of a planning application for a Greener Grid Park facility (the 'Development').

Further details on the Development are included in the Planning Design and Access Statement and suite of Planning Drawings submitted with the planning application.

This report describes the methods and results of the presence/absence and population size class estimate surveys, and provides an overview of the potential constraints to the Development. The locations of ponds and waterbodies are included on Figure 1 in Appendix A.

2 LEGISLATION

GCN are a European protected species and are therefore afforded legal protection under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019¹. GCN are protected from deliberate or reckless killing, injury, taking, and intentional or reckless disturbance. It is also prohibited to damage or destroy the breeding sites and resting places of GCN.

All other relevant legislation and policies are summarised in Appendix B.

3 METHODS

3.1 Great Crested Newt (GCN) Habitat Suitability Index (HSI) Assessment

A large pond (Pond 2) was located in the adjacent field to the east of the Site, a further five off-site ponds (Pond 1, Ponds 3–6) were identified within 250 m of the Ecology Survey Area (ESA). The positions of these waterbodies, are shown in Figure 1, Appendix A.

On 22nd June 2020, a HSI assessment was carried out on three ponds within 250 m of the ESA – Ponds 1, 2 and 4. The assessment was conducted in accordance with methodology described in the Amphibian and Reptile Groups of the United Kingdom (ARG UK) Advice Note 5². Due to restricted access during the 2020 survey season, it was not possible to undertake an HSI assessment on Pond 3 and Pond 5. Furthermore, Pond 6 was dry and therefore not assessed.

The HSI considers all of the features which are valued by newts e.g., size of waterbody, extent of shading, abundance of aquatic plants, presence of fish, quality of the surrounding habitat etc. It is used by surveyors to demonstrate whether is suitable for great crested newts and therefore, if it requires detailed survey.

The HSI score for GCN is a measure of habitat suitability. In general, waterbodies with a high HSI score are more likely to support GCN than those with lower scores. Waterbody suitability is assessed using the following scale.

¹ Legislation.gov.uk *The Conservation of Habitats and Species and Planning (Amendment) (EU Exit) Regulations 2019* [online] Available at: <http://www.legislation.gov.uk/ukdsi/2019/9780111176573> [Accessed June 2021]

² ARG UK (2010) *ARG UK Advice Note 5: Great Crested Newt Habitat Suitability Index* [online] Available: <https://www.arguk.org/info-advice/advice-notes/9-great-crested-newt-habitat-suitability-index-arg-advice-note-5/file> [Accessed June 2021]

Table 3.1 Categorisation of HSI scores

HSI score	Waterbody Suitability
<0.5	Poor
0.5 – 0.59	Below average
0.6 – 0.69	Average
0.7 – 0.79	Good
>0.8	Excellent

Any waterbodies that score 'Average' or above prompts the need for further surveys during the breeding season. This is to determine whether GCN are present, and if so, to obtain information on the population size.

3.2 Environmental DNA (eDNA)

In June 2020, water samples were collected from Pond 1, 2 and 4 following technical guidance³ approved by Natural England. Twenty samples per pond were taken with care to avoid collecting sediment, plant matter and algae, as these can interfere with analysis. Samples were collected between the 15th April to the 30th June to coincide with the GCN breeding season. The visits took place in the daytime and only one visit per pond was necessary. The eDNA kits are then sent back to the laboratory for analysis. A positive result is indicative of GCN presence at the time of sampling or within 3-4 weeks. A negative result suggests there are no GCN within the sample area. For inconclusive results it is recommended that analysis is repeated.

3.3 Population Surveys

Following the results of the eDNA testing, Ponds 1 and 4 were found to be negative for GCN presence, therefore in accordance with good practice guidance^{4,5,6}, surveys to determine the population status of GCN were undertaken on Pond 2 only.

Pond 2 was visited six times to estimate the local population size, which is required should a Natural England licence be necessary to facilitate development.

These visits were carried out between 23rd March and 27th May 2021, with three visits completed during the optimum mid-April to mid-May period (Table 3.2.1). All surveys were undertaken by a team of suitably experienced and licenced ecologists.

3.3.1 Field Survey Limitations

Due to an unusually cold spring and low overnight temperatures, it was not possible to carry out bottle trapping during visits 3 and 4. Further to this, the overnight temperature dropped to below 5°C on visit 1, although this was not forecast. On these visits GCN and other amphibians were recorded during the torchlight surveys, and during visit 1 no GCN or other amphibians were captured in the traps. Despite this limitation, the results of the torch light survey together with the results from the visits where bottle trapping was also undertaken, sufficient data was collected to estimate the overall population size. Torching of waterbodies is also the best survey technique for identifying GCN presence and

³ Biggs J, Ewald N, Valentini A, Gaboriaud C, Griffiths RA, Foster J, Wilkinson J, Arnett A, Williams P and Dunn F 2014. *Analytical and methodological development for improved surveillance of the Great Crested Newt. Appendix 5. Technical advice note for field and laboratory sampling of great crested newt (Triturus cristatus) environmental DNA.* Freshwater Habitats Trust, Oxford.

⁴ Langton, T.E.S., Beckett, C.L., and Foster, J.P. (2001), *Great Crested Newt Conservation Handbook*, Froglife, Halesworth.

⁵ English Nature (2001) *Great Crested Newt Mitigation Guidelines*. Peterborough: English Nature.

⁶ Griffiths, R.A and Langton, T. (2003) *Herpetofauna Workers' Manual; Chapter 3 Catching and Handling* [online] Available: <https://data.jncc.gov.uk/data/9d7da8c4-9d76-4b65-8263-6b925b3433a4/Herpetofauna-Workers-Manual-2003.pdf> [Accessed June 2021]

therefore, estimating population size. Torching was undertaken on all survey visits and as such, the data collected is considered to be representative of the GCN population size present.

Table 3.2: Great crested newt survey dates and weather conditions.

Visit	Date	Weather Conditions
1	23/03/2021 - 24/03/2021	PM: 8°C, dry, overnight low 2°C. AM: 7°C cloudy with sun morning, light breeze.
2	30/03/2021 - 31/03/2021	PM: 16°C, dry, clear night, overnight low 8°C. AM: 13°C, sunny with light breeze.
3	14/04/2021	PM: 5°C, dry, cloud cover 5 oktas, no wind, overnight low -1°C. Water temperature 9.7°C.
4	20/04/2021	PM: 9°C, dry clear night, overnight low 3°C.
5	27/04/2021 – 28/04/2021	PM: 6°C, dry, cloud cover 2 oktas, still, overnight low 1°C. AM: 7°C, overcast, still.
6	26/05/2021 – 27/05/2021	PM: 12°C, dry, overcast, still, overnight low 7°C. AM: 15°C, dry, cloud cover 1 oktas, light breeze.

Three of the approved survey techniques were adopted for in accordance with Natural England requirements. This involved a combination of torching, bottle trapping and egg searching.

- *Torchlight survey* – The perimeter of the pond was walked after dark whilst illuminating the water’s edge with a powerful torch⁷. This method is only used when visibility in the water column is not impaired by rain, wind, turbidity or vegetation. Note that distinguishing between female smooth and palmate newts under torchlight is extremely difficult and so females of these species are classified as ‘unidentified small female’ during these surveys.
- *Bottle trapping* – Bottle traps constructed from two-litre plastic bottles were set around the perimeter of the pond shortly before dusk. Each bottle trap was set with an air bubble to allow breathing for captured newts and was left for no longer than 17 hours. The bottle traps were revisited early the next morning to record any captures and to ensure their safe release. This method is especially useful where visibility is poor, for example in heavily vegetated or turbid water.
- *Egg searching* – The vegetation within the pond was inspected for the presence of GCN eggs. Once a GCN egg was found (with breeding therefore confirmed), no further egg searches were conducted.

The physical condition of waterbodies (depth, turbidity, vegetation, access, lining material *etc.*), determines which survey methods were appropriate. Health and Safety issues are also considered when selecting the survey methods. Justification for the choice of survey methods selected is presented in Table 3.3 along with more information about the waterbody habitats.

⁷ Clulite Clubman Deluxe (CB2), 1 million candle power

Table 3.3: Waterbody description and selected survey methods.

Water body no.	Grid reference	Description	Survey methods
2	TQ 72193 11604	Large pond within a grazing field. Perimeter of pond poached/trampled by livestock. Water clear, aquatic vegetation present.	Torch, bottle trap, egg search.

3.4 Population Size Class

The maximum adult count recorded from a water body on a single night using a single survey technique is used to estimate the population size class. The different classes are defined in Table 3.4.

Table 3.4 GCN Population Size Classes

Population Size Class	Peak Adult Count
Small population	≤10 individuals
Medium	11–100 individuals
Large	>100 individuals

The populations of waterbodies within 250 m of each other can be considered together to form an effective meta-population if there are no significant barriers to dispersal and migration among the waterbodies⁸.

4 RESULTS

4.1 HSI Results

Table 4.1 shows the HSI scores and habitat suitability of the waterbodies assessed.

Table 4.1 Great Crested Newt HSI Results

Waterbody	HSI Score	Habitat Suitability
Pond 2	0.77	Good
Pond 1	0.63	Average
Pond 4	0.81	Excellent

4.2 Environmental DNA (eDNA) Results

Pond 2 tested positive in the eDNA analysis and therefore a further population survey was recommended to support a Natural England licence application.

Table 4.2 eDNA Results

Waterbody	eDNA result
Pond 2	Positive
Pond 1	Negative
Pond 4	Negative

4.3 Population Survey Results

Pond 2 was found to have a medium size population of GCN. The results of the population survey are presented in Table 4.3.

⁸ JNCC (2003) *Herpetofauna Workers' Manual*. Peterborough: JNCC.

Table 4.3 GCN Population Survey Results

Key				
GCN – Great crested newt		m – Male	CF – Common frog	
SN – Smooth newt		f – Female	CT – Common toad	
USF – Unidentified small female newt		u – Unknown	t – Tadpoles	
Visit Number	Survey Method			Peak GCN⁹
	Torching	Bottle Traps	Egg Search	
1	3xGCNm, 1xGCNu, 7xSNm, 8xUSF, 12xSNU, 4xCF	No GCN or other amphibians recorded	No eggs found	1
2	35xGCN, 139xSNm, 172xUSF, 62xSNU, 3xCF	2xGCNm, 41xSNm, 59xSNf	GCN egg found	35
3	10xGCNm, 3xGCNf, 4xSNm, 19xUSF	Bottle trapping not undertaken due to cold weather.	N/A	13
4	7xGCNm, 6xGNCf, 12xSNm, 27xUSF	Bottle trapping not undertaken due to cold weather.	N/A	13
5	2xGCNf, 17xUSF	1xGCNf, 7xSNm, 17xSNf	N/A	2
6	1xGCNm, 6xGCNf, 49xUSF, 2xSNm	1xGCNf, 8xSNm, 20xSNf	N/A	7

5 DISCUSSION AND IMPACT ASSESSMENT

5.1 Direct Harm/ Disturbance

A medium population of GCN was recorded in the waterbody (Pond 2) on land to the east of the Site, within 100 m. Suitable terrestrial habitat on within the ESA included the scrub and woodland habitat providing good foraging and sheltering opportunities and are connected to the wider landscape. However, the grassland was heavily grazed and was considered to provide limited foraging, hibernation or sheltering opportunities for GCN. A number of log piles were also recorded along the access track to the Site and considered to provide suitable hibernacula for amphibians. Such habitats, albeit of relatively lower quality in comparison to scrub and woodland within the wider landscape, provide potential for foraging, commuting, sheltering and hibernating GCN, and other amphibians.

GCN are active throughout the warmer months, generally March to October inclusive, during which they spend time in both water and on land, usually sheltering and foraging in habitats offering cover near to their breeding ponds such as scrub and tall grassland. Any work on terrestrial habitats likely to support the species, or on areas between breeding ponds and such habitat, carries the risk of disturbing or harming great crested newts. Such disturbance or harm could constitute an offence under the Wildlife and Countryside Act 1981¹² (as amended), and Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019¹.

5.2 Loss/damage to breeding ponds

The Development will not lead to the functional loss of a breeding waterbody (Pond 2) for GCN, as it is to be retained and there is still habitat linkage to the wider areas of terrestrial habitat. The waterbody may in the absence of mitigation be subject to adverse impacts

⁹ Peak count is highest number recorded over all survey methods.

such as pollution and contamination with material from adjacent construction works. However, there is no hydrological link from the Site to Pond 2, and is located *circa* 50 m to the east, and as such, there will be no indirect impact upon this waterbody.

5.3 Habitat Loss and Fragmentation

The Development design footprint is sited between the pond and the block of woodland to the west, presenting a partial barrier to dispersal and fragmenting habitat connectivity to the wider landscape. GCN are a mobile species and are known to travel freely within suitable terrestrial habitat and between waterbodies, and will therefore be impacted by the Development, leading to population fragmentation, and the impact upon a breeding GCN pond. The impact on the breeding pond along with isolation caused by fragmentation therefore represents a moderate impact to GCN populations from the Development in the absence of mitigation.

6 MITIGATION AND ENHANCEMENTS

Natural England expects proposed mitigation and compensation to be proportionate to the impacts of the planned works on the GCN population, which should therefore be sufficient to offset any damaging effects of the project.

Without mitigation, the Development is likely to have a long-term minor negative impact on GCN through the removal of commuting habitat and disturbance to individual GCNs. Proportionate mitigation is therefore required.

6.1 Non-Licensed Method Statement

GCN are fully protected through their inclusion on Schedule 5 of the Wildlife and Countryside Act 1981¹² (as amended), and Schedule 2 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹.

Natural England provides guidance¹⁰ to determine whether or not a development is at risk of harming GCN and thereby breaking the law and what, if any, appropriate action should be taken.

It is considered that a strict and fully adhered to Non-Licensed Method Statement (NLMS) is appropriate for the following reasons:

- Works will be undertaken only during winter months as the works area contains no features of hibernation value or potential, therefore it is unlikely GCN will be present;
- The pond (Pond 2) with a medium population of GCN is offsite and will not be directly impacted;
- Amphibian tunnels will be created beneath the access road to ensure that along with the boundary hedgerows, there will also be opportunities for GCN to commute across the field. This is considered to be a low risk due to the heavily grazed nature of the field however, mitigation is incorporated to ensure this continues to be an option;
- Pollution prevention measures and a lack of hydrological link from the Site will ensure no pollution to Pond 2;
- The grassland to be removed to facilitate the works is heavily grazed and poached and therefore offers limited foraging opportunities, with grassland surrounding the pond being a higher sward, and due to be retained and enhanced as part of the Development; and
- The good terrestrial habitat at the boundary of the Site will be retained and enhanced.

Furthermore, a European Protected Species Mitigation (EPSM) licence application is not considered necessary as the risk of killing/injuring GCN and preventing access to a place

¹⁰ Template for Method Statement to support application for licence under Regulation 53(2)(e) of The Conservation of Habitats and Species Regulations 2010 (as amended) in respect of great crested newts *Triturus cristatus*. Form WML-A14-2

of shelter is considered unlikely as long as a suitable mitigation strategy is followed, and strict working methodologies are in place and, supervised by a licenced GCN ecologist.

The NLMS will detail all necessary working procedures, timings of works, and ensure site personnel and plant/material storage areas are sufficiently positioned so as to avoid any high risk GCN areas i.e., the retained hedgerows. The NLMS must also detail the procedure to follow in the unlikely situation where GCN are found onsite at any stage of the works. Specifically, all works must stop and an ecologist contacted for advice, following which works would not recommence until an EPSM licence application was granted. The NLMS document will therefore form the basis of ensuring no adverse effect on GCN or, breach of UK and European legislation. All aspects of the NLMS must be adhered to. The NLMS will also detail how ecological enhancement will be ensured through the landscape design which has been developed.

6.2 Enhancement Measures

6.2.1 *Habitat Creation*

The area of land surrounding Pond 2 has been set-aside for habitat creation and enhancement in order to deliver biodiversity net gain. In this location high quality terrestrial newt habitat will be created with a selection of the following habitat prescriptions to be created:

- Tussocky grassland;
- Species rich wildflower planting;
- Native species scrub planting; and
- Hibernacula and log piles.

These habitat prescriptions will encourage a diverse invertebrate assemblage as a food source and provide fissures for hibernating GCN to utilise. In addition to this they will enhance the ability of GCN to forage and commute across the Site and immediate surrounds.

6.2.2 *General Measures*

Artificial lighting can adversely affect wildlife. Although the Site currently experiences some artificial lighting from the substation, any new artificial lighting should be designed in line with good practice¹¹, such as minimising light spill and directing artificial lighting away from sensitive habitats.

The Site is currently grazed by cattle, sheep and horses. If the habitat creation and enhancement area will be grazed, it is recommended that only sheep with a suitable stock density and specific timing considerations are determined to ensure there are no detrimental impacts to the wildflower grassland habitat.

7 CONCLUSION

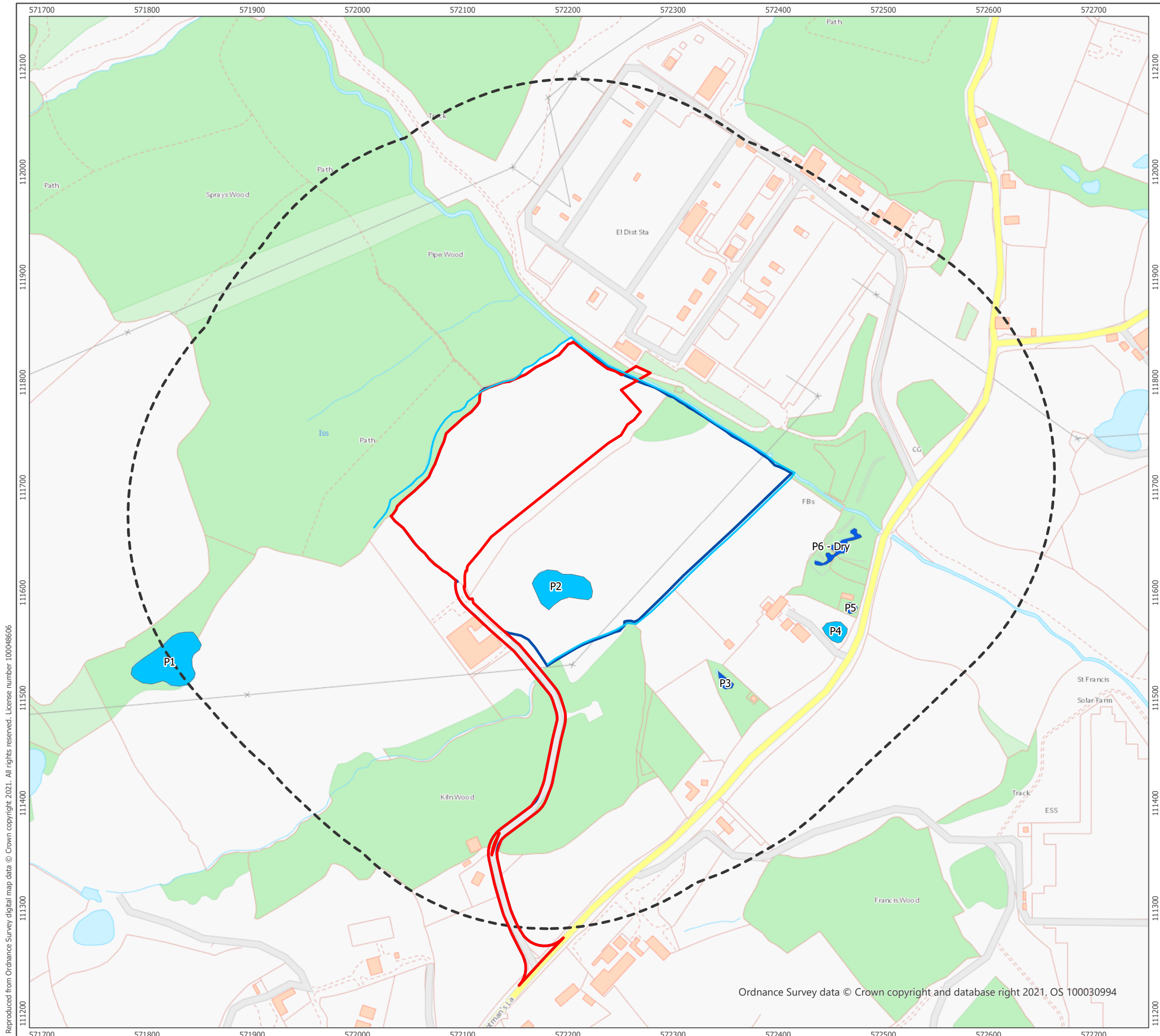
A medium GCN population was present in Pond 2, which is within the 250 m buffer zone.

Due to the current conditions of the Site and the results of the recent GCN surveys, it is anticipated that the local population of GCN will be subject to minimal negative impact from the Development. The impacts can be mitigated through timing of the works, ecological supervision and enhancements. Strict mitigation and enhancements will provide a long-term positive impact to the local GCN population as a result of the habitat that will be created.

¹¹ Bat Conservation Trust (2018), Bats and Artificial Lighting Guidance. [online] *Bats.org.uk* [Viewed August 2019] Available: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

A full EPSM licence is not considered necessary due to the distance from the Site where GCN have been confirmed present and the full retention and enhancement of the higher quality GCN habitat, namely the scrub and woodland. All works must however be undertaken in full adherence with a NLMS which will detail how GCN will be fully protected as part of the Development and, how ecological enhancement will be assured. With adherence to the NLMS adverse impacts on GCN is not considered likely.

APPENDIX A - FIGURE 1: WATERBODY LOCATIONS



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- Site Boundary
- Ecology Survey Area
- 250 m Buffer
- Running water - Assessed
- Standing water - Assessed
- Standing water - Not assessed

1:3,500 Scale @ A3
 0 0.04 0.09 km



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Waterbody Locations
Figure 1

Ninfield Greener Grid Park
GCN Survey Report

APPENDIX B – PLANNING POLICY AND LEGISLATION

Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981¹², as amended by the Countryside and Rights of Way Act (CROW) 2000¹³ and the Natural Environment and Rural Communities Act (NERC) 2006¹⁴, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive)¹⁵, making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection; and
- Pick or uproot any wild plant listed under Schedule 8 of the Act. Schedule 9, Part II of the Act also lists many species for which it is an offence to plant, or otherwise cause to grow, in the wild. Any material containing Japanese knotweed is also identified as controlled waste under the Environment Protection Act 1990 and must be disposed of properly at licenced landfill according to the Environmental Protection Act (Duty of Care) Regulations 1991.

Habitat Regulations 2019 (as amended)

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹ (the 'Habitat Regulations') are the principal means by which Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (the 'Habitats Directive') is transposed into law in England and Wales. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The Directive lays down rules for the protection, management and exploitation of such habitats and species and makes it an offence to deliberately capture, kill or disturb wild animals protected under the Habitat Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time).

Natural Environment & Rural Communities (NERC) Act 2006

The NERC Act 2006¹⁶ places a duty on local planning authorities to have due regard for biodiversity and nature conservation during the course of their operations, and thus ensures that biodiversity is a key consideration in the planning process.

¹² Legislation.gov.uk *Wildlife and Countryside Act 1981* (as amended) [online] Available from: https://www.legislation.gov.uk/ukpga/1981/69/pdfs/ukpga_19810069_en.pdf [Accessed June 2021]

¹³ Legislation.gov.uk *The Countryside and Rights of Way Act 2000*. Available from: <http://www.legislation.gov.uk/ukpga/2000/37/contents> [Accessed June 2021]

¹⁴ Legislation.gov.uk *Natural Environment and Rural Communities Act 2006* [Online] Available from: <https://www.legislation.gov.uk/ukpga/2006/16/contents> [Accessed June 2021]

¹⁵ Birds Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds *EUR Lex: Access to European Law* [online] Available from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147> [Accessed June 2021]

¹⁶ Legislation.gov.uk *Natural Environment and Rural Communities Act 2006* [online] Available from: <https://www.legislation.gov.uk/ukpga/2006/16/contents> [Accessed June 2021]

National Planning Policy Framework 2019

The National Planning Policy Framework (NPPF) 2019¹⁷ sets out the Government's requirement for the planning system in England and in doing so establishes framework within which local planning authorities can develop their own planning policies. The NPPF explicitly addresses the conservation and enhancement of the natural environment, including biodiversity, through paragraphs 174–177.

Biodiversity Action Plans

The UK Biodiversity Action Plan (UKBAP) was developed to fulfil the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. The UK Post-2010 Biodiversity Framework' now (as of July 2012) succeeds the UKBAP, although the UKBAP priority species and habitats are retained through the NERC Act. Regional and local BAPs have also been organised to develop plans for species/habitats of nature conservation importance at regional and local levels.

Wild Mammals (Protection) Act 1996

All wild mammals receive some protection under the Wild Mammals (Protection) Act 1996¹⁸. This Act includes offences of crushing and asphyxiation of any wild mammal with intent to inflict unnecessary suffering.

¹⁷ Gov.uk *National Policy Planning Framework 2019* [online] Available from: <https://www.gov.uk/government/publications/national-planning-policy-framework-2> [Accessed June 2021]

¹⁸ Legislation.gov.uk *Wild Mammals (Protection) Act 1996*. [online] Available from <https://www.legislation.gov.uk/ukpga/1996/3/contents> [Accessed June 2021]

APPENDIX C - PHOTOGRAPHS



Photograph 1: View looking east across field towards Pond 2



Photograph 2: Pond 2 western end



Photograph 3: Grazed field



Photograph 4: Woodland adjacent to north west boundary



Photograph 5: GCN in bottle trap