


## FCS Guidance Note 35b: Forest operations and great crested newts in Scotland

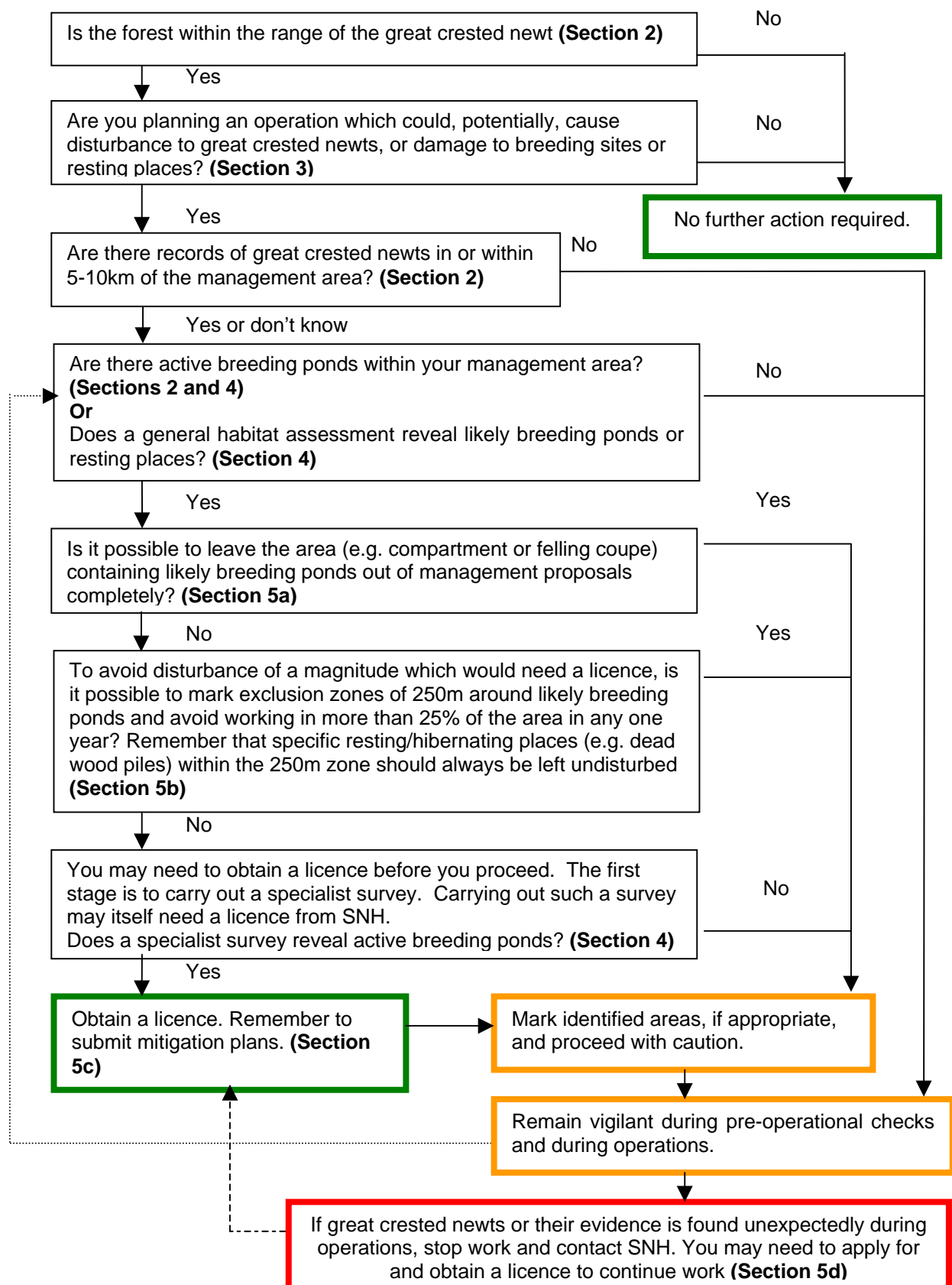
*Adult male great crested newt*

### SUMMARY OF KEY INFORMATION

- This guidance note describes reasonable measures that forest and woodland managers should follow to avoid or minimise the risk of committing offences against the great crested newt, a European protected species.
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- It is an offence deliberately or recklessly to capture, injure or kill a great crested newt; to disturb it while it is occupying its breeding/resting places, or while it is migrating or hibernating; to obstruct access to breeding/resting places; or take or destroy great crested newt eggs. It is an offence to damage or destroy breeding sites or resting places, even accidentally.
  - Great crested newts in Scotland are found predominantly across the central lowlands, in Dumfries and Galloway, the Borders, and in lowland areas within 30 miles of Inverness. They live in and around ponds. Within 250m of ponds, great crested newts can occur in high densities.
  - In these areas, prior to any management operation near a pond you should find out if there have been signs or records of great crested newts in the management area. If there have been such signs or records, carry out a general survey of the site to assess habitat suitability.
  - If as a result of a general survey you suspect that great crested newts are present, proceed with caution near ponds. Do not work within 50m of a breeding pond during the breeding season. Mark and avoid features likely to be used by great crested newts within 250m of ponds. Proceed sensitively and where possible, do not carry out operations over more than 25% of the area within 250m of a breeding pond in any one year. Specific resting/hibernating places (e.g. dead wood piles) within the 250m zone should always be left undisturbed.
  - If you come across actual evidence of great crested newts - either through carrying out a specialist survey, or by coming across them during operations, you must establish an operational exclusion zone of at least 250m around breeding ponds. Mark and avoid features likely to be used by great crested newts in the vicinity.
  - If the forest management operation is essential and you know that great crested newts are present, and if the work is likely to kill newts or damage their breeding /resting/hibernating place (i.e. the work cannot be kept within the limits described above), then you must apply for and obtain a licence from Scottish Government prior to undertaking the work. If great crested newts or their eggs or larvae are found during operations, halt work immediately and seek advice from Scottish Natural Heritage on how to proceed.

## FLOWCHART SHOWING THE DECISION-MAKING PROCESS

Relevant section of guidance shown in brackets



## PURPOSE OF THE DOCUMENT

This guidance note has been prepared by Forestry Commission Scotland (FCS) and Scottish Natural Heritage (SNH) to advise people who are planning and carrying out felling or other operations in forests or woodlands which have the potential to affect great crested newt (*Triturus cristatus*), a European protected species.

This note will be revised as necessary in light of experience and feedback from users. It is one of a series of four detailed guidance notes on EPS in Scottish woodlands, which supplement more general guidance in [FCS Guidance Note 34, 'Forest operations and European protected species in Scottish forests'](#). The other species featured are otter, bats and wildcat.

FCS will follow this guidance in its management of the national forest estate, and will expect it to be followed by those carrying out forestry operations covered by felling licences and grant schemes and forest plans for private forests. FCS and SNH will also promote its use in forestry-related environmental impact assessments and in appropriate assessments for judging the impacts of forestry-related proposals on Natura sites.

## 1. INTRODUCTION

The great crested newt is our largest newt. It is declining in Europe and though Southern Britain is a stronghold, even there it is estimated to be declining at a rate of 2% of colonies per five years. Scotland is at the edge of the species' range so it is particularly vulnerable.

As a European protected species of animal, great crested newts are fully protected. In summary, it is an offence to:

- deliberately or recklessly capture, injure or kill them
- deliberately or recklessly harass or, in certain circumstances disturb them
- deliberately or recklessly take or destroy their eggs
- damage or destroy their breeding sites or resting places even accidentally.

More information on great crested newts and the law is contained in Annex 1.

A person is not guilty of the above offences if they are carried out in accordance with a licence, which can only be issued under very strict conditions. For more information, see section 5 below.

## 2. WHERE DO GREAT CRESTED NEWTS OCCUR IN SCOTLAND?

The great crested newt is still quite widespread in Britain. The Scottish distribution is predominantly across the central lowlands, in Dumfries and Galloway, the Borders, and in lowland areas within 30 miles of Inverness.

The [National Biodiversity Network](#) (NBN) is available on the web to help you identify where great crested newts might be present in or near to your woods. You can also use the interactive map to search for great crested newt records, zooming to your area of interest. SNH, the [Local Record Centre \(LRC\)](#), or your local Amphibian and Reptile Group (ARG) representative, are also likely to be able to give site-specific information on likelihood of

### Definitions used in this guidance.

A **breeding site** is a pond (temporary or permanent) in which great crested newts congregate to breed and lay their eggs.

A **resting place** is any other place outside of a breeding pond occupied by great crested newts, including their hibernating places.

great crested newt presence. The NBN holds records from a variety of sources so if you are uncertain about a record because, for example, it is very old, then you should contact SNH, the local ERC or ARG for advice.

### 3. FORESTRY-RELATED DAMAGE OR DISTURBANCE TO GREAT CRESTED NEWTS

The greatest risk of committing an offence is when felling and other operations such as site cultivation or forest road construction are likely to:

- **damage or destroy** great crested newt breeding sites/hibernating/resting places
- **disturb** great crested newts whilst they are using these breeding/hibernating/resting places.



*Great crested newt pond, Strathpeffer*



*Great crested newt pond, Strathpeffer*

The damage or destruction of breeding sites or resting places is the most frequent risk for woodland managers to consider. Importantly, accidental damage/destruction, as well as that which is done deliberately or recklessly, could be an offence. Remember that breeding sites or resting places are protected at all times, even when no great crested newts are present.

Disturbance to great crested newts can occur indirectly as a result of felling or even planting trees nearby, as this could alter the light, humidity and temperature conditions of a pond.

To reduce the risk of accidental disturbance and destruction, management operations should be planned well in advance to allow time for survey work.



*Log pile resting site*

In addition, forest operations might:

- **cause disturbance** to foraging newts by altering their habitat.

Providing that you take great crested newts into account and consider their needs, woodland management which follows normal good practice, as set out in the UK Forestry Standard or UK Woodland Assurance Standard, is unlikely significantly to disturb great crested newts during their foraging activity and constitute an offence. Key points to consider are:

- Great crested newts can travel up to 1km from their breeding ponds, so try to restrict or avoid felling, site cultivation or forest road construction in the prime great-crested newt foraging habitat features in this area, such as old broadleaved woodland, riparian woods, pondsides and lochsides.
- The cumulative impacts on populations over multiple ponds. Consider staging operations over a number of years to reduce impact.

#### 4. GREAT CRESTED NEWT SURVEYS

If there is a possibility of great crested newt being present, you must carry out a general survey to establish whether the habitat is suitable for great crested newt and, in particular, to identify possible breeding sites.

If great crested newts are present in your woodland, they are mostly likely to be in the vicinity of breeding ponds between April and July which is the best time of year to survey. The breeding season is dependent on temperature and liable to be later in more northerly and upland areas (see Annex 2 for more information).



*Adult male great crested newt*



*Adult female great crested newt*

#### General survey (habitat assessment)

Forest managers may gain an initial assessment of newt presence by assessing whether there are suitable breeding ponds on or near the site, looking not just in woodland but also in adjacent grassland, hedgerows and scrub. In theory any permanent pond or other water body, including heavily vegetated or shady ponds and ditches, could be a suitable breeding site for newts. However, in planning operations you will need to assess the risks of disturbing or damaging great crested newts, bearing in mind that some water bodies are unlikely to be used by great crested newts for breeding. These include:

- ponds which contain dense fish populations
- ponds which have been severely impacted by waterfowl

- seasonal ponds which dry out every year during the newt breeding season
- highly polluted ponds (though muddy and cattle-poached ponds may be suitable)
- acidic upland ponds and ponds and pools on peatland (though be aware of the possible influence of underlying basic rocks)

Great crested newts may also be found in suitable habitat within 250m of a permanent breeding pond, including:

- Other temporary or seasonal wet areas including temporary flooded hollows.
- Large rocks and rock piles, rubble piles, logs and log piles, fallen deadwood and underground mammal burrows which could act as resting places or hibernating places.

In some situations it may be possible to judge whether great crested newt are likely to be present by using a Habitat Suitability Index assessment. This assessment involves scoring 10 simple habitat measures (such as pond size, degree of shading). The resulting index is a measure of the likelihood of newt presence. Whilst not a replacement for newt surveys, this assessment could be useful for woodland managers in some situations. Guidance is available at: [www.narrs.org.uk/Documents/nasdocuments/HSI\\_guidance.pdf](http://www.narrs.org.uk/Documents/nasdocuments/HSI_guidance.pdf)

### Intensive specialist survey

Many of the techniques used for confirming the presence of great crested newts (e.g. torch surveys) are intrusive and require a licence from SNH. They should also normally be carried out by specialist surveyors. Survey licence applications are only granted under strict conditions. It would be necessary to:



*Immature great crested newt (left) and palmate newt (right)*

- provide information on the great crested newt population in question;
- consider the impact of the survey on the 'favourable conservation status' of the species and
- provide a detailed proposal for mitigation work.



*Great crested newt egg inside folded water plant leaf*

For more information on surveying for great crested newts see [Great crested newt mitigation guidelines](#) *Herpetofauna Worker's Manual* (Gent & Gibson, 1998) published by English Nature (now Natural England) and *Froglife Advice Sheet 11: Surveying for (Great Crested)Newt Conservation* (Froglife, 2001).

Note that one output of a specialist great crested newt survey should be a report which is sufficient to allow decisions on forest planning to be taken and to inform a licence application if one is necessary.

## 5. IDENTIFYING THE APPROPRIATE MANAGEMENT APPROACH

When carrying out forestry or woodland operations in an area which could or does have great crested newt breeding ponds, there are several options:

### **(a) Avoid operations which could damage potential breeding ponds and resting places.**

It can be hard to detect if newts are present. In some cases the simplest way to avoid the risk of committing an offence may be to leave the area around potential breeding ponds out of felling plans. However, in accordance with Forest and Water Guidelines, to maintain a balance of open and wooded vegetation will require occasional management such as tree felling and planting in many situations.

### **(b) Mark exclusion zones and take special precautions to minimise disturbance.**

Exclusion zones around possible breeding sites and resting/hibernating places can be marked and avoided during operations. Key features such as ponds, log piles, rock piles, fallen deadwood etc within 250m of a possible great crested newt breeding site should be marked and avoided during operations. If possible, work should be restricted to the hibernation period (see timeline below), though avoiding possible hibernation places.

In addition, take special precautions to minimise disturbance to an area of 250m radius around a possible breeding site:

- Do not carry out work within 50m of a pond during the breeding season;
- Where possible, do not work in more than 25% of area in any one year. Specific resting/hibernating places (e.g. dead wood piles) within the 250m zone should always be left undisturbed;
- Do not stack timber unless it is to be left *in situ*;
- Do not use skidders to extract timber - use a forwarder, where appropriate, or a skyline system;
- Do not scarify;
- Do not carry out drainage work which will lead to siltation of a pond.

### **(c) Obtain a licence for operations when great crested newts are known to be present.**

If you know that great crested newts are present at a breeding site or resting/hibernating place and you still want to proceed with forest operations, you will need to assess the risks of causing damage or disturbance to breeding sites and resting places, and take reasonable precautions (mitigation) to prevent these problems (see 5b). If you believe an offence would occur despite planned mitigation, you must apply for and obtain a licence from the Scottish Government before you start.

A licence application will require evidence:

- of the existence of a breeding site or resting place;
- that there is no satisfactory alternative to damaging or destroying the breeding site or resting place; and
- that there will be no detriment to the maintenance of the species at 'favourable conservation status'. In order to fulfil this last criterion it is usually necessary to carry out some form of mitigation or compensation work to offset the effects of the proposed operations.

Mitigation work can range from using amphibian-proof fencing to exclude newts from an area temporarily while operations are carried out, to moving the newts to a newly created

area of habitat. Techniques are outlined in the [Great crested newt mitigation guidelines](#) and the Highway Agency's [Design Manual for Roads and Bridges](#).

Please note that licences can only be issued for limited reasons. For forestry operations, this is likely to be where there are reasons of public safety or other imperative reasons of overriding public interest including those of a social or economic nature.

**(d) Great crested newts or their evidence found unexpectedly during management operations.** If great crested newts (including eggs and larvae) are discovered during operations, you should immediately stop work and seek advice from SNH and review your plans as required. SNH's advice on these occasions is likely to be to conduct further survey work to confirm the presence or absence of great crested newt. If newt sites are then identified and the area in question cannot be left alone, you will be advised to seek a licence from the Scottish Government bearing in mind the strict conditions under which these are issued.

Should you feel a licence application is necessary or wish to discuss the licensing process in more detail, please write to the Scottish Government, Rural Directorate, Landscapes and Habitats Division, Species Licensing Team (1A-North, Victoria Quay, Leith, Edinburgh EH6 6QQ (or telephone 0131 244 6549; fax: 0131 244 4071, or email: [specieslicensing@scotland.gsi.gov.uk](mailto:specieslicensing@scotland.gsi.gov.uk)).

Anyone who finds they have inadvertently damaged or destroyed a breeding site/resting place during operations should get in touch with SNH for advice on what to do next.

Report any incidents and the action taken, when great crested newts or their resting places or breeding sites are encountered during operations,.

## **6. GENERAL MEASURES TO MAINTAIN OR IMPROVE WOODLAND HABITAT FOR GREAT CRESTED NEWT**

This note focuses on how to plan operations to avoid damage and disturbance and comply with the law. You might also consider how you can provide good great crested newt habitats in the future by planning woodland in the longer term. This will help the great crested newt reach a 'favourable conservation status' as required by the Habitats Directive. For more information, see Annex 2.

## **7. GOOD PRACTICE REFERENCE LIST**

[English Nature \(2001\) Great crested newt mitigation guidelines. English nature, Peterborough](#)

Latham, DM, Oldham, RS, Stevenson, MJ, Duff, R, Franklin, P & Head, SM (1996) Woodland management and the conservation of the great crested newt (*Triturus cristatus*). *Aspects of Applied Biology* 44: 451-459.

*Herpetofauna Worker's Manual* (Gent & Gibson, 1998), JNCC

Highways Agency Design Manual for Roads and Bridges: Volume 10 Part 4 Section 6  
<http://www.standardsforhighways.co.uk/dmr/vol10/section4/ha9801.pdf>

*Froglife Advice Sheet 11: Surveying for (Great Crested) Newt Conservation* (Froglife, 2001). <http://www.froglife.org/FAS/FAS11.pdf>



[Scottish Environment Protection Agency \(2000\) Ponds, pools and lochans: guidance on good practice in the management and creation of small waterbodies in Scotland SEPA, Stirling.](#)

Forestry Commission (2003) *Forests and water guidelines*. 4th Edition. Forestry Commission, Edinburgh. [www.forestry.gov.uk/PDF/fcgl002.pdf/\\$FILE/fcgl002.pdf](http://www.forestry.gov.uk/PDF/fcgl002.pdf/$FILE/fcgl002.pdf)

Forestry Commission (2007) *Guidance on managing woodlands with great crested newts in England*. [http://www.forestry.gov.uk/pdf/england-protectedspecies-newt.pdf/\\$FILE/england-protectedspecies-newt.pdf](http://www.forestry.gov.uk/pdf/england-protectedspecies-newt.pdf/$FILE/england-protectedspecies-newt.pdf)

Langton, T., Beckett, C., Foster, J. (2001) *Great Crested Newt Conservation Handbook*. Froglife, Halesworth. <http://www.froglife.org/GCNCH/GCNCH.htm>

SEPA (2000): <http://search.sepa.org.uk/sepa?action=search&q=great%20crested%20newt>

## **PHOTO CREDITS**

P1 Adult male great crested newt: SNH

P4 (two pictures) Great crested newt pond, Strathpeffer: David O'Brien

P4 Log pile resting site: Jim Foster, Natural England

P5 Adult male great crested newt: Jim Foster, Natural England

P5 Adult female great crested newt: David O'Brien

P6 Immature great crested newt (left) and palmate newt (right): David O'Brien and Jim Foster, Natural England

P6 Great crested newt egg inside folded water plant leaf: David O'Brien

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## Annex 1: Great crested newts and the Law

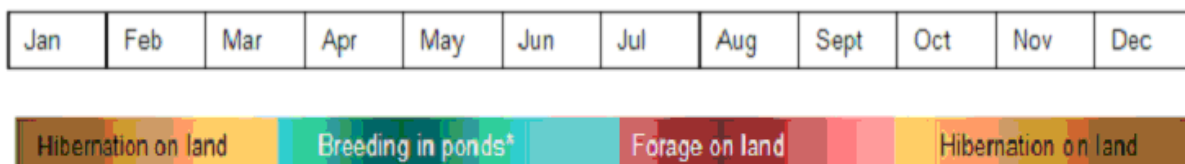
Great crested newts are listed on Annex IV of *EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna* ('Habitats Directive') as a species of European Community interest and in need of strict protection. The Habitats Directive is transposed into domestic legislation by means of ***The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in 2004, 2007 and 2008)***, (hereafter the 'Regulations'). Great crested newts that are native in any part of Great Britain are listed in Schedule 2 of the Regulations as a ***'European protected species of Animal'*** and are fully protected. (For further general guidance on the amended Regulations and how they affect woodland managers see: the [Scottish Government's explanatory note](#). Under the 2008 version of the Regulations it is an offence, without an appropriate licence, to:

- deliberately or recklessly capture, injure or kill such an animal
- deliberately or recklessly
  - (i) harass such an animal or group of animals;
  - (ii) disturb such an animal while it is occupying a structure or place used for shelter or protection;
  - (iii) disturb such an animal while it is rearing or otherwise caring for its young;
  - (iv) obstruct access to a breeding site or resting place, or otherwise deny the animal use of the breeding site or resting place;
  - (v) disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs;
  - (vi) disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;
  - (vii) disturb such an animal while it is migrating or hibernating
- deliberately or recklessly take or destroy the eggs of such an animal;
- damage or destroy a breeding site or resting place (this does not need to be deliberate or reckless for an offence to have been committed) of such an animal.

## Annex 2: Great crested newt habitat requirements

The life of great crested newts revolves around their breeding sites (refer to Table 1 for summary of lifecycle stages).

Table 1: The lifecycle of Great crested newts



\*adult and immature newts will live terrestrially around the pond at all times

Great crested newt populations tend to be higher where there are several breeding ponds close together linked by suitable land habitats. Dispersal can take place through habitats that do not provide much food or cover (e.g. car parks), but as a general guide suitable habitats within 250m of a breeding pond are likely to be used most frequently. Suitable shelter and hibernation sites may be above ground in dense undergrowth, beneath timber and log piles and amongst tree roots or underground in mammal burrows, under turf and

rocks. Great crested newts are unable to make their own holes, relying instead on existing crevices or voids.

Like all British amphibians, great crested newts rely on water for breeding (usually ponds though other water filled hollows are used) but spend much of their life on land. Woodland is an important component of their terrestrial habitats, particularly woodland with a diverse understorey. Terrestrial habitats are required for shelter, foraging, dispersal and hibernation. Both ponds and terrestrial habitats are important for foraging. Great crested newts feed on invertebrates and the larvae of other amphibians. Further information on location and habitat requirements of these species will be available from the Forestry Commission web-based decision support system [Habitats and Rare, Protected and Priority Species](#) and also guides listed in the reference section.

Great crested newts have successfully colonised many woodlands with ponds or woods with ponds nearby and general good forest practice is likely to favour them. Woodland habitats can be further improved for great crested newts by:

- increasing structural and species diversity of the woodland understorey (i.e. shrub, herb and ground flora layers) particularly, but not necessarily just within a 250m zone of the breeding pond (e.g. by thinning or tree and shrub planting) and
- creating new ponds within suitable habitat not more than 500m from existing breeding ponds, especially in areas where future harvesting of trees is not intended. Great crested newts benefit from a cluster of ponds being available.

The [Great Crested Newt Conservation Handbook](#) gives further guidance on the habitat requirements of these newts.