

SMOOTH NEWT

ADVICE FOR PLANNING OFFICERS AND APPLICANTS SEEKING PLANNING
PERMISSION FOR LAND WHICH MAY IMPACT ON SMOOTH NEWTS

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Introduction

Northern Ireland (NI) has only one protected amphibian, the Smooth or Common Newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*).

Typical habitat

Although newts are widespread across Northern Ireland, suitable habitat for the species is in decline. Newts have aquatic young and require ponds and areas of standing water with aquatic vegetation for breeding, including garden ponds and field ditches. Ponds are exceptionally vulnerable, and face many threats, including drainage, infill and pollution. After breeding has completed they disperse into nearby rough grassland and woodlands. Newts hibernate over winter under rocks, logs and other sheltered areas that can sometime be a distance from their breeding waterbody.

Legislation

Newts are listed on schedules 5, 6 and 7 of the Wildlife (NI) Order 1985 (as amended). Under the Order it is an offence to:

- intentionally or recklessly kill, injure or take a newt; or
- intentionally or recklessly damage or destroy, or obstruct access to, any structure or place that newts use for shelter or protection; or
- intentionally or recklessly damages or destroys anything which conceals or protects any such structure; or
- intentionally or recklessly disturbs a newt while it is occupying a structure or place which it uses for shelter or protection.

In addition any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

There is no provision within the legislation to issue licences to kill newts for the purpose of development.

Policy

Planning Policy Statement 2, Natural Heritage, NH2 and the Single Planning Policy Statement states that a development proposal shall not harm a protected species

The policy indicates that development proposals are required to be sensitive to all protected species and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places.

Survey requirements

The Northern Ireland Biodiversity Checklist (<https://www.daera-ni.gov.uk/topics/environmental-advice-planners>) should be used to establish if a survey is

required to assess the presence of newts for a complete application. All surveys should be undertaken by suitably experienced and licensed surveyors. The survey period is mid March to mid June of the waterbody that will be impacted and any suitable terrestrial habitat within 200m of the waterbody. Assessment of habitat suitability can be undertaken any time of year. Newt survey specifications are available on the NIEA website.

Impacts of Development

The loss of a breeding waterbody or terrestrial habitat surrounding a waterbody results in a significant impact to newts and requires mitigation.

In addition common impacts which should also be considered include:

- general site clearance, regrading and drainage works. These associated works also have the potential to create temporary ponds during works which may subsequently become utilised by newts;
- inadvertently creating temporary habitats, such as rubble piles, which newts may attempt to use if still on site;
- habitat fragmentation can impact the movement across a site, for example between breeding ponds and hibernation areas. Reduced dispersal between populations can also lead to populations becoming isolated which can result in poor population genetics; and
- ponds or waterbodies may be impacted by shading, chemical input or run-off.

Mitigation

Unacceptable waterbody loss and habitat loss and fragmentation should be avoided during development. Mitigation for newts could include retaining waterbodies, habitat connectivity, reducing habitat impacts and permanent loss and ensuring the long-term management does not affect the population.

Habitat creation, habitat management including the provision of artificial breeding, and hibernation sites may be used as a means of improving habitats for newt. Newts exhibit significant seasonal variations in behaviour (and in some cases habitat requirements), thus it is often possible for works to be timed to avoid periods when amphibians are most at risk. They breed and are present in waterbodies from February to June and then disperse to the land in summer.

Additional important factors to consider during the mitigation process:

- Water source and retention of water
- Pond design and location
- Flooding
- Aquatic and terrestrial vegetation
- Habitat connectivity

Any loss of a breeding waterbody will always require translocation under licence and may require pond creation.

Licensing requirements

Where interference with a newt breeding pond or ditch cannot be avoided, a licence must be sought from NIEA, Wildlife Team. However it should be noted that any such interference should only be considered as a last resort. A licence application will only be considered if accompanied by an appropriate site survey report (normally undertaken by a licensed ecologist). NIEA may place restrictions on both the timing and methodology of any works affecting newt habitat. See <https://www.daera-ni.gov.uk/articles/wildlife-licensing> for more information on licensing.

In addition a licence to survey for newt presence and abundance must be obtained from the NIEA Wildlife Team before commencement of the survey.

Related Standing Advice

The following standing advice sheets should also be considered:

- Priority Habitat
- Bats
- Otters

Newt informative for decision notices

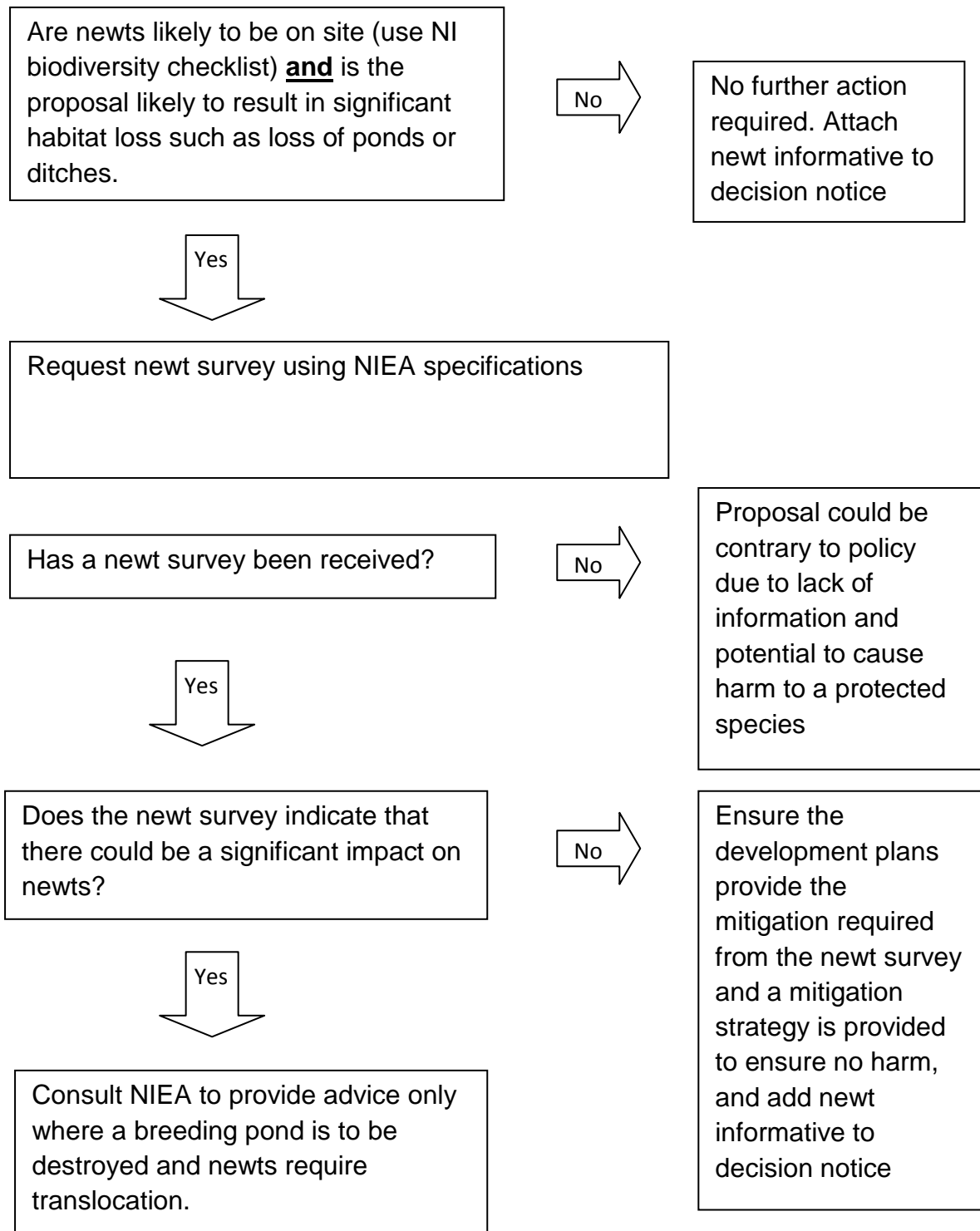
Informative to be used for any development with ditches or ponds after they have been fully assessed and mitigated:

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a newt while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of newts on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

Process to consider for applications when dealing with newts





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