# Best Practice Principles

These Great Crested Newt Best Practice Principles are mandatory for:

- all **maintenance and renewals works** in the **red zone** where a site is authorised under the National Highways Organisational Licence,

These Best Practice Principles are recommended for:

- all **maintenance and renewals works** in the **amber zone** where a site is authorised under the National Highways Organisational Licence,
- all **development works** in the **amber, green or white zone** where a site is authorised under the National Highways Organisational Licence,

This document does not apply to:

- **development works** in the **red zone** where a site is authorised under the National Highways Organisational Licence – for these works, consult the **NatureSpace Great Crested Newt Mitigation Principles.**

## Best practice

The best practice measures and the mitigation requirements described below are mandatory for all maintenance and renewals works in the red zone, within 250m of ponds:

- All works must be carried out in accordance with this best practice guidance and using reasonable avoidance measures.
- Works to existing ponds onsite may only be undertaken during autumn/winter unless otherwise in accordance with this best practice guidance.
- Works which will affect likely newt hibernation areas may only be undertaken during the active period for amphibians.
- Where good quality habitat for GCN will be impacted within 250m of an occupied or breeding pond, capture methods must be used at suitable habitat features prior to ground clearance or removal of such features (i.e. hand/destructive/night searches).

This guidance is also recommended for works within the amber zone.

Section 3 provides guidance for ongoing lineside vegetation management activities.

Section 4 provides advice on experience requirements for supervising ecologists. Any capture/relocation of great crested newts must be carried out by or under supervision of a licenced great crested newt ecologist.

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 versions 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.

## 1. Best practice and reasonable avoidance measures

The following measures are a requirement for all activities authorised under the organisational licence in the red zone and are recommended for all activities in the amber zone:

- Before any works commence:
  - **Advice must be sought from a suitably qualified ecologist** on the requirements of the licence and any other measures 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 suitability of habitats, proximity of ponds and the nature of the works)[1];
  - 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** for site personnel, to be provided 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 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)

**The following reasonable avoidance measures** should be employed to reduce the risks to newts during works:

- In advance of any soil stripping works, **vegetation management** should be undertaken to reduce the suitability for newts and to discourage newts from areas which will be soon

[1] 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).

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)

- 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

- Following temporary works, habitats should be allowed to naturally regenerate/be recreated and habitat enhancements (such as provision of habitat piles) should be implemented wherever possible.

## 2. Mitigation

### Ponds/waterbodies

Restrictions apply when ponds/waterbodies will be damaged or lost during works, as these works lead to significant risks to great crested newts:

**Works to existing ponds onsite may only be undertaken during autumn/winter.** This applies to any occupied/breeding ponds on site (based on the presence/absence data or HSI score and suitability of terrestrial habitat).

This means that any and all works to occupied/breeding 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 requirement. If a pond will be lost, the pond should 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.

### Terrestrial habitats

Where there is suitable overwintering habitat (or 'hibernacula') for great crested newts, the period within which damage or destruction of that habitat can be undertaken is restricted:

**Works which will affect likely newt hibernation areas may 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').

**Where good quality habitat for GCN will be impacted within 250m of an occupied or breeding pond, capture methods must be used at suitable habitat features prior to ground clearance or removal of such features (i.e. hand/destructive/night searches).** 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. 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.

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:

### *Hand searches*

This refers to the careful searching, by hand, of potential refuges and suitable habitat features, and under the licence, this allows 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 close to ponds (<50m) it may require 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 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 5 nights.

### *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.

### *Notes on capture*

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 works 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).

Under the Organisational 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.

### *Optional fencing and pitfall trapping*

Where suitable habitat will remain on site or off the working area, temporary amphibian fencing (TAF) may be installed at the ecologist's discretion, under the Organisational Licence, to assist with reasonable avoidance measures and prevent newts re-occupying or moving onto the site during works. Temporary amphibian fencing includes exclusion fencing and one-way fencing.

Pitfall traps may also be used at the ecologist's discretion, under the Organisational Licence, to minimise risks to individual newts where large numbers of newts may be present. The use of amphibian fencing and pitfall trapping is recommended only in very high-risk areas, close to ponds where habitats to be impacted are very high quality and likely to support large numbers of great crested newts. A suitably experienced and licensed ecologist would need to advise on the most appropriate fencing and trapping design for the site, depending on the types of habitats and features present.

- **Amphibian fencing**

Amphibian fencing design, installation and maintenance must follow best practice and would need to be focussed in and around suitable areas of habitat to be cleared – e.g. within 100m of great crested newt ponds where habitats to be lost are highly suitable for great crested newts. 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**

Pitfall trapping is discretionary, but where it is carried out, 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 are 25 days trapping, in suitable conditions for newt movements, with 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 should 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.

In order to maximise capture efficiency, trapping should 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. 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 pitfall or bottle trapping are employed, 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.