



Site Protection

Legal Protection and Licensing (cont.)

advance. Licences may be granted by all SNCOs for the capture of newts for their introduction or reintroduction, so long as this is part of a properly planned conservation project. For further advice on licensing, contact the relevant SNCO (see contact details at the end of this handbook well in advance of any work).

Licences for habitat management are only required when an activity which otherwise may be an offence (e.g. disturbance) is likely. Hence, for the majority of pond, woodland and grassland management, no licence is required so long as the work is done using appropriate methods and is timed to avoid unlawful activities. In some very limited circumstances, where there is no alternative, habitat management activities involving deliberate disturbance, capture and confinement of great crested newts may be authorised with a licence from the appropriate SNCO. 000

Cutting and mowing of grassland in summer is generally not advised against so long as it is a part of maintaining suitable habitat for great crested newts. In dry weather these activities are highly unlikely to lead to killing or injuring, as most newts spend daylight hours below the ground surface or under refuges. The only problem that might be encountered is where dense grass swards are subject to low cuts, especially when this is undertaken close to breeding ponds during the active season (a particularly sensitive period being wet weather in August - September, when metamorphs are emerging). However, in most cases, if management activities are undertaken in hot, dry conditions and machine cutting blades are set high, then there is unlikely to be any contact with newts above ground. Areas that are to be maintained as a short sward (e.g. paths) should be regularly mown to discourage animals from resting there.

Key Web addresses

Conservation (Natural Habitats & c.) Regulations 1994:

http://www.hms0.gov.uk/si/si1994/Uksi_19942716_en_1.htm

Countryside and Rights of Way Act 2000:

<http://www.legislation.hms0.gov.uk/acts2000/20000037.htm>

Habitats Directive:

http://www.europa.eu.int/eur-lex/en/lif/dat/1992/en_392L0043.html

Bern Convention

<http://www.nature.coe.int/english/cadres/bern.htm>

Key References

49. DETR (1995). Biodiversity: The UK Steering Group Report Volume 1: Meeting the Rio challenge. HMSO London ISBN 0117532185.

50. DETR (1995). Biodiversity: The UK Steering Group Report Volume 2: Action Plans (Great crested newt pages 112-113) HMSO London ISBN 0117532282.

THE ROLE OF SITE PROTECTION SYSTEMS

The decline of great crested newts is largely due to loss, damage/modification and fragmentation of their habitat. This can occur, for example, when a site supporting newts is destroyed to build a new road or housing development. Although great crested newts receive protection under wildlife legislation and it is illegal to damage certain parts of their habitat, this does not always prevent a development. This is often either because their presence is not known, or because a licence to remove newts according to an approved scheme may be issued by the appropriate government department. Various statutory and non-statutory designations (see Table 3) may provide differing levels of protection against development.



Many great crested newt breeding sites are threatened by housing developments

Some day-to-day practices such as ploughing of arable fields and woodland management may cause only temporary disturbance to newts and their habitat. Statutory site protection systems are not designed to hinder rural land management so long as it is consistent with nature conservation. However, cases need to be considered individually and in some instances, site protection is needed when change occurs or is threatened outside the local authority (Council) development control process. One example, the infilling of ponds and ditches is likely to require consent from the EA/SEPA. Site protection systems may be complex, as different Government agencies have separate but sometimes overlapping functions. Some organisations offer leaflets explaining how you should respond for greatest effect (see ref 37).

In order to give sites a better chance of long-term protection from threats, they need to be identified by survey work, and reported. In some cases they can also be given extra protection through designation (see the table on page 39). At the simplest level, sites that have been surveyed and for which the results have been made available to the landowner should be listed, and maps kept by local authority planning officials, voluntary bodies and Government agencies. Individuals who are experienced and who can carry out checks by virtue of their general interest or duties (e.g. amphibian group members and pond wardens) have an important role to play in helping to locate breeding sites, updating existing records when they are ten years or so old and reporting site threats to appropriate organisations.

Such breeding site lists help in raising the profile of the newt interest on a site when a significant land use change or development is proposed. The great crested newt UK Species Action Plan calls for all known breeding sites to be identified in Local Plans or Unitary Development Plans. Sites may be designated on a non-statutory basis or through stronger, statutory mechanisms.

Representations concerning planning applications that may, as a side effect of their being approved, cause decrease in a newt population size or obstruct its dispersal, are normally made formally in writing to a Local Planning Authority (LPA) by the Statutory Nature Conservation Organisation. The SNCO will advise both the LPA (and the relevant Government Department) on the effect of any proposals and upon the viability of any Method Statements that describe mitigation proposals to minimise or ameliorate such threats to the conservation status of the species. Voluntary bodies may also comment. Planning conditions requiring special safeguards and measures to protect newts and their habitat (including connectivity to adjoining ponds/colonies) are often placed in planning permissions as a result.

Local planning authorities have responsibilities under the Conservation Regulations 1994 and will only grant planning permissions that involve disturbance to great crested newt populations under certain strict conditions. Invariably, measures to maintain the conservation status of newts are required. Further guidance can be obtained from SNCOs (and DEFRA/NAW/SE). Planning policy guidance in England, Scotland and Wales, encourages local government to protect wildlife, and the preparation of landscape (or pondscape) zones and linkages on a strategic level is also advised.

Both local authorities (Council officials from relevant departments) and the Police (Police Wildlife Liaison Officers) have duties to assist when it is suspected that unlawful actions have been or are about to be undertaken.

All of these systems are designed to prevent site damage and loss and to maintain the conservation status of the species. Without long-term work to maintain distributions and habitats

in favourable conditions, and monitoring to ensure that the newt population is sustained or enhanced, site protection is of much less value. This is because newt populations can be eroded or lost by processes other than total site destruction.



Some areas such as landfill sites may be colonised by newts but offer little security for their long term survival



Drift fencing may be required to keep newts in agreed areas or to help in their capture and nearby release as a part of licenced mitigation schemes



Some threats such as overstocking of livestock may require expert advice and research to identify and address them

Drawing boundaries

Drawing boundaries on maps to show adequately the extent of sites for designation requires a consistent approach. Lists of breeding sites often indicate the location of the aquatic habitat but not that of the land habitat. It is important to consider the pond cluster in which breeding sites occur, and the likely movements between a known breeding site and any others nearby or, in the absence of that information, on any ponds that could be potential breeding sites.

Ideally, local 'pondscape' maps should be produced (1:25,000 scale is useful), showing the position of all ponds and other suitable habitat to a distance of 1.2 km. Those ponds and land habitats with known protected species interests should be highlighted and important pond clusters with good numbers of newts and particularly rare or diverse habitat should also be given prominence.

Normally, when identifying a site for County Wildlife Site or SSSI designation, local officials will consider a range of factors. A CWS or SSSI may encompass the great crested newt breeding ponds and most semi-natural habitat (including hedges, embankments, ditches and verges) within the relevant distance in any direction and between known breeding ponds. Ponds not known to be occupied by newts, that may be occupied in the future should be included if they are within natural dispersal distance of a known great crested newt breeding pond.

Non-statutory local nature conservation designations (often called County Wildlife Sites (CWS), Sites of Nature Conservation Interest (SNCIs), Sites of Importance for Nature Conservation (SINCs) and by other abbreviations) vary greatly from place to place. Some county systems recognise a



Special Areas of Conservation (SACs) protect examples of typical habitats and the biggest populations of great crested newts in Britain. Peters Pit SSSI/cSAC, Kent England

proportion of great crested newt sites for CWS designation, usually when they are combined with other species or habitat interests. In other areas all great crested newt sites are considered to have equivalent status to County Wildlife Sites.

The 'Sites of Special Scientific Interest' (SSSI) designation offers a degree of protection to a small number of sites. Newt populations can be designated because of their large size or because they occupy part of an area designated for other species or habitat interests. SSSIs may also be designated by SNCOs when they cover an important assemblage of amphibian species. Notification of an SSSI means that owners and occupiers are required to consult the SNCO before carrying out potentially damaging operations. Sites designated as Special Areas of Conservation (SAC) carry an even higher level of protection.

Table 3 Major statutory and non-statutory site designations, with designating authority

| Designation Type | Authority | Comments |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LOCAL Non statutory local wildlife site (many different official terms, e.g. County Wildlife Site). | Local Planning Authority, and/or County Wildlife Trust often in consultation with SNCO (England and Wales) Wildlife Trust (Scotland) | Usually updated on an annual basis |
| NATIONAL SSSI (Site of Special Scientific Interest) | Statutory Nature Conservation Organisation | Designated by the SNCO following site survey, consultation and notification process. Can be designated at any time. |
| EUROPEAN SAC (Special Area of Conservation) | Statutory Nature Conservation Organisation and Government | Designated by the UK Government following submission the European Union by DEFRA, National Assembly for Wales or Scottish Executive. Normally an SSSI and selected by SNCO following a similar consultation and notification process to that for an SSSI. |

What to do when a site is threatened

Great crested newt populations are frequently threatened by actions that may be classed as unlawful. A proportion of these threats are observed and reported, and an appropriate response is made to ensure the most efficient action to minimise damage. In most areas, a good level of communication between Amphibian and Reptile Groups, Wildlife Trusts, individuals and officials enables the reporting of concerns to the relevant authority. In some cases, lists of planning applications or notices displaying intent to carry out work may draw attention to the activity before it begins, giving time for more measured considerations and response.

If a known or suspected great crested newt site is threatened by development, the local planning authority and the local office of the SNCO should be informed as far in advance as possible. For activities not subject to planning permission, it is best to contact the landowner well before any work is due to start. The local SNCO office may be able to assist. Advice can then be given to ensure the conservation of the population. Where there is evidence that an offence has been committed, or is about to be committed, the police should be informed (Police Wildlife Liaison Officers are good contacts). For offences involving pond draining, infilling or fish stocking, it is also worth contacting the EA (England/Wales) or SEPA (Scotland) or SEERAD (fish stocking in Scotland). For potential offences at places where work is being undertaken, the licensing or consenting authority should be contacted in the first instance, as follows.

- Threats from development activities that require planning permission; *Local planning authority and local office of SNCO.*
- Threats from non-development related activities, Landowner, then if offence occurs; *Statutory Nature Conservation Agency (local office) and Police Wildlife Liaison Officer.*



Without well recorded and reported surveys of great crested newts and their habitats it is difficult or impossible for site designation and law enforcement agencies to act.

- Threats where the case involves damage or infilling [in Scotland only, infilling as part of a waste disposal operation] of ditch or pond supplied by/feeding ditch, pipe or watercourse; *Environment Agency/Scottish Environment Protection Agency.*
- Threats caused by stocking with fish; *Environment Agency (England and Wales)/Scottish Executive Environment and Rural Affairs Dept. (SEERAD) in Scotland (and SNCO if on a SSSI).*



Mitigation projects for great crested newts often require habitat creation and special fencing to keep newts and other wildlife away from hazardous areas

Key References

37. FROGLIFE (1998) The planning system and site defence. Advice sheet 9. Froglife, Halesworth.
53. ENGLISH NATURE (2001). Great crested newt mitigation guidelines. English Nature, Peterborough - ISBN 1857165683.
54. FROGLIFE (2001) Local Species Action Plans for Great Crested Newts. [Suggested template for LSAPs] Available from Froglife.
55. HERPETOFAUNA GROUPS OF BRITAIN AND IRELAND (1998). Evaluating local mitigation/translocation programmes: Maintaining best practice and lawful standards. HGBI advisory notes. HGBI c/o Froglife, Halesworth.
56. MACKAY, J.M. (1997) Legislative and tenancy mechanisms for pond protection and management. In Boothby, J. British Pond Landscapes (see ref 32).
57. NATURE CONSERVANCY COUNCIL (1989). Guidelines for the selection of biological SSSIs. NCC, Peterborough.
58. SCOTTISH WILDLIFE TRUST (1993). A manual on the survey, assessment and processing of Wildlife Sites. SWT Edinburgh.
65. ENGLISH NATURE (1996). Species Conservation Handbook. A series of advice notes, including the following advice notes relating to great crested newts: 1.1 Amphibians and reptiles in England: The species and their status, protection and distribution. 1.2 Amphibians and reptiles: Bibliography and reading list. 1.3 Amphibians and reptiles and the law: an introduction. 1.4 Amphibian and reptile recording schemes. 1.5 Sales controls on British species of amphibian and reptile. 2.1 Survey and monitoring of amphibians. 2.3 Management of great crested newt habitats. 2.5 Licence guidance notes on trapping and on translocating great crested newts.