

Operational Guidance

For Strategic Newt Licencing in Telford and Wrekin



Strategic Newt Licencing

in Telford and Wrekin



Coordinated

Licensed by Natural England
Delivered by the LPA
Steered by local expertise



Efficient

Applications processed
alongside the planning process
Surveys no longer seasonally
dependant



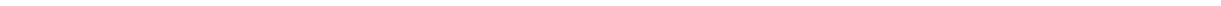
Better for newts

The strategic delivery of landscape
scale conservation of great crested
newts across Telford and Wrekin

Issued by Telford and Wrekin Council

June 2020

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Non-technical summary

District level licencing for great crested newts (GCN) is a new national approach to the licencing requirements associated with developments. In Telford and Wrekin the scheme is being run by Telford & Wrekin Council and is called Strategic Newt Licencing in Telford and Wrekin.

The new scheme assesses the impacts of a development at a landscape scale and provides compensatory habitat where it will be most beneficial to the great crested newt population.

The assessment of impacts and the placement of mitigation habitat is determined by a Species Distribution Model rather than site specific survey data and is intended to reduce the burdens on developers in terms of time and cost of carrying out traditional surveys. The scheme is Local Authority led and has been developed by Telford and Wrekin Council through detailed consultation with Natural England (NE).

Traditionally great crested newt mitigation licencing has focussed around protecting individual newts and newt populations within development sites and the new approach is a significant, and positive, strategic change.

Entry to the scheme is recommended to any development of one house or above where there is a pond present within 250m. Householder applications are exempt. The scheme uses an approach based on the Species Distribution Model and assumes the functional loss of ponds within 250m of development whether or not those ponds are actually physically damaged or destroyed by the proposed works. The traditional licencing route through Natural England remains available and the traditional licencing route must be used in the borough's Red Zone.

Developments which meet the scheme's criteria will be authorised under the organisational licence issued to Telford & Wrekin Council by Natural England and the developer will pay a Conservation Payment calculated based on the impacts of their proposed development.

The scheme holds many of the same principals as other district level licencing schemes being administered by Natural England but is not identical to them. The Telford & Wrekin Scheme includes some requirements around reasonable avoidance measures which are not mandated by the NE schemes and also includes additional monitoring aspects over and above those in the NE led schemes currently operating.

Compensation ponds will either be created or restored to provide high quality compensatory habitat where it is highly likely to be colonised by GCN. Pond creation will not necessarily relate to the locations where ponds are being impacted since mitigation is focussed on a strategic level across the borough.

Habitat mitigation work will be undertaken by Telford & Wrekin Council who are acting as the Habitat Delivery Body for the borough under the guidance of a Steering Group.

This Operational Guidance should be read alongside:

- The Great Crested Newt District Level Licencing Strategy for Telford & Wrekin (Natural England 2020); and
- The Great Crested Newt District Level Licensing - Technical Fundamentals for Organisational Licensing in Telford and Wrekin document (Natural England 2020).

Information on applying to the Scheme and the other Scheme documents can be found at www.telford.gov.uk/strategicnewtlicencing



Great crested newt

Photograph by Mark Latham

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1. Introduction

1.1 Purpose of the document

- 1.1.1 District level licencing for great crested newts (GCN) is a new national approach to the licencing requirements associated with developments where great crested newts are present or may be present.
- 1.1.2 Great Crested Newts are afforded protection through The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Traditionally licensing has been site based and has addressed reduction of harm and mitigation in terms of aquatic and terrestrial habitat loss on, or in close proximity to, the development under consideration.
- 1.1.3 The district level licencing (DLL) approach assesses the impacts of development at a landscape scale and provides compensatory habitat having given consideration to where it will be most beneficial, where it is most likely to be colonised by great crested newts and how it can be most sustainably delivered, managed and monitored.
- 1.1.4 This Operational Guidance sets out the approach taken to district level licencing in the borough of Telford and Wrekin through the operation of Strategic Newt Licencing in Telford and Wrekin.

This Operational Guidance should be read alongside:

- The Great Crested Newt District Level Licencing Strategy for Telford & Wrekin (2020); and
- The Great Crested Newt District Level Licensing - Technical Fundamentals for Organisational Licensing in Telford and Wrekin document (Natural England 2020).

These two Natural England produced documents will be made available shortly.

- 1.1.5 Elements of the scheme in Telford & Wrekin include:

- Survey and modelling;
- Consideration of conservation status;
- Compensation requirements; and
- Post compensation pond monitoring and management.

These elements combine to ensure that the scheme does not negatively impact upon GCN conservation status and should have a positive impact. The Strategy document provides more information on how these measures interact¹ and are used to satisfy the 'no satisfactory alternative (NSA) and imperative reasons of overriding public interest (IROPI) tests.

¹ Great Crested Newt District Level Licencing Strategy for Telford & Wrekin (2020).

1.1.6 There are specific sections in this Operational Guidance explaining how developers interact with this scheme, how strategic gains will be achieved and how the Conservation Payment is calculated.

1.2 Taking a strategic approach

- 1.2.1 Great crested newts are found throughout lowland England. They need suitable ponds surrounded by suitable terrestrial habitats in order for their populations to be sustainable. Ponds should not be too large or too shaded, should be free from fish and have abundant, suitable vegetation for egg laying, while also offering clear areas of water for display behaviour. Suitable terrestrial habitat should provide opportunities for foraging, shelter and hibernation in close proximity to suitable ponds.
- 1.2.2 In the UK around 50% of ponds have been lost in the 20th century and 80% of those remaining are considered to be in a poor state for supporting breeding GCN².
- 1.2.3 There have been large declines in range and abundance of GCN and they receive strict protection under the law through The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Despite this protection GCN populations continue to decline.
- 1.2.4 The current site based licencing system has focussed on preventing harm to individual GCN and preventing loss of available terrestrial habitat on individual development sites. This has sometimes led to the isolation of retained ponds within developments, often within areas of public open space. The approach has aimed to protect individual newts and cause as minimal an impact on GCN as possible. The traditional approach has tended to focus on the protection of individual newts and existing ponds rather than focussing, as district level licencing does, on how we can provide and manage habitats and monitor populations in the wider environment in a strategic way.
- 1.2.5 The proposal under the Scheme, which is driven by changes in national policy³, is for a shift away from preventing harm associated with single development sites and upon individual newts and towards the consideration and enhancement of the conservation status of GCN and the sustainability of wider populations. Provision of new habitat will be focussed in areas where it is spatially well connected to existing populations, where the likelihood of colonisation is considered high and where recreational pressure and pressure from future development is predicted to be low.

² Keeble, H., Williams, P., Biggs, J. & Athanson, M. (February 2009). Important Areas for Ponds (IAPs) in Environment Agency Southern Region.

³ Proposed new policies for European Protected Species licensing - Analysis of responses to the public consultation held between 25 February and 7 April 2016 by Natural England. December 2016.

1.2.5 An initial phase of district licencing, in advance of the scheme beginning to operate, has focussed on new habitat provision (spring 2019 to spring 2020), primarily the digging of new ponds and the restoration of failing ponds. This provision of suitable habitat through the digging of new ponds and restoration of existing, failing ponds will continue year on year as the scheme operates aiming to run ahead of demand if possible. The focus will be on creating and restoring ponds in areas of existing terrestrial habitat so that the needs of the species are holistically addressed.

1.2.6 The intention of district level licencing is to enhance GCN populations and their habitats at a district scale or greater while also supporting timely development. It offers a range of benefits both in favour of conservation and development.

1.2.7 Conservation benefits include:

- A more proactive, landscape wide approach to GCN protection;
- The creation of new and improved habitat to provide sustainable strongholds for GCN populations;
- The opportunity to improve the connectivity between otherwise fragmented GCN populations; and
- Increased understanding of habitat suitability and population dynamics through monitoring of populations and habitats.

1.2.8 Development benefits include:

- Where an organisation holds an organisational licence it can authorise developments under that licence, therefore saving time and uncertainty and reducing the long term administrative burden of licencing individual developments upon Natural England.
- Greater flexibility in the layout and design of development schemes;
- Greater choice for the Local Planning Authority as to how and where GCN mitigation is provided and how it fits with the Local Plan led approach to development;
- The opportunity for developers to reduce constraints on their sites by reducing the need for onsite GCN mitigation;
- Reduced risk of delay and associated costs through a more effective GCN licencing process; and
- Reduced survey requirements through a 'no survey' option where the other requirements of the Scheme are met.

1.2.9 The intention of the Scheme is that further declines in the GCN population as a result of development will be prevented on a landscape scale. Focussing on enhancing habitat for wider populations the district level will result in population being increased and made more sustainable although some individual newt sites may be lost.

1.3 GCN species distribution modelling

- 1.3.1 Natural England has carried out Species Distribution Modelling for each district based on presence/absence surveys of ponds across the area. Availability of areas of important habitat for GCN are identified by the model and are then mapped.
- 1.3.2 The Species Distribution Model (SDM) links known GCN presence data with environmental variables including habitat types, expert knowledge of GCN habitat preferences and climate data. The model is refined through testing so that the most accurate model for each district is identified and so that the model predicts, as accurately as possible, the location of GCN suitable habitat. Assessments of pond connectivity and a resulting assessment of potential discrete GCN metapopulations are also undertaken
- 1.3.3 The information generated from the model, namely the mapping of Strategic Opportunity Areas and Risk Zones, are explained fully in the Technical Fundamentals⁴ document.
- 1.3.4 The outputs of the model, alongside Local Plan allocations⁵, allow:
- The impact of development on GCN to be assessed across the borough;
 - The identification of areas where habitat creation will have the most benefit for the species; and
 - The strategic delivery of compensatory habitat in the most optimal places spatially in advance of any impacts from developments resulting in habitat loss.

1.4 Defra's European Protected Species policies 2016

- 1.4.1 In 2016 Defra introduced four new policies around European Protected Species (EPS) mitigation licencing⁶. These policies were designed to result in a greater investment in compensatory habitat and the intention is that they will enable the licencing process to secure an improved network of habitats for EPS while saving time and money for developers and reducing uncertainty. The policies abide by the established avoid-mitigate-compensate hierarchy set out in National Planning Policy Framework⁷ and still require that the 'three tests' under the Habitats Regulations⁸ are met.
- 1.4.2 The Technical Fundamentals document contains more information on the Defra policies and how the DLL approach has been developed nationally by Natural England to conform to these policies.

⁴ Great Crested Newt District Level Licensing - Technical Fundamentals for Organisational Licensing in Telford and Wrekin document (Natural England 2020).

⁵ Telford & Wrekin Local Plan 2011 – 2031. Adopted January 2018.

⁶ Proposed new policies for European Protected Species licensing - Analysis of responses to the public consultation held between 25 February and 7 April 2016 by Natural England. December 2016.

⁷ National Planning Policy Framework. February 2019.

⁸ Regulation 55(9) of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

1.5 Assessing the avoid-mitigate-compensate hierarchy

- 1.5.1 Natural England has provided guidance to Telford & Wrekin Council setting out how, on a national level, district level licencing has been designed to take into account the avoid-mitigate-compensate hierarchy. This guidance can be found in Section 2.1 of the Technical Fundamentals Document⁹. This Scheme has been designed with those principles firmly in mind.
- 1.5.2 Paragraph 175 of National Planning Policy Framework states that when determining planning applications planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- “...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”
- 1.5.3 This establishes the hierarchy in which development should seek first to avoid significant impact, then mitigate and only then rely on compensation.
- 1.5.4 The avoid-mitigate-compensate hierarchy forms part of Natural England Licencing Policies 1 and 2, and, to an extent, the hierarchy is also established as a matter of law as the Habitats Regulations make clear that licences which allow offences should only be granted where there are ‘no satisfactory alternatives.’ Throughout all of the current regulation and guidance the focus is upon the measures which provide the highest protection and benefit to species conservation status, and are clear that an alternative can only be considered ‘satisfactory’ if it both solves the problem posed and also provides the highest possible benefit to conservation status.

⁹ Great Crested Newt District Level Licensing - Technical Fundamentals for Organisational Licensing in Telford and Wrekin document (Natural England 2020).

How the Scheme engages with the avoid-mitigate-compensate hierarchy

Avoidance: This Scheme will ensure that the most important sites, within Red Zones (see section 2.11.4 below), will be safeguarded and development within these areas will not be able to participate in the Scheme but will instead require a bespoke favourable conservation status assessment undertaken via the traditional licencing route.

Telford & Wrekin Council will ensure that the Scheme, and the associated modelling and mapping, are used in both development management and planning policy decisions where appropriate.

Mitigation: The Scheme will require proportionate mitigation measures to be undertaken appropriately on sites operating under the organisational licence. These will include reasonable steps to reduce impacts upon individual GCN at the site level. These measures are set out in detail in section 2.10 below and may include, but not be limited to: working method statements or ecological clerk of works supervision for certain practices or the removal/translocation of individual GCN. In Telford & Wrekin this is seen as an integral part of the Scheme and together these measures are designed to have the highest possible positive long term conservation outcome for GCN. The traditional licencing route remains open to all developers and remains a valid approach to mitigation and to satisfying the requirements of the Habitats Regulations.

Compensation: The Scheme provides new or improved habitat in the most suitable and sustainable locations for GCN at a landscape scale, that approach results in the outcome being better for newts than the existing licencing approach which protects isolated populations *in situ* on development sites.

2. Strategic Newt Licencing in Telford and Wrekin

2.1 Overview of the Scheme

2.1.1 Natural England remains the relevant licencing body in all types of district level licencing. There are two types of DLL currently in operation:

- Site based licencing where there is no third party available to hold an organisational licence and so Natural England is directly involved in the licencing for each site; and
- Organisational licencing where an appropriate organisation holds the licence for the district and accredits developments, through the provision of a compliance certificate, to operate under that licence.

- 2.1.2 Strategic Newt Licencing in Telford and Wrekin is an organisational licencing scheme with Telford & Wrekin Council holding the licence for its administrative area. At the point of publication TWC are the first Council to hold an organisational licence since the initial trial of approaches were carried out.
- 2.1.3 The ‘three tests’ have been considered by Natural England at the time of granting the organisational licence and do not need to be considered on a site by site basis. Further information on the ‘three tests’ is provided in section 2.6 below and in the Strategy¹⁰ document.
- 2.1.4 Developers will be welcome to apply to the Scheme as soon as their application boundary is fixed and will receive an assessment of the impacts of their site and consideration of whether their development complies with the Scheme. They will receive confirmation of the Conservation Payment they would be required to pay and would be asked to confirm that they wish to proceed, the Conservation Payment would be payable at the time of the granting of planning permission.

2.2 GCN conservation status in Telford and Wrekin

- 2.2.1 In order to assess the impact of development on GCN it is important to understand the current conservation status of the species.
- 2.2.2 The term ‘conservation status’ is used to refer to the state of health of a population of a species. When a ‘conservation status’ is given to a species an assessment is being made of the sum of influences acting on that species (both positive and negative) that may affect the long-term distribution and abundance of its populations within a defined geographical area.
- 2.2.3 The conservation status is favourable when:
- The **natural range** of the species is neither being reduced nor is it likely to be reduced for the foreseeable future;
 - The **population** is maintaining itself on a long-term basis as a viable component of its natural habitats; and
 - There is, and will probably continue to be, a sufficiently large area off **habitat** to maintain its populations on a long-term basis.
- 2.2.4 The term ‘favourable conservation status’ (FSC) is used to describe the conditions that exist when a species is considered to be in a ‘favourable’ state. A definition of favourable conservation status provides a long term, positive objective, which is more than just avoiding extinction.

¹⁰ Great Crested Newt District Level Licencing Strategy for Telford & Wrekin (2020).

2.2.5 The assessment of FCS is based on the best available ecological and scientific evidence about the ecology of a species and is described by reference to three parameters: natural range, population and habitat. For each of these parameters evidence for the following aspects is considered:

- The historical situation;
- The current situation;
- What is needed to conserve the habitat or species for the future; and
- The ecological potential for improving the status of the species.

2.2.6 Based on these considerations, Natural England makes a judgement for each parameter on the level at which the species concerned is to be regarded as being in a favourable conservation status in England. These are called 'favourable reference values' (FRVs). When suitably defined the values ensure all the biological variation associated with this species is suitably conserved, including buffering from natural fluctuations and protection against catastrophic events.

2.3 Conservation status – national assessment (England)

2.3.1 In terms of the three key parameters: range, population and habitat, Natural England currently considers the conservation status of GCN in England to be unfavourable. This is primarily due to historic declines in population and habitat.

2.3.2 Estimates of the current conservation status against the FRVs in England are:

- Range and Distribution: 750 occupied 10km squares;
- Population 13,779 available ponds in occupied habitat with a Habitat Suitability Index (HSI) score greater than 0.7 (95% confidence interval (CI) = 11,277 – 17,103); and
- Habitat (areas of suitable habitat): 26,128km², of which 15,358km² is thought to be actually occupied.

For further details refer to the full national statement for this species by Natural England¹¹.

¹¹ Favourable Conservation Status: England Contribution. Species: S1166 Great Crested Newt *Triturus cristatus*. May 2017.

2.4 Conservation status – borough assessment (Telford and Wrekin)

2.4.1 The current understanding of the conservation status of GCN on a borough level is set out in Table 3 of the Strategy document¹². The available data is summarised below:

- All 8 10km squares in Telford & Wrekin are thought to be occupied by GCN;
- Presence is predicted in 302 out of a total of 354 1km grid squares (94.8%) by the Species Distribution Model;
- The borough contains a total of 5,613.25 ha (19.34%) of suitable habitat;
- The number of occupied ponds is unknown but it is predicted to be 261 ponds based on the availability of good quality ponds (with an HSI of 0.7 or over) in the presence of good quality habitat; and
- The population trend is unknown.

2.4.2 It is anticipated that the Scheme, and the associated population monitoring, will, over time, provide additional information on the conservation status and trends within the borough.

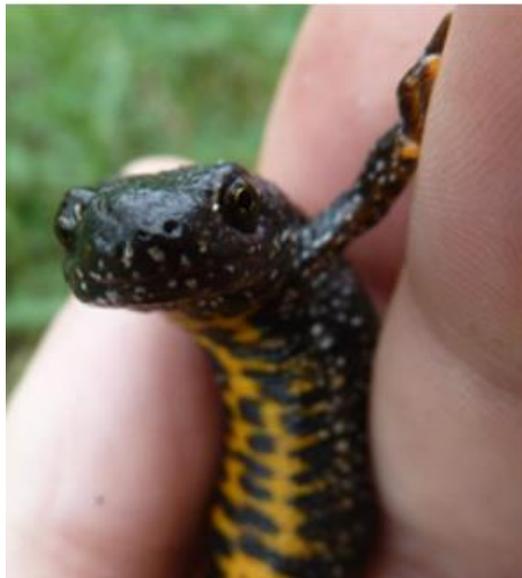


Photo 1: Great crested newt (Mark Latham)

2.5 Organisational licence

2.5.1 Telford & Wrekin Council holds an organisational licence from Natural England for operation within the administrative boundary of the Council. The licence was granted in July 2020 and runs for two years.

¹² Great Crested Newt District Level Licencing Strategy for Telford & Wrekin (2020).

2.6 Consideration of the ‘three tests’

2.6.1 In applying for the organisational licence from Natural England, Telford & Wrekin Council have provided information relating to the quantum and spatial distribution of development expected within the borough during the licencing period. That information has been drawn together from the Local Plan¹³, the Sustainability Appraisal¹⁴ which accompanied the Plan, Housing Windfall data taken from the 2018 and 2019 Annual Monitoring Reports¹⁵ and the formal report of the Planning Inspector¹⁶ during his inspection of the Local Plan.

2.7 The Great Crested Newt Licencing Strategy for Telford & Wrekin

2.7.1 Natural England, as part of the development of each DLL scheme have produced a Great Crested Newt Licencing Strategy¹⁷.

2.7.2 The Strategy sets out an assessment of the impacts of known developments on the distribution of GCN in the borough. This ensures that developments are not going to affect the current conservation status of GCN in the Scheme area.

2.7.3 The Strategy for Telford & Wrekin should be read alongside the Technical Fundamentals document and this Operational Guidance.

2.8 Principles of compensation

2.8.1 Strategic Newt Licencing in Telford and Wrekin is based on the provision of suitable ponds located within areas of suitable terrestrial habitat within the borough. The ponds provided will support display and breeding activities and the associated good quality terrestrial habitat will provide feeding, shelter and hibernation, along with opportunities for dispersal.

2.8.2 Natural England has used a Species Distribution Model (SDM) to develop the national approach to district licencing. The SDM shows that pond density is currently the single most important habitat variable in influencing the presence of GCN¹⁸. Terrestrial habitat is still important but is currently less of a limiting factor. The provision of new ponds in currently suitable, but inaccessible, terrestrial habitat will allow a move towards favourable conservation status without the need to provide new areas of terrestrial habitat. Further information on the modelling behind this is provided within the Technical Fundamentals document.

¹³ Telford & Wrekin Local Plan 2011 – 2031. Adopted January 2018.

¹⁴ Integrated Appraisal – Submission Version. Enfusion. June 2016.

¹⁵ https://www.telford.gov.uk/info/20455/monitoring/124/annual_monitoring_report_amr

¹⁶ Report on the Examination of the Telford & Wrekin Local Plan 2016 – 2031 by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM. 6th November 2017.

¹⁷ Great Crested Newt District Level Licencing Strategy for Telford & Wrekin (2020).

¹⁸ Natural England Species Distribution Modelling.

- 2.8.3 The accessibility of terrestrial habitat of GCN will depend upon the spacing of ponds and the suitability of the habitats that surround them. The emphasis will be on strengthening, extending and linking up of GCN populations and this work will be directed by the Steering Group. Strategically spacing and locating ponds for this purpose, combined with an increase in the number of ponds, will ensure that the Scheme delivers access to both terrestrial habitat and ponds. Telford & Wrekin Council have significant land holdings in the borough which allow for an enhanced strategic approach particularly in the urban core of the borough.
- 2.8.4 The Scheme will deliver lots of ponds, of better quality, which are safeguarded and appropriately managed for at least 25 years. It is highly likely that this will increase the numbers of ponds occupied by GCN.
- 2.8.5 Ponds, and other habitats, delivered by the Scheme seek only to address impacts upon GCN and are completely separate from mitigation for other species and habitats and also completely separate from calculations relating to biodiversity net gain.

2.9 Other biodiversity impacts

- 2.9.1 It is important to note that compensation under the Scheme does not account for other biodiversity impacts and does not supersede national or local planning policy relating to the protection of biodiversity or the retention of ponds. It does not cover the specific requirements of Section 41 species under the Natural Environment and Rural Communities (NERC) Act 2006¹⁹ reliant on aquatic habitats or address the approach to ponds which are a Section 41 habitat in their own right. The Telford & Wrekin Local Plan has specific policies on biodiversity which should be read alongside this Operational Guidance.
- 2.9.2 Advice on wider impacts on biodiversity resulting from a proposed development can be sought from Telford & Wrekin Council's Ecology and Green Infrastructure Specialists through the paid pre-application advice service²⁰.

2.10 Reasonable avoidance measures

- 2.10.1 The organisational licence issued to TWC by Natural England includes provision for the disturbance of GCN and the destruction of their resting and breeding places. It also allows for the killing and injuring of individual GCN where that occurs in connection with developments which have been accredited under the Scheme.

¹⁹ The Natural Environment & Rural Communities Act 2006

²⁰ <https://www.telford.gov.uk/pre-application>

- 2.10.2 Although provision is made for the above actions within the licence the Scheme seeks to protect both populations and individual GCN while simplifying processes and reducing time delays and costs to developers.
- 2.10.3 Developments will be required to accord with simple, appropriate Reasonable Avoidance Measures (RAMs) during site clearance operations depending upon the scale and location of the site and the habitat types present (both aquatic and terrestrial).
- 2.10.4 RAMs will be provided in the form of one of three method statements which will be form part of the Developer Authorisation Certificate for a site. RAMs will be set depending on the site classification of the site, by Telford & Wrekin Council, as Simple, Moderate, or Complex as set out below.
- Simple Sites – Sites comprising low value terrestrial habitat (amenity or grazed grassland with poor structural diversity), lacking significant hibernation features and with no aquatic habitats present.
 - Moderate Sites – Sites with moderate value terrestrial habitat present (including having any areas of tussocky or rank grassland), hibernation features present which are to be impacted (even if the features are small in size and/or few in number) and/or aquatic habitat being retained.
 - Complex Sites – Sites with any areas of complex terrestrial habitats (tussocky and rank grassland with good structural diversity) which may be mixed with low growing dense scrub or hedgerows, significant hibernation features (regardless of size or number) and/or with aquatic features which are to be impacted or lost.
- 2.10.5 The classification of sites as Simple, Moderate or Complex will also be influenced by the distance separating the development site from the nearest pond, and the habitats between the pond and the site.

Site based Reasonable Avoidance Measures

RAMS are set out in detail within the Developer Authorisation Certificate.

Simple Sites

RAMs include: A toolbox talk, information on identifying GCN, information on what to do and who to call if a GCN is discovered and basic precautions around open trenches and storage of materials.

Moderate Sites

RAMs include: A toolbox talk, requirement for an Ecological Clerk of Works, timing restrictions around removal of potential hibernation features, fingertip searches of valuable features, protection measures for retained aquatic habitats, what to do if a GCN is found on site and provision for either accommodating those individuals safely on the site or removal of any GCN discovered on site to an identified receptor site (including notifying the Scheme).

Complex Sites

RAMs include: A toolbox talk, requirement for an Ecological Clerk of Works, timing restrictions around removal of potential hibernation features, fingertip searches of valuable features, draw down methods for aquatic habitats being lost (including timing restrictions), protection of retained features, what to do if a GCN is found on site and provision for removal of any GCN discovered on site to an identified receptor site (including notifying the Scheme).

- 2.10.6 It is not anticipated that site clearance through exclusion fencing and trapping out methods would generally be required under the Scheme.
- 2.10.7 Sites where this level of control is required are most likely to fall into the Red Zone or to be ineligible for the Scheme for another reason and would, therefore, follow the site based licencing approach with Natural England.
- 2.10.8 Where it is necessary, or desirable, during site clearance works to remove GCN from a development site they will be transferred, by an experienced ecologist to a release site identified by Telford & Wrekin Council. TWC's Ecology & Green Infrastructure Specialists will identify a release pond and the accredited ecologist will record the date of the release along with the number of individual GCN involved and their sex and life stage by completing and submitting a Site Clearance Works Return form. Other amphibian species (frogs, toads and smooth newt) may also be translocated to these release sites under this process.

2.10.9 GCN will be released into terrestrial habitat adjacent to the nearest suitable waterbody in secure management. Publicly owned sites will be used unless another securely managed site is available. A suitable site may be a pond with an established GCN population or it may be a suitable pond with an HSI of at least 0.7. It will not be a Compensation or Contingency pond associated with the Scheme.



Photo 2: An ‘excellent’ pond, scoring a Habitat Suitability Index of 0.89, at the Beeches Local Nature Reserve, Ironbridge, Telford and Wrekin (Fran Lancaster)

2.11 Calculating impacts of developments – Risk Zones

2.11.1 The Scheme approach is structured around the borough being divided into Risk Zones.

2.11.2 Risk Zones indicate locations where GCN are likely to be present and are indicative of the level of impact which development in specific locations could have on the conservation status of GCN. In Telford & Wrekin areas of Green, Amber and Red risk have been identified, defined and mapped.

2.11.3 Risk Zones are used to identify areas where a higher scale of habitat compensation is required since the impact of development is likely to be more significant. This approach provides a means of linking the scale of habitat compensation to the likely level of impact and ensuring that the one reflects the other.

2.11.4 Red, Amber and Green Risk Zones have been identified and defined in terms of how they relate to GCN presence and populations. Table 1 describes the Risk Zone types.

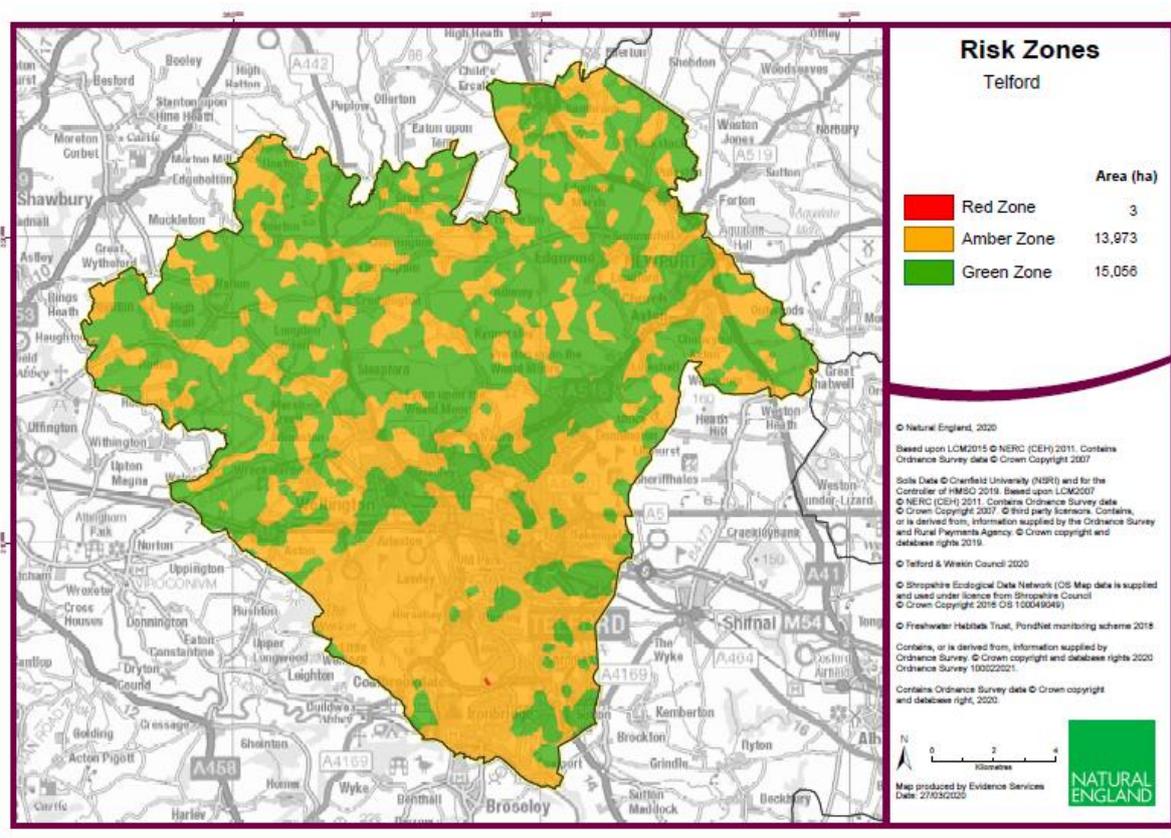
Table 1: Risk Zone types

Risk Zone	Description	Assessment of Impacts	DL Approach
Red	Red zones contain key populations of GCN, which are important on a regional, national or international scale.	Given the high level of importance of populations in Red Zones, it is to be expected that loss or damage to these populations could not be mitigated for by the provision of compensatory habitat elsewhere.	Developments within Red Zones cannot use the Scheme and must take a traditional, site based approach to licencing by applying to Natural England.
Amber	Amber zones contain the main population centres for GCN, although they are not of the same importance as Red Zones. Amber Zones are also important areas of connecting habitat along which natural dispersal is likely to occur. Amber Zones form connections between existing ponds within each metapopulation area and with other GCN habitat within and outside the strategy boundary.	Development with a significant land take in these zones would be expected to have a high impact upon GCN populations.	Development in Amber Zones can use the Scheme.
Green	GCN are sparsely distributed in Green Zones and these areas are less likely to contain important pathways of connecting habitat.	Development would generally be expected to have a low impact in Green Zones. It remains possible that development would encounter GCN in this zone.	Development in Green Zones can use the Scheme.

2.11.5 The criteria for mapping the Red, Amber and Green Zones are set out in the Technical Fundamentals document and have been established based on a combination of the Species Distribution Model and locally available data and knowledge.

2.11.6 The risk zones for Telford & Wrekin are illustrated in Figure 1 below and an interactive map can be found on the Council’s website.

Figure 1: Red, Amber and Green zones in Telford & Wrekin



2.12 Strategic Opportunity Areas

2.12.1 To determine the most beneficial location for compensation ponds, a spatial framework has been developed by Natural England known as Strategic Opportunity Areas (SOAs) and this has been provided for use in developing the Scheme.

2.12.2 The SOAs have been based on three fundamental aims:

- **Colonisation** – Ponds need to have potential to be colonised by GCN;
- **Favourable Habitat** – Any ponds need to be placed within areas of favourable habitat to aid colonisation and ensure a healthy population can be maintained; and
- **Favourable Conservation Status (FCS)** – Ponds need to provide a contribution towards achieving FCS for GCN

2.12.3 In some of the operating DLL Schemes nationally SOAs are mapped and then the urban area is removed from the SOAs. In Telford & Wrekin Natural England have recognised that significant GCN populations exist within the urban area and are sustainable there, in part because of the significant and interconnected areas of green space which were part of the way Telford was designed as a New Town. In Telford & Wrekin the SOAs are, therefore, not clipped to remove the urban area.

2.12.4 Two classifications have been identified within SOAs, referred to as 'Core' and 'Fringe' areas. Both areas are capable of delivering pond in favourable habitat where colonisation can occur but they contribute to FCS in different ways.

Strategic Opportunity Areas

Core Areas: Core areas concentrate on existing areas of suitable habitat and seek to increase GCN populations in terms of occupied ponds.

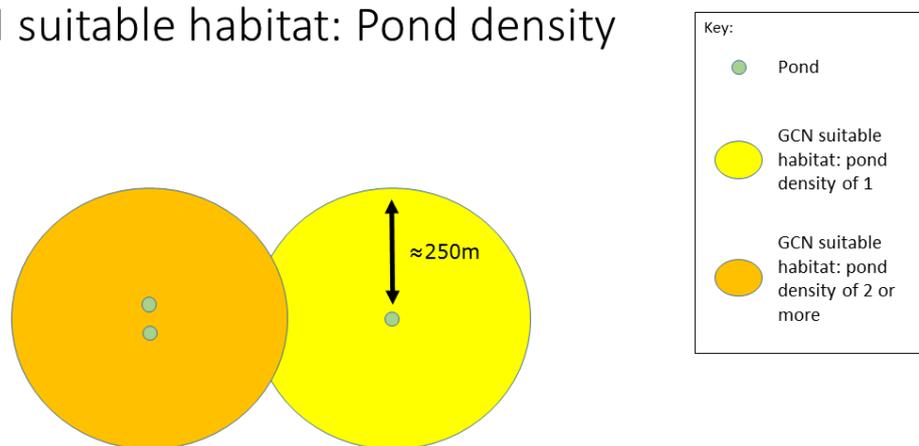
Fringe Areas: Fringe areas focus on the peripheral area of existing GCN habitat where pond density is lower and therefore deliver FCS benefits by increasing the natural range of the species.

2.12.5 Pond density is used to determine the extent of Core and Fringe SOAs.

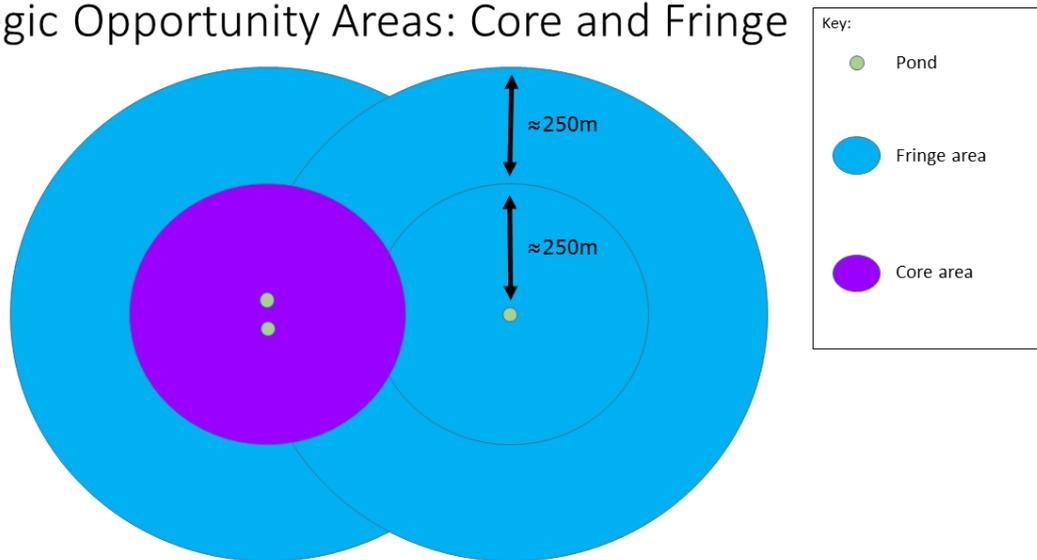
Where pond density is one the area is allocated to the Fringe SOA and where the pond density is two or more the area is allocated to the Core SOA. Figure 2 below illustrates the relationship between pond density and SOAs.

Figure 2: The relationship between pond density and SOAs

GCN suitable habitat: Pond density



Strategic Opportunity Areas: Core and Fringe



Natural England 2019

- 2.12.6 To ensure no net loss of temporal impacts, Compensation ponds need to have the potential to be colonised within a short space of time by GCN. The Species Distribution Model used by Natural England and the SOAs are based on a number of scientific studies looking at the time taken for newly created ponds within certain distances of existing GCN populations to be colonised in a range of circumstances.
- 2.12.7 Natural England have set out, in the Technical Fundamentals document, the criteria for colonisation and evidence from the Cheshire Scheme and that information will not be repeated here.
- 2.12.8 The pond specification aims to create or restore ponds so that they achieve an HSI score of 0.7 or more. The HSI score is a key indicator for the likely size of the GCN population within the pond and surrounding terrestrial habitat and ponds with higher HSI's are significantly more likely to support GCN²¹.
- 2.12.9 There is evidence that over half of ponds (54.9%) within 500m of an existing occupied pond should be colonised within two years²² and from other studies that ponds within a maximum distance of 250m may be colonised within the first year²³. Potential colonisation of ponds within 3 years is considered likely if the distance is 500m or less in line with the findings of Baker *et al*²⁴ (400-500m) and Rannap *et al.* (2009; 479m).

²¹ Oldham, R.S., Keeble, J., Swan, M.J.S. & Jeffcote, M. 2000. Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). Herpetological Journal, 10, 143 – 155.

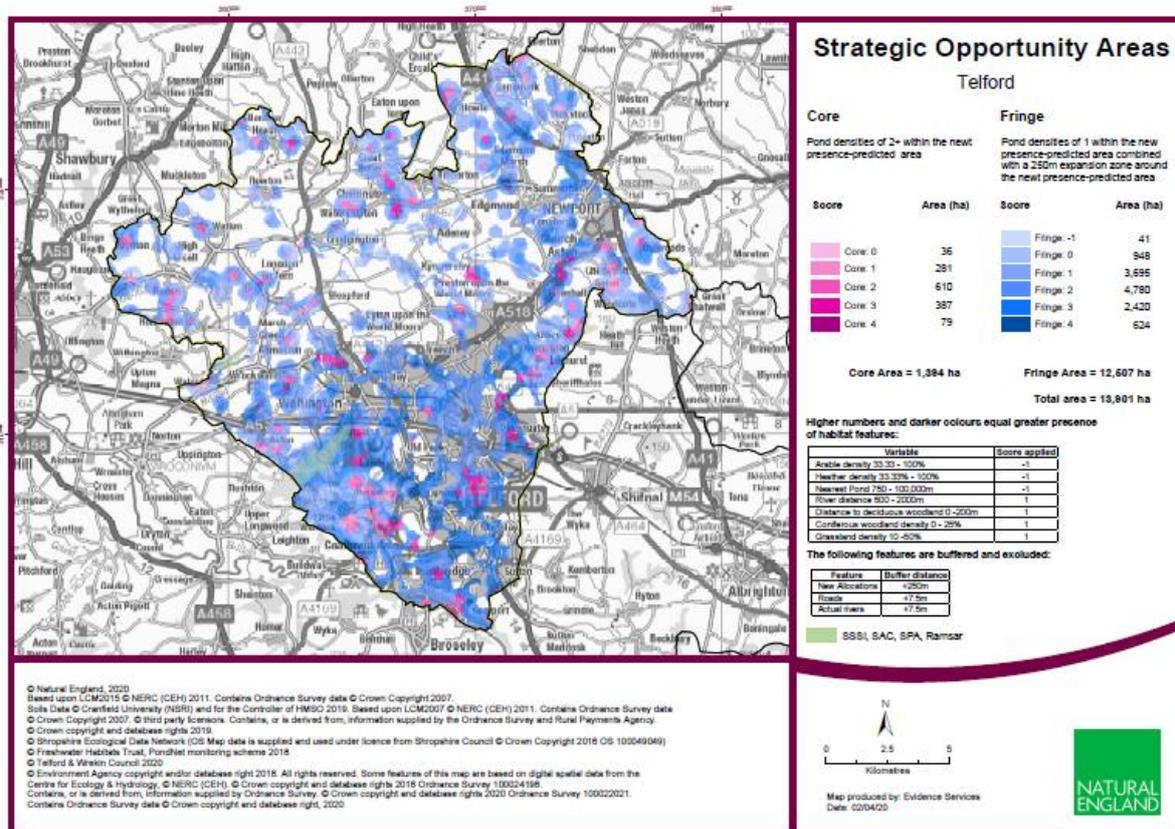
²² Rannup, R., Lohmus, A. & Briggs, L. 2009. Restoring ponds for amphibians: a success story. Hydrobiologia, 634, p87 – 95.

²³ Kovar, R., Brabec, M., Vita, R. & Bocek, R. 2009. Spring migration distances of some Central European amphibian species. Amphibia-Reptilia, 30, 367 – 378.

²⁴ Baker, J., Beebee, T., Buckley, J., Gent, A. & Orchard, D. 2011. Amphibian Habitat Management Handbook. Amphibian & Reptiles Conservation, Bournemouth.

5.12.10 The borough has been divided, through outputs of the SDM, into Core SOA, Fringe SOA and land which falls outside of the SOAs. Those areas are shown on Figure 3 below.

Figure 3: Strategic Opportunity Areas in Telford & Wrekin



2.13 Ensuring positive outcomes for GCN

2.13.1 Minimum standards have been set by Natural England to ensure that all district level licencing schemes achieve a positive outcome for GCN and to ensure that the number of Compensation Ponds required per pond lost under the Scheme is determined by those standards.

2.13.2 Natural England seek to ensure that 4 Compensation Ponds will be provided for every pond occupied by GCN that is lost (a 4:1 ratio). The GCN Mitigation Guidelines²⁵ use a 2:1 ration to achieve a neutral outcome for GCN. Natural England have therefore concluded that, factoring in risk, a 4:1 ration is likely to produce a positive outcome for the favourable conservation status of GCN.

2.13.3 In order to achieve an overall outcome of 4:1 different multipliers are set for impacts in Red, Amber and Green Zones and depending on the information on the presence/absence of GCN provided with the application.

2.13.4 The multipliers in the Scheme are set out in section 4.13 below and further information is provided in the Technical Fundamentals document.

²⁵ English Nature 2001.

3. Technical information

3.1 Pond creation and restoration

- 3.1.1 Optimal habitat will be delivered by the Scheme through a combination of creating new ponds and restoring existing ponds that are currently unsuitable for GCN. Pond creation and restoration will be targeted largely within SOAs which maximise the potential for early colonisation by GCN.
- 3.1.2 The Scheme will be delivered through a combination of creating new GCN ponds in areas of suitable terrestrial habitat where colonisation is considered likely and restoring existing ponds where GCN are not currently present but where terrestrial habitat is suitable and where GCN are likely to colonise the ponds.
- 3.1.3 Following the initial creation or restoration of a pond funding will also be in place to carry out post work inspections, eDNA and HSI assessments, population class estimate surveys and maintenance visits.
- 3.1.4 In any given year the Scheme will aim to achieve a mixture of new and restored ponds and the history of each pond will be made clear within the pond checklist and on the pond tracker spreadsheet (section 5.2.4 below).
- 3.1.5 The inspection and monitoring visits will allow the Scheme to measure colonisation and to monitor the impacts of the Scheme. The funding for management intervention will ensure that the pond remains suitable for GCN over a period of at least 25 years in the majority of cases.

3.2 Creating ponds within and outside of Strategic Opportunity Area

- 3.2.1 Placing ponds in the Core areas of the SOAs will provide new ponds within suitable habitat and in areas predicted by the model to be suitable for GCN. These ponds will act to strengthen existing GCN populations and make them less vulnerable to loss through the impacts of development.
- 3.2.2 Placing ponds in the Fringe areas of the SOAs will increase range for GCN through the provision of stepping stone ponds which will open up new areas of habitat, in some circumstances this may also link metapopulations together.
- 3.2.3 Through provision of ponds in the Core SOAs, the Fringe SOAs and outside of the SOAs the Scheme will ensure that existing populations of GCN are strengthened and made more sustainable while also expanding and colonising new areas of habitat.

Table 2: Percentage of ponds provided in Fringe and Core SOAs

Area	Percentage of scheme ponds	Purpose
Core SOA	At least 30%	To strengthening existing GCN populations and make them more resilient.
Fringe SOA	At least 25%	To expand existing GCN populations and make them more resilient.
Outside SOA	Up to 10%	To create stepping stones between existing groups of ponds helping to link isolated GCN populations together known as 'metapopulation bridging.' Bridging increases gene flow between newly linked populations and results in more resilient populations.

3.3 Relating new ponds to existing occupied ponds

- 3.3.1 Scheme ponds must be located in close proximity to each other, or of an existing pond, with no barriers to GCN dispersal present between ponds.
- 3.3.2 It is important to locate Scheme ponds where they can be colonised by GCN, as well as by the flora and fauna on which GCN populations depend.
- 3.3.3 Ponds to be created should be within 250m of another pond.
- 3.3.4 Ponds to be restored should also be within 250m of another pond and should be not suitable for great crested newts and be dry for most of the year or have a base of thick anaerobic sediment with just a few inches of water present and be located in suitable terrestrial habitat. Dredging work should not cut deeper than the previous bed or banks.

3.4 Pond specification

- 3.4.1 Both newly created ponds and restored ponds will be expected to meet the Pond Specification²⁶ although there may be circumstances in which some elements of the specification are flexible. It should be noted that the Pond Specification for this Scheme varies to some degree to the Pond Specification for other GCN DLL schemes nationally in order to account for local knowledge, circumstances and operational approach.

²⁶ Strategic Newt Licencing in Telford and Wrekin – Pond Specification (2020). Telford & Wrekin Council.

- 3.4.2 GCN prefer small to medium sized breeding ponds, with some smaller ponds when they occur in clusters. Breeding ponds need to support aquatic vegetation for egg laying and open, less vegetated areas to allow adult males to display in clear view of females. Ponds should not be significantly shaded on the southern margin. Ponds should be surrounded by suitable terrestrial habitat and connecting habitat to nearby GCN ponds will aid colonisation.
- 3.4.3 In Telford the Scheme is working to deliver securely managed ponds many of which will be on publicly owned land, much of which is already covered by some kind of designation, most commonly Local Wildlife Site or Local Nature Reserve. The Scheme allows creation or restoration of ponds within these designations provided that the works would not affect a priority habitat type and would not impact upon the reasons for which the site was designated. Most Scheme ponds will be created in land with some recreational use but no stock grazing and so decisions on whether ponds should be fenced will be taken on a site by site basis depending upon levels of public access (and use by dogs) and other factors. The Scheme does not automatically rule out sites for pond creation or restoration based on the presence of invasive terrestrial or aquatic plant species, the presence or otherwise of those species will be assessed and options for mitigation considered when deciding whether to proceed with the habitat works.
- 3.4.4 The detailed Pond Specification can be found in the separate Pond Specification document.

3.5 Contingency ponds

- 3.5.1 Every time a Compensation pond is created under the Scheme a Contingency pond will also be created, this is paid for by the developer as set out in section 5.7 below.
- 3.5.2 The purpose of the Contingency pond is to protect the Scheme in the event of pond failures and to help to ensure a pond surplus is achieved. The Compensation pond and the Contingency pond will be dug at the same time, or as close as can be practically achieved.
- 3.5.3 Once the Compensation pond is deemed to be a success (section 3.7 below) the Contingency pond will then be allocated to a new development. The Conservation Payment for this new development would be used to create a new Compensation pond and a new Contingency pond thus maintaining the funding and delivery of two ponds for every one Compensation pond required and ensuring exponential growth of the Scheme's pond stock.

- 3.5.4 It is vital that the 4:1 compensation ratio is maintained but just as important that this is done on a rolling basis. Contingency ponds receive no monitoring or maintenance payments so in order to achieve the maximum benefit for GCN each Contingency pond must be allocated to a development in due course and new Contingency ponds dug. In this way the maximum number of ponds of the highest quality will be dug, monitored and maintained and have the highest chances of being colonised by GCN and supporting GCN populations in the long term.
- 3.5.5 Illustrative example showing the creation and allocation of Contingency ponds is provided in the box below.

Development A Needs one Compensation pond. The developer pays the Conservation Payment which funds two ponds; one as a Compensation pond and one as a Contingency pond. One pond is allocated to Development A leaving one pond 'spare.'

Development B Opts to enter the Scheme. This development also needs one Compensation pond and makes a payment which delivers two ponds. The Contingency pond dug by Development A is 'in the ground' and available and so is allocated to Development B. Two new ponds are dug and become 'spare.'

Development C Needs two Compensation ponds and pays the Conservation Payment which delivers four ponds. The two 'spare' ponds dug by Development B are 'in the ground' and available and are allocated to Development C. The four ponds dug by Development C are dug and remain 'spare.'

- 3.5.6 Over time pond provision grows exponentially and ponds are allocated swiftly after creation meaning that the benefit from the management and maintenance funding associated with becoming a Compensation, rather than a Contingency, pond.
- 3.5.7 Appendix 1 contains an illustrative example of how pond digging and allocation will work.

3.6 When is a pond considered 'established?'

- 3.6.1 A Compensation Pond is considered established when a successful three month check has been completed. The pond is present, holding water or has the potential to hold water and is ready to be allocated to a development.

3.7 When is a pond considered a 'success?'

- 3.7.1 The Scheme aims to create or restore ponds to an HSI of 0.7 or above and the majority of pond are expected to achieve this, ideally within the first four years.

- 3.7.2 Additionally in the first four years after creation or restoration the monitoring strategy allows for the carrying out of annual eDNA surveys of every Scheme pond. Natural England evidence suggests that 54.9% of suitable ponds (i.e. ponds within an HSI of 0.7 or above) in suitable habitat within 500m of existing GCN populations will be colonised within two years²⁷.
- 3.7.3 A Scheme pond is considered a success when either it has an HSI of 0.7 or above or when GCN are confirmed to be present.

3.8 Timing of compensation in relation to Impact

- 3.8.1 The Scheme aims to ensure that Compensation ponds are in place and functional to support GCN ahead of impacts occurring. Natural England state that provision of compensatory habitat should be undertaken at the earliest opportunity in district level licencing and would be expected to remain ahead of the profile of impacts throughout.
- 3.8.2 Natural England accept, however, that in the early stages of operation impacts may run concurrently with creation of compensation or occasionally slightly behind. The Natural England Technical Fundamentals document sets out measures to address this additional risk including the application of a time lag multiplier.
- 3.8.3 In the first two year iteration of the Scheme it is anticipated that pond provision will not run sufficiently ahead of demand to ensure that ponds will be in the ground and successful in advance of being required. On this basis a 1.1 time lag multiplier will be used as required on Scheme entries between 2020 and 2022. At the time when the organisational licence is reviewed this position will be reassessed.
- 3.8.4 It is, in the initial stages of operation, difficult to predict exactly how much of a time lag may occur. The Scheme had available ponds in place at the start of operation and will work to ensure that ponds are created without delay once Conservation Payments start to be received. Developments will be allocated ponds once they sign their Impact Assessment and Conservation Payment (IAPC) Certificate and will pay their Conservation Payment at the grant of planning permission. In some cases the impact will occur immediately with the development getting underway quickly and in some cases the impact will be delayed for reasons unconnected to GCN conservation but the point of impact, in terms of the Scheme, is considered to be the point at which the IAPC Certificate is signed by both the developer and TWC.
- 3.8.5 Even where Compensation ponds have been provided in advance, the time taken for ponds to mature and to be considered functional for GCN means that there will likely remain a time lag. The application of the time lag multiplier addresses this additional risk and will be used by the Scheme accordingly.

²⁷ Rannup, R., Lohmus, A. & Briggs, L. 2009. Restoring ponds for amphibians: a success story. *Hydrobiologia*, 634, p87 – 95.

3.9 Achieving a pond surplus

- 3.9.1 One of the goals of any district level licencing scheme is to provide more certainty and fewer delays to applicants than conventional licencing. In order to achieve this a surplus of Compensation ponds should be provided ahead of the time that they are needed. A surplus will allow swift allocation of ponds as compensation for development which will this speed up the licencing process and will also ensure that there will be less or no under-compensation in the long run.
- 3.9.2 In order to achieve a surplus of ponds the Scheme will work ahead of physical pond works to have firm commitments from landowners to allow ponds to be created on their land. The Scheme, at least initially, will rely heavily on land within Telford & Wrekin Council's ownership but a Landowner Commitment Letter for each pond will still be signed to confirm the Council's commitment to creating, restoring and supporting the appropriate management of Scheme ponds.
- 3.9.3 Compensation ponds will be allocated to a development when the IAPC Certificate is signed by the developer and countersigned by Telford & Wrekin Council. The Conservation Payment (detailed within the IAPC Certificate) will be due for payment at the grant of planning permission. The Developer Authorisation Certificate will be issued once the Conservation Payment is made, the Developer Authorisation Certificate also outlines any Reasonable Avoidance Measures which must be adhered to during the development works.

3.10 Habitat Regulation Assessment

- 3.10.1 It is not considered, within the boundaries of the borough of Telford & Wrekin that pond provision under the Scheme will require a Habitat Regulation Assessment. There are no European Sites in the borough and no effect pathways exist by which pond creation might impact upon the nearest out of borough European Designated Site at Aqualate Mere in Staffordshire.

3.11 Neighbouring GCN DLL schemes

- 3.11.1 The borough of Telford & Wrekin shares administrative boundaries with Shropshire and South Staffordshire. Shropshire is operating a DLL scheme through Natural England with a Habitat Delivery Body. The remaining neighbouring authorities do not yet have a clearly established route into district level licencing. Where a development site sits on the boundary between DLL schemes TWC will work with the neighbouring schemes to deliver the required habitat mitigation in an ecologically valid way.

4. How do developers interact with the Scheme?

4.1 Overview

4.1.1 Overview of Operation of Strategic Newt Licencing in Telford and Wrekin:

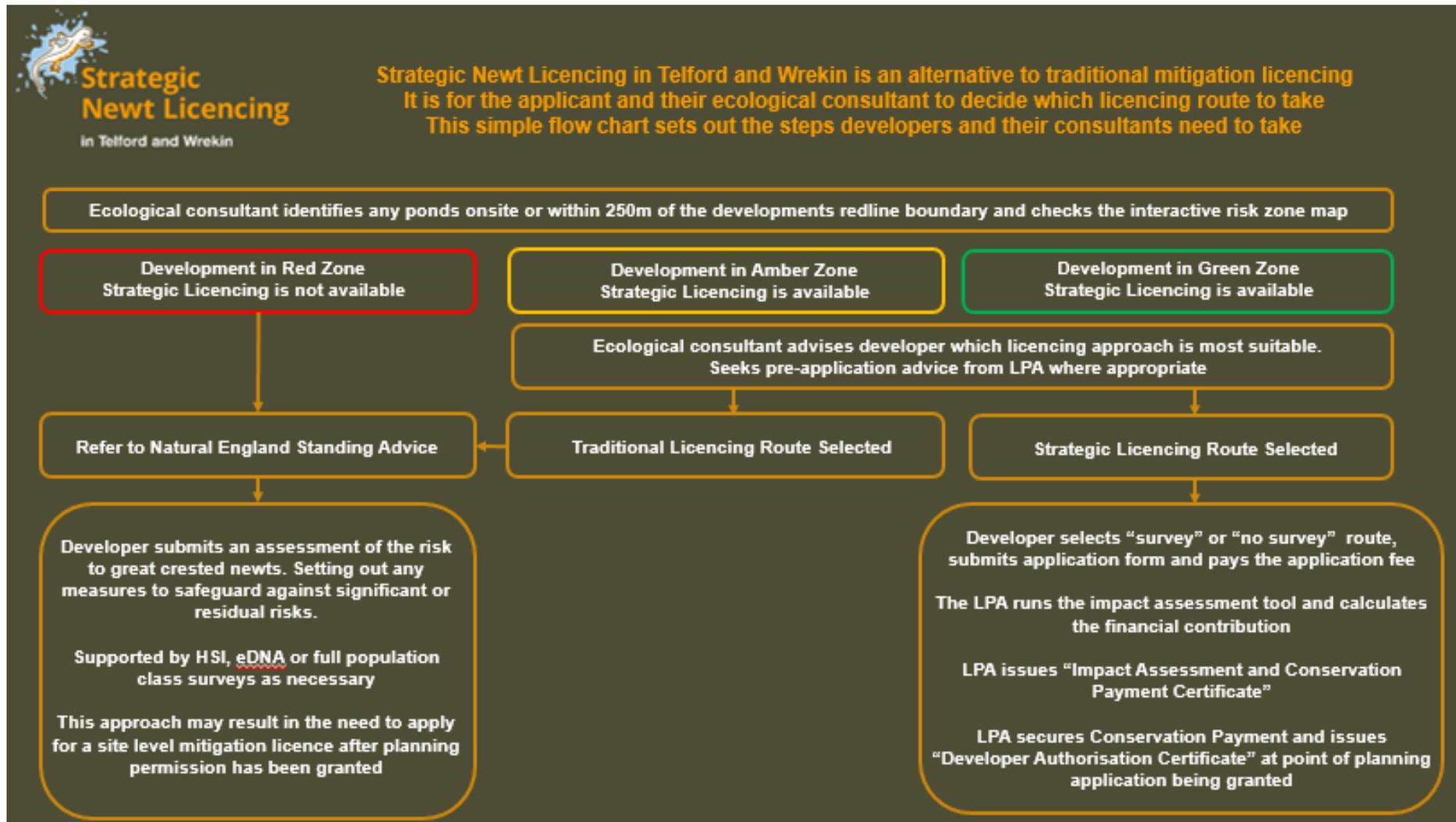
- Developers will come to the Scheme with the application boundary of their site and will pay an application fee for the impacts of development on GCN to be considered under the conditions of the scheme;
- The Impact Assessment Tool will be run and the developer will then be told whether or not their development complies with the basic conditions of the Scheme, and will be provided with details of the Conservation Payment attached to the site and the classification of the site for purposes of Reasonable Avoidance Measures;
- An Impact Assessment and Conservation Payment (IAPC) Certificate will be issued, and will be valid for three months during which time it must be signed and returned. The Council will then countersign the Certificate;
- When the developer is ready to apply for planning permission they will include their IAPC Certificate with their planning application;
- Conditions will be put on the decision notice relating to GCN licencing and other ecological issues;
- Planning Permission may be granted;
- The developer pays the Conservation Payment;
- The Developer Authorisation Certificate is issued which sets out the Reasonable Avoidance Measures in detail; and
- The development can proceed.

4.1.2 At the time that the IAPC Certificate is signed by the developer and countersigned by TWC the Compensation ponds will be formally allocated to the development.

4.1.3 The Conservation Payment may be secured by a Section 106 agreement where one is already required on the site for another reason, or through a Unilateral Undertaking in other cases. Smaller payments may be taken by direct payment at discretion of Telford & Wrekin Council.

4.1.4 Figure 4 below illustrates the Strategic Newt Licencing application process.

Figure 4: Flowchart illustrating how the Strategic Newt Licencing scheme fits into the licencing regime



4.2 Timing

4.2.1 An application to the Scheme must be made in advance of a planning application being made and is only dependent on the application boundary being fixed and an assessment of any ponds on the site having been made.

4.3 Application process

4.3.1 Applying to the Scheme costs £846 (£720 plus VAT) and is payable in order for the assessment of the proposal against the Scheme to be carried out.

4.3.2 Along with the application fee the following must be provided:

1. An application boundary of the development site (ESRI Shapefile)
2. The number of ponds within the application boundary (and supporting evidence if this number is different from the ponds shown on the OS Mastermap)
3. If providing any information on GCN surveys undertaken then this should be in the form of an ESRI Shapefile identifying any ponds within 250m of the application boundary and the outcomes of any GCN surveys or eDNA surveys undertaken.
4. Provide a Habitat Suitability Assessment for each on site pond.

4.4 What information about GCN do you need to provide?

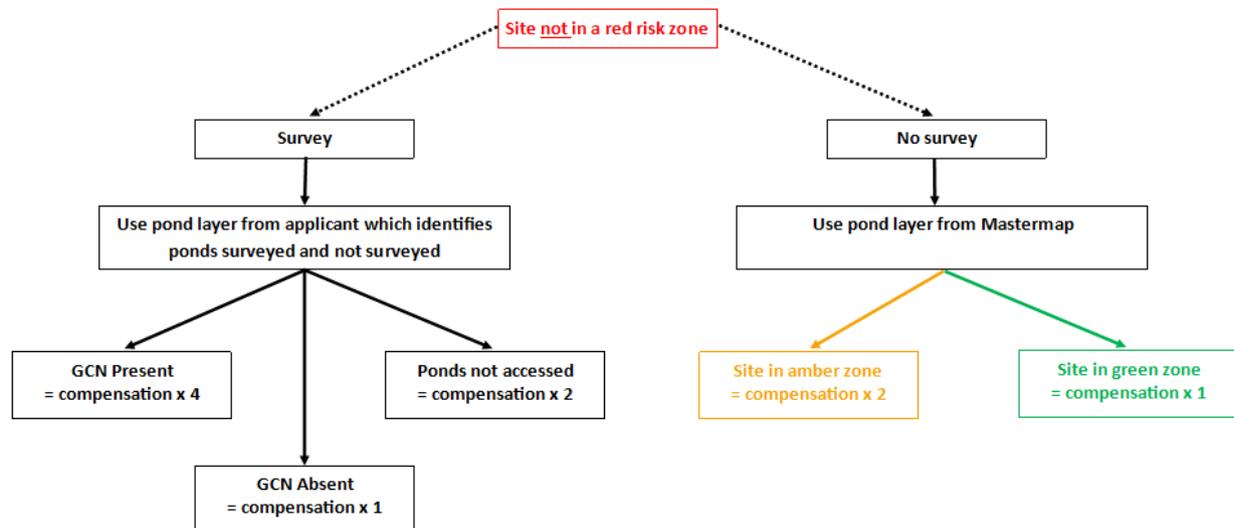
4.4.1 To apply via the 'no survey' route (section 4.15 below) developers need to provide the application boundary of the site and will be asked to confirm the number of ponds within the application boundary²⁸. Where onsite ponds are present an HSI for those ponds should be provided.

4.4.2 To apply via the 'survey' route (section 4.15 below) developers will need to provide the application boundary of the development and a pond layer identifying all the ponds present on site²⁹ and within 250m of the application boundary and the survey data relating to those ponds including Habitat Suitability Index calculations, eDNA or presence/absence survey results (ESRI Shapefile format).

²⁸ In the event that the developer reports a different number of ponds present on the site from the mapped ponds then the higher of the two figures will be used unless compelling evidence regarding the number of ponds can be otherwise provided.

²⁹ As (2) above.

Figure 5: A summary of the ‘survey’ and ‘no survey’ method for entering the Scheme



Natural England 2020

4.4.3 It should be noted that the reference to ‘no survey’ refers to the developer not being required to provide survey information directly relating to their development site. Assessment of these applications relies on both the SDM and the associated impact assessment tool which are both based on the results of an extensive national eDNA survey carried out by Natural England.

4.5 Understanding the Conservation Payment

4.5.1 The cost of delivery of the Scheme is covered via a Conservation Payment made by the Applicant.

4.5.2 The total costs of the Scheme to the applicant is based on four factors:

1. The cost of each compensation pond is £18,509 + VAT.
2. The amount of impact as assessed using the Impact Assessment Tool
3. The multiplier resulting from taking the ‘survey’ or ‘no survey’ approach
4. The time lag multiplier (if applicable)

4.5.3 The Scheme will keep the size and breakdown of the Conservation Payment under review and will adjust it as required particularly where third party elements of the payment change (contractors fees, lab fees for eDNA surveys or payments made to Natural England for services supporting the scheme).

4.5.4 The cost of each new or restored pond is set out and broken down in Table 3 below:

Table 3: Setting out the elements of the Conservation Payment 2020 - 2022

Payment category	Category proportion	Description	Payment amount Ex VAT	Notes
Habitat delivery	58%	Pond creation/ restoration	£3,500	Ponds to be created or restored. Including fencing where necessary, potential for a landowner incentive of up to £750 per pond and planning permission costs of £200
		Pont contingency	£3,500	As above
		Pond maintenance	£3,800	Includes three visits to maintain or manage the pond.
Habitat monitoring	30%	Monitoring - 4 x HSI years 1 - 4	£240	Assuming 1 hour on site per HSI
		Monitoring - 4 x eDNA years 1 - 4	£640	£170 per kit and analysis - officer time covered under HSI
		Monitoring - 2 x population class per pond	£1,774	Population class estimate survey on two occasions, one in years 5-7 and the second in 20-23. £850 staff cost (£720 on site hours over 6 visits, preparation, travel and contingency), £25 for bottle traps, £12 canes
		Intervention Assessment Visits - HSI and egg search x 3 - years 8 - 10, 16 - 18 and 22 - 24	£200	1 hour on site per intervention assessment visit
		Contribution to PondNet	£250	This funding will be paid to Natural England who will deliver it to PondNet (Freshwater Habitats Trust)
		Contribution to population class estimates on scheme and non-scheme ponds over 2 consecutive years	£1,600	
		Contribution to wider pond monitoring	£175	
		Contribution to monitoring and interventions within the Red Zone	£175	
		Contingency HSI & EDNA	£230	£170 for kit plus 1 hour on site
Modelling and mapping updates	£175	To NE for updates to maps and models		

Payment category	Category proportion	Description	Payment amount Ex VAT	Notes
Administration	12%	Habitat Delivery Project Officer Cost	£1,400	
		NE District Level Licencing Engagement	£350	NE staff and administrative costs for management and oversight of scheme at district level
		Seed Funding repayment	£500	Repayment of seed funding. Will be applied in 2020-2022 and then subject to review
Total			£18,509	

4.6 The Impact Assessment and Conservation Payment (IAPC) Certificate

4.6.1 The Scheme will issue an Impact Assessment and Conservation Payment Certificate which will include the total Conservation Payment along with information on how to proceed. The IAPC Certificate needs to be signed and returned within three months of issue and will be countersigned by TWC. It must be submitted to Telford & Wrekin Council when a planning application is made.

4.7 Making your payment

4.7.1 Developments will make their Conservation Payment at the grant of planning permission and the payment will be secured through either a Section 106 agreement or a Unilateral Undertaking. In the case of smaller payments options of making a direct payment may be available.

4.8 The Developer Authorisation Certificate

4.8.1 Following the grant of planning permission, and once the Conservation Payment has been made, the Developer Authorisation Certificate will be issued to the developer. At this point the development can proceed under the Scheme's organisational licence.

4.9 Calculating the number of ponds a development requires

4.9.1 Natural England have developed an Impact Assessment Tool and has licenced Telford & Wrekin Council to use that tool in administering this Scheme. The Impact Assessment Tool objectively assesses the impact of a proposed development based on the application boundary and relying on; the number of ponds on the site, the number of ponds in close proximity and the amount of suitable terrestrial habitat impacted.

4.9.2 To ensure proportionality, and to enable small cumulative small impacts to be accounted for, the loss of GCN terrestrial habitat surrounding a functional pond can be expressed as a whole pond or a fraction of a pond.

4.9.3 Ponds lost and gained are the main unit of impact considered in the Impact Assessment Tool.

Definitions used by the Impact Assessment Tool

Ponds and functional ponds: Any water body up to 2,500m² in size is considered to be a functional pond, i.e. one that could be used by GCN. Rivers and ditches are excluded. Ponds are considered to have a functional relationship to a development if they are within 250m of the site boundary.

Functionally lost ponds: A pond that is unlikely to be used by GCN following development. This includes any pond which is destroyed entirely or is degraded/isolated to such an extent that GCN would be unlikely to use it in the long term.

Suitable Terrestrial Habitat: The Species Distribution Model predicts the area of habitat where GCN are most likely to be present, which is usually no more than 250m radius from a suitable pond³⁰. Suitable terrestrial habitat is therefore defined as habitat within a 250m radius from a pond.

4.10 Criteria in the Impact Assessment Tool

4.10.1 The Scheme takes a worst-case scenario approach to assessing the impact of development and to the provision of compensatory habitat.

4.10.2 The principles of the Species Distribution Model have been turned into clear criteria to allow the Impact Assessment to be undertaken:

1. All ponds within the boundary of the development are considered to be functionally lost. Even in the event that a developer intends to retain a pond, for wider ecological or other reasons, the pond will always be considered functionally lost to GCN.
2. All ponds within 250m of the development boundary are identified and are considered functionally lost, regardless of whether or not they are actually harmed by the development. A 250m buffer of suitable habitat is then applied to each of these ponds individually and the percentage of this radius that is within 250m of the development site (the percentage of suitable habitat which is lost) is calculated. The multiplier (see section 4.13 below) is then applied to each pond individually (percentages are rounded up to the nearest 0.1%) and the total 'number' of ponds impacted is calculated. The total 'number' of ponds impacted will be rounded up to the nearest 0.1 of a pond.

4.11 Householder developments

4.11.1 Householder developments as defined in the Town and Country Planning Act 1990 may have a pond within 250m but the Scheme considers that the scale of the development is unlikely to result in an impact upon GCN. Entrance to the scheme is, therefore, not likely to be considered proportionate.

³⁰ Kovar, R., Brabec, M., Vita, R. & Bocek, R. (2009). Spring migration distances of some Central European amphibian species. *Amphibia-Reptilia*, 30, 367 – 378.

4.11.2 The Natural England Rapid Risk Assessment Toolkit³¹ should be used, by an experienced ecologist, to assess whether or not GCN are likely to be impacted as a result of the proposed householder development. Where developments screen out as 'Green: Offence Highly Unlikely' then no further consideration of great crested newts is required. In the case of Amber or Red screening results consideration should be given to whether a Reasonable Avoidance Measures Method Statement and/or the traditional licencing route is the most appropriate route for mitigating the likely impacts.

4.11.3 It is recommended that householder schemes in close proximity (within 250m) of ponds should use the Council's paid Pre-application Service where the Ecology Team will provide full advice.

4.12 Limited impact schemes

4.12.1 A minimum level of impact is set at 10% of a functionally lost pond (i.e. 0.1 of a functional pond) in order to take account of the 95% sensitivity of the Species Distribution Model. In the case of some limited impact development schemes there may be a small over provision of habitat compensation in order to ensure that the Scheme overall delivers at least a 4:1 ratio.

4.13 Multipliers

4.13.1 The calculation of multipliers in each of the defined zones is set out below and further information can be found in the Technical Fundamentals Document.

Green Zones: A multiplier of 1 Compensation pond for every functional pond lost will be used to ensure that there is no net loss in the total number of ponds in these areas.

Amber Zones: A multiplier of 2 Compensation ponds for every functional ponds lost will be applied in the Amber Zones.

Red Zones: Development in Red Zones cannot enter the Scheme so no multiplier has been set.

³¹ Do I need a licence? Rapid Risk Assessment in the Natural England Great Crested Newt Method Statement Template spreadsheet. <https://www.gov.uk/government/publications/great-crested-newts-apply-for-a-mitigation-licence>

Calculating the Amber Zone multiplier

In order to secure a 4:1 ratio of ponds created to occupied ponds lost it is key to understand the percentage of ponds in the scheme area which are occupied by GCN. The 2018 GCN eDNA surveys in Telford & Wrekin demonstrated that 40.4% of the 317 ponds surveyed were occupied by GCN³² and it is assumed that this is representative of ponds across the borough. This is slightly higher than the average 34% occupancy has been established across a number of DLL scheme areas by Natural England³³ and NatureSpace³⁴ but still within the acceptable range for the assumptions being used by the SDM. This percentage of presence would require a 1.6 multiplier to meet the 4:1 ratio. For simplicity and to account for any margin of error, this has been rounded up to 2.

4.14 Developments crossing more than one risk zone

4.14.1 If a development is located in more than one risk zone and is using the 'no survey' route then the multiplier from the highest risk zone will be applied to the whole development.

4.15 The survey vs no survey approach

4.15.1 Developers will be able to approach the Scheme with varying levels of supporting information. Developers may choose to enter the scheme under 'survey' or 'no survey' options or potentially a combination of the two where some ponds are surveyed and some are not.

4.15.2 Under the 'survey' approach a presence/absence or eDNA survey is sufficient. Population Class Estimate surveys are not required.

4.15.3 It is anticipated that some developers will choose to commission survey work, particularly in situations where it does not delay their preferred timescales to do so. Proving likely 'absence' in some ponds would reduce the cost associated with entering the Scheme and proving absence across all ponds would remove the need to enter the Scheme altogether.

4.16 Functional ponds

4.16.1 A pond is considered to be a 'functional pond' where it is a waterbody up to 2,500m² in size (rivers and ditches are excluded) and within 250m of the site boundary.

³² Natural England *pers comms*.

³³ 33% occupation in Kent – Sewell et al (2010) and 34.4% occupation in Cheshire.

³⁴ 34% occupation in the South Midlands NatureSpace Scheme area.

Table 4: Multipliers under the ‘no survey’ approach

Risk Zone	Multiplier for functional ponds lost
Red	Cannot enter scheme
Amber	2
Green	1

Table 5: Multipliers under the ‘survey’ approach

GCN presence/absence	Multiplier for functional ponds lost
Present	4
Not accessed/not surveyed	2
Absent	1

5. The Habitat Delivery Partnership

5.1 The Habitat Delivery Body

5.1.1 In order for the Scheme to operate effectively a mechanism needs to be in place to deliver the required scale of habitat in advance of developers being able to apply to enter the scheme. Telford & Wrekin Council is acting as the Habitat Delivery Body in the borough and will establish a Steering Group involving local stakeholders in the delivery of the scheme.

5.1.2 Telford & Wrekin Council will either directly carry out (through its in house Ecology Team) the elements of the pond creation and restoration, monitoring or maintenance required by the Scheme and paid for by developers or may, in certain circumstances, procure elements of those works from third party contractors through a procurement framework.

5.1.3 It is the intention of the Scheme to utilise the large volume of land owned by Telford & Wrekin Council and already managed for biodiversity to deliver the majority of the required ponds. Where appropriate the Council will also seek to work with third party landowners to deliver ponds in strategic locations.



Photo 3: Newly created scheme pond at Harley Close, Dothill, Telford (Franklinshire)

5.2 The Habitat Delivery Steering Group

5.2.1 The Habitat Delivery Steering Group has a role in overseeing, and steering, the location of compensation to identify opportunities to enhance and link existing metapopulations through judicious use of the identified percentages for the Core, Fringe and non-SOA compensation.

5.2.2 The Steering Group comprises officers from across Telford & Wrekin Council along with representation from Natural England and from the Shropshire & Staffordshire Amphibian and Reptile Group.

5.2.3 The Steering Group will be bound by its Terms of Reference and its membership will be periodically reviewed.

5.3 The role of Natural England

5.3.1 Natural England has an ongoing and vital role in district level licencing and their involvement varies depending on the style of scheme in each administrative area.

5.3.2 In this Scheme Natural England have provided the funding (through the Ministry of Housing Communities and Local Government (MHCLG)) to pump

prime the scheme as a no risk loan and NE will continue to provide a support role as the Scheme begins to operate.

- 5.3.3 Natural England have issued an organisational licence to Telford & Wrekin Council as set out in the box below.

The organisational licence

In Telford & Wrekin the Council is the licence holder and has been issued with an Organisation Licence by Natural England. Natural England licencing staff have considered the 'imperative reasons of overriding public interest' (IROPI) and 'no satisfactory alternative' (NSA) tests under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 in issuing the Organisation Licence. The IROPI and NSA tests and the evidence supplied to NE can be found in Licencing Strategy.

The organisational licence also covers the habitat creation, management and monitoring work undertake by Telford & Wrekin Council and any contractors appointed through the procurement framework. The creation or restoration of ponds within SOAs which, by definition, are likely to support GCN requires a licence to disturb and otherwise impact upon GCN. Natural England has considered these works against the licencing tests in The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and has covered them within the organisational licence to allow those works to occur with conditions attached to ensure that harm remains as low as possible. Any third party contractors carrying out creation and restoration works for the Scheme will be accredited under the Licence.

- 5.3.4 Natural England will have an ongoing role in monitoring all the GCN DLL schemes nationally and this Scheme is designed to accord with Natural England's monitoring objectives. Telford & Wrekin Council will provide Scheme data to Natural England at regular intervals and will use the Natural England Pond Tracker spreadsheet which is then uploaded to the Huddle virtual workspace. Information will be uploaded to the Pond Tracker on each Compensation Pond dug, the outcomes of any monitoring visits and the allocation of the pond to development(s). This flow of information will allow NE to assess the levels of compensatory habitat being secured and to monitor the scheme effectively.
- 5.3.5 Natural England has been responsible for developing the Strategy for Telford & Wrekin, in co-ordination with Telford & Wrekin Council, and NE will continue to be involved in the ongoing monitoring and review of the Strategy going forward.
- 5.3.6 Natural England has carried out the Species Distribution Modelling work and the Strategic Opportunity Areas mapping along with the identification of Risk Zones. Natural England will have an ongoing role in supporting the Scheme

through the periodic review and update of these elements. Funding provision is made for this work through the Conservation Payment.

5.4 Relationships with landowners

- 5.4.1 Natural England does not require, or recommend, that compensatory ponds are owned or leased either by NE or the Habitat Delivery Body. In the borough it happens that the Council is a major landowner and that ponds on Council owned land are considered to be secure in the long term and can be provided in excellent quality terrestrial habitat in the many nature reserves and open spaces which are owned and managed by the Council. The provision of a high proportion of the Scheme's ponds in publicly owned, long established open spaces, is seen as a significant strength of the Scheme and will be used alongside land in private ownership where ponds in particular localities are desirable.
- 5.4.2 Landowners allowing ponds to be created or restored on their land are asked to sign a Landowner Commitment Letter (appendix 2) which asks them to commit to securing the pond for a period of 25 years, to allowing the Habitat Delivery Body ongoing access for monitoring and maintenance and to communicate any changes in circumstances or landownership but this is not a legal agreement.
- 5.4.3 Nationally, Natural England consider it appropriate to focus on increasing the number of new compensation ponds delivered by DLL rather than spending vital funding on legal agreements. It is considered that losses will be small and that the provision of ponds will be sufficient to cover the risk.
- 5.4.4 In this Scheme it is anticipated, at least in the first two years, that the vast majority of ponds will be created on Telford & Wrekin Council owned land. Opportunities will be explored to engage with third party landowners especially where location specific mitigation would be desirable.
- 5.4.5 The Conservation Payment includes a payment to the Landowner for allowing the pond to be created on their land if this is a useful incentive.
- 5.4.6 In the event that a landowner ceases to wish to allow periodic monitoring or management interventions on the pond or should mismanage the pond and its surroundings then the Habitat Delivery Body will report to Natural England and the option of treating the pond as 'lost' will be considered. Ponds treated as 'lost' shall be replaced by ponds funded from the 'pond contingency' element of the Conservation Payment.

5.5 Long term management and maintenance of Scheme ponds

- 5.5.1 Scheme ponds will be monitored by the Habitat Delivery Body, or another agreed provider, in line with the Monitoring Strategy (see section 6 below). Once created, ponds will be monitored annually for the first four years and their condition and occupancy will be recorded by HSI and eDNA. The monitoring of each pond will also highlight when further intervention is required in order to ensure that the habitat remains suitable for GCN.

5.5.2 There is evidence that intervention may be required every six to eight years on average³⁵, mainly focussed around scrub control to reduce excessive shading and partial dredging to prevent silting up. This assumption is used to calculate the funding elements but it is anticipated that ponds will vary and that Telford & Wrekin Council's Ecology & Green Infrastructure Specialists will use their professional experience in determining when management interventions are required. Funding is in place through the Conservation Payment repeated rounds of restoration during the 25 year period to ensure that compensation ponds remain suitable for GCN.

5.6 Allocation of Compensation ponds and Contingency ponds

- 5.6.1 Compensation ponds will be allocated to a development when the IAPC Certificate is signed by the developer and countersigned by the Council. Ponds will only be allocated once they are deemed to be a 'success' (i.e. they have an HSI of 0.7 or above or GCN are known to be present) or after a successful three month check (if ponds are being delivered in arrears due to demand).
- 5.6.2 Each pond will be given a unique reference number that will be linked to the planning permission reference(s) of the relevant development(s) on Pond Tracker. Ponds will be allocated sequentially and in some cases a single pond may be allocated against several developments.
- 5.6.3 The ratio of Contingency ponds to Compensation ponds will be maintained at 1:1 but the stock of Contingency ponds will be constantly rolled forwards so that available ponds are used most effectively and managed for the maximum benefit of GCN. Contingency ponds do not receive monitoring or maintenance funding making it vital that they are appropriately allocated into the Compensation pond role once established and new Contingency pond stock is dug.
- 5.6.4 The success, or failure, of each allocated Compensation pond will be kept under review. Initially through the three month check and then the annual HSI and eDNA visits in years one to four after creation. Following that three sets of three egg search and HSI visits will be undertaken in years 10 – 12, 16 – 18 and 22 – 24 and two population class estimate surveys will be undertaken on each pond, one between year 5 – 7 and the second between year 20 - 23. All of these pond visits will allow an assessment of both pond quality and presence of GCN and will provide points at which an intervention visit can be triggered if required.

³⁵ The Norfolk Ponds Project as reported by Natural England.

5.6.5 In the event that a pond should fail, either because by year four it does not have an HSI over 0.7 or does not have GCN presence, or because it ceases to hold water, becomes polluted or the landowner revokes their permission then a replacement Compensation pond will be allocated in its place from the available Contingency pond stock. A new Contingency pond would then be dug.

5.7 Measuring success of a Compensation pond

5.7.1 A Compensation pond will be considered a success if the annual HSI and eDNA survey visits in years one to four following creation record an HSI over 0.7 or above or record presence of GCN.

5.7.2 The Habitat Delivery Body may use some discretion in actions taken on ponds which at the year three visit appear to be at risk of failing to meet the criteria. Where HSI is improving but vegetation colonisation is slow some transplantation of vegetation from another nearby suitable GCN pond may be undertaken or purchasing of suitable vegetation of local provenance may be considered. In the event that there is another obvious reason why the desired HSI is not being achieved which can be simply addressed then some funds may be allocated to addressing this issue (it may be, for example, that dog disturbance is a particular issue on a pond and work to further fence and protect the pond may be undertaken to address the issue). For ponds further from occupied ponds a more detailed assessment may be undertaken, in the event that GCN populations can be shown to be moving towards the pond additional time may be allowed to support colonisation.

5.8 Triggering intervention

5.8.1 The Conservation Payment includes funding for repeated rounds of maintenance of each Compensation pond over the 25 year period.

5.8.2 An assessment visit will be undertaken in year eight to assess the need for an intervention. The egg search and HSI visits in years 10 – 12, 16 – 18 and 22 – 24 will also provide opportunities to trigger an intervention if required.

5.8.3 Where an intervention is identified as being necessary this will be undertaken in the next appropriate season in order to minimise impacts upon GCN.

5.8.4 The aim of the intervention is to maintain, or return, the pond to an HSI of 0.7 or above, to maintain the presence of GCN in the pond and to maintain or increase the population class size in the pond over the 25 year period.

6. Monitoring the success of the Scheme through a monitoring strategy

6.1 Summary

- 6.1.1 The overriding aim of GCN DLL nationally is that development should provide a net benefit for the conservation status of GCN when measured against the favourable reference values for the species. Overall the Scheme will aim to deliver a net gain in the number of suitable Compensation ponds for GCN in the broader landscape in comparison to the number of ponds lost to development.
- 6.1.2 The Scheme will ensure that Compensation ponds are managed appropriately and monitored across 25 years. Compensation ponds will be placed largely within Strategic Opportunity Areas which are areas which have been identified as most beneficial to GCN and Contingency ponds will be in place in the event of Compensation pond failure.
- 6.1.3 The scale of benefit to GCN throughout the landscape is dependent upon how many developers buy into the scheme. Effects of development on GCN in Telford have been determined by Natural England using an Impact Assessment Tool. The tool has used the best available data on development locations from the Local Planning Authority as well as data on aquatic and terrestrial habitat for GCN which is likely to be impacted.
- 6.1.4 The Strategy written by Natural England for the borough relies on the following measures to ensure that there will be no adverse effect on GCN favourable conservation status:
1. Protecting zones (Red Zones) that contain key populations for GCN and which are important on a regional, national or international scale;
 2. Targeting the provision of Compensation ponds in 10km squares grid squares where development is likely to have a significant effect on any FSC parameter (Range and Distribution, Population or Habitat); and
 3. Providing a number of suitable Compensation ponds over a geographical spread which maximises positive impact on the favourable conservation status of GCN.
- 6.1.5 Red Zones will be protected via exclusion from the Scheme and no licences will be granted through this Scheme for operations in these areas. Traditional mitigation licencing may allow operations that affect GCN in Red Zones but this will be subject to the statutory tests (NSA and IROPI) and it will always be assumed that any mitigation licences granted will be required to fully mitigate for the impacts of the development they relate to. Natural England will monitor the number and scale of mitigation licences granted in Red Zones for the purposes of reporting on cumulative impacts. This Scheme also allows for a small proportion of each Conservation Payment to go towards monitoring of population class size within the one identified Red Zone in the borough and a small contribution towards conservation actions undertaken within the Red Zone targeted at maintaining or increasing the GCN population present there.

6.1.6 The beneficial effects on favourable conservation status of GCN provided by each Compensation pond will depend on the quality of the pond. The Scheme will monitor quality by undertaking at least four eDNA samples and at least eight HSI assessments on each pond over the 25 year period. Along with up to two Population Class Estimates. These measures will be used to guide the requirement for management interventions on each pond.

6.2 Monitoring aims and objectives

6.2.1 This Monitoring Strategy sets out the actions needed to examine the outcomes for the Scheme. The Monitoring Strategy aims to provide all the monitoring outcomes required by Natural England nationally and also includes elements which are locally relevant.

6.2.2 The overarching aim of the Scheme is to ensure that development provides a net benefit to the Conservation Status of GCN, measured against the favourable reference values for the species, and enables increased quality of wider greenspace for the species. The following objectives will allow the Scheme to achieve this aim:

6.3 Objective 1: Report and quantify the scale of impact of the Scheme on GCN

6.3.1 Using eDNA, HSI assessments and egg surveys the Scheme will provide an ongoing assessment of the suitability, occupancy, evidence of breeding and connectivity of Compensation ponds for GCN. Population Class Estimate surveys will allow the evaluation of GCN population trends in newly created or restored habitats.

6.3.2 Data on GCN pond occupancy and HSI scores from Compensation Ponds will be compared with background GCN occupancy and habitat suitability trends nationally. A random stratified sample of ponds across the Scheme area will be sampled in each two year licencing period and data from the national surveillance program will also be analysed by Natural England. The Scheme will contribute financially to the operation of a national surveillance program through a small payment from every Conservation Payment which the Scheme collects. Where possible control ponds will be selected from similar and adjacent landscape types to where compensation ponds are located.

6.3.3 Control ponds surveyed through either the Scheme or the national surveillance program will offer insight into whether any changes in abundance and distribution of GCN in Compensation ponds are reflective of background changes, or instead linked to the effectiveness of the Scheme or the DLL approach.

6.3.4 To ensure transparency and accountability of the Scheme and DLL nationally, data on GCN distribution and abundance, as well as information on habitat suitability generated by the Monitoring Strategy will be made open as default.

6.4 Objective 2: Measure compliance and the extent to which agreed measures are implemented

- 6.4.1 The organisational licence will be reviewed by Natural England every two years, and this process will include the reporting of monitoring data to Natural England as a licence return. Monitoring data will enable the Scheme and Natural England to assess whether GCN occupancy and colonisation rates of Compensation ponds are comparable with expected values and the number of suitable Compensation ponds which have been created within the SOAs and outside of them.
- 6.4.2 The Scheme and Natural England will use monitoring data alongside additional sources of evidence will be used to make an assessment of the impact of the Scheme on the conservation status of GCN. Monitoring data will be used to assess whether suitable pond and terrestrial habitat losses (impacts of development) are offset by a net gain in suitable pond and surrounding terrestrial habitat gains (compensation) thereby enabling NE to assess the compliance of the licence and for an assessment of whether the Scheme is having any unforeseen negative impact on GCN or on favourable conservation status.

6.5 Objective 3: Evaluate the accuracy of the initial Impact Assessment Tool

- 6.5.1 Natural England will undertake assessment work to generate a percentage of error associated with the OS MasterMap pond layer. This analysis is set out in the Technical Fundamentals document and the outcomes will be incorporated into future impact assessments to improve their accuracy.

7. Ecological monitoring of compensation habitat

7.1 Great Crested Newt presence and compensation habitat suitability

- 7.1.1 Annual assessments of compensation habitat suitability and GCN presence will be made in the first four years after pond creation or restoration work has been undertaken. Following that, habitat suitability and egg search visits will be undertaken to ascertain when a maintenance intervention is required. Additionally at least two population class estimate surveys will be undertaken on each Compensation pond over the 25 year management period and funding for an additional eDNA survey is available to be used as required (usually after an intervention to ensure that GCN remain present).

- 7.1.2 Assessments of compensation habitat suitability will be achieved using the Habitat Suitability Index method³⁶. While ponds with low HSI scores may still support GCN it is widely acknowledged that ponds with higher scores are likely to be associated with higher numbers of GCN and generally indicate breeding activity³⁷. In addition the individual metrics used to calculate the HSI score include water quality and macrophyte cover provide an indication of wider biodiversity benefits associated with District Level Licencing.
- 7.1.3 At a national level, DLL aims to provide a statistically robust measure to detect <10% change in GCN occupancy of Compensation pond 1km squares (>80% power) and GCN Compensation pond occupancy (>70% power). This will help to determine whether GCN populations are sufficiently resilient within DLL compensatory habitat. Robust measures of 1km grid square and pond occupancy will also help determine whether DLL has been successful in maintaining or improving the natural range, population and habitat FCS parameters for GCN. In each district, to try to achieve a robust measure of GCN occupancy in Compensation ponds and rates of colonisation, each pond delivered through DLL will be subject to at least four eDNA and HSI surveys over consecutive years from the time of creation or restoration.
- 7.1.4 This Scheme is compliant with NE's requirements that all DLL schemes carry out eDNA and HSI in each of the first four years after creation or restoration of a pond. They Scheme also complies with the other DLL schemes being operated nationally in contributing to the national surveillance program through PondNet and by carrying out population class estimate surveys at least to the same level as in other DLLs and in exceedance of some of those schemes.

7.2 Management and maintenance visits

- 7.2.1 In addition to the eDNA, HSI and Population Class Estimate surveys three management visits to each pond will be undertaken over the 25 year period. Each management visit will include an HSI survey and egg search to assess the suitability of the pond and whether there is evidence of breeding. An intervention activity is likely to be required every six to eight years³⁸ and would predominantly focus on reducing shading through tree and scrub removal. Management visits will only be carried out if the monitoring visits determine that an intervention is necessary because the suitability of the pond is declining. If management visits do fall around every 6-8 years and would fall between years 10-12, years 16-18 and the third visit between years 22-24 of the 25 year pond agreement.

³⁶ Oldham, R.S., Keeble, J., Swan, M.J.S. & Jeffcote, M. 2000. Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). *Herpetological Journal*, 10, 143-155.

³⁷ Unglaub, B., Steinfartz, S., Drechsler, A. & Schmidt, B.R. 2015. Linking habitat suitability to demography in a pond-breeding amphibian. *Frontiers in Zoology*, 12, 1-9.

³⁸ C. Sayer and H. Greaves pers comm.

7.3 Population surveys

- 7.3.1 In England, GCN do not exist as a single biological population. As such, a meaningful favourable population size at the national level can only be established through input of baseline data regarding local favourable populations³⁹. Each DLL scheme will, therefore, conduct population class estimates across a subset of compensation and control ponds (i.e. extant ponds not associated with DLL that are located near to development and compensation sites). These surveys will allow evaluation of whether Compensation ponds are able to support healthy GCN populations and will provide valuable information to inform considerations of local and national favourable conservation status assessments.
- 7.3.2 Ponds undergoing population class estimate surveys will be randomly selected from a subset of Compensation ponds and subset of unmanaged ponds where GCN are known to be present. Where possible, control ponds should be randomly selected from the same or nearby landscape of a similar type to a Compensation pond.
- 7.3.3 Population Class Estimate surveys will be undertaken once scheme uptake allows for a statistically robust sample size and after compensation ponds have had sufficient time to be colonised by GCN likely to be over 3 years⁴⁰. Over the 25 year lifetime of each Compensation pond population class estimates will be conducted over two consecutive years which surpasses minimum requirements to describe low impacts on populations of low, medium and high importance (Natural England 2015).
- 7.3.4 Each Conservation Payment received includes a £1600 contribution to a population class assessment, this is comparable to the funding allocated to this element of monitoring under the existing NE operated DLL schemes. The number and timing of population class estimate surveys undertaken in each DLL area are dependent upon scheme uptake and will be divided equally across the participating DLL areas. Nationally 476 population class estimate surveys in total, which comprises 119 DLL compensation ponds and 119 control ponds over two years, is likely sufficient to describe GCN population sized between compensation and control ponds⁴¹.

³⁹ Wilkinson, J., Wright, D., Arnell, A. & Driver, B. 2011. Assessing population status of the great crested newt in Great Britain. Available: <http://publications.naturalengland.org.uk/publication/41017>

⁴⁰ Rannup, R., Lohmus, A. & Briggs, L. 2009. Restoring ponds for amphibians: a success story. *Hydrobiologia*, 634, 87-95.

⁴¹ Barlett, J.E., Kotrlik, J.W. & Higgins, C.C. 2001. Organizational research: Determining appropriate sample size in survey research. *Information Technology, Learning, and Performance Journal*, 19, 43 – 50.

7.4 Contribution to the national surveillance programme

- 7.4.1 The rate of GCN pond occupancy in Compensation ponds, as well as habitat suitability data, will be compared with county level and national background trends. National background trends will be determined from the national surveillance programme for GCN, which has a broad geographic overlap with areas in which DLL is being implemented or is likely to be implemented in 2020 – 2022.
- 7.4.2 The national surveillance programme, which is presently part of Freshwater Habitat Trust's PondNet initiative, uses a citizen-science based monitoring approach that operates on an annual basis and reports eDNA and HSI survey results for 380 ponds across 131 1km grid squares in England. The sustainable operation of the national surveillance programme year on year is imperative for DLL as occupancy rates and habitat suitability of Compensation ponds need to be compared with broader trends to differentiate between background changes and changes associated with DLL. As such, a portion of the Conservation Payment for monitoring Compensation ponds will be allocated to the GCN national surveillance programme, this equates to £250 per pond in the 2020 – 2022 licence period.

7.5 Incidental records

- 7.5.1 It is anticipated that some developers will continue to survey for great crested newts, particularly where there is potential to prove absence in some ponds and thereby reduce the Conservation Payment. The results from any GCN surveys submitted through the Scheme will be submitted to the Shropshire Ecological Data Network (Shropshire's Local Biological Record Centre) and will be made available to Natural England when the modelling updates are being undertaken.
- 7.5.2 Incidental records from other sources, e.g. members of the Shropshire and Staffordshire Amphibian & Reptile Group and members of the public, will also be submitted to the SEDN and made available to Natural England during modelling updates.

8. Evaluation of environmental impacts on Great Crested Newts by District Level Licencing

8.1 Overview

- 8.1.1 The overall environmental objective for DLL nationally, and for this Scheme locally, is that development will provide a net benefit to the conservation status of GCNs, which will be measures against the favourable reference values (FRV) for this species, as well as enabling an increased quality of wider greenspace. To meet this objective, clearly defined measures of how we assess the impact of DLL on GCN FCS at both site and strategy level are needed.

8.1.2 This section sets out how impacts upon GCN will be assessed, what standard evaluation criteria are applied at which scale, and what outcomes of evaluation will trigger management interventions and/or programme adjustments. These criteria will be used in the first iteration of the licence (2020 – 2022) and thereafter reviewed in line with the evidence received.

8.2 Site level criteria for success and triggers for intervention

8.2.1 At Scheme compensation sites, a newly created or restored pond will be considered successful if it is occupied or has an HSI score of ≥ 0.7 . The need for management intervention will be considered for each Compensation pond at the end of a three month snagging period. This extra safeguard is built in to reduce the chances of allocating a Compensation pond that are unsuitable to support breeding GCN. Management works will be required after this three month period if a pond does not hold water or is polluted. After pond delivery works have been completed, each pond will be monitored across a minimum of nine visits across 25 years. Management intervention type will depend on which metric from the HSI is below the satisfactory level. For example, high shade scores can be reduced by partial tree clearance whereas water quality and macrophyte scores can be improved via the identification and removal of sources of pollution.

8.2.2 After the first four years any unoccupied Compensation pond with an HSI of < 0.7 that has been subject to a management intervention will be subject to another eDNA and HSI survey in the next survey period using the monitoring indemnity fund which is included in the Conservation Payment. Should the Compensation pond still be unoccupied and have an HSI score of < 0.7 after this additional assessment then consideration can be given to designating the pond as a failed pond. Failed ponds will cease to be managed but will not be filled in, and therefore will provide other biodiversity benefits. Where a pond is designated as a failed pond, a Contingency pond will be allocated, which will have been created prior and is therefore likely to be functional for GCN.

8.3 Strategy level criteria for success and net gain in Compensation ponds

8.3.1 Gains in suitable pond habitat for GCN resulting from pond creation and restoration will be evaluated in relation to suitable pond losses resulting from development impacts. Where pond losses are reported alongside pond gains, the Scheme will be considered to be performing well if a net gain of suitable ponds for GCN has been created or restored, compared to those that have been lost to development. While the Scheme is not creating new terrestrial habitat, Compensation ponds are placed in Strategic Opportunity Areas that, by their definition, largely comprise areas of suitable terrestrial habitat for GCN. Terrestrial habitat within 250m of a Compensation pond (gains) will be reported alongside terrestrial habitat lost to development as determined by the Impact Assessment Tool.

8.3.2 The Scheme will also be considered to be performing well if GCN occupancy rates, HSI scores of Compensation ponds and population counts show that there is no significant difference, or there is a positive significant difference, between compensation habitat and background trends.

8.4 Review periods

8.4.1 Scheme occupancy and HSI data will be introduced into evaluation of Strategy performance at each strategy review, whereas population count data will be introduced when uptake allows survey of sufficient sample size.

8.4.2 The first formal review of the Strategy will take place within two years of operation and this will entail analysis of the data generated from monitoring of Compensation ponds as well as the capture of best available data to interpret background trends. Data will be captured and reported to Natural England within the licence return documents from developers and the Habitat Delivery Bodies, which are submitted in the first instance on an annual basis. NE have determined that the first review will largely focus on compliance rather than ecological indicators for GCN given that DLL will still be in it's infancy.

8.4.3 Strategy reviews will occur every two years and will take place at the end of year 2, 4, 6, 8, 10 etc. These reviews will focus on HSI and occupancy data as well as compliance.

8.4.4 The Species Distribution Model will be updated every 5 years and the updated model will be incorporated into the next strategy review at the end of year 6. When DLL uptake allows survey of sufficient sample size for counts nationally, population class data from a subset of compensation and control ponds will also be returned to NE and assessed as part of the strategy review process. It is envisaged that population assessments will take place after the Scheme has been in operation >4 years i.e. after strategy review at year 6.

8.4.5 An informal review will take place after 6 months of operation, in January 2021.

8.4.6 Population size assessments will be conducted at ponds nationally over 2 consecutive years but the submission of this data to NE is likely to vary depending on the strategy review process for each DLL scheme. As such the data will be assessed by NE nationally once all the relevant data is received. Every strategy review will require a high level FCS assessment by an NE assessor unrelated to its production.

9. Conclusion

- 9.1 Strategic Newt Licencing in Telford and Wrekin has been designed based on the national DLL approach established by Natural England and is compliant with NE's requirements in terms of monitoring and reporting. The Scheme also goes further in responding to local needs by recognising that in the borough GCN populations within the urban area are significant and by focussing delivery of compensatory habitat on the abundance of publicly owned land available. Additionally, the Scheme goes above the legal minimum in terms of protecting individual GCN during site clearance procedures and, it is hoped, will demonstrate significant improvements in GCN favourable conservation status when measured against favourable reference values during the first review period.

Appendix 1: Illustrative example of the use of Contingency ponds

To ensure a rolling stock of ponds and enable a pond surplus the contingency ponds will be used. Every development makes a Conservation Payment which funds two ponds for every Compensation pond required (one specifically for Compensation, the other as a Contingency against failure of the original). Contingency ponds will be dug promptly following receipt of the Conservation Payment. Once available each Contingency pond can then be allocated as a Compensation pond to a new development, with the new development paying for a replacement Contingency pond.

In the event of pond failure, a Contingency pond is re-allocated as Compensation for that development.

Example of the use of Contingency ponds

The following description of how Compensation and Contingency ponds will be allocated to developments is set out in section 5.6.

Development A needs one Compensation pond. The developer pays the Conservation Payment which includes for two ponds; one as Compensation and the second as Contingency against the failure of the first.

One pond is allocated as Compensation to Development A leaving one pond spare, to be used as a Contingency if required.

Development B opts to use district licensing. It also needs one Compensation pond and makes a payment which delivers two ponds.

The Contingency pond funded by Development A is already 'in the ground' and available and is therefore re-allocated as a Compensation pond for Development B.

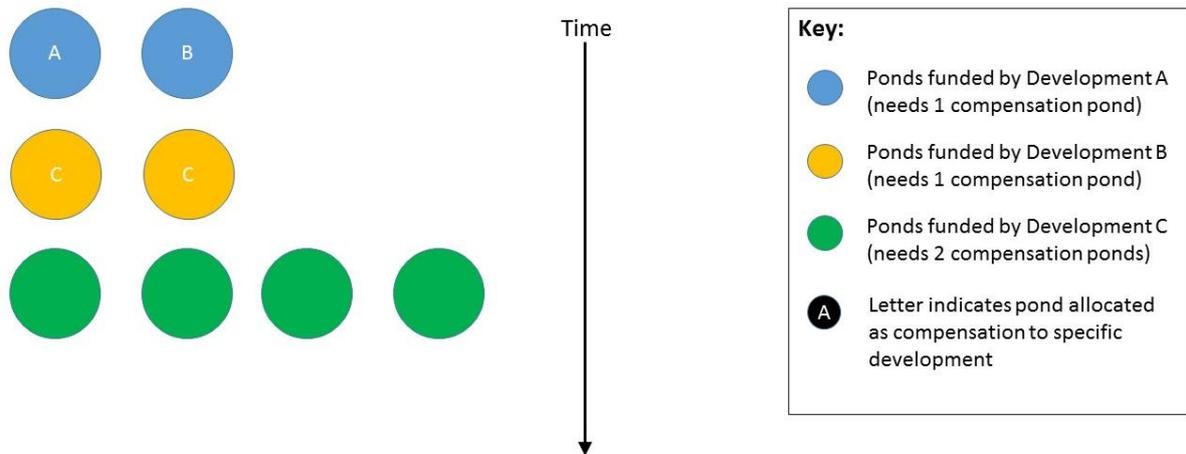
The two ponds funded by Development B therefore become spare (i.e. Contingency ponds required in the event of failure of Compensation ponds *or* Compensation ponds for use only where these will be replaced elsewhere).

Development C needs two Compensation ponds and makes a payment which delivers four ponds (two Compensation ponds and two Contingency ponds).

The two spare ponds funded by Development B are already 'in the ground' and available and are therefore re-allocated as Compensation ponds for Development C.

The four ponds funded by Development C therefore become spare (i.e. Contingency ponds required in the event of failure of Compensation ponds *or* Compensation ponds for use only where these will be replaced elsewhere).

Example of Compensation pond and Contingency pond allocation



Natural England 2020

Appendix 2: Template Landowner Commitment letter

Date: XXXXX

Dear Landowner,

Subject: Strategic Newt Licensing – Landowner Commitment

Pond reference: 2019 – 0X Land at xxx

Grid reference: SJ XXXXXX

Telford and Wrekin Council is working in partnership with Natural England to deliver a new approach to great crested newt mitigation and conservation through the creation and improvement of pond habitats in the borough. Telford & Wrekin Council are responsible for running the Strategic Newt Licencing Scheme under an organisational licence issued by Natural England.

Telford and Wrekin Council are acting as the Habitat Delivery Body in the borough and will be undertaking the habitat works associated with the scheme.

This letter is a record of your commitment as the landowner of the above site; indicating that you have opted into the scheme, have given consent for works to take place within your landholding and understand the ongoing objectives and requirements of the scheme.

By opting into the scheme you are agreeing to the monitoring and maintenance of the pond(s) over a 25 year period. This will help to monitor the project's progress and ensure its success. You have consented to Telford and Wrekin Council (or a specialist habitat management contractor appointed by us) undertaking periodic assessments which will require access to the pond(s) created on your land, as set out below;

- You, or any subsequent owner of the land, will be informed prior to any physical works taking place.
- Non-intervention monitoring visits will be undertaken immediately following the works, at 3 months after creation/restoration, in the first spring after creation/restoration and a maximum of annually after that. Written notification of these non-intervention visits will not be given unless you specifically request it.
- All reasonable efforts will be made to avoid causing you any inconvenience or any disturbance to your land.
- Visits to check the ponds are expected to be brief and to not require physical works or access for machinery.
- In order to keep ponds at optimum condition for great crested newts shading may need to be reduced and scrub cleared from the southern bank of any pond(s). In some cases periodic re-dredging may be required. It is anticipated this work will be required approximately every 6-8 years. Telford and Wrekin Council will arrange and cover the cost of any works and inform you in advance of those works occurring.

In addition to the above we ask that you take the following steps in order help protect the habitat quality of the pond(s) required for great crested newts;

- The pond should not to be stocked with fish.

- There should be a minimum of a three metre vegetated buffer zone around the pond, ideally with no grazing. If grazing is essential to the site then grazing within this buffer must be light with minimal disturbance.
- Two hibernacula features will be created close to the pond and these should not be modified or removed.
- There should be no tree planting on the southern aspect of the pond.
- There should be no introduction of non-native plant or animal species.
- The pond should not be linked to any other water bodies or sources, such as streams, ditches or drains.
- The pond must be protected from agricultural runoff or chemical spray-drift.
- Wildfowl should not be encouraged to use the pond i.e. ducks and fowl should not be fed and nesting houses for those species should not be installed.

If you cease to be the owner or occupier of the land on which the pond habitat has been created we request that you inform us and supply details of the new or occupier.

Please acknowledge receipt of this letter, and commit to its contents, by signing a copy and returning it to us at the address above.

Thank you for your contribution to the scheme.

Yours sincerely

Fran Lancaster

Fran Lancaster

Ecology and Green Infrastructure Specialist
 Strategic Planning Team
 Tel: 01952 384220 Email: Biodiversity@telford.gov.uk

Landowner Commitment

Pond reference: 2019 – 0X Land at xxx

Grid reference: SJ XXXXX

Landowner signature.....

Print name.....

On behalf of.....

Date.....

Please tick the box if you require advance warning of any non-intervention visits to this pond. (Advance warning of all visits involving physical works will be given in all cases).

