



**NATURESPACE**  
PARTNERSHIP

# NatureSpace Great Crested Newt District Licensing Scheme

## District Licence Report

### Land North of 1 Jolesfield Cottages

202602005

9<sup>th</sup> March 2026

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#### **Instructions for planning officers**

If/when planning permission is to be granted under DC/26/0262:

Attach the mandatory planning conditions and informatives listed in this report (pages 6-8) to the decision notice. Wording must be transposed exactly with no alterations. If a certificate has already been submitted, Condition 2 in this report is irrelevant and should not be added to a planning decision notice.

An authorisation to work under the Council's District Licence can only be issued when:

- A) Planning permission is granted, bearing correct planning conditions (see pages 6-8)
- B) The NatureSpace Certificate has been submitted to support the application



## Report version

Version	Date	Description
1	09/03/2025	Original site assessment for DC/26/0262.

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## **Executive Summary**

This report details the results of the assessment undertaken by NatureSpace Partnership on 25<sup>th</sup> February. The assessment followed the agreed processes and protocols as set out in the District (organisational) Licence granted to Horsham District Council (WML-OR177) and this report summarises how the proposed development can be dealt with under the District Licence. If authorisation under the District Licence is sought, this report should be submitted to the planning authority as part of the planning application.

**The impact unit score is -2.28.**

**There is a second stage fee requirement of £76,348 (+VAT).**

There will be a requirement for three planning conditions relating to the great crested newt District Licence, to be attached to the planning consent, if granted (full details on p.6-8):

**Condition 1** links the planning consent to the district (organisational) licence WML-OR177.

**Condition 2** requires the developer to submit a certificate from NatureSpace to the planning authority. Upon receipt of the second stage payment, NatureSpace Partnership will issue that certificate to confirm that all necessary payments have been made and that the development can be covered under the District Licence.

**Condition 3** imposes some working restrictions and on-site mitigation measures, including the requirement for some works to be timed to avoid sensitive periods (relating to any areas of potential hibernation habitat), fencing and trapping of newts within 250m of ponds and the use of capture methods at suitable habitat features to reduce risks to newts (see p.6) prior to development. The document 'Great Crested Newt Mitigation Principles' is required by Natural England for use under the District Licences and is provided as an annex—this details District Licence requirements for methods of working and capture of newts.

### **Important note:**

**The planning authority may only issue a formal 'Authorisation' under the District Licence once planning permission has been granted and the NatureSpace Certificate required under condition 2 (see above and p.6-8) has been submitted to the planning authority.**



## **Background information**

Great crested newts are a European protected species (EPS) and are protected in the UK under the Conservation of Habitats and Species Regulations 2017 (as amended) and, to a certain extent, the Wildlife and Countryside Act 1981 (as amended). Where works would harm this species or its habitats, a licence is required in order to make those activities lawful. Natural England is the licensing authority and has granted great crested newt 'District Licences' to certain Councils in England. This enables those Councils ('Licensees') to issue authorisations to developers for specific parcels of development land, without further application (by the developer) to Natural England. This report details whether and how the proposed development can be dealt with under the relevant District Licence and contains technical details relating to planning and licensing requirements.

Developments which utilise the District Licensing Scheme contribute proportionately (depending on the impacts of each development proposal) to the conservation strategy. This funds the creation, management, and monitoring of local compensation sites. NatureSpace and the Newt Conservation Partnership take on all responsibilities for compensation delivery, 25 years of management and monitoring, and annual reporting to Natural England.

**Project reference:** 202602005

**Developer name/organisation:** Jolesfield Development Ltd

**Site name:** Land North of 1 Jolesfield Cottages

**Site location:** Land North of 1 Jolesfield Cottages, Partridge Green, Horsham, RH13 8JT

**Site grid reference:** TQ 1879 2009

**Planning application reference:** DC/26/0262

**Development impact map reference (upon which this assessment is based):** "Land North of 1 Jolesfield Cottages: Impact plan for great crested newt District Licensing (Version 1)", dated 25<sup>th</sup> February 2026

**Consultant ecologist name & organisation:** Richard Law, Sylvatica Ecology

**Date of habitat survey information (upon which this assessment is based):** October 2025. Survey information to underpin a licensing assessment should be less than two years old. If more than two years has passed since the survey (e.g., by October 2027), then it may be necessary to undertake a walkover survey to confirm the assessment remains valid before an Authorisation can be issued (consult NatureSpace) to permit the start of works.



## **District Licence summary**

1. Confirmation the proposal can be dealt with under the District Licence: Yes
2. Location (zone): Red
3. National Character Area: Low Weald
4. Is any in-situ great crested newt compensation required: No
5. Are there any working restrictions relating to great crested newts: Yes - the following requirements apply:
  - Best practice working and use of reasonable avoidance measures (see 'Great Crested Newt Mitigation Principles' required under condition 17 of the District Licence)
  - Timing and working restrictions in relation to ponds
  - Removal or disturbance of newt hibernacula must only take place during the active season (generally mid-February to mid-October, dependant on the season and weather conditions)
  - Capture of newts using hand/destructive/night searches at suitable habitat features prior to ground clearance
  - Amphibian fencing and pitfall trapping to clear newts from the site prior to works (in this case this will apply to all suitable habitats within 250 metres of ponds)
6. Required planning conditions (if consent is granted): See next page
7. Impact metric score: -2.28.
8. Financial 'second-stage' contribution required to contribute to delivery of strategic great crested newt conservation, proportionate to the impacts of the proposal: £76,348 (+VAT)

**This report confirms that, subject to the requirements listed above (sections 4 - 8), the development proposal can be covered under the District Licence (WML-OR177, or a 'Further Licence') provided that the planning authority is satisfied that the proposal is not contradictory to local planning policy and planning consent is granted with the conditions listed below.**



## **Planning conditions and informatives**

This sets out the planning requirements if planning permission is to be granted. In accordance with District Licence WML-OR177, the following planning conditions and informatives will be required, for the Council to be able to then authorise this development under the District Licence. Without these conditions, it will not be possible for the development to be authorised under the District Licence.

### **Conditions:**

1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR177, or a 'Further Licence') and with the proposals detailed on plan "Land North of 1 Jolesfield Cottages: Impact plan for great crested newt District Licensing (Version 1)", dated 25<sup>th</sup> February 2026.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR177, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR177, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

3. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR177, or a 'Further Licence') and in addition in compliance with the following:

- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR177, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

**Informatives:**

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR177, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may



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also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

## **Activities and operations under a District Licence**

The District Licence contains a ‘Protocol for activities and operations affecting great crested newts within the licensed area’ (see Annex B of the licence) – which contains a list of activities, operations, and licensable acts. The full list does not apply in every authorisation under the District Licence. This report details the activities, methods and acts which would be permitted for the proposed development, based on the impacts as assessed.

**Permitted activities and operations under the District Licence** (subject to receiving planning consent and written authorisation from the planning authority):

**A5**—Capture, exclusion, and relocation of great crested newts from terrestrial and aquatic habitat. Permitted methods:

- by hand,
- hand searches of suitable features,
- destructive searches,
- bottle traps,
- pitfall traps and refuges,
- night/torch searching,
- nets,
- exclusion fencing (including exclusion by, upright and one-way temporary amphibian fencing)
- drift fencing
- ring-fencing water body

Note this includes fence installation and removal. Note also that the above activities may only be carried out by someone with an appropriate great crested newt licence. Further details are contained in the NatureSpace Great Crested Newt Mitigation Principles/Best Practice principles.

**A6**—Relocating great crested newts at imminent risk of harm on Development Land. Permitted methods:

- by hand,
- hand searches,
- destructive searches

**A7**—Site clearance—including removal of vegetation, hard-standing, buildings and landscaping

**A8**—Removal of rubble and log piles and other potential hibernacula

**A9** —Drain down ponds, ditches, and waterbodies

**A10** —Fill-in ponds, ditches, and waterbodies

**A11—Construction activities**

Note that in this case, the activities and operations referenced A9 and A10 are not required under the licence, but will be included in the authorisation, to legally permit those activities should you have need for them (e.g., if you decide to remove the onsite pond).

**Licensable acts which would be made lawful by an authorisation for the proposed development under the District Licence:**

Capture; Possess; Transport; Take eggs; Disturb; Killing & injuring; Damage & destroy resting places; Damage & destroy breeding sites.



## **Protocol Conditions**

Annex B of the District Licence is a 'Protocol for activities and operations affecting great crested newts within the licensed area' and includes a number of additional 'Protocol conditions'. The full list does not apply in every authorisation under the District Licence. This report details the 'Protocol conditions' which would apply to this site, based on the impacts as assessed.

**Protocol conditions** (which would apply upon authorisation):

**P1** Before any works commence on a site in the Red Zone all those persons involved with the licensable works are to be briefed by someone suitably experienced by way of a 'tool box talk' on:

- a. how to identify great crested newts
- b. what to do should great crested newts be found, including good working practices and
- c. what is and is not permitted under the licence.

**P2** Certain activities permitted by this licence require ecological expertise. Activities subject to this condition can only be carried out by an ecologist with an appropriate great crested newt Survey Licence or under the direct supervision of such a person.

**P3** Where licence or protocol conditions refer to publications, licence users are expected to refer to the most up to date iteration available. Natural England can direct users to the relevant iterations.

**P4** The biosecurity guidelines in Amphibian Disease Precautions: A guide for UK fieldworkers, Advice Note 4 (available from [www.arguk.org](http://www.arguk.org)) must be observed by all licence users.

**P5** Great crested newts must not be relocated outside the Licensed Area, over a distance greater than 1 kilometre or beyond a significant physical barrier to dispersal without the permission of Natural England.

Note: the 'Licensed Area' refers to the district covered by the Planning Authority's District Licence. See the NatureSpace Great Crested Newt Mitigation Principles for full detail about protocols for translocation of newts under the District Licence.

**P6** Any animal listed in Schedule 9 Part 1 (but not Part 1A or 1B) of the 1981 Act which is a species which is not ordinarily resident in England in a wild state, that is caught in a trap set under this licence must not be released or allowed to escape back into the wild; it must be humanely despatched, unless a specific licence to release that species has been obtained, or alternative advice has been provided by Natural England.



**P8** Persons capturing newts under this licence are expected to follow the advice on welfare considerations for capture programmes in the 'Great Crested Newt Mitigation Guidelines' available from Natural England.

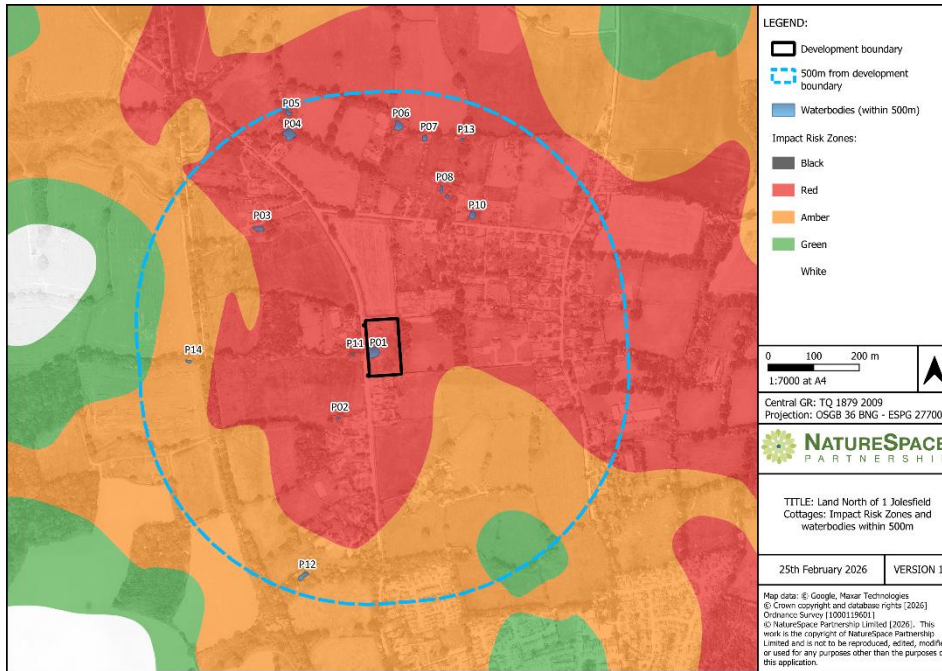
**P11** Great crested newts are not to be translocated to Compensation Land or other locations within the Licensed Area unless the terrestrial and/or aquatic habitats are suitable for great crested newts. The suitability of the site is to be confirmed by a suitably qualified person (e.g., an ecologist with a great crested newt survey licence).

**P12** Any licensable activities in the red zone must be carried out in accordance with the approved Great Crested Newt Mitigation Principles.

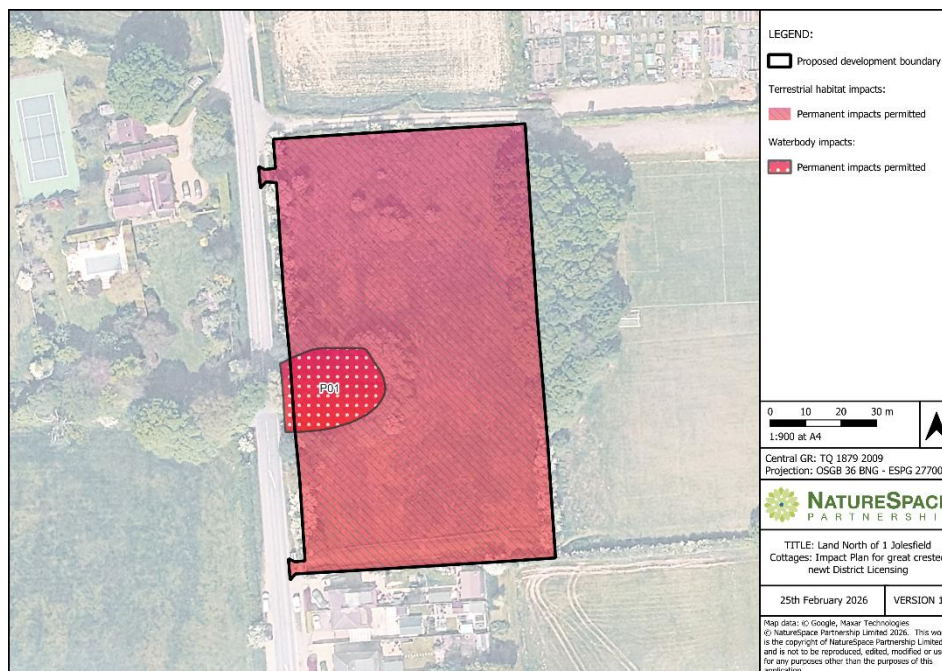


## Maps

### Map 1— Development Site Location Plan - Impact Risk Zones and ponds within 500m



### Map 2— Development Impact Plan - as assessed under the District Licensing protocols - provided by NatureSpace on 25<sup>th</sup> February 2026





**Map 3 — On-site habitat plan** – provided by Sylvatica Ecology  
on 11<sup>th</sup> February 2026





## Aquatic impacts

In this section, the aquatic impacts of the proposed development are summarised. Impacts on aquatic habitat may be direct or indirect. Waterbodies on the development site and up to 500 metres away are considered, depending on the presence of barriers to newt movement.

**Total number of great crested newt-accessible waterbodies within 500m: 14**

**Number unimpacted: 13**

**Number damaged: 0**

**Number lost: 1**

**Number degraded: 0**

**Pond details:**

Waterbody ref	HSI score*	Peak count (if available)	Pond area (m <sup>2</sup> )	Distance from development site (m)	Pond impact	Duration
P01	0.7	n/a	571	0	Permitted	Permanent
P02	0.7	n/a	31	110	Prohibited	Permanent
P03	0.5	n/a	183	300	Prohibited	Permanent
P04	0.5	n/a	477	430	Prohibited	Permanent
P05	0.5	n/a	106	480	Prohibited	Permanent
P06	0.5	n/a	308	415	Prohibited	Permanent
P07	0.5	n/a	109	395	Prohibited	Permanent
P08	0.5	n/a	77	295	Prohibited	Permanent
P09	0.5	n/a	52	290	Prohibited	Permanent
P10	0.5	n/a	180	275	Prohibited	Permanent
P11	0.7	n/a	27	30	Prohibited	Permanent
P12	0.5	n/a	210	450	Prohibited	Permanent



<b>Waterbody ref</b>	<b>HSI score*</b>	<b>Peak count (if available)</b>	<b>Pond area (m<sup>2</sup>)</b>	<b>Distance from development site (m)</b>	<b>Pond impact</b>	<b>Duration</b>
P13	0.5	n/a	33	415	Prohibited	Permanent
P14	0.5	n/a	65	390	Prohibited	Permanent

\* If HSI score is not available, a score of 0.7 is assumed for waterbodies within 250m of the development site and a HSI score of 0.5 for waterbodies 250-500m from the development site.

## Terrestrial impacts

This part of the report summarises the terrestrial impacts. Impacts on linear terrestrial habitats are assessed and summarised separately from general terrestrial habitat impacts. Impacts on terrestrial habitats may be direct or indirect.

**Hibernation features present on site? Yes**

### Terrestrial impact details:

Habitat type	Area (ha) affected	Impacts permitted / prohibited?	Impact duration
Hedgerow / scrub	0.056	Permitted	Permanent
Modified grassland	0.645	Permitted	Permanent
Scrub	0.069	Permitted	Permanent
Woodland	0.052	Permitted	Permanent
<b>TOTAL:</b>	<b>0.822 ha</b>		

Total terrestrial habitat with permitted impact:	Total area (ha)	Good/moderate terrestrial area (ha)
Within 50m of a pond:	0.668	0.125
50-250m from a pond:	0.154	0.051
250m+ from a pond:	0.000	0.000
<b>TOTAL:</b>	<b>0.822 ha</b>	<b>0.177 ha</b>



## **Landscape-Level Assessment**

**Connectivity assessment:** Highly connected to waterbodies and priority habitats for migration and dispersal with low levels of fragmentation and no permeability barriers

**Range assessment:** Low impact to wider landscape great crested newt distribution/range

**Contribution to Strategic Opportunity Area:** Site is located within a Strategic Opportunity Area and is of moderate importance

**Prospects assessment:** Moderate

### **Other relevant information:**

The onsite pond (P01) has been considered ecologically lost due to the novel pressures introduced as a result of the development. The land will see a change of use with increased disturbance during and after construction, and the addition of buildings and roads will significantly reduce connectivity to the wider landscape. There is also greater risk of pollutants entering the pond, as well as introduced pet animal predation on newts.

As this is a red zone site there will be an obligation to adhere to the Great Crested Newt Mitigation Principles to reduce risk of harm to great crested newts. The required sub-clauses of condition 3 are to be executed at the discretion of the site ecologist who should determine which habitats are suitable for great crested newt and therefore where the mitigation requirements apply.

Works to existing onsite ponds onsite may only be undertaken during autumn/winter. This requirement will apply to any ponds on site which are suitable for newts (based on the HSI score and suitability of terrestrial habitat), and which will be damaged or destroyed during development. This requirement is intended to ensure that pond drain down is undertaken outside the great crested newt breeding season, which likely to be is the least harmful time of year to undertake such works. If it is essential that a suitable great crested newt pond is drained down in the spring or summer, an intensive trapping exercise at the pond is acceptable, please see the Great Crested Newt Mitigation Principles for more details.

The requirement that removal or disturbance of newt hibernacula must only take place during the active season (generally mid-February to mid-October, dependant on the season and weather conditions) has been triggered. This applies to likely great crested newt hibernacula that would need to be identified by a suitably qualified and experienced ecologist before they undertake a 'tool box talk' and advise on-site personnel accordingly.

The requirement for capture methods to be used at suitable habitat features has been triggered in this case because the proposals involve removal of Scrub habitat. It is the responsibility of the ecologist acting as an accredited agent under a District Licence authorisation to use their professional discretion to identify any suitable habitats where mitigation requirements will apply, during their site walkover before works begin. It is advisable that detailed records are kept of any decision-making regarding the implementation of mitigation measures during site works.

The requirement for amphibian fencing, pitfall trapping and the use of capture methods at suitable habitats and features has been triggered in this case due to the damage to terrestrial habitats close to great crested newt waterbodies. It is the responsibility of the ecologist acting as an accredited agent under a District Licence authorisation to use their professional discretion to identify any suitable



habitats where mitigation requirements will apply, and which methods are most appropriate for those habitats.

It is recommended that current management practices persist on-site during the timeframe between this Report issue and Authorisation under the District Licence. This is to ensure the site does not become more suitable for great crested newts in the interim period.

## **Planning appeals**

In the event that the proposed development is refused, and a subsequent appeal made to the Planning Inspectorate, the District Licence documents will need to be reconfirmed by NatureSpace and then submitted to PINs as part of the appeal documentation. The applicant should contact NatureSpace in the event of an appeal to expedite this. Failure to do so could mean that the development would not be able to receive authorisation under the District Licence if approved at appeal.



## District Licence – Conditions of use

Once authorised, a developer becomes an ‘Authorised Developer’ under the Council’s District Licence, which includes certain conditions of use (in addition to any planning conditions). When working under a District Licence, Authorised Developers are advised to retain ecological support from an appropriate ecological consultant, and it is recommended that the NatureSpace ‘Best Practice Principles’ are adhered to.

There are some specific licence conditions for Authorised Developers to note:

- Authorised Developers authorise (in writing) their employees, officers, or contractors to act under the District Licence as Accredited Agents or Assistants.
- Authorised Developers must ensure that all persons working under the District Licence have the appropriate knowledge, training, and experience to undertake licensed activities in accordance with the terms and conditions of the licence and best practice. For example, where capture of newts is required, this operation must be undertaken by, or supervised by, someone with the appropriate experience and training (and licence to handle newts).
- All persons working under the licence must comply with the terms and conditions of the licence.
- In the red zone, Authorised Developers must comply with the approved Great Crested Newt Mitigation Principles (the separate ‘Best Practice Principles’ are a recommendation for all developments operating under a District Licence and the ‘Great Crested Newt Mitigation Principles’ are a mandatory requirement in the red zone).
- Authorised Developers may (on application to the Planning Authority) request a transfer of an authorisation to another developer.
- Authorised Developers must keep certain records and provide these to the Planning Authority or to NatureSpace in a timely manner. Records must be kept of:
  - o All persons, companies and organisations authorised to act under the licence and in what capacity
  - o Details of licensed activities: dates work commenced and was completed; aquatic and terrestrial impacts; any in-situ compensations; details of any great crested newts captured/moved, etc.
  - o Any changes to development land (including management changes)
  - o Any surveying/monitoring information
  - o Any incidents or reports of activities in breach of the licence or the great crested newt planning conditions (including details of action taken, such as disciplinary and remedial actions)

- Any other material plans or records relating to the use of the District Licence.
- Authorised Developers must permit an officer of Natural England reasonable access to monitor work being undertaken under the authority of the District Licence.
- Natural England must be informed of any breaches to the District Licence within 48 hours of any person becoming aware of a breach. The Licensee will take any necessary steps to address any breaches or poor practice.
- A failure to comply with the terms and conditions of the District Licence by an Authorised Developer, their Accredited Agents or Assistants will, by default, render the authorisation for the development site null and void.

**Important:**

This report is not an authorisation to work under a District Licence.

Authorisations are only issued by the Licensee, in writing and only for developments that are in receipt of a valid planning permission, and which have paid any necessary compensatory payments to the Compensation Scheme.

**Enquiries:**

For any enquiries relating to this report please contact NatureSpace Partnership:

Email: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

Tel: 01865 688307

Website: <https://naturespaceuk.com/>

For any enquiries relating to District Licensing, please contact either NatureSpace Partnership, your planning authority or Natural England - [gcndll@naturalengland.org.uk](mailto:gcndll@naturalengland.org.uk)


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LEGEND:

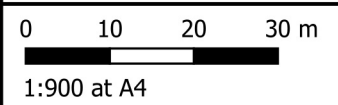
 Proposed development boundary

Terrestrial habitat impacts:

 Permanent impacts permitted

Waterbody impacts:

 Permanent impacts permitted



Central GR: TQ 1879 2009  
Projection: OSGB 36 BNG - ESPG 27700



TITLE: Land North of 1 Jolesfield Cottages: Impact Plan for great created newt District Licensing

25th February 2026      VERSION 1

Map data: © Google, Maxar Technologies  
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## Best Practice Principles

This advice note sets out best practice principles recommended for use on any development site authorised under one of the district licences issued under the NatureSpace District Licensing Scheme and are in respect of great crested newts only. There may be other ecological considerations which should also be taken into account when planning works.

All works must be carried out in accordance with ANNEX B of the licence (Protocol for activities and operations affecting great crested newts within the Licensed Area). Individual authorisations will specify which sections of the ANNEX B Protocol apply to a specific development site.

Further guidance can be found in the most up-to-date version of the Great Crested Newt Mitigation Guidelines (English Nature, 2001), the great crested newt mitigation licence method statement template (Natural England 2017), the Great Crested Newt Conservation Handbook (Langton et al, 2001) and the Amphibian Habitat Management Handbook (Baker et al, 2011).

Any captured newts also become protected under the Animal Welfare Act 2006 and the requirements under this legislation must also be complied with.

Any capture/relocation of great crested newts must be carried out by or under supervision of a licenced great crested newt ecologist.

### BEST PRACTICE MEASURES RECOMMENDED UNDER THE DISTRICT LICENCES

1. Before any works commence:

- **advice should be sought from a suitably qualified ecologist:**
  - (i) on the requirements of the licence and any recommendations to apply at the development site any of the measures listed at 3. Below; or
  - (ii) any other measures (leaving aside those listed at 2. below which should be followed at every development site) to reduce the risks of harm to great crested newts.

When providing this advice, the qualified ecologist should consider what is reasonable and proportionate, taking into account the relevant impact risk zone of the development site, the suitability of habitats at the development site, the proximity of the development site to ponds and the nature of the development works)<sup>1</sup>;

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<sup>1</sup> In NatureSpace's view, obtaining and following such ecological advice and following the reasonable avoidance measures listed in paragraph 2, is likely to assist in avoiding liability for offences which protect GCN under the Wildlife & Countryside Act 1981 (as amended).



- A site induction **tool box talk** should be arranged for site personnel, to be provided by a suitably experienced newt ecologist to include great crested newt identification and what to do if newts are found, the legislative protection and the reasonable avoidance measures to be adopted on site.
2. **The following reasonable avoidance measures** should be employed at every development site to reduce the risks to great crested newts during works (both development works, and any habitat creation/enhancement works):
- a) In advance of works, vegetation should be managed to reduce suitability for newts, to discourage newts from areas which will be soon stripped:
    - i. Cut scrub and tall grass no lower than 150mm; carefully remove arisings and leave habitat undisturbed for 48 hours
    - ii. To be followed by directional vegetation clearance (avoiding wet weather during the active period) and soil stripping – the direction of working to be determined by the location of good newt habitat to be retained (starting furthest away from the favourable habitat and working towards it, to encourage newts to disperse towards safe areas)
  - b) Vegetation management should be undertaken at the appropriate time of the year and in appropriate weather conditions, to avoid killing/injuring newts
  - c) Working areas should avoid any retained habitat
  - d) Measures should be implemented to avoid indirect impacts on retained or off-site habitats, such as run-off or accidental encroachment from working vehicles, material or operatives
  - e) Machinery, materials etc should be stored on areas of hardstanding or raised off the ground on pallets where possible
  - f) Waste materials should be removed off site immediately or stored in skips where possible
  - g) Excavations should be backfilled, covered overnight, or ramps placed in to allow any animals to escape
  - h) Excavations and working areas should be managed so as not to create temporary waterbodies which may attract newts onto site
  - i) Access roads should use existing roads and tracks and keep habitat disturbance to a minimum, avoiding any areas of sensitive or potentially valuable habitat
3. **The following further avoidance measures (licensed activities)** should be carried out under the district licence (by or under the supervision of a suitably experienced and licensed great crested newt ecologist) where (as above) advised by a suitably qualified ecologist:
- a) Hand searches, destructive searches and/or night searches may be undertaken ahead of site works, to reduce the risk of newts being on the site during works (see further below regarding these methods).



- b) If it is suspected or known that great crested newts are using a pond, any works to the pond should take place during the autumn/winter (normally mid-September to early February). This can include, where necessary, pond drain down during using a fine mesh filter, and followed by hand/destructive searches of the pond bed and immediate surroundings to capture any animals present.

If it is essential that a known great crested newt pond is drained down in the spring or summer, it may be recommended that a trapping exercise at the pond should be undertaken before drain-down. This should be in accordance with the requirements in section 8.3.2.3 of the Great Crested Newt Mitigation Guidelines (except that a minimum 60 days of (bottle) trapping is acceptable (rather than 90 days) when undertaken in conjunction with the use of netting and a high density of traps, to supplement the trapping). If the pond holds insufficient water for bottle trapping, or has a hard substrate with little vegetation, the use of netting alone instead of bottle trapping is acceptable.

- c) Where suitable habitat will remain on site or adjacent to a development site, temporary amphibian fencing (TAF) may be installed, to assist with reasonable avoidance measures and prevent newts moving onto the development site during works. This must be removed promptly at the end of the construction works.

### **Newt capture**

Captured newts are subject to the protection of the Animal Welfare Act 2006, which means that it is an offence to cause any unnecessary suffering to an animal under the control of man.

Newt capture may only take place during the active season, which is generally February to October. The season is dependent upon weather (very cold late springs can delay the active season, and early or late onset of frosts in the autumn will bring forward or delay the hibernation season). Attempts to capture newts should avoid cold conditions (<6°C air temperature) and extended periods of very dry weather (particularly during June – mid-August).

Any captured newts should be kept in suitable lidded, ventilated containers and released as soon as possible after capture. Newts should be released in sheltered areas in sufficient good quality habitat and close to a suitable refuge, with landowner permission if required. Release sites should ideally be as close as possible to the site of capture but within a maximum 1km of the site from which they were captured, with no barriers to newt movement. If there is no suitable release site within 1km, NatureSpace Partnership can advise on any alternatives which may be available under the district licence.



Under the district licence, records must be kept of any movement of newts, with dates, sites of capture and release, sex and ages of all captured and released newts. Any injury or mortality must also be recorded. All records must be submitted to NatureSpace or the local planning authority.

### **Hand searches**

This refers to the careful searching, by hand, of potential refuges and suitable habitat features, and under the licence, this does allow for the removal of checked features. Hand searching may be done throughout the active season, providing weather conditions are suitable (e.g. not during very hot dry weather). Hand searches are ineffective on large expanses of habitat and are suited to searching of distinct habitat features, such as log piles. The time it takes to complete hand searches is dependent upon the extent and complexity of the features to be searched. Hand searching often requires less than 1 day where only small, simple features are present. Where there are large and complex features across the works area it may require 1-5 days.

### **Night searches**

This refers to searches by torchlight of suitable habitat where newts will be visible above ground. Night searches are best carried out during dispersal periods (March-June for adults and August-September particularly for juveniles) and during suitable weather conditions conducive to newt movements – i.e. warm, wet nights. Night searching along drift fences can be particularly effective. The method is only effective in habitats that allow the surveyor to easily see newts as they disperse, and so areas with long vegetation or complex topography are not suitable. Typically night searching is carried out for at least 25 days.

### **Destructive searches**

This is the careful dismantling of features (such as hedgerows, rubbles piles), with ongoing supervision to check for animals as works progress. Destructive searching may be done throughout the active season, providing weather conditions are suitable (e.g. not during very hot dry weather) and is usually combined with hand searches (and is similarly not suitable for large expanses of habitat). The time it takes to complete destructive searches is dependent upon the extent and complexity of the features to be searched and dismantled. In typical cases, destructive searches can be completed within 1-5 days.

### **Amphibian fencing**

Where suitable habitat will remain on site or off site, temporary amphibian fencing (TAF) may be installed at the ecologist's discretion, under the district licence, to assist with reasonable avoidance measures and prevent newts moving onto the development site during works. Temporary amphibian fencing includes exclusion fencing and one-way fencing. Amphibian fencing design, installation and maintenance requirements are outlined in section 8.4.2.1 of the Great Crested Newt Mitigation Guidelines. Fencing may be installed year-round (unless in hibernation habitat, in which case fencing

must not be installed during the hibernation season, unless this may be done without disturbing potential hibernation features). Temporary amphibian fencing must be removed promptly upon completion of the development works, at the appropriate time of year to avoid disturbing hibernating animals.

### **Refugia**

Reptile capture programmes using fencing and/or artificial refugia may also capture newts. If a site is covered by a district licence, great crested newts may also be moved if found during the course of a reptile translocation programme. Also see notes above on newt capture.

### **Relocating great crested newts at imminent risk of harm**

Great crested newts should only be handled by a suitably experienced and licensed newt ecologist, and any capture exercise must be undertaken by or under the direct supervision of, a suitably licensed ecologist. However, if a great crested newt is at imminent risk of harm, a non-licensed person may 'rescue' and release the newt. See notes above on newt capture, regarding how to move newts and record keeping.

### **Biosecurity**

The biosecurity guidelines in Amphibian Disease Precautions: A guide for UK fieldworkers, Advice Note 4 (available from [www.arguk.org](http://www.arguk.org)) must be observed by all licence users.

### **Experience requirements**

The supervising ecologist should as a minimum hold a great crested newt survey licence, as this demonstrates the licence holder has experience in handling newts and has appropriate understanding of welfare and biosecurity issues. Supervising ecologists should also have appropriate knowledge and relevant previous licence experience for the techniques and methods being used under the district licence.

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## Part 1

This Part 1 of these GCN Mitigation Principles applies to **development** (as defined under the Town and Country Planning Act 1990) in the red zone where a site is authorised under one of the district licences issued under the NatureSpace District Licensing Scheme.

The best practice measures and the capture requirements described below in Sections 1 and 2 of this document are mandatory for all developments in the red zone.

The additional specific mitigation requirements detailed in Section 3 of this document will not apply to every development site in the red zone – the planning conditions will identify which, if any, specific mitigation principles will be required for each development parcel. These principles set out the minimum requirements necessary to comply with the licence.

Section 4 provides advice on experience requirements for supervising ecologists.

In addition to the above, all works must be carried out in accordance with ANNEX B of the licence (Protocol for activities and operations affecting great crested newts within the Licensed Area) as well as the most up-to-date version of the Great Crested Newt Mitigation Guidelines (English Nature, 2001), the great crested newt mitigation licence method statement template (Natural England 2017), the Great Crested Newt Conservation Handbook (Langton et al, 2001) and the Amphibian Habitat Management Handbook (Baker et al, 2011), unless otherwise stated.

Any newts which are captured also become protected under the Animal Welfare Act 2006 and the requirements under this legislation must also be complied with.

There may be other ecological considerations which should also be taken into account when planning works at a development site in the red zone.

### Best practice measures

The following measures are a requirement for all activities authorised under the district licence in the red zone:

- **Advice must be sought from a suitably qualified ecologist** on the requirements of the licence and any ecology-related planning conditions
- All capture, exclusion or relocation of great crested newts must be carried out by or under **supervision of a great crested newt ecologist** with the appropriate experience and knowledge of the techniques being used and who holds an appropriate great crested newt licence (see Experience Requirements in section 4 at the end of this document)

- Before any works commence, there must be a site induction **tool box talk** by a suitably experienced newt ecologist (see Section 4) to include great crested newt identification and what to do if newts are found, the legislative protection, any licence and planning requirements and any specific on-site reasonable avoidance measures or other requirements (including any seasonal timing constraints for vegetation clearance, searches for newts and on-site works)
- In advance of any works, **vegetation management** must be undertaken to reduce the suitability for newts, to discourage newts from areas which will be soon stripped:
  - Cut scrub and tall grass no lower than 150mm; carefully remove arisings and leave habitat undisturbed for 48 hours
  - To be followed by directional vegetation clearance (avoiding wet weather during the active period) and soil stripping – the direction of working to be determined by the location of good newt habitat to be retained (starting furthest away from the favourable habitat and working towards it, to encourage newts to disperse towards safe areas)
- With the exception of destructive searches and at the end of a pitfall trapping exercise, where capture of newts is required by planning condition under the district licence, capture exercises must be carried out before vegetation management. With regard to pitfall trapping, if, after a 25-day pitfall trapping period, newts are still being captured and the required 'very low capture' has not been achieved (see section 3.2.3.4 of this document), vegetation management can be undertaken to assist with capture, in accordance with the Great Crested Newt Mitigation Guidelines (section 8.4.2.2)
- Vegetation management must be undertaken at the appropriate time of the year and in appropriate weather conditions, to avoid killing/injuring newts
- Working areas must avoid any retained habitat
- Measures must be implemented to avoid indirect impacts on retained or off-site habitats such as run-off or accidental encroachment from working vehicles, material or operatives
- Machinery, materials etc must be stored on areas of hardstanding or raised off the ground on pallets (unless the area has been cleared and temporary amphibian fencing prevents access by newts)
- Waste materials must be removed off site immediately or stored in skips (unless the area has been cleared and temporary amphibian fencing prevents access by newts)

- Excavations must be backfilled, covered overnight, or ramps placed in to allow any animals to escape
- Excavations and working areas must be managed so as not to create temporary waterbodies which may attract newts onto site
- Access roads must use existing roads and tracks and keep habitat disturbance to a minimum, avoiding any areas of sensitive or potentially valuable habitat

## Capture of newts

Captured newts are subject to the protection of the Animal Welfare Act 2006, which means that it is an offence to cause any unnecessary suffering to an animal under the control of man.

Newt capture must only take place during the active season, which is generally February to October. The season is dependent upon weather (very cold late springs can delay the active season, and early or late onset of frosts in the autumn will bring forward or delay the hibernation season). Attempts to capture newts must avoid cold conditions (<6°C air temperature) and extended periods of very dry weather (particularly during June – mid-August).

Any captured newts must be kept in suitable lidded, ventilated containers and released as soon as possible after capture as close to the site of capture as possible. Newts must always be released in sheltered areas in sufficient good quality habitat and close to a suitable refuge. Terrestrial newts must be placed into suitable high quality terrestrial habitat, whereas newts captured at a pond must be released into high quality aquatic habitat, based on the Habitat Suitability Index (HSI) score (minimum HSI 0.7). The minimum habitat requirement for captured newts to be placed into is 0.5ha of suitable terrestrial habitat and 4 suitable and accessible ponds (unless there are already fewer than 4 ponds present, and the development will not damage or destroy any ponds with HSI >0.5). Release sites must ideally be as close as possible to the site of capture and must be within a maximum 1km of the site from which they were captured, with no barriers to newt movement (in exceptional cases translocation over longer distances may be acceptable - see section 3.2.4 below). An assessment by NatureSpace Partnership of the habitats to be lost and retained will inform this process. Landowner permission must be obtained prior to capture and relocation of any newts and sites with statutory conservation designations must not be used as release sites (unless specific written permission has been obtained from Natural England for a specific translocation exercise).

Whether or not the planning conditions require newt capture, where suitable habitat will remain on site or off site, temporary amphibian fencing (TAF) may be installed at the ecologist's discretion, under the district licence, to assist with reasonable avoidance measures and prevent newts re-occupying or moving onto the development site during works. Temporary amphibian fencing includes exclusion fencing and one-way fencing.

Under the district licence, records must be kept of any movement of newts, with dates, sites of capture and release, sex and ages of all captured and released newts. Any injury or mortality must also be recorded. All records must be submitted to NatureSpace or the local planning authority.

## Specific mitigation requirements

The following measures are required by specific planning conditions (and are therefore mandatory) for certain developments in the red zone (they are not mandatory for all developments in the red zone).

### 3.1 Aquatic habitats

Restrictions will apply when ponds will be damaged or lost as part of development works, as these works lead to significant risks to great crested newts.

#### 3.1.1 Planning condition 3a

This planning condition specifies that works to existing ponds onsite may only be undertaken during autumn/winter. This planning condition will apply to any ponds on site which are suitable for newts, (based on the HSI score and suitability of terrestrial habitat) and which will be damaged or destroyed during development. The metric assessment and resulting report provided by NatureSpace will specify which ponds this condition applies to.

This planning condition requires that any and all works to the specified ponds must be carried out during the autumn and winter. This is normally mid-September to early February. A pond which has ceased to hold water during the spring/summer would not be regarded as covered by this planning condition. If a pond will be lost, the pond must be drained down during the autumn/winter, using a fine mesh filter, followed by hand and destructive searches of the pond bed and immediate surroundings to capture any animals present.

If it is essential that a suitable great crested newt pond is drained down in the spring or summer, an intensive trapping exercise at the pond (in accordance with the requirements in section 8.3.2.3 of the Great Crested Newt Mitigation Guidelines – except that a minimum 60 days of (bottle) trapping is acceptable (rather than 90 days) when undertaken in conjunction with the use of netting and a high density of traps, to supplement the trapping) will be necessary. If the pond holds insufficient water for bottle trapping, or has a hard substrate with little vegetation, the use of netting alone instead of bottle trapping will be acceptable.

## 3.2 Terrestrial habitats

Timing restrictions and capture exercises will be requirements on a development site where the risks to newts are the greatest, and, in regard to the capture of newts, where capture operations are most likely to be effective. For example, relevant planning conditions will require capture where:

- Suitable terrestrial habitat will be damaged or lost within 50 metres of a breeding/occupied pond ( $\geq 0.001\text{ha}$  / 10sq m)
- Suitable terrestrial habitat will be damaged or lost within 100 metres of a breeding/occupied pond ( $>0.02\text{ha}$  / 200sq m)
- High quality connected terrestrial habitat up to 250m from a breeding/occupied pond
- Particular habitat features providing good connecting/connected habitat

### 3.2.1 Timing restrictions in terrestrial habitats

On development sites which contain suitable overwintering habitat (or 'hibernacula') for great crested newts, the period within which damage or destruction of that habitat can be undertaken will be restricted by planning condition 3b. The timing restriction imposed by this planning condition means that works which will affect likely newt hibernacula must only be undertaken during the active period for amphibians. Amphibians are generally active during February to October, although this is weather dependent (see above, under 'Capture operations').

### 3.2.2 Types of capture permitted

Planning conditions 3c and 3d relate to capture requirements under the district licences. Where either of these conditions are required under a planning permission, all capture must adhere to the standards outlined in the Great Crested Newt Mitigation Guidelines (unless otherwise stated in this guidance). A written record must be kept of capture effort and results, weather conditions (including rainfall) and minimum overnight temperatures.

Planning condition 3c requires the use of capture methods at suitable habitat features prior to ground clearance or removal of suitable habitat features. A suitably experienced and licensed ecologist must advise on the most appropriate method(s) for the site, depending on the types of habitats and features present. This must include at least one of following methods: hand searches, destructive searches and or night searches. The following section explains the minimum standards required for each of these methods:

### *3.2.3.1 Hand searches*

This refers to the careful searching, by hand, of potential refuges and suitable habitat features, and under the licence, this does allow for the removal of checked features. Hand searching can be done throughout the active season, providing weather conditions are suitable (e.g. not during very hot dry weather). Hand searches are ineffective on large expanses of habitat and are suited to searching of distinct habitat features, such as log piles. The time it takes to complete hand searches is dependent upon the extent and complexity of the features to be searched. Hand searching often requires less than 1 day where only small, simple features are present. Where there are large and complex features across the works area it may require 1-5 days.

### *3.2.3.2 Night searches*

This refers to searches by torchlight of suitable habitat where newts will be visible above ground. Night searches are best carried out during dispersal periods (March-June for adults and August-September particularly for juveniles) and during suitable weather conditions conducive to newt movements – i.e. warm, wet nights. Night searching along drift fences can be particularly effective and so is often most effective and efficient in conjunction with a pitfall trapping exercise – this can be a useful way to clear a site more quickly. The method is only effective in habitats that allow the surveyor to easily see newts as they disperse, and so areas with long vegetation or complex topography are not suitable. The minimum effort for night searching is 25 nights.

### *3.2.3.3 Destructive searches*

This is the careful dismantling of features (such as hedgerows, rubbles piles), with ongoing supervision to check for animals as works progress. Destructive searching can be done throughout the active season, providing weather conditions are suitable (e.g. not during very hot dry weather) and is usually combined with hand searches (and is similarly not suitable for large expanses of habitat). The time it takes to complete destructive searches is dependent upon the extent and complexity of the features to be searched and dismantled. In typical cases, destructive searches can be completed within 1-5 days.

### *3.2.3.4 Fencing and pitfall trapping*

Planning condition 3d requires the use of amphibian fencing and pitfall trapping at suitable habitats and features, prior to commencement of works. A suitably experienced and licensed ecologist must advise on the most appropriate fencing and trapping design for the site, depending on the types of habitats and features present. As a minimum fencing and pitfall trapping will be required on sites where suitable terrestrial habitat in good or moderate condition will be damaged or lost within 50

metres of a pond ( $\geq 0.001\text{ha}$  /  $10\text{sq m}$ ) and or where  $>0.02\text{ha}$  /  $200\text{sq m}$  suitable terrestrial habitat (in good or moderate condition) will be damaged or lost within 50-100m of an occupied or breeding pond. The following section explains the minimum standards required for fencing and pitfall trapping under the district licence:

- **Amphibian fencing**

Amphibian fencing design, installation and maintenance must follow best practice and must be focussed in and around suitable areas of habitat to be cleared – e.g. the use of lengths of drift fencing within 100m of great crested newt ponds. Fencing requirements are outlined in section 8.4.2.1 of the Great Crested Newt Mitigation Guidelines. Fencing may be installed year-round (unless in hibernation habitat, in which case fencing must not be installed during the hibernation season, unless this may be done without disturbing potential hibernation features). Temporary amphibian fencing must be removed promptly upon completion of the development works, at the appropriate time of year to avoid disturbing hibernating animals.

- **Pitfall trapping**

Where pitfall trapping is required (by planning condition 3d), it must be undertaken in line with the Great Crested Newt Mitigation Guidelines – section 8.4.2.2. With regard to effort, the minimum requirements under the NatureSpace District Licensing Scheme will be 25 days trapping, in suitable conditions for newt movements. There must be at least 5 days at the end of the capture period (which can be the last 5 of the 25 days) over which no more than 9 great crested newts are captured (and no more than 4 great crested newts in any one day). If 10 or more great crested newts are captured in the last 5 days, then capture must continue until a five day zero or very low capture period (as above, with  $<9$  great crested newts over 5 days and no more than 4 great crested newts in any one day) is achieved. Sites can be compartmentalised so that compartments can be released for works separately upon achieving the required capture period.

To offset the reduction in effort compared to standard recommendations, there must be an increase in trapping intensity – increased numbers of traps, additional fence lines where appropriate, and other methods (hand, night searches, artificial refugia, carpet tiles etc.) deployed where they would assist with capture. In order to maximise capture efficiency, trapping must occur during periods of expected high dispersal. This will depend on the time of year, location and weather, though would typically be March to June and August to September.

### 3.2.4 Translocation

Where capture of newts is required, and newts cannot be relocated to suitable habitat outside of the working area, or in habitat adjacent to, or within 1km (provided there are no barriers to newt movement) of the development site, this approach also includes the facility for off-site translocation

of great crested newts from development sites to conservation sites. This will only be appropriate where there are conservation benefits for doing so (e.g. to establish a new population, or where large numbers of newts are expected to be present at the development site and the retained or adjacent habitats are not considered suitable to support the population). NatureSpace and the Amphibian and Reptile Conservation Trust will provide site specific advice in any such cases. Captured newts must only be moved to suitable habitat and where there is sufficient suitable viable habitat to support the population. The minimum would be 0.5ha and 4 ponds that are suitable for and accessible (i.e. within 500m of the receptor site with no barriers to newt movement) to the translocated newts.

Any translocations, including receptor site selection, will conform to best practice for conservation science, including in regard to disease, and the Amphibian and Reptile Conservation Trust will provide specific advice for any such proposals. The 'triggers' for translocation off site (and which will require expert advice from ARC on individual proposals, and, if >1km from the capture site, consultation with Natural England) are:

- Evidence suggests there are large numbers of great crested newts on the development site and that there is insufficient habitat to be retained or in the vicinity of the development site in order to sustain a population of equivalent size and viability ("large" would typically mean a population that would qualify as a SSSI interest feature); or
- Habitat in the vicinity of the development site is insufficient in quality and/or quantity to support a viable great crested newt population in the long term, and there is no practical remedy for this (either on-site or within 1km); or
- A compensation site requires an introduction of newts from an existing (close-by) population, and sourcing founders from a development site would be consistent with improving Conservation Status of the species in the District.

Where off-site translocation is deemed necessary (following the above triggers), the actual detailed proposals will be site specific – including details on capture methodology (which will aim to capture newts of all life stages) at the donor site and habitat creation/management measures and monitoring (pre-and post-translocation) at the receptor site. NatureSpace Partnership will set out any Developer responsibilities/requirements.

NatureSpace and the Newt Conservation Partnership will design translocations to ensure there is no negative impact on the range metric. In general, any translocations will be within the maximum dispersal range of the existing population (around 2km), taking into account any barriers to movement. If a situation arises where translocation would be to a site outside of the dispersal range, then disease screening requirements would apply, and, in all cases, there will be consultation with Natural England where off-site translocation is triggered, and the receptor site is >1km away. Details of the receptor site will be provided, including distance from the donor site, extent, types and quality of habitats available, existing great crested newt status, landowner permission, conservation designation, etc.

## Experience requirements

Supervising ecologists must have appropriate experience, knowledge and relevant licence(s) for the techniques and methods being used. The minimum requirement is that the ecologist holds a great crested newt survey licence, as this demonstrates the licence holder has experience in handling newts and has appropriate understanding of welfare and biosecurity issues. However, if the district licence requires pitfall or bottle trapping at a development site, the supervising ecologist must either:

- Be the named ecologist on a great crested newt mitigation licence (or have held one within the last three years); or
- Be a registered consultant on the Great Crested Newt Low Impact Class Licence; or
- Hold a level 2 great crested newt survey licence.

In line with standard mitigation licences, the supervising ecologist named may appoint other persons in writing to enable them to handle great crested newts for the specific task of relocating animals from pitfall traps and/or artificial refugia (e.g. carpet tiles) either to the opposite side of the exclusion fencing or to the receptor site, as appropriate. Those appointed persons will be classed as 'assistants'. Assistants must have received appropriate training, including the handling and welfare of the species, but are not required to hold individual great crested newt licences and may work unsupervised. Persons appointed as assistants by the supervising ecologist will be required to produce on demand their written authorisation to a police constable or an officer of Natural England.

## Part 2

This Part 2 of these GCN Mitigation Principles applies to any **non-development works or activities** in the red zone where a site is authorised under the NatureSpace District Licensing Scheme (such as ground / vegetation clearance, site investigations and ground investigations).

The best practice measures and the capture requirements described below in Sections 5 and 6 of this document are mandatory for all works or activities in the red zone.

The additional specific mitigation requirements detailed in Section 7 of this document will not apply to every site in the red zone – they will only apply under this Part 2 (i.e. to non-development works or activities) where, and to the extent that, any equivalent planning condition 3a-3e has (pursuant to the planning metric) been imposed on the planning permission requiring delivery of specific mitigation requirements in relation to the development. These principles set out the minimum requirements necessary to comply with the licence.

Section 8 provides advice on experience requirements for supervising ecologists.

In addition to the above, all works must be carried out in accordance with ANNEX B of the licence (Protocol for activities and operations affecting great crested newts within the Licensed Area) as well as the most up-to-date version of the Great Crested Newt Mitigation Guidelines (English Nature, 2001), the great crested newt mitigation licence method statement template (Natural England 2017), the Great Crested Newt Conservation Handbook (Langton et al, 2001) and the Amphibian Habitat Management Handbook (Baker et al, 2011), unless otherwise stated.

Any newts which are captured also become protected under the Animal Welfare Act 2006 and the requirements under this legislation must also be complied with.

There may be other ecological considerations which should also be taken into account when planning works at a site in the red zone.

### Best practice measures

The following measures are a requirement for all activities authorised under the district licence in the red zone:

- **Advice must be sought from a suitably qualified ecologist** on the requirements of the licence
- All capture, exclusion or relocation of great crested newts must be carried out by or under **supervision of a great crested newt ecologist** with the appropriate experience and knowledge of the techniques being used and who holds an appropriate great crested newt licence (see Experience Requirements in section 8 at the end of this document)

- Before any works commence, there must be a site induction **tool box talk** by a suitably experienced newt ecologist (see Section 8) to include great crested newt identification and what to do if newts are found, the legislative protection, any licence and planning requirements and any specific on-site reasonable avoidance measures or other requirements (including any seasonal timing constraints for vegetation clearance, searches for newts and on-site works)
- In advance of any works, **vegetation management** must be undertaken to reduce the suitability for newts, to discourage newts from areas which will be soon stripped:
  - Cut scrub and tall grass no lower than 150mm; carefully remove arisings and leave habitat undisturbed for 48 hours
  - To be followed by directional vegetation clearance (avoiding wet weather during the active period) and soil stripping – the direction of working to be determined by the location of good newt habitat to be retained (starting furthest away from the favourable habitat and working towards it, to encourage newts to disperse towards safe areas)
- With the exception of destructive searches and at the end of a pitfall trapping exercise, where capture of newts is required by planning condition under the district licence, capture exercises must be carried out before vegetation management. With regard to pitfall trapping, if, after a 25-day pitfall trapping period, newts are still being captured and the required 'very low capture' has not been achieved (see section 7.2.3.4 of this document), vegetation management can be undertaken to assist with capture, in accordance with the Great Crested Newt Mitigation Guidelines (section 8.4.2.2)
- Vegetation management must be undertaken at the appropriate time of the year and in appropriate weather conditions, to avoid killing/injuring newts
- Working areas must avoid any retained habitat
- Measures must be implemented to avoid indirect impacts on retained or off-site habitats such as run-off or accidental encroachment from working vehicles, material or operatives
- Machinery, materials etc must be stored on areas of hardstanding or raised off the ground on pallets (unless the area has been cleared and temporary amphibian fencing prevents access by newts)
- Waste materials must be removed off site immediately or stored in skips (unless the area has been cleared and temporary amphibian fencing prevents access by newts)

- Excavations must be backfilled, covered overnight, or ramps placed in to allow any animals to escape
- Excavations and working areas must be managed so as not to create temporary waterbodies which may attract newts onto site
- Access roads must use existing roads and tracks and keep habitat disturbance to a minimum, avoiding any areas of sensitive or potentially valuable habitat

## Capture of newts

Captured newts are subject to the protection of the Animal Welfare Act 2006, which means that it is an offence to cause any unnecessary suffering to an animal under the control of man.

Newt capture must only take place during the active season, which is generally February to October. The season is dependent upon weather (very cold late springs can delay the active season, and early or late onset of frosts in the autumn will bring forward or delay the hibernation season). Attempts to capture newts must avoid cold conditions (<6°C air temperature) and extended periods of very dry weather (particularly during June – mid-August).

Any captured newts must be kept in suitable lidded, ventilated containers and released as soon as possible after capture as close to the site of capture as possible. Newts must always be released in sheltered areas in sufficient good quality habitat and close to a suitable refuge. Terrestrial newts must be placed into suitable high quality terrestrial habitat, whereas newts captured at a pond must be released into high quality aquatic habitat, based on the Habitat Suitability Index (HSI) score (minimum HSI 0.7). The minimum habitat requirement for captured newts to be placed into is 0.5ha of suitable terrestrial habitat and 4 suitable and accessible ponds (unless there are already fewer than 4 ponds present, and the development will not damage or destroy any ponds with HSI >0.5). Release sites must ideally be as close as possible to the site of capture and must be within a maximum 1km of the site from which they were captured, with no barriers to newt movement (in exceptional cases translocation over longer distances may be acceptable - see section 7.2.4 below). An assessment by NatureSpace Partnership of the habitats to be lost and retained will inform this process. Landowner permission must be obtained prior to capture and relocation of any newts and sites with statutory conservation designations must not be used as release sites (unless specific written permission has been obtained from Natural England for a specific translocation exercise).

Whether or not the planning conditions require newt capture, where suitable habitat will remain on site or off site, temporary amphibian fencing (TAF) may be installed at the ecologist's discretion, under the district licence, to assist with reasonable avoidance measures and prevent newts re-occupying or moving onto the development site during works. Temporary amphibian fencing includes exclusion fencing and one-way fencing.

Under the district licence, records must be kept of any movement of newts, with dates, sites of capture and release, sex and ages of all captured and released newts. Any injury or mortality must also be recorded. All records must be submitted to NatureSpace or the local planning authority.

## Specific mitigation requirements

The following measures apply to non-development activities / works where, and to the extent that, any equivalent planning condition 3a-3e has (pursuant to the planning metric) been imposed on the planning permission requiring delivery of specific mitigation requirements in relation to the development.

### 7.1 Aquatic habitats

Restrictions will apply when ponds will be damaged or lost as part of works, as these works lead to significant risks to great crested newts.

#### 7.1.1 Works to existing ponds

Works to existing ponds onsite may only be undertaken during autumn/winter (this applies to any ponds on site which are suitable for newts, (based on the HSI score and suitability of terrestrial habitat) and which will be damaged or destroyed)..

This is normally mid-September to early February. A pond which has ceased to hold water during the spring/summer would not be regarded as covered by this requirement. If a pond will be lost, the pond must be drained down during the autumn/winter, using a fine mesh filter, followed by hand and destructive searches of the pond bed and immediate surroundings to capture any animals present.

If it is essential that a suitable great crested newt pond is drained down in the spring or summer, an intensive trapping exercise at the pond (in accordance with the requirements in section 8.3.2.3 of the Great Crested Newt Mitigation Guidelines – except that a minimum 60 days of (bottle) trapping is acceptable (rather than 90 days) when undertaken in conjunction with the use of netting and a high density of traps, to supplement the trapping) will be necessary. If the pond holds insufficient water for bottle trapping, or has a hard substrate with little vegetation, the use of netting alone instead of bottle trapping will be acceptable.

### 7.2 Terrestrial habitats

Timing restrictions and capture exercises will be requirements where the risks to newts are the greatest, and, in regard to the capture of newts, where capture operations are most likely to be effective. For example, capture will be required where:

- Suitable terrestrial habitat will be damaged or lost within 50 metres of a breeding/occupied pond ( $\geq 0.001\text{ha}$  / 10sq m)

- Suitable terrestrial habitat will be damaged or lost within 100 metres of a breeding/occupied pond (>0.02ha / 200sq m)
- High quality connected terrestrial habitat up to 250m from a breeding/occupied pond
- Particular habitat features providing good connecting/connected habitat

### 7.2.1 Timing restrictions in terrestrial habitats

On sites which contain suitable overwintering habitat (or 'hibernacula') for great crested newts, the period will be restricted within which damage or destruction of that habitat can be undertaken. The timing restriction means that works which will affect likely newt hibernacula must only be undertaken during the active period for amphibians. Amphibians are generally active during February to October, although this is weather dependent (see above, under 'Capture operations').

### 7.2.2 Types of capture permitted

Where capture is required, all capture must adhere to the standards outlined in the Great Crested Newt Mitigation Guidelines (unless otherwise stated in this guidance). A written record must be kept of capture effort and results, weather conditions (including rainfall) and minimum overnight temperatures.

Capture methods at suitable habitat features must be used prior to ground clearance or removal of suitable habitat features. A suitably experienced and licensed ecologist must advise on the most appropriate method(s) for the site, depending on the types of habitats and features present. This must include at least one of following methods: hand searches, destructive searches and or night searches. The following section explains the minimum standards required for each of these methods:

#### 7.2.3.1 Hand searches

This refers to the careful searching, by hand, of potential refuges and suitable habitat features, and under the licence, this does allow for the removal of checked features. Hand searching can be done throughout the active season, providing weather conditions are suitable (e.g. not during very hot dry weather). Hand searches are ineffective on large expanses of habitat and are suited to searching of distinct habitat features, such as log piles. The time it takes to complete hand searches is dependent upon the extent and complexity of the features to be searched. Hand searching often requires less than 1 day where only small, simple features are present. Where there are large and complex features across the works area it may require 1-5 days.

#### 7.2.3.2 Night searches

This refers to searches by torchlight of suitable habitat where newts will be visible above ground. Night searches are best carried out during dispersal periods (March-June for adults and August-September particularly for juveniles) and during suitable weather conditions conducive to newt movements – i.e. warm, wet nights. Night searching along drift fences can be particularly effective and so is often most effective and efficient in conjunction with a pitfall trapping exercise – this can be a useful way to clear

a site more quickly. The method is only effective in habitats that allow the surveyor to easily see newts as they disperse, and so areas with long vegetation or complex topography are not suitable. The minimum effort for night searching is 25 nights.

### *7.2.3.3 Destructive searches*

This is the careful dismantling of features (such as hedgerows, rubbles piles), with ongoing supervision to check for animals as works progress. Destructive searching can be done throughout the active season, providing weather conditions are suitable (e.g. not during very hot dry weather) and is usually combined with hand searches (and is similarly not suitable for large expanses of habitat). The time it takes to complete destructive searches is dependent upon the extent and complexity of the features to be searched and dismantled. In typical cases, destructive searches can be completed within 1-5 days.

### *7.2.3.4 Fencing and pitfall trapping*

Where the use of amphibian fencing and pitfall trapping is required at suitable habitats and features, prior to commencement of works, a suitably experienced and licensed ecologist must advise on the most appropriate fencing and trapping design for the site, depending on the types of habitats and features present. As a minimum fencing and pitfall trapping will be required on sites where suitable terrestrial habitat in good or moderate condition will be damaged or lost within 50 metres of a pond ( $\geq 0.001\text{ha} / 10\text{sq m}$ ) and or where  $>0.02\text{ha} / 200\text{sq m}$  suitable terrestrial habitat (in good or moderate condition) will be damaged or lost within 50-100m of an occupied or breeding pond. The following section explains the minimum standards required for fencing and pitfall trapping under the district licence:

- **Amphibian fencing**

Amphibian fencing design, installation and maintenance must follow best practice and must be focussed in and around suitable areas of habitat to be cleared – e.g. the use of lengths of drift fencing within 100m of great crested newt ponds. Fencing requirements are outlined in section 8.4.2.1 of the Great Crested Newt Mitigation Guidelines. Fencing may be installed year-round (unless in hibernation habitat, in which case fencing must not be installed during the hibernation season, unless this may be done without disturbing potential hibernation features). Temporary amphibian fencing must be removed promptly upon completion of the development works, at the appropriate time of year to avoid disturbing hibernating animals.

- **Pitfall trapping**

Where pitfall trapping is required, it must be undertaken in line with the Great Crested Newt Mitigation Guidelines – section 8.4.2.2. With regard to effort, the minimum requirements under the NatureSpace District Licensing Scheme will be 25 days trapping, in suitable conditions for newt movements. There must be at least 5 days at the end of the capture period (which can be the last 5 of the 25 days) over which no more than 9 great crested newts are captured (and no more than 4 great

crested newts in any one day). If 10 or more great crested newts are captured in the last 5 days, then capture must continue until a five day zero or very low capture period (as above, with <9 great crested newts over 5 days and no more than 4 great crested newts in any one day) is achieved. Sites can be compartmentalised so that compartments can be released for works separately upon achieving the required capture period.

To offset the reduction in effort compared to standard recommendations, there must be an increase in trapping intensity – increased numbers of traps, additional fence lines where appropriate, and other methods (hand, night searches, artificial refugia, carpet tiles etc.) deployed where they would assist with capture. In order to maximise capture efficiency, trapping must occur during periods of expected high dispersal. This will depend on the time of year, location and weather, though would typically be March to June and August to September.

#### 7.2.4 Translocation

Where capture of newts is required, and newts cannot be relocated to suitable habitat outside of the working area, or in habitat adjacent to, or within 1km (provided there are no barriers to newt movement) of the development site, this approach also includes the facility for off-site translocation of great crested newts from development sites to conservation sites. This will only be appropriate where there are conservation benefits for doing so (e.g. to establish a new population, or where large numbers of newts are expected to be present at the development site and the retained or adjacent habitats are not considered suitable to support the population). NatureSpace and the Amphibian and Reptile Conservation Trust will provide site specific advice in any such cases. Captured newts must only be moved to suitable habitat and where there is sufficient suitable viable habitat to support the population. The minimum would be 0.5ha and 4 ponds that are suitable for and accessible (i.e. within 500m of the receptor site with no barriers to newt movement) to the translocated newts.

Any translocations, including receptor site selection, will conform to best practice for conservation science, including in regard to disease, and the Amphibian and Reptile Conservation Trust will provide specific advice for any such proposals. The 'triggers' for translocation off site (and which will require expert advice from ARC on individual proposals, and, if >1km from the capture site, consultation with Natural England) are:

- Evidence suggests there are large numbers of great crested newts on the development site and that there is insufficient habitat to be retained or in the vicinity of the development site in order to sustain a population of equivalent size and viability (“large” would typically mean a population that would qualify as a SSSI interest feature); or
- Habitat in the vicinity of the development site is insufficient in quality and/or quantity to support a viable great crested newt population in the long term, and there is no practical remedy for this (either on-site or within 1km); or

- A compensation site requires an introduction of newts from an existing (close-by) population, and sourcing founders from a development site would be consistent with improving Conservation Status of the species in the District.

Where off-site translocation is deemed necessary (following the above triggers), the actual detailed proposals will be site specific – including details on capture methodology (which will aim to capture newts of all life stages) at the donor site and habitat creation/management measures and monitoring (pre-and post-translocation) at the receptor site. NatureSpace Partnership will set out any Developer responsibilities/requirements.

NatureSpace and the Newt Conservation Partnership will design translocations to ensure there is no negative impact on the range metric. In general, any translocations will be within the maximum dispersal range of the existing population (around 2km), taking into account any barriers to movement. If a situation arises where translocation would be to a site outside of the dispersal range, then disease screening requirements would apply, and, in all cases, there will be consultation with Natural England where off-site translocation is triggered, and the receptor site is >1km away. Details of the receptor site will be provided, including distance from the donor site, extent, types and quality of habitats available, existing great crested newt status, landowner permission, conservation designation, etc.

## Experience requirements

Supervising ecologists must have appropriate experience, knowledge and relevant licence(s) for the techniques and methods being used. The minimum requirement is that the ecologist holds a great crested newt survey licence, as this demonstrates the licence holder has experience in handling newts and has appropriate understanding of welfare and biosecurity issues. However, if the district licence requires pitfall or bottle trapping at a development site, the supervising ecologist must either:

- Be the named ecologist on a great crested newt mitigation licence (or have held one within the last three years); or
- Be a registered consultant on the Great Crested Newt Low Impact Class Licence; or
- Hold a level 2 great crested newt survey licence.

In line with standard mitigation licences, the supervising ecologist named may appoint other persons in writing to enable them to handle great crested newts for the specific task of relocating animals from pitfall traps and/or artificial refugia (e.g. carpet tiles) either to the opposite side of the exclusion fencing or to the receptor site, as appropriate. Those appointed persons will be classed as ‘assistants’. Assistants must have received appropriate training, including the handling and welfare of the species, but are not required to hold individual great crested newt licences and may work unsupervised. Persons appointed as assistants by the supervising ecologist will be required to produce on demand their written authorisation to a police constable or an officer of Natural England.

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