

M5 Junction 10 Improvements Scheme

Naturespace Great Crested Newt District
Licencing Scheme -
District Licence Report M5 J10

TR010063 - APP 9.51

Rule 8 (1) (b)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9
July 2024

Infrastructure Planning Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M5 Junction 10 Improvement Scheme Development Consent Order 202[x]

Naturespace Great Crested Newt District Licencing Scheme - District Licence Report M5 J10

Rule Number:	Rule 8 (1) (b)
Planning Inspectorate Scheme Reference	TR010063
Application Document Reference	TR010063/APP/9.51
Author:	M5 Junction 10 Improvements Scheme Project Team

Version	Date	Status of Version
Rev 0	July 2024	Deadline 3



NatureSpace Great Crested Newt District Licensing Scheme

District Licence Report **M5 Junction 10 Improvements Scheme**

Version 5

202010016

16th July 2024

Instructions for planning officers

If/when development consent is granted, the proposed development is capable of being covered under Gloucestershire County Council's great crested newt District Licence.

The mandatory condition wordings listed in this report must be included in a LEMP which is submitted to the planning authority for approval (this LEMP would be submitted to the planning authority under the 2nd Iteration EMP, in line with the anticipated DCO Schedule 2 Requirements 3(1) and 3(2)).

An authorisation to work under the Council's District Licence can *only* be issued when:

- A) Development consent is granted by the planning inspectorate
- B) The NatureSpace Certificate has been submitted to support the application, confirming that all necessary off-site compensatory habitats have been created
- C) The LEMP containing the condition wordings listed in this Report is approved by the planning authority



Report version

Version	Date	Description
1	01/12/2022	Original site assessment for the M5 Junction 10 Improvements Scheme
2	16/12/2022	Amended site assessment for the M5 Junction 10 Improvements Scheme; incorporates up-to-date site boundary
3	21/09/2023	Amended site assessment for the M5 Junction 10 improvements Scheme; incorporates updated information on unimpacted habitats
4	12/10/2023	Amended site assessment for the M5 Junction 10 improvements Scheme; incorporates updated information on unimpacted habitats and draft DCO requirements
5	16/07/2024	Amended Report, reflecting site assessment of 12/10/2023, but including clerical changes in-line with submitted DCO documents.

Contents

Executive Summary 3

Background information..... 5

District Licence summary..... 7

DCO Requirements/conditions and informatives 8

Activities and operations under a District Licence 12

Protocol Conditions 13

Aquatic impacts 15

 On-site waterbodies summary 15

Terrestrial impacts..... 17

..... 18

Linear Impacts 19

Landscape-Level Assessment..... 20

Other relevant information: 21

Annex 1: Pond details 23

Annex 2: District Licence – Conditions of use 26

Annex 3A: Impact Plan..... 28

Annex 3B: Impact Risk Zones and waterbodies within 500m 30

Annex 3C: On-site habitats 31



Executive Summary

This report details the results of the District Licensing assessment updated by NatureSpace Partnership in September 2023 on the proposed M5 Junction 10 Development Consent Order (DCO). The assessment followed the agreed processes and protocols as set out in the District (organisational) Licence granted to Gloucestershire County Council (WML-OR138) and this report summarises how the proposed development can be dealt with under the District Licence.

If authorisation under the District Licence is sought, the necessary conditions listed below (which provide the link between the consented development and the planning system) should be included in the relevant Landscape Environmental Management Plan (under the 2nd Iteration EMP), for approval by Gloucestershire County Council following the issue of a Notification of Decision Letter. Following Certification by NatureSpace that all compensation payments and delivery have been dealt with, Gloucestershire County Council will then be able to authorise the works under the District Licence.

The District Licence option: key benefits

District licensing offers a greatly streamlined licensing option, where developers contribute to an off-site landscape-scale habitat creation strategy. It has a number of significant advantages over standard 'site-based' licensing:

- **Quick:** Authorisation is simultaneous to the planning authority's LEMP approval, avoiding a lengthy application process to Natural England after DCO approval
- **Simple:** Newt surveys are not required, operational mitigation requirements are avoided during works and only a limited on-site compensation provision is necessary
- **Certain:** No surprises - all costs and operational requirements are calculated in advance, with known timescales
- **Sustainable:** All developer contributions support a pioneering and highly successful landscape-scale conservation project, creating habitats with secure long-term management

Impact assessment summary

The proportionate fee contribution to the local conservation strategy is £166,328 (+VAT)

The impact unit score is -13.62.

There are no requirements for on-site habitat retention within the Licence Cover Area. Some areas within the development boundary have been considered as 'Unimpacted' by the development proposal and have therefore not been included within the Licence Cover Area.

The development proposals involve direct loss of one wet ditch and impacts to 49 ha of terrestrial habitat within 500m of a pond (of which 29 ha is suitable for great crested newts).



Licensing requirements

Three conditions will apply to access the District Licensing option when (if) DCO is granted. The conditions below should be added to a LEMP (produced under the 2nd Iteration EMP) for submission to and approval by Gloucestershire County Council, in order for the Council to authorise the development.

- **Condition 1** links the development consent and permitted impacts to the relevant District Licence (this requirement must be included in the LEMP or CEMP)
- **Condition 2** requires the developer to submit a NatureSpace certificate (obtained upon second-stage payment) to the Council before the development can be authorised under the District Licence (i.e. the certificate is presented to the planning authority as part of and prior to the LEMP approval process). NB: it is recommended that the developer obtains certification prior to LEMP submission, to avoid the need for this condition.
- **Condition 3** specifies the on-site compensation and mitigation measures:
 - For the red zone locations within the site boundary, this would impose some on-site mitigation measures which would include best practice working methods, restrictions on timing to avoid sensitive periods (relating to hibernation features), fencing and trapping of newts within 250m of ponds and use of capture methods at suitable habitat features prior to development (see page 6 and Annex 3a)

Timing requirements

To enable authorisation under the District Licence, sufficient compensatory habitat must be delivered off-site through the scheme in advance of any impacts. In large-scale projects, this can require a lead time between payment and authorisation if sufficient compensation habitat is not in-place at the time of the second-stage payment.

At the time of writing, sufficient compensatory habitat exists in Gloucestershire County to enable authorisation of the project. Access to existing compensatory habitat is only secured upon payment of the second-stage fee. As the project progresses, liaison with NatureSpace is advised to reduce or eliminate any delays to authorisation.



Background information

Great crested newts are a European protected species (EPS) and are protected in the UK under the Conservation of Habitats and Species Regulations 2017 (as amended) and, to a certain extent, the Wildlife and Countryside Act 1981 (as amended). Where works would harm this species or its habitats, a licence is required in order to make those activities lawful. Natural England is the licensing authority and has granted great crested newt 'District Licences' to certain Councils in England. This enables those Councils ('Licensees') to issue authorisations to developers for specific parcels of development land, without further application (by the developer) to Natural England. This report details whether and how the proposed development can be dealt with under the relevant District Licence and contains technical details relating to planning and licensing requirements.

Developments which utilise the District Licensing Scheme contribute proportionately (depending on the impacts of each development proposal) to the conservation strategy. This funds the creation, management and monitoring of local compensation sites. NatureSpace and the Newt Conservation Partnership take on all responsibilities for compensation delivery, 25 years of management and monitoring, and, annual reporting to Natural England.

Project reference: 202010016

Developer name/organisation: Gloucestershire County Council

Site name: M5 Junction 10 Improvements Scheme

Site location: See Annex 3. Extent of the project, which falls within Gloucestershire County, includes the M5/A4019 junction (SO 9046 2561) as well as sections of both the M5 (c. 3.5km both North (SO 9121 2873) and south (SO 8964 2243) of the junction) and the A4019 (c. 800m west (SO 8982 2608) and c. 2.7km east (SO 9280 2428); Withybridge Lane between the junction with the A4019 and the junction with B4634, as well as a section of the B4634 road (c. 300m south-west (SO 9005 2358) and c.700m north-east (SO 9005 2358); various parcels of land between the A4019 and B4634 are also included within the project boundary.

Development impact map reference (upon which this assessment is based): "M5 Junction 10: Impact Plan for great crested newt District Licensing (Version 5)", dated 11th October 2023

Consultant ecologist name & organisation: Lizzie Hall, AtkinsRéalis



Date of habitat survey information (upon which this assessment is based): May 2022. Survey information to underpin a licensing assessment should be less than two years old. As more than two years has passed since the survey (e.g. by May 2024), it will be necessary to undertake a walkover survey prior to Authorisation) to permit the start of works under the District Licence, in order to confirm the assessment remains valid. As of July 2024, NatureSpace understands that AtkinsRéalisis intends to undertake an updated walkover survey before the end of 2024.



District Licence summary

1. Confirmation the proposal can be dealt with under the District Licence: Yes
2. Impact Risk Zone split (of areas <500m from waterbodies): 5.2% White / 39.5% Green / 36.6% Amber / 18.7% Red
3. National Character Area: Severn and Avon Vales
4. Is any in-situ GCN compensation required: No
5. Are there any working restrictions relating to GCN: Yes – the following requirements apply in red zones (see Annex 3b for a map of red zones):
 - Best practice working and use of reasonable avoidance measures (see ‘GCN Mitigation Principles’ required under condition 17 of the District Licence)
 - Timing and working restrictions in relation to waterbodies
 - Removal or disturbance of newt hibernacula must only take place during the active season (generally mid-February to mid-October, dependant on the season and weather conditions)
 - Capture of newts using hand/destructive/night searches at suitable habitat features prior to ground clearance
 - Amphibian fencing and pitfall trapping to clear newts from the site prior to works (in this case this will apply to all suitable habitats within 250 metres of ponds)
6. Required planning conditions (if consent is granted): See next page
7. Impact metric score: -13.62
8. Financial ‘second-stage’ contribution required to contribute to delivery of strategic GCN conservation, proportionate to the impacts of the proposal: £166,328 (+VAT)

This report confirms that, subject to the requirements listed above (sections 4 - 8), the development proposal can use the relevant District Licence, provided development consent is granted and the outlined requirements are added into the appropriate LEMP or CEMP for approval by the planning authority.

DCO Requirements/conditions and informatives

This section sets out the requirements which will apply if a Development Consent Order is granted approval by the Secretary of State.

Background – the mechanism for District Licensing to be inserted into DCO Requirements

Usually, under the District Licences, conditions are applied by planning authorities to planning approvals which link the permission and the specific impacts to the use of the relevant District Licence.

For a Development Consent Order (DCO), these conditions/requirements are added into the LEMP or CEMP, subsequent to approval of the DCO. For the DCO process, this District Licence report will need to be submitted in support of the DCO application to demonstrate how the requirements of the Habitats Regulations can be dealt with in regard to great crested newts. Following (and subject to) approval of the DCO, the second-stage payment must be made by the developer to NatureSpace *prior* to the Landscape Environmental Management Plan (LEMP) approval process in order to obtain a certificate from NatureSpace – this certificate confirms to the Council that all necessary measures in regard to great crested newt compensation have been delivered.

In this instance, with reference to the draft DCO requirements, it is anticipated that the appropriate District Licence condition wordings would be inserted into the Landscape and Ecology Management Plan (LEMP) under the 2nd Iteration EMP (Environmental Management Plan). It is anticipated that it will become a requirement of the DCO for the Principal Contractor to produce a 2nd iteration EMP, and that the county planning authority would approve this 2nd Iteration EMP in writing. This would be secured via the DCO's Schedule 2 Requirements 3(1) and 3(2). See the proposed draft text of these Requirements below (see AtkinsRéalis report "M5 Junction 10 Improvements Scheme Draft DCO and Schedules TR010063 – APP 3.1" (Volume 3)", dated June 2024):

- **Requirement 3(1)** - *No part of the authorised development is to commence until a EMP (2nd iteration) for that part has been prepared in consultation with the relevant planning authority and the strategic highway authority and submitted to and approved in writing by the county planning authority.*
- **Requirement 3(2)(e)** - *The EMP (2nd iteration) must - include the following management plans – (v) Landscape and Ecology Management Plan.*



Specific required condition wordings

The following requirements and informatives would then need to be included in the LEMP (under the 2nd Iteration EMP) for approval by Gloucestershire County Council, in order for the Council to be able to then authorise these works under the District Licence.

Without these requirements in place, it would not be possible for the works to be authorised under the District Licence. Note that if the developer obtains a NatureSpace Certificate prior to submission of the LEMP, inclusion of Condition 2 in the LEMP would not be required.

Conditions

Condition 1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on plan "M5 Junction 10: Impact Plan for great crested newt District Licensing (Version 5)", dated 11th October 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR138, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Condition 2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, or a 'Further Licence'), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Condition 3. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR138 and in addition in compliance with the following:

- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the GCN Mitigation Principles.
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR138, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Informatives:

Informative: It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

Informative: It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

Informative: It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR138) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.

Informative: It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and



Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in the condition above (relating to the use of best practice and measures outline in the Great Crested Newt Mitigation Principles) would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

Activities and operations under a District Licence

The District Licence contains a 'Protocol for activities and operations affecting great crested newts within the licensed area' (see Annex B of the licence) – which contains a list of activities, operations and licensable acts. The full list does not apply in every authorisation under the District Licence. This report details the activities, methods and acts which would be permitted for the proposed development, based on the impacts as assessed.

Permitted activities and operations under the District Licence (subject to receiving planning consent and written authorisation from the planning authority):

A5—Capture, exclusion and relocation of GCN from terrestrial and aquatic habitat. Permitted methods:

- by hand,
- hand searches of suitable features,
- destructive searches,
- bottle traps,
- pitfall traps and refuges,
- night/torch searching,
- nets,
- exclusion fencing (including exclusion by, upright and one-way temporary amphibian fencing)
- drift fencing
- ring-fencing water body

Note this includes fence installation and removal. Note also that the above activities may only be carried out by someone with an appropriate GCN licence. Further details are contained in the NatureSpace GCN Mitigation Principles/Best Practice principles (both if red zone site, just BPP if not).

A6—Relocating GCN at imminent risk of harm on Development Land. Permitted methods:

- by hand,
- hand searches,
- destructive searches

A7—Site clearance—including removal of vegetation, hard-standing, buildings and landscaping

A8—Removal of rubble and log piles and other potential hibernacula

A9 —Drain down ponds, ditches and waterbodies

A10 —Fill-in ponds, ditches and waterbodies

A11—Construction activities

Licensable acts which would be made lawful by an authorisation for the proposed development under the District Licence:

Capture; Possess; Transport; Take eggs; Disturb; Killing & injuring; Damage & destroy resting places; Damage & destroy breeding sites.

Protocol Conditions

Annex B of the District Licence is a 'Protocol for activities and operations affecting great crested newts within the licensed area' and includes a number of additional 'Protocol conditions'. The full list does not apply in every authorisation under the District Licence. This report details the 'Protocol conditions' which would apply to this site, based on the impacts as assessed.

Protocol conditions (which would apply upon authorisation):

P1 Before any works commence on a site in the Red Zone all those persons involved with the licensable works are to be briefed by someone suitably experienced by way of a 'tool box talk' on:

- a. how to identify GCN
- b. what to do should GCN be found, including good working practices and
- c. what is and is not permitted under the licence.

P2 Certain activities permitted by this licence require ecological expertise. Activities subject to this condition can only be carried out by an ecologist with an appropriate GCN Survey Licence or under the direct supervision of such a person.

P3 Where licence or protocol conditions refer to publications, licence users are expected to refer to the most up to date iteration available. Natural England can direct users to the relevant iterations.

P4 The biosecurity guidelines in Amphibian Disease Precautions: A guide for UK fieldworkers, Advice Note 4 (available from www.arguk.org) must be observed by all licence users.

P5 GCN must not be relocated outside the Licensed Area, over a distance greater than 1 kilometre or beyond a significant physical barrier to dispersal without the permission of Natural England.

P6 Any animal listed in Schedule 9 Part 1 (but not Part 1A or 1B) of the 1981 Act which is a species which is not ordinarily resident in England in a wild state, that is caught in a trap set under this licence must not be released or allowed to escape back into the wild; it must be humanely despatched, unless



a specific licence to release that species has been obtained, or alternative advice has been provided by Natural England.

P8 Persons capturing newts under this licence are expected to follow the advice on welfare considerations for capture programmes in the 'Great Crested Newt Mitigation Guidelines' available from Natural England.

P11 GCN are not to be translocated to Compensation Land or other locations within the Licensed Area unless the terrestrial and/or aquatic habitats are suitable for GCN. The suitability of the site is to be confirmed by a suitably qualified person (e.g. an ecologist with a GCN survey licence).

P12 Any licensable activities in the red zone must be carried out in accordance with the approved GCN Mitigation Principles.

Aquatic impacts

In this section, the aquatic impacts of the proposed development are summarised. Impacts on aquatic habitat may be direct or indirect. Waterbodies on the development site and up to 500 metres away are considered, depending on the presence of barriers to newt movement.

See Annex 1 for a table providing full waterbody assessment details.

Pond impacts assessed (see Annex 1 and Annex 3b)

Total number of GCN-accessible waterbodies, on-site and within 500m	Number unimpacted (on-site)	Number unimpacted (off-site)	Number lost (directly) (4:1 compensation*)	Number lost (indirectly) (4:1 compensation*)	Number retained but degraded (2:1 compensation*)
57	1	55	1	0	0

*Ratio of ponds to be delivered off-site through the scheme per GCN pond impacted.

On-site waterbodies summary

Waterbody ref.	Type of impact	Description of impact
WD021 (AKA Drain 21*) (on-site).	Lost.	A wet ditch which may form a drainage function, but was noted to contain areas of standing water in 2019 and 2021. Ditch is located within the project boundary and will be lost to development.
P026.	Unimpacted.	Small (<50m ²) feature; presented as dry in a single survey visit (2020). Lies within a part of the site boundary where the only proposals are to undertake hedgerow enhancement for dormouse mitigation. Treated as unimpacted because the proposals are not likely to see a material increase in pressures on the waterbody - see Annex 1 (p.22-23) for details.

*See Atkins & Gloucestershire County Council Report "M5 Junction 10 Improvements Scheme: Preliminary Environmental Report (PEIR) Biodiversity chapter (Rev. C03)", dated 16th November 2021.

Ditch Network

A network of drainage ditches extends across the project boundary and surrounding landscape. An evidence base which describes the characteristics of each ditch was presented by the applicant.

The definition of ponds which is contained in the District Licence excludes flowing watercourses, but does leave scope for wet ditches which hold standing water to be considered as potential GCN waterbodies. Each ditch was individually assessed against these criteria to determine whether it should be considered as a potential GCN waterbody as part of the assessment and the table below summarises the features which were assessed. See Annex 1 for full details of all features treated as potential GCN waterbodies in the assessment and Annex 3b for a map of these features.

Ditch and watercourse details:

Waterbody refs.*	Description	Included as potential GCN waterbody?	Reasons
MW3, MW4, MW5	Minor watercourse	No	Ordinary watercourse (flowing) that fits the profile of a drainage channel
Drains 3, 8, 10, 11, 12, 13, 14, 15, 16, 20, 21 & 22	Ordinary watercourse	No	Drainage ditches described as ordinary watercourses with flowing water
Drains 4 & 7	Historic drainage ditch	No	No evidence of the presence of a ditch or feature holding water in this location
Drains 5, 6, 9 & 17	Drainage ditch	No	Drainage ditches which are dry/shown likely to discharge water following rainfall. Small areas of standing water may be present near culverts but are <25m ² and therefore do not fit the definition of a GCN waterbody
WD23	Watercourse tributary	No	Part of Hyde Brook, a tributary of River Swilgate
Drains 13a & 21	Drain	Yes	Photographs and/or descriptions show that areas of standing water are held

*Reference system is consistent with that used in Atkins & Gloucestershire County Council Report "M5 Junction 10 Improvements Scheme: Preliminary Environmental Report (PEIR) Biodiversity chapter (Rev. C03)", dated 16th November 2021; except in case of WD23 which was identified separately on OS maps.

Terrestrial impacts

This part of the report summarises the terrestrial impacts. Impacts on linear terrestrial habitats are assessed and summarised separately from general terrestrial habitat impacts. Impacts on terrestrial habitats may be direct or indirect.

Hibernation features present on site? Yes

TERRESTRIAL IMPACT DETAILS:

Habitat type	Area (ha)	Impact type	Impact duration
Amenity Grassland	0.71	Permitted	Permanent
Arable	12.40	Permitted	Permanent
Bare Ground	0.17	Permitted	Permanent
Improved Grassland	4.32	Permitted	Permanent
Introduced Shrub	0.01	Permitted	Permanent
Poor Semi-Improved Grassland	0.86	Permitted	Permanent
Residential Garden	0.06	Permitted	Permanent
Scattered Trees	0.31	Permitted	Permanent
Scrub	0.48	Permitted	Permanent
Semi-improved Grassland	13.60	Permitted	Permanent
Tall Ruderal	1.12	Permitted	Permanent
Woodland	3.32	Permitted	Permanent
<hr/>			
<i>SUBTOTAL:</i>	<i>37.36 HA</i>	<i>PERMITTED</i>	<i>PERMANENT</i>
<hr/>			
Amenity Grassland	0.04	Permitted	Temporary*
Arable	0.01	Permitted	Temporary*
Poor Semi-Improved Grassland	0.25	Permitted	Temporary*
Scattered Trees	1.80	Permitted	Temporary*
Scrub	0.20	Permitted	Temporary*
Semi-improved Grassland	1.00	Permitted	Temporary*

Continued below...



Habitat type	Area (ha)	Impact type	Impact duration
Woodland	8.11	Permitted	Temporary*
<i>SUBTOTAL:</i>	<i>11.41 HA</i>	<i>PERMITTED</i>	<i>TEMPORARY*</i>
TOTAL:	48.77 HA		

*Temporarily impacted habitats: the site boundary includes existing verges of the M5 motorway. Much of this verge habitat (in broad terms, south of the River Chelt and north of Barn Farm) has been included in the boundary only for the purposes of permitting works to install new road signage, which will have a minimal footprint of permanent impact (individual piled foundations to support new road signs). These verge habitats have been treated as temporarily impacted (damage/destruction of habitat for up to one year) to proportionately capture the nature of works in these areas. Most habitats in these areas would only be impacted during the duration of work to install signage; the permanent impacts arising from individual sign foundations are considered *de minimis* as these impacts would each be smaller than 1m² in area and do not need to be accounted for separately in the assessment. Temporary impacts to suitable terrestrial habitats <250m from waterbodies are assigned compensation under the scheme at a ratio of 0.5:1.

TOTAL TERRESTRIAL HABITAT WITH PERMITTED IMPACTS:

Distance to a waterbody:	Total area (ha) subject to permanent impacts:	Good/moderate area (ha) subject to permanent impacts:	Total area (ha) subject to temporary impacts (<1 year):	Good/moderate area (ha) subject to temporary impacts (<1 year):	Total area impacted (ha):
Within 50m:	1.42	0.33	0.33	0.28	1.75
50-250m:	9.69	5.87	5.77	4.99	15.48
250m-500m:	26.25	12.59	5.31	4.14	31.54
TOTAL:	37.36 ha	18.79 ha	11.41 ha	9.41 ha	48.77 ha

Linear Impacts

LINEAR IMPACT DETAILS:

*Temporarily impacted and unimpacted habitats: see explanations above (p.17)

Linear Habitats	Length (km) affected	Impact type	Impact duration
Hedgerow	5.04	Permitted	Permanent
Hedgerow	0.97	Permitted	Temporary (<1 year)*
TOTAL:	6.01 km		

TOTAL LINEAR HABITAT IMPACTS:

Distance to waterbodies	Length (km) subject to permanent impacts	Length (km) subject to temporary impacts (<1 year)	Total length (km) subject to impacts
Within 50m of a pond:	0.47	0.00	0.47
50-250m from a pond:	1.52	0.44	1.96
250m+ from a pond:	3.05	0.53	3.58
TOTAL:	5.04 km	0.97 km	6.01 km

Landscape-Level Assessment

Connectivity assessment: Variable across the site area. Certain areas are highly connected to a high-density cluster of waterbodies and priority habitats for migration and dispersal (such as the area northeast of M5 Junction 10, both north and south of the A4019). Other areas, particularly southwest of Junction 10, see landscape connectivity fragmented by expanses of arable land cover. The M5 motorway is considered likely to present a barrier to GCN dispersal. The A4019 is likely to represent a semi-permeable barrier to newt dispersal, though dispersal across this road at night cannot be ruled out.

Range assessment: Low impact to wider landscape GCN distribution/range.

Contribution to Strategic Opportunity Area: Site is located within a Strategic Opportunity Area and is of moderate importance.

Prospects assessment: Moderate.

Other relevant information:

Certain areas of the site that lie within the red line boundary have not been included within the Licence Cover Area for this project. See Annex 3a for more information on which areas of the boundary have been considered as 'unimpacted' and therefore excluded from coverage under the District Licence. These unimpacted habitats include areas within the project boundary that are designated as 'right to flood' only and so are not subject to any development proposals, and/or area where ecological mitigation works are proposed that would not require coverage under the District Licence.

For example, a small section of the site boundary (forming a rough 'horseshoe' shape) includes hedgerows around the edge of a field north of the A4019, between Moat Lane and Homecroft Drive. This section of the site boundary includes the pond P026 and has been included for the sole purpose of implementing dormouse (*Muscardinus avellanarius*) mitigation measures. The terrestrial habitats in this part of the site boundary have been treated as unimpacted and therefore impacts to the habitats in this location, and any other location marked as unimpacted on the Impact Plan would be prohibited. Hence their exclusion from the Licence Cover Area. It is considered that the development proposal would not impose any increase in pressures on GCN habitats in these locations, and for this reason it is possible to treat the habitat as unimpacted without commitment to long-term management and monitoring by the developer. For full detail and justification see the note about P026 in Annex 1 (p.22-23).

In comparison with the previous version of this assessment report, fewer waterbodies have been recorded as impacted. Four waterbodies which had been treated as degraded in the previous assessment (due to proximity to the development proposals) are now treated as retained, because this assessment is based on an updated site boundary which is further away from these waterbodies.

As parts of the site lie in a red zone, there will be an obligation to adhere to the GCN Mitigation Principles to reduce risk of harm to newts within these red zone areas. See Annex 3a for full details of red zone locations. The required sub-clauses of condition 3 are to be executed at the discretion of the site ecologist who should determine which habitats are suitable for great crested newt and therefore where the mitigation requirements apply.

The requirement that removal or disturbance of newt hibernacula must only take place during the active season (generally mid-February to mid-October, dependant on the season and weather conditions) has been triggered. This applies to likely great crested newt hibernacula that would need to be identified by a suitably qualified and experienced ecologist before they undertake a 'tool box talk' and advise on-site personnel accordingly.

The requirement for amphibian fencing, pitfall trapping and the use of capture methods at suitable habitats and features has been triggered in this case due to the damage to terrestrial habitats close to GCN waterbodies. It is the responsibility of the ecologist acting as an accredited agent under a District Licence authorisation to use their professional discretion to identify any suitable habitats where mitigation requirements will apply, and which methods are most appropriate for those habitats. It is advisable that detailed records are kept of any decision-making regarding the implementation of mitigation measures during site works.

It is recommended that current management practices persist on-site during the timeframe between this Report issue and Authorisation under the District Licence. This is to ensure the site does not become more suitable for great crested newts in the interim period.



Annex 1: Pond details

Waterbody Reference	Latest eDNA result (if available)*	HSI**	eDNA/HSI date*	Impact Risk Zone	Area (m ²)	Distance from site (m)	Impact assessed (all permanent)
P001	N/A	0.7	N/A	Amber	228	19	Unimpacted ****
P002	N/A	0.7	N/A	Red	234	208	Unimpacted
P003	N/A	0.5	N/A	Red	253	410	Unimpacted
P004	N/A	0.7	N/A	Red	180	197	Unimpacted
P005	N/A	0.7	N/A	Red	116	162	Unimpacted
P006	N/A	0.5	N/A	Amber	402	344	Unimpacted
P007	N/A	0.7	N/A	Amber	826	229	Unimpacted
P010	N/A	0.5	N/A	Amber	441	439	Unimpacted
P011	N/A	0.7	N/A	Red	64	147	Unimpacted
P012	N/A	0.7	N/A	Red	101	6	Unimpacted ****
P013	N/A	0.7	N/A	Red	36	1	Unimpacted ****
P014	N/A	0.7	N/A	Red	53	65	Unimpacted
P014A	Positive	0.47	(05/06/2019)	Red	125	51	Unimpacted
P015	Positive	0.53	(05/06/2019)	Red	28	81	Unimpacted
P017	Positive	0.82	(06/06/2019)	Red	222	164	Unimpacted
P017A	N/A	0.5	N/A	Red	64	315	Unimpacted
P018	N/A	0.5	N/A	Red	48	381	Unimpacted
P019	N/A	0.5	N/A	Red	133	392	Unimpacted
P022	N/A	0.7	N/A	Red	164	95	Unimpacted
P023	Positive	0.66	(14/06/2019)	Red	214	100	Unimpacted
P024	Positive	0.71	(14/06/2019)	Red	338	135	Unimpacted
P025	Negative	0.49	(11/05/2021)	Red	4402	25	Unimpacted ****
P026	N/A	N/A (dry)	(22/06/2020)	Amber	26	0	Unimpacted***
P027	Negative	0.53	(22/06/2020)	Amber	46	229	Unimpacted
P028	N/A	0.7	N/A	Red	30	107	Unimpacted
P029	N/A	0.7	N/A	Red	81	153	Unimpacted
P030	N/A	0.5	N/A	Amber	204	308	Unimpacted
P031	Negative	0.56	(06/06/2019)	Green	37	9	Unimpacted
P032	N/A	0.5	N/A	Red	1579	296	Unimpacted



Waterbody Reference	eDNA result (if available) *	HSI* *	eDNA/HSI date*	Impact Risk Zone	Area (m ²)	Distance from site	Impact assessed (all permanent)
P033	N/A	0.5	N/A	Red	139	398	Unimpacted
P034	N/A	0.5	N/A	Red	59	301	Unimpacted
P035	N/A	0.5	N/A	Red	840	308	Unimpacted
P036	N/A	0.5	N/A	Red	1237	327	Unimpacted
P037	N/A	0.7	N/A	Red	38	48	Unimpacted ****
P038	N/A	0.7	N/A	Red	402	20	Unimpacted ****
P039	N/A	0.7	N/A	Amber	2195	32	Unimpacted
P040	N/A	0.7	N/A	Amber	51	60	Unimpacted
P041	N/A	0.5	N/A	Amber	647	464	Unimpacted
P042	N/A	0.5	N/A	Amber	28	286	Unimpacted
P043	N/A	0.5	N/A	Red	1255	383	Unimpacted
P045	N/A	0.7	N/A	Amber	270	198	Unimpacted
P046	N/A	0.5	N/A	Amber	267	261	Unimpacted
P049	N/A	0.5	N/A	Amber	2110	474	Unimpacted
P050	N/A	0.7	N/A	Amber	25	171	Unimpacted
P051	N/A	0.5	N/A	Red	605	378	Unimpacted
P052	N/A	0.7	N/A	Red	132	141	Unimpacted
P053	N/A	0.7	N/A	Red	58	247	Unimpacted ****
P054	N/A	0.5	N/A	Red	113	391	Unimpacted
P055	N/A	0.5	N/A	Red	4967	497	Unimpacted
P057	N/A	0.7	N/A	Red	34	107	Unimpacted
P058	N/A	0.5	N/A	Amber	27	464	Unimpacted
P059	N/A	0.5	N/A	Amber	88	405	Unimpacted
P060	N/A	0.7	N/A	Amber	120	198	Unimpacted
WD021	Negative	0.4	(12/05/2021)	Amber	523	0	Lost
WD027	N/A	0.7	N/A	Red	2230	160	Unimpacted
WD029	N/A	0.7	N/A	Red	636	196	Unimpacted
WD013A	Negative	0.6	(11/05/2021)	Green	3672	0	Unimpacted

*Data from 2019, 2020 and 2021 provided across various waterbodies; the most recent is presented here. To be considered valid for a licensing assessment, GCN survey data and HSI surveys must be less than two years old. A volume of data gathered in the 2019 survey season was provided (alongside data from 2021); 2019 data was not able to underpin the assessment due to its age but has been considered as one of the factors in determining the value of individual ponds.

**If HSI score is not available, a score of 0.7 is assumed for waterbodies within 250m of the development site and a HSI score of 0.5 for waterbodies 250-500m from the development site.



***P26 is a small feature which presented as dry during a single survey visit on the 22nd June 2020. The feature is connected to a watercourse (the Leigh Brook) which has an intermittent flow. An eDNA test was conducted on the adjacent section of Leigh Brook on 22/06/2020, which returned a negative result, and at the same time a HSI assessment was conducted on the same section of the Brook (returning a HSI result of 0.58). The brook itself was not included in the assessment as a potentially suitable waterbody for great crested newts because it is a flowing watercourse. P026 was treated as a potential waterbody because survey evidence only shows the pond is dry in a single year (Natural England require at minimum three consecutive years of evidence to show a waterbody is dry for the purposes of District Level Licensing), and the waterbody is connected to a watercourse which could potentially be a factor in filling P026 with water (thus warranting a more precautionary approach to assessment than would otherwise be applied to an offline pond). P026 lies within a distinct section of the site boundary, within which the only proposals involve ecological enhancements for the purposes of implementing dormouse mitigation measures, including planting to improve the hedge for dormice and installation of dormouse boxes. No destructive works would be permitted under the District Licence in this part of the site (see Annex 3A). The waterbody is treated as 'unimpacted' for because it meets three criteria:

- The proposals are not considered likely to impose a material change in usage of, or intensity of usage of, the land within 50m of this waterbody
- There is no reasonable likelihood that the proposals in this location would impose any increase in indirect pressures on the waterbody (such as polluted runoff, habitat fragmentation or disturbance by public access)
- The proposals do not involve any development in the field that this waterbody occupies,

Given that these criteria are met, NatureSpace do not consider it necessary to impose a requirement to manage and monitor this pond in the long-term for the purposes of ensuring that the pond is retained in its current state, which may not be suitable to support great crested newt breeding.

****A number of waterbodies within 50m of the development boundary are considered unimpacted in this assessment, although they are proximate to the boundary of works. In these cases, the actual works within 50m of the waterbodies are not considered likely to subject the ponds to a material increase in any pressures. For instance, P001, P012, P013, P037 and P038 only lie in proximity to parts of the site boundary which would be utilised to update existing road signage, which is considered a low intensity activity which is not likely to result in a material change of land use (or intensity of that land use), so is unlikely to result in indirect impacts to these ponds. The Impact Plan (see Annex 3A) imposes a special condition which require that the works are conducted in a manner which avoids any indirect impact to these waterbodies.



Annex 2: District Licence – Conditions of use

Once authorised, a developer becomes an ‘Authorised Developer’ under the Council’s District Licence, which includes certain conditions of use (in addition to any planning conditions). When working under a District Licence, Authorised Developers are advised to retain ecological support from an appropriate ecological consultant and it is recommended that the NatureSpace ‘Best Practice Principles’ are adhered to.

There are some specific licence conditions for Authorised Developers to note:

- Authorised Developers authorise (in writing) their employees, officers or contractors to act under the District Licence as Accredited Agents or Assistants.
- Authorised Developers must ensure that all persons working under the District Licence have the appropriate knowledge, training and experience to undertake licensed activities in accordance with the terms and conditions of the licence and best practice. For example, where capture of newts is required, this operation must be undertaken by, or supervised by, someone with the appropriate experience and training (and licence to handle newts).
- All persons working under the licence must comply with the terms and conditions of the licence.
- In the red zone, Authorised Developers must comply with the approved GCN Mitigation Principles (the separate ‘Best Practice Principles’ are a recommendation for all developments operating under a District Licence and the ‘GCN Mitigation Principles’ are a mandatory requirement in the red zone).
- Authorised Developers may (on application to the Planning Authority) request a transfer of an authorisation to another developer.
- Authorised Developers must keep certain records and provide these to the Planning Authority or to NatureSpace in a timely manner. Records must be kept of:
 - o All persons, companies and organisations authorised to act under the licence and in what capacity
 - o Details of licensed activities: dates work commenced and was completed; aquatic and terrestrial impacts; any in-situ compensations; details of any great crested newts captured/moved, etc.
 - o Any changes to development land (including management changes)
 - o Any surveying/monitoring information
 - o Any incidents or reports of activities in breach of the licence or the GCN-planning conditions (including details of action taken, such as disciplinary and remedial actions)
 - o Any other material plans or records relating to the use of the District Licence.

- Authorised Developers must permit an officer of Natural England reasonable access to monitor work being undertaken under the authority of the District Licence.
- Natural England must be informed of any breaches to the District Licence within 48 hours of any person becoming aware of a breach. The Licensee will take any necessary steps to address any breaches or poor practice.
- A failure to comply with the terms and conditions of the District Licence by an Authorised Developer, their Accredited Agents or Assistants will, by default, render the authorisation for the development site null and void.

Important:

This report is not an authorisation to work under a District Licence.

Authorisations are only issued by the Licensee, in writing and only for developments that are in receipt of a valid planning permission and which have paid any necessary compensatory payments to the Compensation Scheme.

Enquiries:

For any enquiries relating to this report please contact NatureSpace Partnership:

Email: info@naturespaceuk.com

Tel: 01865 688307

Website: <https://naturespaceuk.com/>

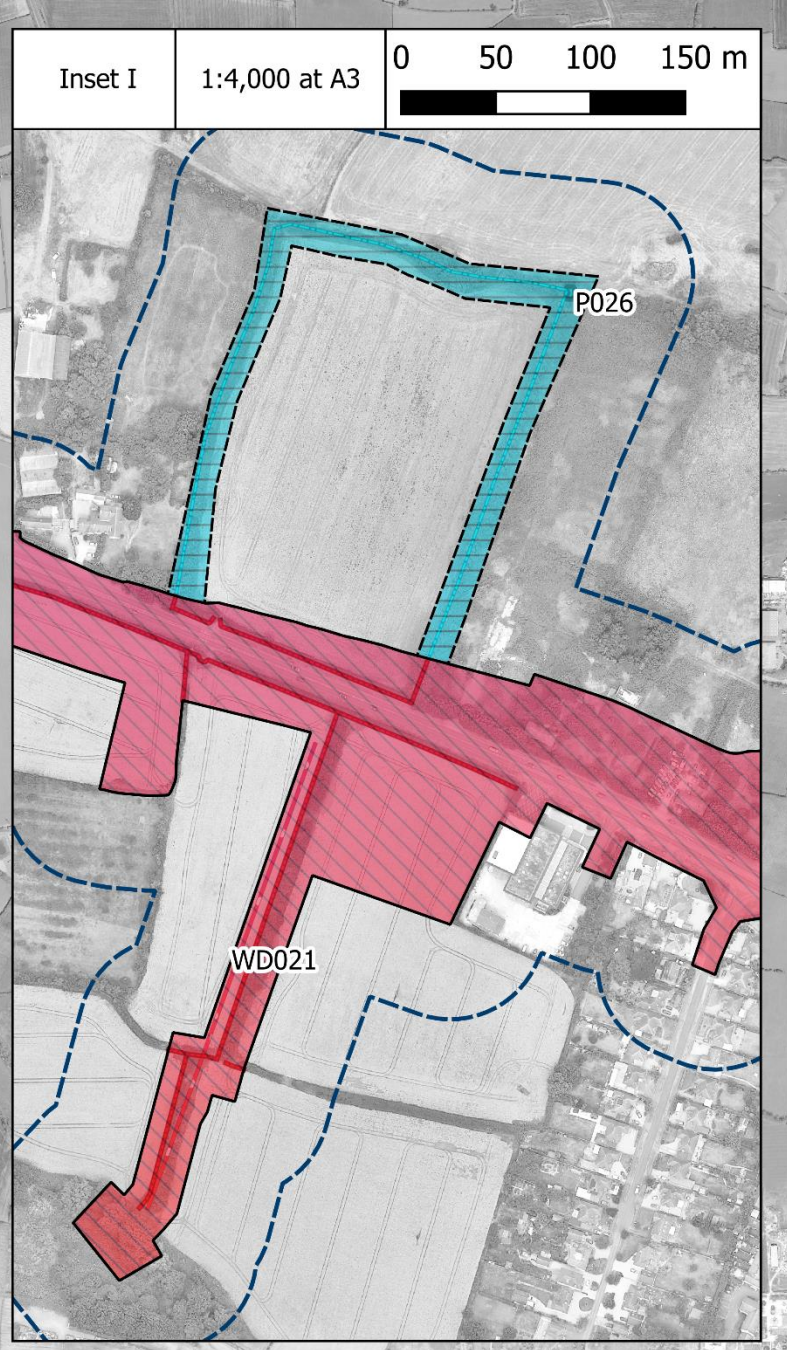
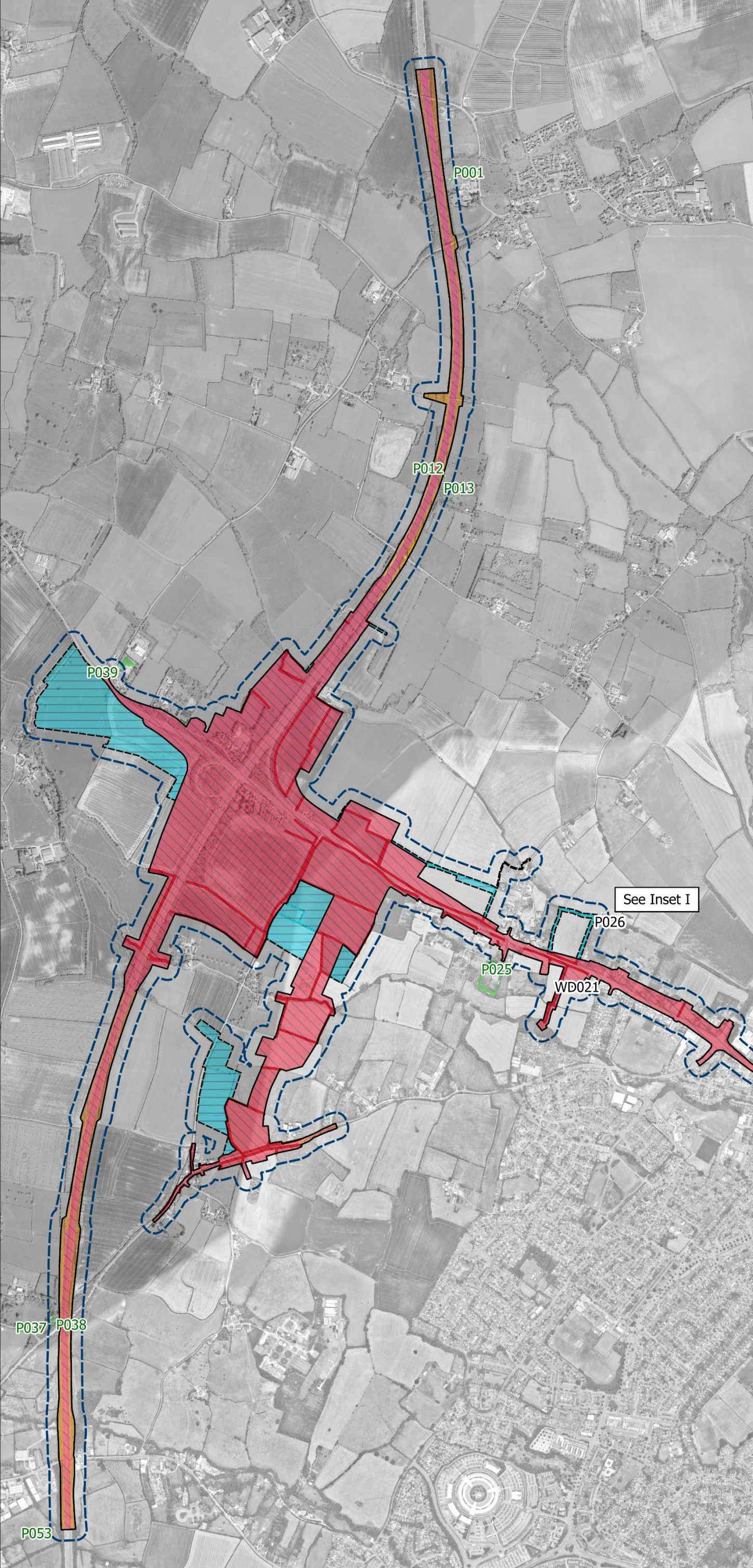
For any enquiries relating to District Licensing, please contact either NatureSpace Partnership, your local planning authority or Natural England - gcndll@naturalengland.org.uk



Annex 3A: Impact Plan

Ref: "M5 Junction 10: Impact Plan for great crested newt District Licensing (Version 5)",
dated 11th October 2023

Page is left blank.



Inset I 1:4,000 at A3 0 50 100 150 m

LEGEND:

- Licence Cover Area
- Development Boundary
- 50m Site Buffer**
- Waterbodies within 50m (labelled)**
- Unimpacted - impacts prohibited*
- On-site waterbodies (labelled)**
- Direct Loss - permanent (WD021)
- Unimpacted - impacts prohibited** (P026)
- Terrestrial habitat impacts**
- Permanent impacts permitted
- Unimpacted - impacted prohibited **
- Temporary impacts permitted (<1 year)***
- Hedgerow impacts**
- Permanent impacts to be permitted.
- Unimpacted - impacts prohibited**
- Temporary impacts permitted (<1 year)***

*Off-site waterbodies will not be directly or indirectly impacted by the development (including but not limited to pollution from runoff, dust, debris etc. both during and after construction). These waterbodies will not be impacted by any increase in lighting both during and post construction.

**Habitats which are treated as unimpacted must not be damaged or destroyed in any way as part of the development consent. In this case, the area noted as unimpacted is for dormouse mitigation measures; these activities will be permitted providing they are not detrimental to the habitats' value for great crested newts in any way.

***The duration of temporary impacts to habitats can not exceed 365 days from the date of first commencement of Destructive Works within the area demarcated. Before the final day of permitted impact, habitat restoration work must be undertaken to enable habitat to return to the pre-impact condition. In this case, the areas noted as temporarily impacted are for road signage installation; permanent road sign installations would be permitted within these areas.



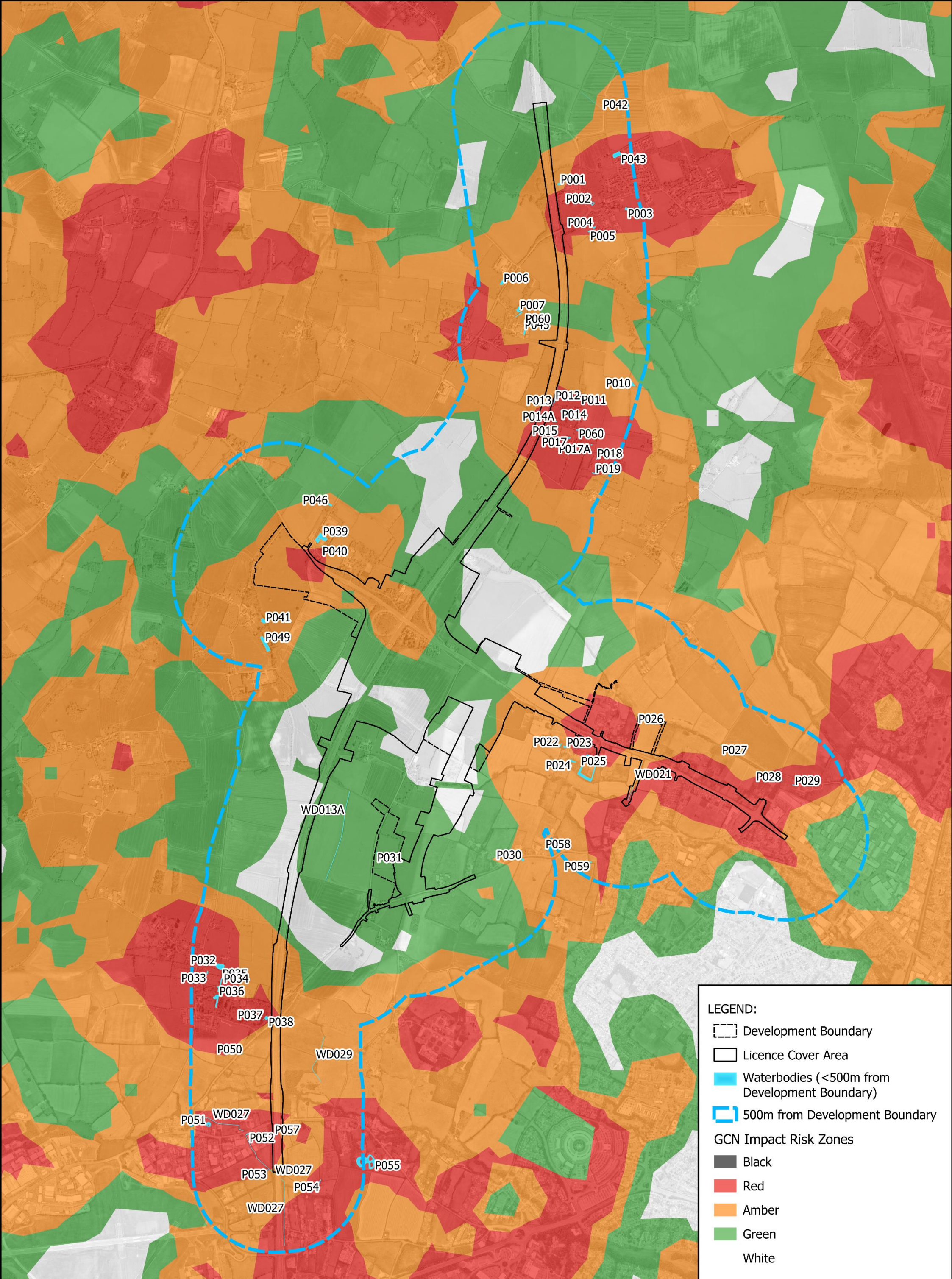


Annex 3B: Impact Risk Zones and waterbodies within 500m

Ref: "M5 Junction 10: Impact Risk Zones and waterbodies <500m from development (Version 4)", dated 12th October 2023

Plan contains habitat data provided by AtkinsRéalis.

Page is left blank.



LEGEND:

- Development Boundary
- Licence Cover Area
- Waterbodies (<500m from Development Boundary)
- 500m from Development Boundary

GCN Impact Risk Zones

- Black
- Red
- Amber
- Green
- White



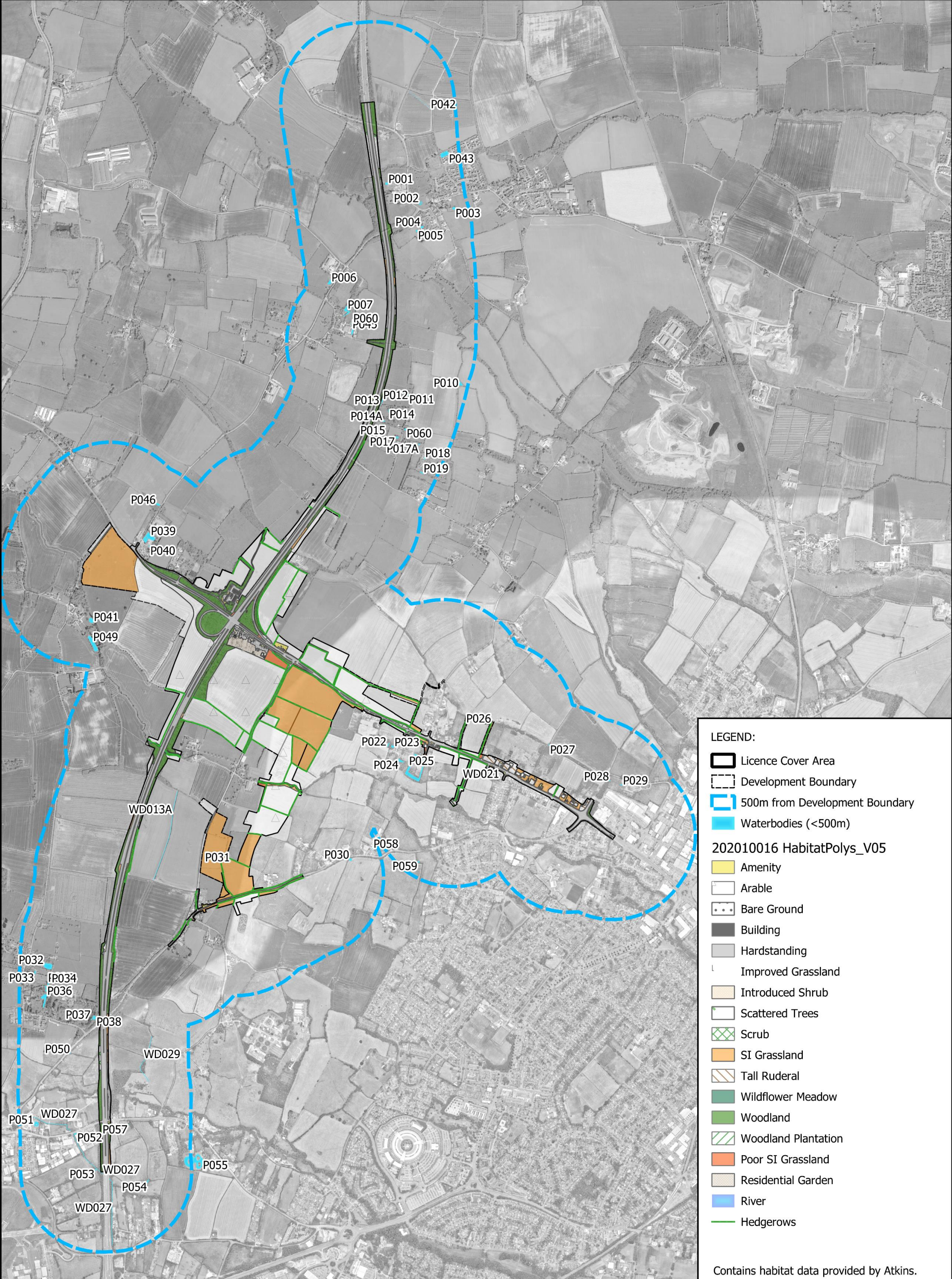


Annex 3C: On-site habitats

Ref: "M5 Junction 10: Habitat plan for great crested newt District Licensing (Version 4)", dated 12th October 2023.

Plan contains habitat data provided by AtkinsRéalis.

Page is left blank.



LEGEND:

- Licence Cover Area
- Development Boundary
- 500m from Development Boundary
- Waterbodies (<500m)

202010016 HabitatPolys_V05

- Amenity
- Arable
- Bare Ground
- Building
- Hardstanding
- Improved Grassland
- Introduced Shrub
- Scattered Trees
- Scrub
- SI Grassland
- Tall Ruderal
- Wildflower Meadow
- Woodland
- Woodland Plantation
- Poor SI Grassland
- Residential Garden
- River
- Hedgerows

Contains habitat data provided by Atkins.



AtkinsRéalis

5th Floor, Block 5
Shire Hall
Bearland
Gloucester
GL1 2TH

Tel: +44 (0) 8000 514 514