

Ten handy hints for obtaining a great crested newt mitigation licence at first submission



1. Follow guidance within the Great Crested Newt Mitigation Guidelines <http://naturalengland.etraderstores.com/naturalenglandshop/UserFiles/File/s/newt1.pdf> to enhance the likelihood of your method statement being acceptable. Deviations from the recommendations contained within the guidelines should always be justified within the method statement.
2. The method statement forms part of the licence so should be clear, unambiguous and specific. Method statements are assessed against **SMART** principles (**Specific, Measurable, Achievable, Relevant** and **Time-bound**). The application should reflect this style to reduce delays to the licensing process.
3. Ensure all relevant details required for the assessment are included *before* the method statement is submitted (e.g. relevant references and evidence of the applicant's specific experience, evidence of receptor site ownership and permission to use it if in different ownership, evidence of landowners refusing entry on to their land for survey work, a separate appended Master Plan document, habitat management and maintenance plans).
4. Be specific and accurate with details, e.g. dates, times, actions, areas, distances. Applicants are expected to state what *will* happen in each section, not what *could* happen, e.g. '4 new ponds will be created' not 'consideration will be given to creating 4 new ponds'. The exact number of ponds, hibernacula, areas and habitat types to be destroyed and created and when this will happen should be specified in the relevant sections.
5. Provide only information that is relevant to the method statement. For example, it is not necessary to include details on several types of pipeline drilling techniques if they do not impact on the works that may affect great crested newts or to provide lists of the plant species to be sown in the wild meadow mixes etc.
6. Provide a specific and succinct description of the terrestrial *and* aquatic habitats within an appropriate distance of the development area (i.e. the justified survey area). This should include distances, sizes and suitability of ponds from the development site boundary.
7. Ensure that any proposed capture and exclusion effort is appropriate for the population size class and habitats on site and proposals follow the recommendations within the Great Crested Newt Mitigation Guidelines and advice contained within the Method Statement template. Any deviations from these needs to be fully explained and justified.

8. Make sure that information provided in tables and annexes tallies with information contained within the text. Ensure that maps are accurate, specific, legible and relevant to the section they relate to. Maps should contain a scale bar and a North bearing. Phase 1 habitat maps are often very useful to aid assessment as are photographs. Maps must be provided to show the locations where specific habitats will be lost to the development and created as compensation as specified in the method statement template.
9. Timetable all relevant licensable processes in a specific, realistic and time bound manner, following guidance within the Method Statement template. This is extremely useful in the event of a compliance visit.
10. Ensure that the licensable activities are clear to the assessor. Due to the amendments to The Conservation of Habitats and Species Regulations 2010 (previously the Conservation (Natural Habitats, &c.) Regulations 1994 (“Habitats Regulations”)) Natural England is receiving more precautionary licence applications but Natural England does not issue precautionary licences. In certain cases, a licence will not be required and good practice guidance should be followed to carry out the proposed works. In some cases avoidance measures can be used to ensure that no offences are committed and therefore no licence is required. It is ultimately for the developer to decide whether they wish to apply for a licence, and in practice it is often the consultant who decides or advises on this. Natural England will not advise on whether a licence should be applied for.

10 of the most common reasons for applicants receiving a ‘minded to refuse’ response to a great crested newt mitigation licence application, in relation to the ‘Favourable Conservation Status’ test (53(9)(b)).

1. When insufficient evidence is provided by a new consultant (or their referees) to demonstrate the relevant experience expected by Natural England to hold a mitigation licence. Guidance at http://www.naturalengland.org.uk/Images/wmlq05_tcm6-4115.pdf is expected to be followed.
2. Lack of clearly presented survey results for *each* survey method used and dates of visits, or lack of appropriate survey effort (with no explanation as to why in the ‘Constraints’ section).
3. An unjustified reduction in the recommended minimum number of trapping nights (as per the Great Crested Newt Mitigation Guidelines

and advice within the Method Statement template) for the population size class estimate on site.

4. Failure to explain deviations from recommendations within the Great Crested Newt Mitigation Guidelines and the method statement template within the Method Statement.
5. Lack of, or inadequate, descriptions of pond/s and terrestrial habitats within the survey area, including distances of them from the development site and each other if within 250m.
6. The 'Impact' section not being written as if in the *absence* of mitigation, hence failure to provide specific details on the areas and habitat types to be lost to the development and dispersal routes. For phased and multi plot developments, a separate appended Master Plan document is mandatory so impacts across the entire site can be assessed with the first application. Guidance can be found on Master Plan requirements at http://www.naturalengland.org.uk/Images/WML-G11_tcm6-9930.pdf
7. Lack of specificity on the mitigation/compensation (e.g. the exact number of hibernacula to be provided, their design and their location on maps and within the Method Statement, or lack of relevant details on great crested newt tunnels, or lack of pond description).
8. Poor maps (e.g. no scale bar, any compass direction, illegible legends) for each relevant section, despite what is requested in the Method Statement template.
9. Inadequate timetable of works, which does not detail each of the licensable activities (ranging from when fences are to be erected to their removal, trapping out periods, habitat creation – aquatic and terrestrial, receptor site preparation, population monitoring periods etc). This must correspond with details provided in the main body of text.
10. If applicable to the scheme, lack of post development habitat management plan, no post development monitoring details and no mechanism to ensure delivery (e.g. Section 106).