

From: [Turner, Owen](#)
To: [Nicholls, Nathan \(LBB\)](#)
Subject: RE: GCN and precautionary working method - response required
Date: 17 December 2024 09:57:05
Attachments: [image004.png](#)
[image006.png](#)
[image007.png](#)

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**** Warning External Email ****

Hi Nathan,

Just to follow up, sorry I missed your call. One of those where the phone stopped ringing as I picked it up.

You're very welcome and you know how to reach me if needed.

Thanks again,

Kind regards,

Owen Turner
Senior Wildlife Licensing Officer
[Natural England Wildlife Licensing Service](#)
Apex Court, City Link, Nottingham, NG2 4LA
Tel: 07442881992

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To help people consider the environment Natural England offers two chargeable services
- the [Discretionary Advice Service](#) (DAS), which can provide advice on planning/licensing proposals
- the [Pre-submission Screening Service](#) (PSS) for European Protected Species mitigation licence applications.

From: Turner, Owen
Sent: 17 December 2024 09:48
To: Nathan.Nicholls@Barnet.gov.uk
Cc: Pugh, Steve <steven.pugh@naturalengland.org.uk>
Subject: RE: GCN and precautionary working method - response required

Dear Mr Nicholls,

Thank you for the query and apologies with the delay getting back to you. I've provided some clarification on some of your points below.

As mentioned by Dylan, you are correct that further survey work should be undertaken in and around the site before a decision is made as to whether or not a licence is required for the works. High HSI scores and positive eDNA results are a fairly conclusive indicator that GCN may be present and that a population size class assessment survey would be required. In some applications, we permit the use of Licencing Policy 4 (LP4) when surveys cannot be completed or are limited. However, LP4 is not a substitute for survey, but rather a way to facilitate a reduced effort. We would expect applicants to survey as much of the surrounding area as possible and provide justification as to why certain ponds could not be monitored before granting the use of LP4. In addition to this, licencing policies can only be used in licencing applications and are issued at Natural England's discretion. Any action taken quoting a licencing policy without a licence and expressed permission from Natural England would constitute a wildlife crime.

With regards to the plan to complete works under a precautionary method statement, whilst I cannot provide advice on a specific document, I would say that given the location of the site and the number of ponds in the immediate vicinity, this would be extremely high risk in the absence of a survey confirming the absence of a GCN population on site (or the presence of an extremely small one). Should the development area be considered GCN habitat, and the favourable conservation status of the local population be impacted by the works under a precautionary method statement without a licence from Natural England, then this would again constitute a wildlife crime. If you believe this has occurred, then you should contact your local wildlife crime officer.

As mentioned, I cannot provide comment on a specific document such as this in the absence of a licence application. However, if the ecologist or the applicant are seeking advice on any plans or proposals, they should look to contact us through our DAS and PSS schemes. This service will allow them to speak to one of our officers who will be able to directly advise them on the suitable course of action. If they wish to make an enquiry, you can direct them to this mailbox: PSSEnquiries@naturalengland.org.uk

I hope that addresses most of your questions, and apologies again for the delay. If you wish to discuss this further, you can reply directly to this email or give me a call on the number in the email signature below.

Thank you,

Kind regards,

Owen Turner
Senior Wildlife Licensing Officer
Natural England Wildlife Licensing Service
Apex Court, City Link, Nottingham, NG2 4LA
Tel: 07442881992

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- the [Pre-submission Screening Service](#) (PSS) for European Protected Species mitigation licence applications.

From: Nicholls, Nathan (LBB) <Nathan.Nicholls@Barnet.gov.uk>
Sent: 13 December 2024 09:33
To: Pugh, Steve <Steven.Pugh@naturalengland.org.uk>
Subject: GCN and precautionary working method - response required
Importance: High

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Hi Steven,

LBB have very recently received a *Precautionary Method of Working (Ecology)* PMW (ACJ Ecology Ltd, November 2024) After many months of incorrect augmentation from the appellant that further surveys and mitigation can be conditioned, the appellant has now submitted a document which indirectly states that such effort is not required. the application has commissioned in the two months lead up to the public inquiry date.

The PMW contains generic precautionary mitigation measures not specific link to the works under examination, and fails to explicitly justify why despite the previous eDNA report (RSK Biocensus) stating clearly that further traditional surveys (six int total) are required during the active breeding season (Mid-March to Mid-June) that further survey are not required only

alluding to the Policy 4 from Natural England which recommends alternative sources of evidence to reduce standard survey requirements. The negation of the need for the required survey effort to inform mitigation at this stage of the appeals process is directly contrary to Paragraph 99 ODPM Circular 06/2005, BS42020:2013 Biodiversity — Code of practice for planning and development, 9.9.3, NPPF Policy 186, and London Plan Policy G6 and Barnet Local Development Plan DM16.

LBB would urgently request a clear response as to whether the submitted PMW is appropriate to address Natural England's previous concerns for the scheme given the amber risk of disturbing GCN and their terrestrial habitat within 50m of Pond 1?

Please could you provide your response at the earliest possible opportunity so it can be taken into consideration for a final burden of proof prior to the appeal.

-
Best wishes,

Nathan Nicholls
Senior Ecologist – Planning and Building Control
Trees, Ecology & Sustainability
London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW
Tel: 020 8359 6037 | Web: barnet.gov.uk

Please note my working hours are (Monday – Thursday: 08:00 – 17:30, and Friday: 09:00 – 12:30)

Please note that comments are provisional and represent an informal view by an officer; the views contained within this email do not constitute an official determination, are not legally binding and do not bind the council to a particular course of action.



From: Poole, Dylan <dylan.poole@naturalengland.org.uk>
Sent: 22 October 2024 14:55
To: Nicholls, Nathan (LBB) <Nathan.Nicholls@Barnet.gov.uk>
Subject: RE: GCN and conditioning further surveys

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**** Warning External Email ****

Dear Nathan,

Thank you for you enquiry.

It would not be possible for the Natural England Wildlife Licensing Service (NEWLS) to issue a European Protected Species licence for great crested newts under the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife and Countryside Act 1981 (as amended) in the absence of appropriate survey information to accurately reflect the status of the site at the time the licence application is submitted.

The table below details the survey requirements for schemes with differing impact types and locations.

Survey guidance table

Impact type and location	Potential terrestrial habitat - loss or damage (ha)	Presence/ likely absence survey	Population size class assessment	HSI	Maximum age of survey data (# breeding seasons)
Permanent habitat loss or damage					

Pond(s) lost or damaged, with or without other habitat loss or damage	≥0	YES	YES	YES	2
No ponds lost or damaged, development within 50m of nearest pond	≤0.01	YES	NO	YES	3
	>0.01	YES	YES	YES	2
No ponds lost or damaged, development 50-100m from nearest pond	≤0.2	YES	NO	NO	3
	>0.2	YES	YES	YES	2
No ponds lost or damaged, development 100-250m from nearest pond	≤0.5	YES	NO	NO	4
	>0.5	YES	YES	YES	3
No ponds lost or damaged, development >250m from nearest pond (NB see notes)	≤5	YES	NO	NO	4
	>5	YES	NO	YES	3
Temporary habitat loss or damage					
Pond(s) lost or damaged, with or without other habitat loss or damage	≥0	YES	YES	YES	2
No ponds lost or damaged, development within 50m of nearest pond	≤0.05	YES	NO	YES	3
	>0.05	YES	YES	YES	3
No ponds lost or damaged, development 50-100m from nearest pond	≤0.5	YES	NO	NO	4
	>0.5	YES	YES	YES	3
No ponds lost or damaged, development >100m from nearest pond	≤5	YES	NO	NO	4
	>5	YES	NO	YES	4

If the development to which the enquiry relates requires a population size class assessment (in accordance with the table above), it would not be possible to issue a licence to include the conditioning of further surveys. Impact assessments to help determine whether proposals meet licensing requirements must be clear and unambiguous at the time the application is submitted.

I hope this helps. Please do not hesitate to contact me should you wish to discuss anything further

Kind regards,

Dylan Poole

Higher Wildlife Licensing Officer

Natural England Wildlife Licensing Service – Operations Delivery
Tel: 02080 266426

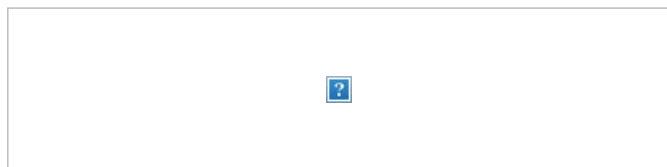
Natural England

Foss House, Kings Pool

1-2 Peasholme Green

York YO1 7PX

www.gov.uk/natural-england



From: Nicholls, Nathan (LBB) <Nathan.Nicholls@Barnet.gov.uk>

Sent: 08 October 2024 10:40

To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

Cc: Thomas, Gemma <Gemma.Thomas@naturalengland.org.uk>

Subject: FW: GCN and conditioning further surveys

Importance: High

You don't often get email from nathan.nicholls@barnet.gov.uk. [Learn why this is important](#)

Good morning,

Please would it be possible chase up a response to my previous email sent on August 30th in relation to an appealed development and potential impact on GCN (see below).

Best wishes,

Nathan Nicholls
Senior Ecologist – Planning and Building Control
Trees, Ecology & Sustainability
London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW
Tel: 020 8359 6037 | Web: barnet.gov.uk

Please note: I will be away on annual leave from October 3rd – 4th, 17th – 18th, and 23rd - 30th.

Please note my working hours are (Monday – Thursday: 08:00 – 17:30, and Friday: 09:00 – 12:30)

Please note that comments are provisional and represent an informal view by an officer; the views contained within this email do not constitute an official determination, are not legally binding and do not bind the council to a particular course of action.



From: Nicholls, Nathan (LBB)
Sent: Friday, August 30, 2024 1:09 PM
To: consultations@naturalengland.org.uk
Cc: Volley, Stephen (LBB) <Stephen.Volley@Barnet.gov.uk>; Page, Neil <neil.page@wsp.com>
Subject: GCN and conditioning further surveys

Good afternoon,

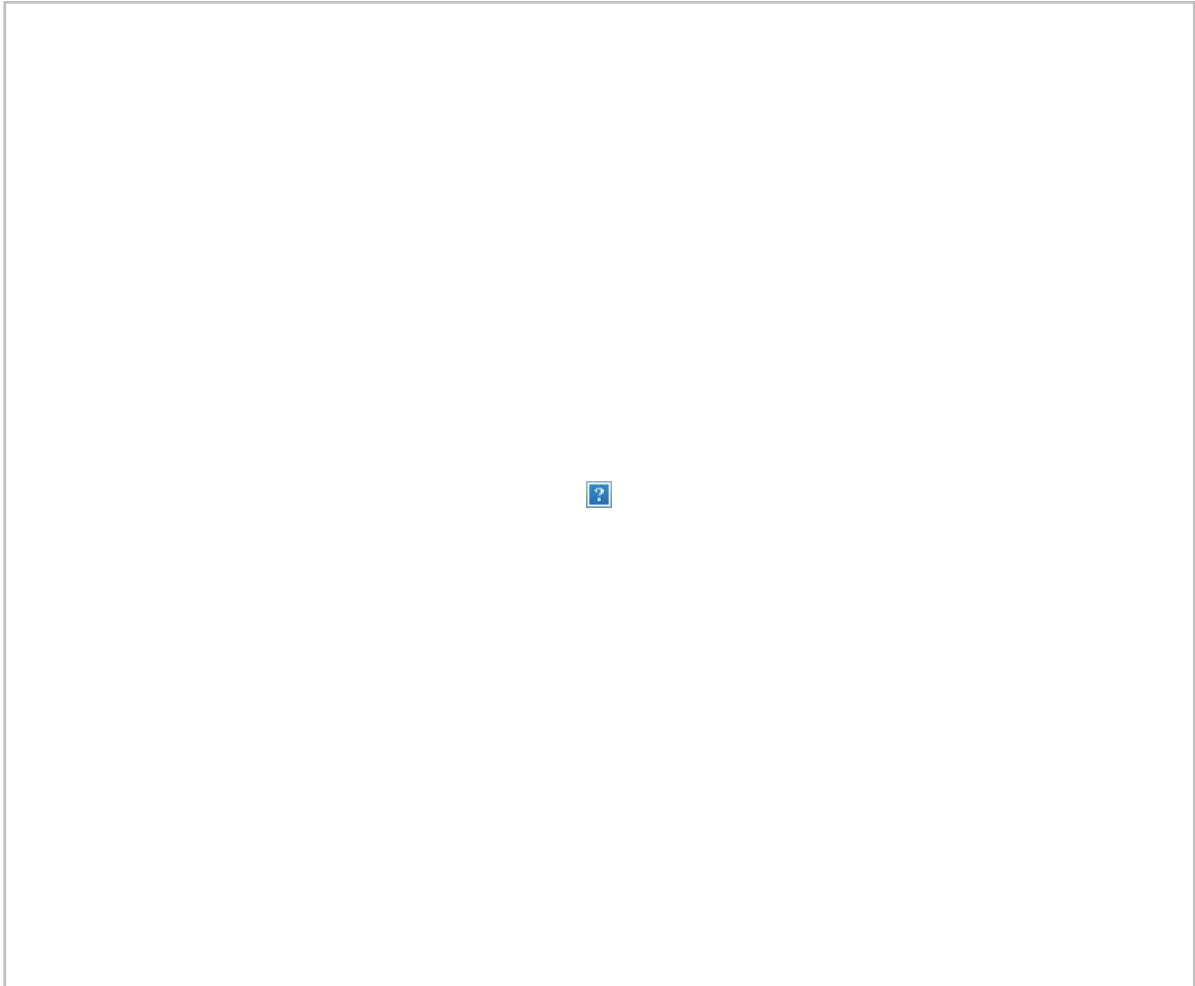
Please would you be able to give clarification as to whether Natural England would be in the position to likely accept an application for EPS licence for development currently under appeal in the event further surveys are conditioned? (A material change of use for stationing of caravans for residential use with hardstanding and dayrooms ancillary to that use).

Context: There seven ponds within 500m with of the open greenspace site which the LPA request HSI and eDNA testing. The supporting eDNA Survey Report (Biosensus, June 2024) submitted to the LPA at appeal in late July confirms that Pond 1 (closest to the site) and pond 6 had confirmed GCN eDNA , however, no further traditional surveys were undertaken given the late time in the GCN breeding season despite being explicitly recommended to inform the licence application.

The consultant ecologist has not provided any evidence to the contrary that the works could feasible be undertaken in a manner that would not negatively impact the favourable conservation status of the great crested newts. The Barnet Council asserted that were the proposed developed to be permit in absense of the required Natural England EPS licence (supported by further traditional surveys and mitigation strategy) then a likely offence under section 43 of the Conservation of Habitats and Species Regulation 2017 and Section 5 of the Wildlife and Countryside Act 1981 (as amended) would occur.

The LPA was of the conclusion the further traditional surveys (x 6 between April and June inclusive) to inform the GCN mitigation strategy (to support the licence application) we do not have certainty that the determining that development would meet the "Three Tests" as per Regulation 53(2)(e) of the Conservation of Habitats and Species Regulation 1993 (as

amended) necessary to grant planning permission in relation to the works likely to impact on European Protected Species and its resting/sheltering/breeding place.



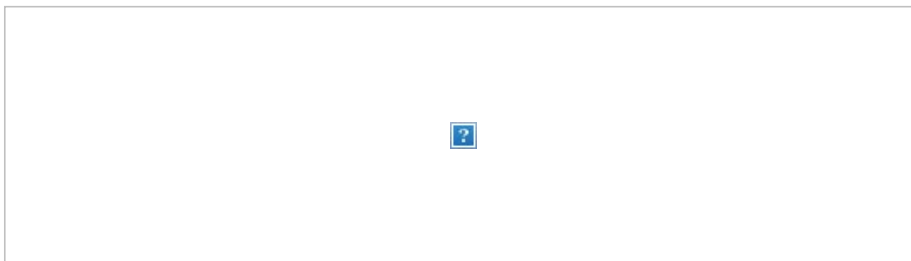
Best wishes,

Nathan Nicholls
Senior Ecologist – Planning and Building Control
Trees, Ecology & Sustainability
London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW
Tel: 020 8359 6037 | Web: barnet.gov.uk

Please note: I will be away on annual leave from September 1st until Monday September 16th.

Please note my working hours are (Monday – Thursday: 08:00 – 17:30, and Friday: 09:00 – 12:30)

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