

Standing Advice Species Sheet: Great crested newts

Please note: This Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

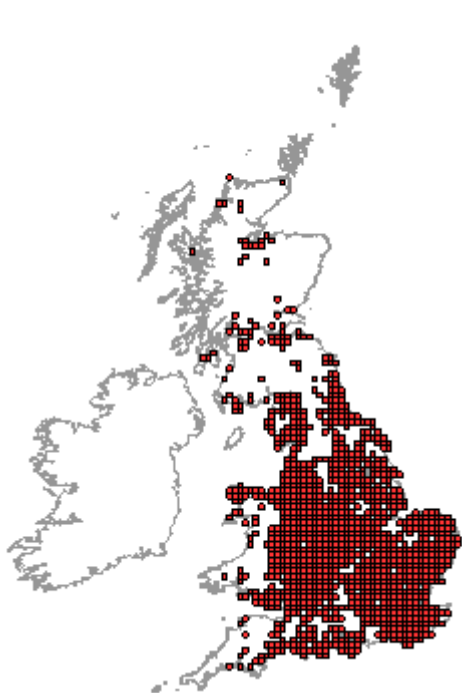
1 Background, typical habitat and features used

- 1.1. Great crested newts use both aquatic and terrestrial habitat. Adults breed in ponds during the spring and then emerge onto land, spending the summer resting, foraging and dispersing before hibernating through the winter. Larvae take around four months to develop, emerging as juveniles typically from around August. Immature newts then remain on land for most of the next two to four years until they reach sexual maturity.
- 1.2. Great crested newts prefer small to medium sized ponds, rather than garden ponds or lakes. Breeding ponds must usually support aquatic vegetation to provide a substrate for egg laying. Open, largely un-shaded ponds are preferred over heavily shaded ponds. Ideally there should be open, less vegetated areas within the pond to allow adult males to display in clear view of females. Great crested newts tend to avoid ponds with fish. However, less suitable ponds (for example, smaller ones or those with fish) are sometimes used where they occur close to more favourable ponds.
- 1.3. Great crested newts do not necessarily require permanent ponds, but the ponds should hold water until at least August in some years to allow successful metamorphosis. The periodic drying up of a pond may be beneficial since it controls predatory fish or invertebrates. Ponds need to support a good invertebrate population to provide food for developing larvae.
- 1.4. Terrestrial habitat must provide permanent areas of refuge habitat for shelter, daytime refuges and foraging and dispersal opportunities. For hibernation, newts seek out a location that affords them protection from winter conditions and exploit natural opportunities within the landscape such as log piles, disused mammal burrows or cracks in the ground or artificial opportunities such as cellars, brick/rubble piles, rather than excavating their own sites. Great crested newts have been known to travel just over 1km from their breeding pond. While such occasional long distance movements are important in the long term, the vast majority of animals are found within a few hundred metres of the breeding pond.
- 1.5. The great crested newt was listed as a priority species under the UK BAP. [The UK Post-2010 Biodiversity Framework](#) succeeds the UK BAP partnership, though the lists of priority species agreed under the UK BAP still form the basis of much biodiversity work in the UK. The current strategy for England is '[Biodiversity 2020: A Strategy for England's wildlife and ecosystem services](#)'. Although the UK BAP has been succeeded, Species Action Plans (SAPs) developed under the UK BAP still remain important and valuable reference sources for background information on priority species under the UK Post-2010 Biodiversity Framework.

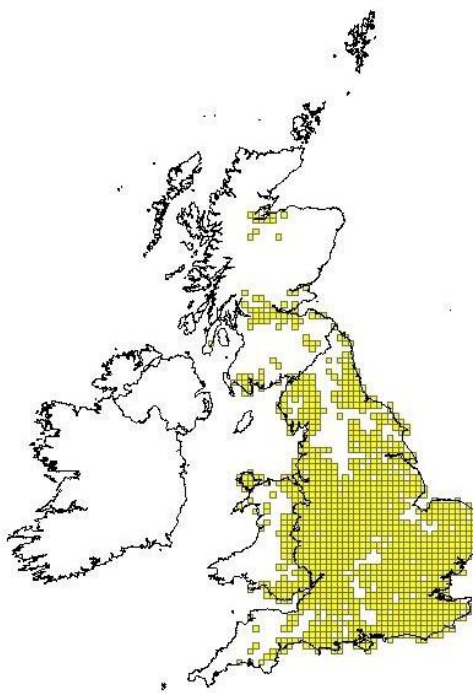
2 Distribution

- 2.1. Although the great crested newt is still widespread in Britain, it has suffered a major decline over the last century and much of its habitat is fragmented by unfavourable land use. The species may be abundant locally in parts of lowland England, while in much of the country it is scarce. Many populations are declining gradually. Only a small proportion of breeding sites (thought to number in the tens of thousands) have been recorded.

- 2.2. Distribution maps based upon submitted records can be viewed on the National Biodiversity Network Gateway [website](#). It should however be noted that the absence of a record from a particular area does not mean the species is absent. There are other explanations for no recorded presence, notably that no survey has taken place. Not all records are available on the NBN Gateway and so planners are advised also to consult the Local Records Centre (LRC). The LRC and local amphibian experts should be able to give a view on the likely presence of the species in a given area.
- 2.3. Distribution maps for the great crested newt in England are provided below. One is a list of all historic records on the National Biodiversity Network Gateway website and does not reflect current distribution. The other map is a more recent range and distribution map. For the latest information, visit the species conservation status reports section of the JNCC [website](#).



Historic records from the NBN Gateway.
Source: National Biodiversity Network



Distribution map published in 2013.
Source: JNCC

Great crested newt distribution

© Crown copyright and database rights 2013 Ordnance Survey [100022021]

Note: The Data Provider, Original Recorder [where identified], Natural England, the NBN Trust and JNCC bear no responsibility for any further analysis or interpretation of this material, data and/or information.

The absence of a record does not necessarily mean the absence of great crested newts in the area but could be a result of no survey data being available for that particular location.

3 Legislation

- 3.1. The great crested newt is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended)¹ and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended)² making it a European Protected Species. Details of the legislation can be found at:

- [Wildlife and Countryside Act](#)

¹ Amended by the Countryside and Rights of Way act 2000

² Amended by the Conservation of Habitats and Species (Amendment) Regulations 2012 S.I. 2012/1927

- [The Countryside and Rights of Way Act](#)
- [The Conservation of Habitats and Species Regulations 2010 \(as amended\)](#)

4 Survey requirements

- 4.1. Natural England has published detailed guidance on surveys to inform development. All surveys should be undertaken by suitably experienced, and where necessary, licensed surveyors. A survey for great crested newts may be required when there is:
- Any historical record for great crested newts on the site, or in the general area.
 - A pond on or near the site (within around 500m provided that they are not separated by significant barriers to dispersal such as a major trunk road or motorway), even if it holds water only seasonally. Note that muddy, cattle-poached, heavily vegetated or shady ponds, ditches and temporary, flooded hollows can be used by great crested newts.
 - Sites with refuges (such as piles of logs or rubble), grassland, scrub, woodland or hedgerows within 500m of a pond provided that they are not separated by significant barriers to dispersal such as a major trunk road or motorway.
- 4.2. Avoidance measures built into development proposals may remove the need for detailed survey work and Local Planning Authorities (LPAs) should seek expert advice in determining cases when this may be applicable. Similarly, mitigation measures built into proposals may also reduce the amount of survey work required (including survey effort and spatial extent), though there must still be sufficient information supplied to understand the nature of impacts and their likely effect on the conservation status of the species concerned. Again, LPAs should seek expert advice in determining cases when this may be applicable.
- 4.3. It should be noted that the information provided here is a brief summary of survey good practice to provide an overview for LPA staff but does not replace detailed guidance on survey requirements contained in the [Great crested newt mitigation guidelines](#) and other guidance available on our [website](#).
- 4.4. Desk based study
- Are great crested newts known from the area? (Data trawl from Local Records Centre/Local amphibian group).
 - Is the application near to a designated nature conservation site notified for their great crested newt interest? (See <http://www.magic.gov.uk> to check).
- 4.5. Surveys
- Field surveys
An initial survey of the terrestrial habitats and quality of the ponds within, and adjacent to, the development footprint is a useful starting point. This should ideally follow the Habitat Suitability Index (HSI) methodology (developed by Oldham *et al.* 2000) which looks at a number of variables including pond size, terrestrial habitat, pond shading and water quality to derive a probability of newts being present within a pond. This is a helpful tool for large schemes as it may help to 'scope out' some ponds for more detailed surveys. However, please note that HSI assessments are not an alternative to carrying out a more detailed survey should one be required.
 - Presence/ Likely Absence Survey Effort
 - Ponds
 - Method: Three survey methods (selected from netting, torch surveys, egg searches and bottle trapping) should be employed per visit.
 - Effort: Four visits in suitable weather conditions.
 - Timing: mid-March to mid-June, with at least two of these visits during mid-April to mid-May and these should be spread through the survey period to maximise the chance of finding newts if they are using the pond(s).
 - Terrestrial habitat

- Method: Pitfall-trapping with drift fence (preferably plus refuges).
 - Effort: 60 trapping nights (NB this means 60 nights with suitable weather conditions).
 - Timing: March to October.
- Relative population class size assessment survey effort
 - Ponds
 - Method: Three survey methods (selected from netting, torch surveys, egg searches and bottle trapping) should be employed per visit.
 - Effort: six visits in suitable weather conditions.
 - Timing: mid-March to mid-June, with at least three of these visits during mid-April to mid-May and these should be spread through the survey season to obtain the peak count of newts within the pond(s).
 - Terrestrial habitat

Determining population size class by sampling in terrestrial habitat distant from the pond is fraught with practical and interpretative difficulties, and is therefore not recommended.
- 4.6. For more information on survey effort and methods please refer to the great crested newt mitigation guidelines and Natural England's great crested newt method statement template ([WML-A14-2 method statement](#)).

5 Potential impacts on the species

Measures to address potential effects on protected species should firstly aim to avoid those impacts. If there are unavoidable impacts then mitigation should be designed to reduce those impacts. If following this, there are still impacts on the species then compensation measures will need to be designed to off-set the impacts. LPAs must consider whether proposals have attempted to avoid impacts and whether there are any satisfactory alternatives to the proposed scheme, which would have less of an impact on protected species in determining whether to grant planning permission.

5.1. Assessing impacts

There are a number of development activities which can affect great crested newts, which should be fully considered at the application stage. In general, the greater the predicted impact, the greater the level of mitigation will be required. Table 6 on page 34 of the great crested newt mitigation guidelines summarises the scale of impacts at the site level, taking into account the proximity of activities to breeding ponds.

Great crested newts can migrate more than 500 metres from their breeding ponds in areas of suitable terrestrial habitat. However, generally the scale of potential impacts will decrease as the distance from the breeding pond increases.

Impacts on great crested newts could include:

- Habitat loss

Both the loss of breeding ponds and terrestrial habitat can have significant impacts upon great crested newts since newts live on land for the majority of their lives. Populations can be reduced or even go extinct where there is a major loss of habitat due to reduced foraging, breeding and refuge opportunities. Consequently, the mitigation strategy must ensure that there is no net loss of habitat (be it breeding ponds or terrestrial habitat) for newts. Minor loss may not impact on the population as a whole but this could still result in harm/ disturbance to animals or damage/ destruction of resting sites, and measures will have to be taken to avoid or minimise this risk, and depending on measures taken, may require a licence.
- Habitat modification

Although some development may not replace newt habitat with built land, it can be made less suitable. For example, changing an area of rough grassland used by newts as terrestrial

habitat into amenity grassland could have a negative impact on the population. Therefore the mitigation strategy should ensure that there is no net loss in quantity and quality of habitat.

- **Habitat fragmentation and isolation**

Habitat fragmentation and isolation of great crested newt populations can be caused when development imposes barriers to newt dispersal. These barriers can include built land, fast flowing water bodies or extreme landforms. Isolation of great crested newts can result in population number declines and a decrease in genetic viability. Therefore the mitigation strategy should include measures to maintain habitat linkages and preferably reconnect fragmented areas.

- **Miscellaneous**

Other more indirect impacts caused by development also need to be fully considered, such as increased shading and siltation of ponds, water table alteration and potential for increased chemical run-off into water bodies. Great crested newts can also be impacted by interference following a development, such as the introduction of fish to breeding ponds which will predate the young life stages of newts.

In addition, the built environment can present significant barriers to newts through inappropriate design. As such, features such as newt 'friendly' gullies and the use of low level kerbstones at key points where newts may cross roads should be provided as part of the mitigation strategy.

5.2. Avoiding impacts

Can the impacts be avoided for example through redesign of the scheme (eg alternative site(s) or development layout)? Can breeding sites and/or terrestrial habitats be avoided thereby securing them and avoiding direct impacts?

6 Mitigation and compensatory measures

The applicant is primarily responsible for identifying and proposing any mitigation measures which may be applied and deciding whether and how they are incorporated into their project. It is for the LPA to assess the effectiveness, reliability, timing, delivery or duration of any mitigation and what difference they would make to the anticipated effects of the project. In cases where projects require compensatory measures, the LPA should ensure that suitable compensatory measures are agreed and secured.

A [flow chart](#) to help assess the quality of survey and appropriateness of the mitigation proposed is provided.

Further information on mitigation techniques can be obtained from the Great crested newt mitigation guidelines.

6.1. Mitigation

Mitigation is the term used for the combination of measures that aim to avoid, cancel or reduce negative effects and which are incorporated into the implementation of the project.

Mitigation should include, where necessary, timing the works or changing the design of the proposals to reduce impacts. Can pond enhancement works be undertaken during the winter months when newts are least likely to be within the waterbodies? Where impacts are unavoidable, working methods will need to be designed so as to minimise the risks to newts and in some cases post development impacts will also need to be mitigated (for example to ensure connectivity is maintained).

Further mitigation for great crested newts may sometimes require their translocation from the development site (or part of it) and removal to a suitable receptor site. Off-site receptor sites should only be considered as a last resort when they cannot be accommodated on the application site.

For example:

- If a minor impact is unavoidable, mitigation on-site, or in the immediate surrounding area, should be provided, entailing small scale relocation and exclusion of newts combined with suitable habitat creation/restoration and/or enhancement.
- If a major impact is unavoidable and mitigation cannot be carried out on site, newts should be translocated away from the site to a suitable receptor area. It is important that any new habitats are made suitable in advance of translocation (which may be significantly in advance for large populations) and populations must be kept within their home range.

6.2. Compensatory measures

Compensatory measures are independent of the project, and are intended to offset negative effects, or make up, as far as possible, for the harm which would or could occur as the result of a project.

Compensation should ensure that once completed, there will be no net loss of breeding or resting sites. In fact where significant impacts are predicted there will be an expectation that compensation will provide an enhanced habitat (in terms of quality or area) compared with that to be lost. Compensation should also remedy any loss of connectivity brought about through the development. Where ponds are to be lost as a consequence of development, two ponds should be provided for each pond lost.

Where mitigation/compensation measures are required these should be secured through the planning process via conditions or obligations. For example, receptor sites should be free from future development/threats and management, maintenance and monitoring should also be secured for as long as is appropriate for the impact and population size. Post-development management such as aquatic vegetation management and de-silting of ponds, and a commitment to undertake appropriate remedial action should any problems be noted during monitoring will also be appropriate for higher impact schemes.

Receptor sites – key points to consider

- Existing populations and location
It is generally unacceptable for great crested newts to be moved into an area already supporting a viable population. This is because the dynamics of the receptor site population could potentially be impacted. Exceptions to this are if the newts are being moved within the same site or if small numbers are to be moved (up to 20 adults, plus immature individuals).

Receptor sites should generally be as close to the donor site as possible (ideally adjacent), and they should be free of development threats in the future.

- Size and habitats
The receptor site will need to be capable of supporting at least an equivalent population as that of the existing donor site. The receptor site should, as a minimum, include an equivalent size of suitable habitats lost from the donor site and may need to be significantly larger to compensate for the lower quality habitat that maybe present in the short to medium term. Where a breeding pond is to be lost, two new ponds will be required to compensate for every one lost.

Any receptor site will need to comprise broadly the same mix of habitats that are to be impacted/ lost and perform the same ecological function. For example, if several breeding ponds are due to be lost along with terrestrial habitat, then it is inappropriate to provide solely terrestrial habitat as the breeding function of the site will be lost. Connectivity and habitat quality should also be considered.

- Use of Temporary Amphibian Fencing
Temporary Amphibian Fencing (TAF) is often used during great crested newt mitigation works.

Natural England cannot instruct third parties:

- whether to erect TAF;
- whether to apply for a licence; or
- ‘approve’ the installation of TAF without a licence or determine whether any offences would be committed by doing so.

It is for the person in charge of the scheme, normally through their ecological consultant, to decide on these matters.

In the majority of cases, a mitigation licence is required to install TAF as the fencing acts as a barrier to movements of great crested newts in their terrestrial phase, which could cause disturbance, injury or killing of great crested newts, require their capture, or damage resting sites, which would be deemed an offence without an appropriate licence. Natural England advises that TAF is normally only required where there is a reasonable chance of newts encountering the fence line and therefore in most cases would require a licence.

7 European Protected Species development licensing (issued under Regulation 53(2)(e) of The Conservation of Habitats and Species Regulations 2010 (as amended) (hereafter ‘the Habitats Regulations’)

- 7.1. Article 12 of the Habitats Directive prohibits certain activities in relation to European Protected Species (EPS). Article 16 of the Habitats Directive contains derogations from Article 12. Article 16 is transposed into English law by regulation 53 of the Habitats Regulations which allows licences to be issued under certain circumstances. The effect of these licences is to make an activity that would otherwise be an offence, lawful if carried out in accordance with the provisions of the licence.
- 7.2. An EPS licence may be required for any activity which:
- Is likely to result in the deliberate capture, injury or killing of a great crested newt;
 - Will result in the deliberate disturbance of great crested newts;
 - Disturbance of animals includes in particular any disturbance which is likely to
 - (a) impair their ability to
 - (i) survive, breed, reproduce or rear or nurture their young; or
 - (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate;
 - or
 - (b) affect significantly the local distribution or abundance of the species to which they belong.
 - Will damage or destroy a breeding site or resting place used by great crested newts.
- 7.3. A licence can only be granted if the following tests can be met:
- 1) The consented operation must be for ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’³;
 - 2) There must be ‘no satisfactory alternative’; and
 - 3) The action authorised ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their range’.
- 7.4. For further information regarding [licences](#) that can be issued in respect of a development or proposed activity please visit our website.
- 7.5. Local authority responsibilities in relation to European Protected Species

³ There are other purposes for which a licence may be granted but this is the most common ground relied on in relation to proposed development.

All competent authorities, when exercising their functions must have regard to the requirements of the Directives⁴ (See regulation 9(3) of the Habitats Regulations). Planning Authorities are competent authorities and are exercising a function in deciding whether or not to grant planning permission.

The judgement in the case of *Morge (FC) (Appellant) v Hampshire County Council [2011] UKSC 2* considered the application of this duty.

In that case the Supreme Court came to the conclusion that, **if the Planning Authority concludes that the carrying out of the development for which permission has been applied for even if it were to be conditioned, would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, then it must consider the likelihood of a licence being granted.** The licensing authority is Natural England. When considering the likelihood of a licence being granted it may be helpful for local authorities to view our [guidance on how Natural England applies the 3 tests](#) listed above when considering planning applications which affect European Protected Species; and [Defra's draft guidance](#).

We would refer you to the disclaimer at the start of this note. This Standing Advice gives no reassurances or comment on the impact of any particular development on a protected species; nor should it be interpreted as meaning that Natural England has reached any view on whether a licence should be granted in any particular case.

7.6. Please see the section on [Legislation and Policy Guidance](#) for more information.

8 Useful references

- [An evaluation of the effectiveness of great crested newt Triturus cristatus mitigation project](#)
- [Field assessment of great crested newt Triturus cristatus mitigation projects in England](#)
- [GCN Method Statement template \(WML-A14-2\)](#)
- [Great Crested Newt Conservation Handbook](#)
- [Great crested newt mitigation guidelines](#)
- Oldham R.S., Keeble, J., Swan, M.J.S. and Jeffcote, M. (2000) Evaluating the suitability of habitat for the great crested newt (*Triturus cristatus*). *Herpetological Journal* 10(4), 143-155.

9 Map data sources

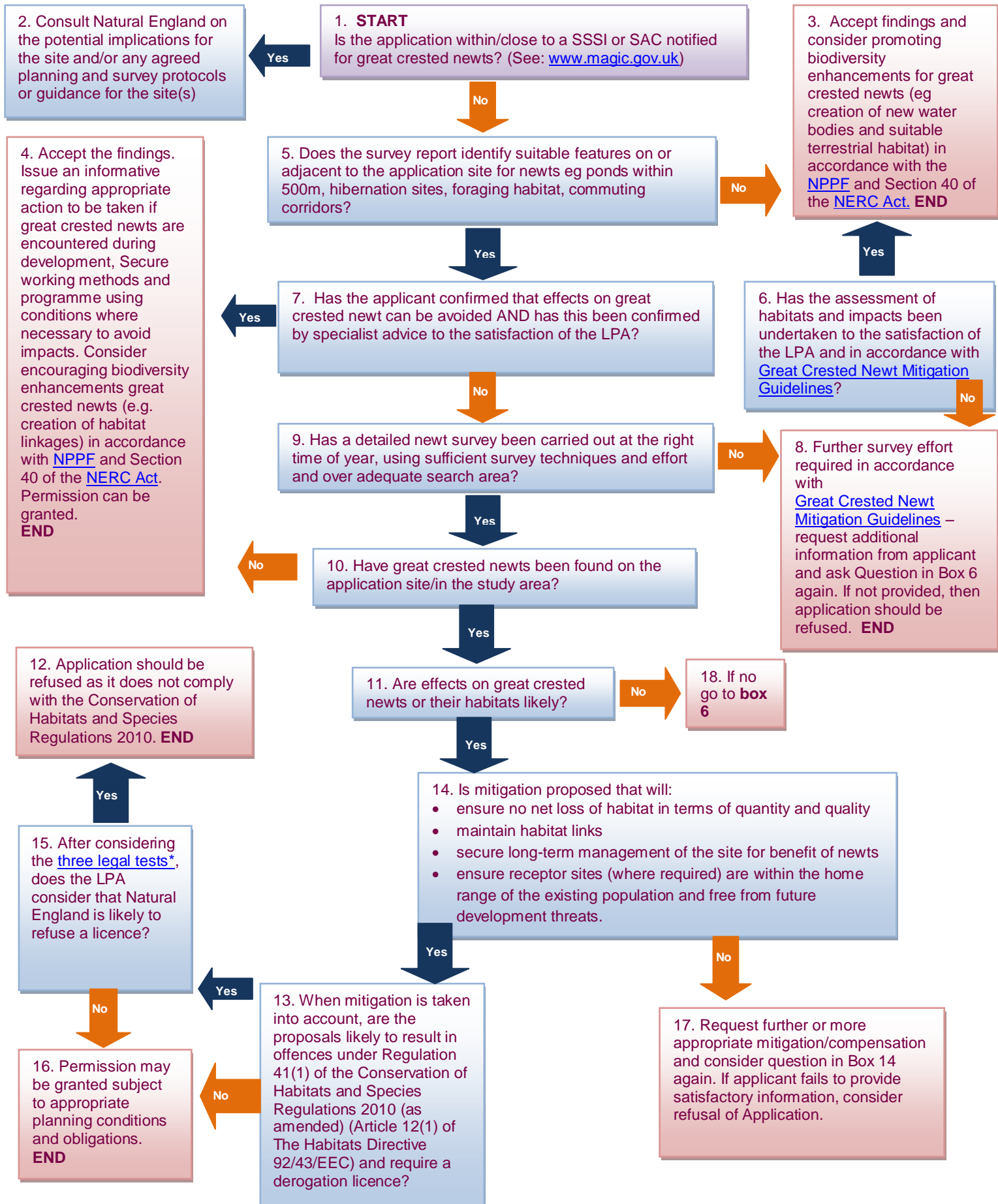
A list of data sources for the maps can be found in the [species data sources](#) document.

Referencing: For ease of reference, if you are quoting from the standing advice, we recommend you refer to the relevant paragraph/box number preceded by the reference code in the top left hand corner of the species sheet.

⁴ Defined in regulation 2 of the Habitats Regulations to mean the Habitats Directive and the new Wild Birds Directive.

Guidance on how to assess a great crested newt survey and mitigation strategy

(The numbers in each box are to assist in referencing a decision trail rather than being a numerical sequence through the flow chart)



* See also: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf