PROTECTED SPECIES ADVICE FOR DEVELOPERS

GREAT CRESTED NEWT

Legal protection

Great crested newts are classed as European Protected Species (EPS) under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). It is therefore an offence to deliberately or recklessly:-

- kill, injure, capture or harass a great crested newt;
- disturb a great crested newt whilst it is using any structure or place for shelter or protection (e.g. a pond or hibernation site), or in any way that impairs its ability to survive or breed, or significantly affects the local distribution or abundance of great crested newts;
- obstruct access to a breeding site or resting place (e.g. pond or hibernation site), or otherwise deny their use by great crested newts;
- damage or destroy a great crested newt breeding site or resting place, whether or not deliberate or reckless

This means that if great crested newts could be affected in these ways by your development, and you take no action to prevent it, you run the risk of committing an offence.

Where impacts that would result in an offence cannot be avoided, a species licence can be issued in some cases to allow the works to proceed. Such licences will only be issued if certain tests are met (see licensing section below). **It is important that any licensing issues are considered as part of your planning application**. This is to avoid a situation where planning permission is secured but the lack of a species licence prevents the development from proceeding.

When a development might affect great crested newts

Great crested newts are mainly found in central and southern Scotland, with more isolated records around Inverness and other parts of Highland. For an up to date map of great crested newt distribution see the National Biodiversity Network Gateway (NBN). The NBN map indicates the broad pattern of distribution across Scotland but cannot provide detailed information for individual development sites. Local Record Centres may have additional information that can help determine if great crested newts are likely to be present on your development site.

They breed in small to medium sized freshwater ponds, but also live on land in lowland grassland, scrub, hedgerows or woodland, normally within 500m of breeding ponds. They hibernate over winter (October-February) under deadwood, among tree roots, rocks and piles of rubble, or in mammal burrows. When active on land at other times of the year they continue to use similar refuges or dense vegetation for resting up during the day. Great crested newts are often found on the fringes of urban areas, including previously built-up brownfield sites, and where they are very vulnerable to impacts from new development. If your proposal is within 500m of a potential breeding pond you will need to carry out a great crested newt survey.

Carrying out a survey

When

Potential breeding ponds should be surveyed between March and June. Terrestrial surveys can be undertaken between March and September. Precise timing of surveys will depend on the methods used (see below). Emergence from hibernation and timing of migration to breeding ponds will be a few weeks later in the Highlands compared to central and southern Scotland. As a guide, great crested newts will start moving to breeding ponds when air temperature is consistently above 5°C.

How

A range of survey methods are listed below.

Ponds:	torch survey - mid-March to mid-June (August to find larvae); netting - mid-March to mid-June (August to find larvae); bottle or funnel trapping - March to May; egg searches - April to June; eDNA analysis - mid April to June (to test for presence or absence).
Terrestrial habitat:	pitfall traps - March, April, May and September refuge search - April to September.

Details of methods and survey standards are provided in Great crested newt mitigation guidelines (English Nature 2001). **All the methods except eDNA analysis can cause disturbance to great crested newts and will require a survey licence from SNH** (contact licensing@snh.gov.uk).

Your survey report should include:

- details of any information gathered from the NBN, Local Record Centres or other sources;
- names and experience of surveyors;
- descriptions of the habitat surveyed and any limitations to the survey, such as water depth or access;
- details of any survey methods, including survey area, date, time, and weather conditions;
- map showing the location of any traps and the locations of great crested newts;
- an assessment of the number of great crested newts affected and the importance of the development site for great crested newts and its context in terms of surrounding habitat.

Preparing a species protection plan

If your survey finds great crested newts which would be affected by the proposal, you will need to prepare a species protection plan.

Your protection plan should include:

- details of how the development is likely to affect great crested newts, including loss of habitat;
- mitigation measures to be employed to avoid any offence and minimise impacts on great crested newts;
- summary of any residual impacts once mitigation measures have been taken into account.

Typical mitigation measures are:

- avoiding habitat used by great crested newts;
- altering vegetation types to displace great crested newts from areas affected (so long as there is suitable alternative habitat nearby);
- fencing to prevent great crested newts moving into areas where they will be at risk;
- translocating great crested newts to another area of specially prepared habitat. This can be a significant operation and should only be considered as a last resort.

Annotated maps and photographs are a useful way of showing the location of the mitigation measures proposed, and how they relate to survey information and construction works.

Details regarding mitigation measures and their implementation are provide in Great crested newt mitigation guidelines (English Nature 2001). **All but the simplest of mitigation for great crested newts could cause damage or disturbance and will require a licence from SNH for it to be undertaken** (see licensing section below). For further details regarding assessment and supporting information see our licensing guidance below.

Licensing development works affecting great crested newts

If your development cannot avoid an offence with respect to great crested newts, an EPS licence will be required from SNH to allow work to proceed. Such a licence can only be issued if it can be demonstrated that:

a) the purpose of the licence is to preserve public health or public safety or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

b) there is no satisfactory alternative; and

c) the proposed action will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

For further information on EPS licensing see the following SNH guidance notes:

Guidance notes for application for a licence for European Protected Species;
European Protected Species Licensing Test 1 – Licensable Purpose;
European Protected Species Licensing Test 2 – No satisfactory alternative;
Application for a licence for European Protected Species: Guidance notes on providing supporting information.