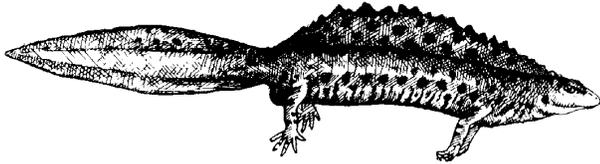


Great Crested Newts and Development



Introduction

This leaflet has been prepared by Kent Reptile and Amphibian Group, Kent Wildlife Trust and English Nature as information for anyone dealing with development proposals which might affect great crested newts. The leaflet provides background on the legal status of the great crested newt, and a checklist by which any proposed survey or mitigation work may be assessed.



Background

The great crested newt *Triturus cristatus* is a protected species under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (also known as the Habitats Regulations). Under this legislation, it is illegal to:

- Intentionally kill, injure, or capture great crested newts or their young; (this includes the eggs of great crested newts);
- Intentionally or recklessly damage, destroy or obstruct access to areas used by great crested newts for shelter or protection (which is taken to include water bodies used by the newts); or
- Intentionally or recklessly disturb great crested newts while they are occupying a structure or place which is used by them for shelter or protection.

This high level of protection reflects the species' vulnerable conservation status in Europe as a whole. Great crested newts are widespread in Kent, and may be found in water bodies throughout the county.

The protected status of the great crested newt means that it is a material consideration in planning. Regulation 3(4) of the Habitats Regulations also places an obligation upon all competent authorities (including planning authorities) to give consideration to great crested newts (and other European protected species) in the exercise of their functions. It is considered best practice for survey work for protected species (including great crested newt) to be carried out **prior** to any planning application. Where a development is subject to the Environmental Impact Assessment Regulations, it is a legal requirement that planning authorities assess the potential impact of development upon great crested newts before issuing planning permission.

The great crested newt is also a priority species in the UK Biodiversity Action Plan, in which there are targets to

- Maintain the geographical range of the great crested newt; and
- Maintain the viability of existing great crested newt populations.

In part this is to be achieved by

- Promoting favourable management on all key sites where this species is known to occur; and
- Seeking to maintain the number and distribution of occupied sites through habitat restoration or creation of sufficient new sites near existing ones to compensate for local losses.

The following checklist identifies the steps which must be followed in any planning application in order to conform with current legislation. Any report which accompanies a planning application and which deals with great crested newts must be accompanied by

- A survey, which identifies presence/likely absence; relative population size, etc.;
- An assessment of the development's impact on great crested newts; and
- A mitigation strategy.

The report should clearly show that

- All necessary steps detailed below have been followed, and
- Work for great crested newts has been carried out in accordance with English Nature's *Great crested newt mitigation guidelines* (available as a free download from English Nature's website www.english-nature.org.uk).

The Checklist

Has consideration been given to protected species?

- For all developments where an ecological appraisal or statement is considered necessary, this should give consideration to protected species, including great crested newt.

Has there been a search for existing records?

- Kent Reptile and Amphibian Group should be contacted for any existing records of great crested newt in a search area which extends for at least 500m beyond the boundary of the development site.

Is there a need for a survey for great crested newts?

- There should be a dedicated survey for great crested newts if:
 - There are existing records from within 500m of the boundary of the development site;
OR
 - There is a water body within the development site, with the exception of rivers or streams with a noticeable flow-
OR
 - There is any water body within 500m of the boundary of the development site, with the exception of rivers or streams with a noticeable flow.
- Sometimes a report may refer to the **Habitat Suitability Index** for great crested newts. This is a method for identifying potential breeding ponds for great crested newt. However
 - The Habitat Suitability Index only gives an estimate of the likelihood that a pond could be used by great crested newts;
 - It works only with ponds, and is not suitable for use with lakes, ditches or running waters;
 - It cannot be used to determine presence or likely absence of great crested newts; and
 - It cannot be used as a replacement for a full survey.

Has the survey covered the appropriate area?

- If any survey is carried out, it should include:
 - All appropriate water bodies within the development site;
AND
 - All appropriate water bodies within 500m of the boundary of the development site.
- **Notes**
 - Water bodies with fish should not be excluded from consideration. Great crested newts may be even found in carp ponds.
 - Amphibians will cross even apparently inhospitable habitats, such as arable fields, under suitable weather conditions.
 - Amphibians will readily cross roads, though the frequency with which roads may successfully be crossed decreases with the width of the road. Motorways, or trunk roads of equivalent size may therefore represent a barrier to amphibian dispersal, but narrower roads may not.

Has the survey effort been adequate?

- To determine presence or likely absence of great crested newt in a water body, there should be a minimum of FOUR survey visits between mid-March and mid-June, with at least TWO of these visits falling in the period mid-April to mid-May.
- To allow a relative population estimate to be made, there should be a minimum of SIX survey visits between mid-March and mid-June, with at least THREE of these visits falling in the period mid-April to mid-May.

Has an appropriate methodology been used?

- The most important survey methods for detecting great crested newts in water bodies are
 - Bottle trapping;
 - Torching (using a torch of at least 50 000 candlepower, and preferably 100 000 candlepower); and
 - Egg searching.
- More detailed information describing these survey techniques can be found in *Great crested newt mitigation guidelines* and the leaflet *Surveying for (great crested) newt conservation*.

Have the results been presented properly?

- Reports on great crested newt surveys should present
 - The raw data obtained from each survey method used; and
 - The maximum number of adult newts found in any one water body on any one night. Note that survey results for ponds within 250 m of each other can be pooled, since animals breeding in each pond are likely to belong to the same population. Results for ponds separated by dispersal barriers should not be pooled.
- If there were at least SIX survey visits between mid-March and mid-May, with at least THREE of these visits falling in the period mid-April to mid-May, then populations can be classed as 'small', 'medium' or 'large' according to the criteria set out in section 5.8.3 of *Great crested newt mitigation guidelines*. Otherwise, no judgement about population size should be made.

Have the main impacts been assessed?

- The impacts of any proposed development should be assessed according to the guidelines and table in section 6 of *Great crested newt mitigation guidelines*.

Have all relevant habitats been included in the impact assessment?

- In assessing the impact of development on great crested newts, all habitat types should be considered. Even amenity grassland or sheep pasture may be used as foraging habitat by newts.

Has a recommendation been made regarding the need for a DEFRA licence?

- The survey report should indicate whether or not a DEFRA licence is required for work on the site. If great crested newts are present, a licence will be required for any proposed mitigation work as well as for any proposed development.
- The decision as to whether a licence is required for a particular activity is matter for the professional judgement of the herpetological consultant involved. A precautionary approach should be taken, and a license should be sought where the consultant believes it is reasonably likely that an offence would otherwise be committed, *not* just where it is certain that an offence would otherwise be committed.

Has appropriate mitigation been proposed?

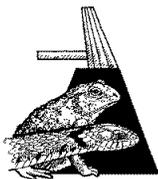
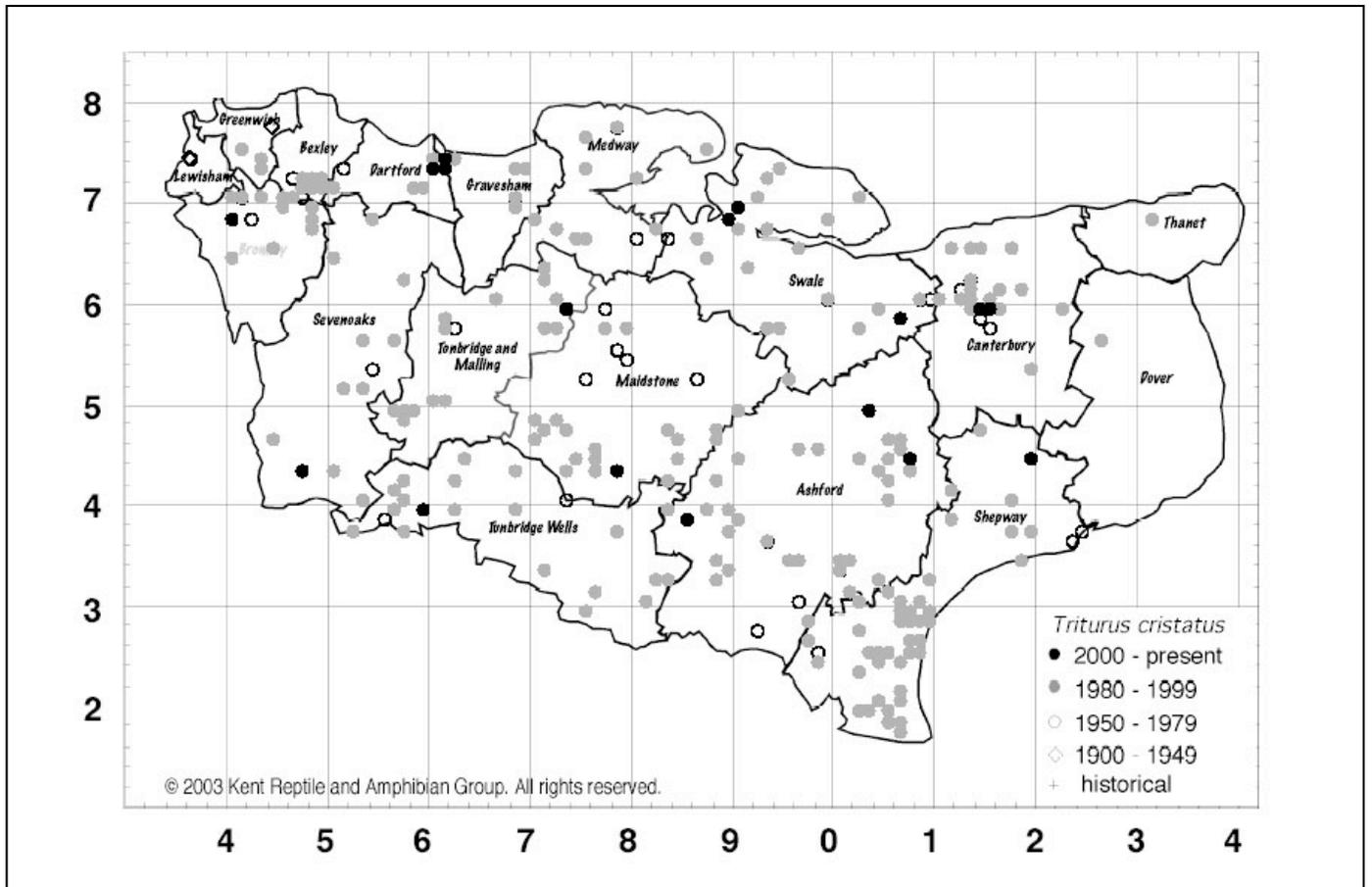
- Mitigation should follow the advice given in section 8 of *Great crested newt mitigation guidelines*.
- Where development proposals will reduce the habitat available to great crested newts, there should normally be at least a like-for-like replacement in terms of habitat type, quality and area.

Has appropriate monitoring been proposed?

- All mitigation projects should be subject to at least medium-term monitoring to ensure they are achieving their aims.
- Summary results of monitoring programmes should be made available at the end of each season to all interested parties, including Kent Reptile and Amphibian Group and Kent Wildlife Trust.

Great Crested Newt Distribution in Kent

The plan below shows all records of great crested newt held by Kent Reptile and Amphibian Group. It must be recognised that the county has not been comprehensively surveyed, and there are likely to be many more sites for great crested newt than are shown here. Absence of a record, or absence of a recent record, should therefore **not** be taken to mean that great crested newts are absent from a particular site.



Kent Reptile and Amphibian Group

c/o DICE
University of Kent
Canterbury
Kent CT2 7NS

kragrecorder@btopenworld.com



English Nature Kent Team

The Countryside Management Centre
Coldharbour Farm
Wye
Ashford
Kent TN25 5DB

01233 812525

kent@english-nature.org.uk

www.english-nature.org.uk



Kent Wildlife Trust

Tyland Barn
Sandling
Maidstone
Kent ME14 3BD

01622 662012

info@kentwildlife.org.uk

www.kentwildlife.org.uk

Charity no. 239992