

Pond Management Work and Great Crested Newts



Do I need a licence to carry out pond management work?

In many cases of typical pond management, no licence is required. Pond Management includes the restoration of ponds which have become full of silt to such an extent that they no longer provide good habitat for great crested newts. A conservation licence is only required if the work would otherwise be an offence in relation to great crested newts e.g. deliberate killing or injury, deliberate disturbance or damage or destruction of a breeding site or resting place.

Pond management work is designed to improve the breeding site and therefore there is little risk of damage or destruction occurring, as the site will be enhanced. Where the work is carried out with sensible precautions then the risk of deliberate killing, injuring or disturbing newts can be greatly minimised. When the risk of killing, injury or disturbance has been considered and minimised then it is unlikely that an offence will occur, as such actions are unlikely to be considered as deliberate.

Natural England envisages that carefully planned standard pond management works would be highly unlikely to result in offences, and therefore we would not normally expect licence applications.

What precautions do I need to consider?

Pond management work should normally be carried out in late autumn through winter, typically 1st November to 31st January, when great crested newts are unlikely to be present in ponds. The dates are for guidance only as we cannot give specific dates that apply to all situations. In some ponds newts may have left the pond earlier whereas in certain ponds great crested newts can overwinter in low numbers. In some cases it may be essential to do the work in the summer months because of ground conditions; however this will require careful consideration of the impacts on great crested newts and, if newts are present, a conservation licence will be required. Each project should be looked at individually and if you feel that you may commit an offence in doing the works then you can apply for a licence. The *Great Crested Newt Conservation Handbook* (Langton et al., 2001) provides guidance regarding appropriate methods for pond management and restoration work.

It is also important to consider whether the proposed pond management work will impact upon surrounding terrestrial great crested newt habitat. Large machinery can damage habitat and hibernacula if not carefully planned and the silt removed from pond must not be deposited on areas used by great crested newts.

Before pond management work commences, a survey of the immediate area is a sensible precaution. Licences for surveys are issued by Natural England for scientific purposes. A survey for great crested newts should be undertaken by someone who is appropriately experienced and licensed. The results of this survey can help to decide whether a licence is required for pond management works.

What should I do if great crested newts are found to be present as a result of the survey?

If great crested newts are found during a survey undertaken immediately prior to the work then the work should either be rescheduled or amended to avoid committing an offence, or an application for a conservation licence should be submitted to Natural England.

If great crested newts are present how do I apply for a licence for pond management work?

All applications for conservation licences should be made using the Natural England application form WLM –A29 and will need to state how the proposed work will benefit the conservation of great crested newts. The applicant will also have to provide survey information, the proposed methodology, justification as to why this is the best course of action despite the presence of great crested newts, and confirm that there are no other feasible options for achieving the conservation gain which would have less direct impact on the great crested newts. The licence application must state clearly which licensable activities will occur (disturbance, etc).

If pond management work is part of **mitigation for development** affecting great crested newts, and an offence would result from the proposed works, then a mitigation licence would be required.

How do the changes to the Habitat Regulations in 2007 affect pond management work?

The amendment to the Habitat Regulations in 2007 removed the defence which previously made an action lawful if it was the *incidental result of a lawful operation and could not reasonably have been avoided*. Although there is now no statutory defence to killing, injuring or disturbing great crested newts under the Regulations, note that to constitute an offence the actions must be done 'deliberately'. In addition, disturbance must be substantial to cause an offence under the Regulations. Therefore, if people take all sensible precautions to reduce the risk, such as those described above, then such offences are unlikely.

Where can I find guidance on pond management or restoration?

- The Great Crested Newt Conservation Handbook (Froglife):
www.froglife.org/GCNCH/GCNCH.htm
- The conservation of great crested newts: a brief guide to management (The Herpetological Conservation Trust):
<http://www.herpconstrust.org.uk/downloads/GreatCrestedNewtManagementLeaflet.pdf>

Further information

Further advice on applying for licences can be obtained by contacting Natural England's Wildlife Management & Licensing Service at: Wildlife Licensing Unit, Natural England, Burghill Road, Westbury-on-Trym, Bristol, BS10 6NJ. Tel: 0845 601 4523 (local rate)
E-mail: wildlife@naturalengland.org.uk
www.naturalengland.org.uk/conservation/wildlife-management-licensing

Advice on conservation matters can be obtained from local offices of Natural England. Office details are available on the Natural England website www.naturalengland.org.uk