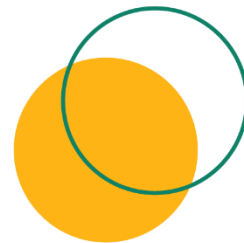




Great Crested Newt eDNA Survey Report



Mr Steven Cox
Land Adjacent to 21 Danesbury Park Road, Welwyn, AL6 9SH

June 2026

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1. Introduction

1.1. Background

The client, Steven Cox, has instructed ACP Consultants Ltd to conduct a Great Crested Newt (GCN) eDNA Survey. The survey was commissioned to accompany the planning application to the North Hertfordshire District Council for the “erection of two residential dwellings with associated amenity areas” (hereafter referred to as ‘the proposed development’) at the land adjacent to 21 Danesbury Park Road, Welwyn, AL6 9SH (hereafter referred to as ‘the site’). The site is currently classed as grassland and will be converted to residential. The proposed development plan is provided in **Appendix 1**.

The site has previously been subject to survey. The following survey reports are of relevance:

- Preliminary Ecological Appraisal (PEA) (ACP, 2026)

This PEA report (ACP, 2026) recommended eDNA testing of the two ponds surrounding the site due to there being GCN records within 5km of the site and suitable habitat for transient GCN.

1.2. Scope of Report

A GCN eDNA survey examines the presence or likely absence of Great Crested Newts within a given pond or ponds. Physical evidence is also used to assess the presence or likely absence of GCN. Possible ecological constraints regarding GCN, resulting from the proposed development, are identified and recommendations are suggested so as to comply with wildlife legislation.

The survey effort was led by Brooke Waites (Natural England GCN Licence), accompanied by Ella Walker.

The following actions were undertaken to achieve these aims:

- Desk study research was carried out.
- A field survey was undertaken to record the baseline ecological information surrounding the pond, including habitat types classified under the UK Habitat Classification V2.0 (UK Hab Ltd, 2023) and their suitability for GCN.
- Any invasive plant or animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on habitats and features of value to GCN, resulting from the proposed development, were identified.
- Recommendations for further surveys and appropriate mitigation were made.

This assessment has been conducted in accordance with good practice guidelines, the National Planning Policy Framework (2025) and relevant local supplementary guidance.

Relevant planning policy and legislation can be found in **Appendix 4**.

1.3. Validity Statement

The survey results and recommendations contained within this report are valid for 18 months, unless works have taken place since the production of this report. An updated site visit may be required if the report is to be used any longer than 18 months after completion (CIEEM, 2019).

1.4. Limitations

At the time of the site visit pond P1 was very shallow and samples had to be collected from a small portion of the pond. As this pond was on private land and residential land, photographs could not be taken.

An additional pond was noted during the site visit, however this pond is a koi carp pond and considered unsuitable for GCN as fish are known to eat the eggs of GCN. Therefore, this pond was not tested. This is not considered a significant limitation due to GCN living in metapopulations and their lack of presence in all other ponds, coupled with the suboptimal conditions of a koi carp pond.

1.5. Great Crested Newt Ecology



Male (right) and female (Left) Great Crested Newt (ACP, 2026)

The distribution of Great Crested Newts stretches across England, with limited populations in Wales and Scotland. Although present throughout western Europe, the UK remains an international stronghold for GCN (Wildlife Trust, 2020). Nevertheless, the University of Oxford (2025) suggested a GCN population decline by 5% per year in Britain.

Similar to other UK amphibians, the great crested newt requires suitable waterbodies for breeding, whilst spending a third of their lives on land within suitable terrestrial habitat. Larger ponds with aquatic vegetation and a lack of fish and waterfowl are preferred breeding locations. Breeding commonly takes place at night and within the months of March and June, with adults leaving the breeding pond around July. However, young newts, or efts, will utilise the breeding pond until August (Langton, Beckett, and Foster, 2001).

GCN commonly exist within metapopulations, utilising clusters on ponds with the majority of adults staying within 250m of the breeding pond. However, adult colonising males have been known to travel up to 1000m. Favourable terrestrial habitats include deciduous woodland, tussocky undisturbed grassland, and mature hedgerows. During the winter months, GCN will enter a stage of brumation, utilising dead wood, mammal burrows, tree roots, and dry stone walls (Langton, Beckett, and Foster, 2001).

2. Methodology

To achieve the objectives set out in the scope of the report, a desk study was completed, followed by a site visit. This site visit assessed the dominant habitat types and their suitability for protected species and recorded any field signs of protected species. This report has been written in line with the *Guidelines for Ecological Report Writing 2nd edition* (CIEEM, 2017a).

2.1. Desk Study

The desk study is undertaken by reviewing the Multi-Agency Geographic Information for the Countryside (MAGIC; Defra, 2026). Statutory designated sites local to the site (usually 2km radius) and European designated sites within influencing distance of the site (usually 10km radius) are noted. Landscape value is assessed by recording the presence of notable and priority habitats and viewing satellite imagery (Google Earth, OS Maps) of the site for connectivity to the local landscape. Where relevant, historical satellite imagery has also been referred to. Granted European Protected Species Licences (EPSL) and other notable species records within influencing distance of the site are obtained and considered, either from MAGIC or, where relevant, the Local Environmental Record Centre (LERC). If data has been obtained from the LERC, this data has been analysed and summarised in the report owing to confidentiality and the raw data not being suitable for release into the public domain.

2.2. Field Survey

Habitat Assessment

Baseline habitats were classified in accordance with the *UK Habitat Classification User Manual* (UK Hab Ltd, 2023). Botanical species lists were recorded using the relative abundance DAFOR scale (Dominant, Abundant, Frequent, Occasional, Rare).

During the survey, both terrestrial and aquatic habitats were assessed for suitability to support GCN. Habitat conditions are considered in the context of the wider landscape and the desk study research, as well as GCN ecology, and are evaluated for their likelihood to provide commuting, foraging, brumation, and breeding habitat for GCN.

Habitat Suitability Index (HSI)

Ponds were assessed for their suitability to support great crested newts using the ARG UK Advice Note 5 (ARG UK, 2010) based on the Habitat Suitability Index (HSI) Assessment Methodology (Oldham, Keeble, Swan, & Jeffcote, 2000). Ten factors are considered for GCN suitability. Each factor is given a value between 0.01 (very poor suitability) and 1 (very high suitability). Each pond is assessed independently and given an HSI score ranging from 'poor' to 'excellent'. However, HSI is used as guidance and cannot be used to determine the presence or absence of GCN in a given pond or water body.

Environmental DNA (eDNA)

Samples of pond water taken from ponds onsite or near the development site were sent to a Natural England-approved laboratory (SureScreen Scientific). Samples were collected in line with the methodology outlined by Biggs *et al* (2014). Samples were refrigerated immediately after collection. The survey was conducted between the suggested months of April to June in suitable weather conditions. Provided conditions are correct, eDNA has a 99.3% detection rate for GCN (Biggs *et al*, 2014).

GCN Risk Assessment Tool

The risk of the development on GCN populations was assessed using Natural England's GCN Risk Assessment Tool.

3. Results

3.1. Desk Study

The site is located at National Grid Reference TL 23676 17700 and has an approximate area of 0.18ha. A site location plan is provided in **Appendix 3**.

3.1.1. Local Landscape

Site and Surrounds

The site is located adjacent to 21 Danesbury Park Road in Welwyn. The site is currently vacant however is surrounded by residential dwellings and grass fields or tree lines. Immediately surrounding the site, the roads are not curbed and largely hedge lined. To the southeast of the site, a motorway (A1) runs north to south. Further west of the site, there are agricultural fields and equestrian sites. There are no designated sites on or surrounding the site.

3.1.2. Designated Sites & Priority Habitats

There are three designated sites within 2km of the site, shown in Table 1 below. There are no European designated sites within 10km. The presence of non-statutory designated sites cannot be determined without purchasing BRD from the local records centre.

Priority habitats within 2km of the site include woodland (ancient and deciduous), coastal and floodplain grazing marsh and traditional orchard. These habitats provide valuable resources for GCN. Table 2 below summarises the priority habitats present.

Table 1: Designated sites within a reasonable buffer from site

	Designated Site Name	Distance & Direction	Reasons for Notification
Statutory Designated Sites (2km)	Danesbury Park (LNR)	~500m south	<i>'Danesbury's grassland has a wide variety of flowering plants which support insects and, therefore, also birds. Having its origins as historic parkland, Danesbury also still has a number of large mature trees which are of huge value to wildlife, especially bats, owls, fungi and insects. These trees continue to be important even after they have died, fallen down and begun to decay.'</i>
	Mardley Heath (LNR)	~580m northeast	<i>'Birch trees and heath land species regenerated on the open sandy centre of the site, while original oak and hornbeam woodland remained around the perimeter. Some 40 hornbeam pollards remain as clues to the reserve's past. Sandy soils also provide homes for rare solitary bees and wasps.'</i>
	Singlers Marsh (LNR)	~1260m southwest	<i>'This wet meadow lies adjacent to the River Mimram on the northern edge of Welwyn. Managed by cattle grazing and cutting, it represents a rare habitat in Hertfordshire. Singlers Marsh comprises a section of regionally important chalk river and lowland flood meadows. The mosaic of grassland, willow scrub and more mature trees attract a wide range of wildlife especially plants of wet meadows, insects and birds including summer visitors.'</i>

Table 2: Priority habitats within 2km from site

Habitat	Distance & Direction of Closest Parcel
Deciduous Woodland	~20m northwest
Traditional Orchard	~700m northeast
Ancient Woodland	~800m southeast
Coastal and Floodplain Grazing Marsh	~1600 southwest

3.1.3. Protected Species

There are no great crested newt (GCN) EPSLs or class licences, but there were two pond surveys, or class licence returns within 2km of the site.

Table 3: Species records within 2km from site

Ref	Distance & Direction	Presence
Pond Survey 1	~1000m southwest	Absent
Pond Survey 2	~1300m north	Inconclusive

3.2. Site Survey

The survey was undertaken by Brooke Waites (Natural England GCN Licence) and Ella Walker on 21/05/2026.

Samples collected were received by SureScreen Scientifics Ltd on 22/05/2026 for analysis, and results were received on 08/06/2026.

Table 4: Summary of conditions during survey

Factor	Recorded Value
Temperature (° Celsius)	19
Wind (Beaufort Number)	2
Cloud Cover (%)	15
Precipitation	None

3.2.1. Habitats on site

The site is a private vacant plot with dense hedgerows and treelines along the southern borders, including native and non-native tree and hedge species. Within the redline boundary, there are large sections of other neutral grassland accompanied by smaller sections of mixed scrub and scattered trees. The site sees little human maintenance, meaning wildflowers and self-seeded saplings have been allowed to grow.

The habitats on site comprise neutral grassland (g3c), Trees (200), non-native and ornamental hedgerow (h2b), mixed scrub (h3h), and native hedgerow (h2a).



Grassland and scrub



Grassland and scrub

3.2.2. Pond Descriptions and Habitat Suitability Assessments

Pond - P1

Pond P1 is located at National Grid reference TL 23610 17638, ~200m southwest of the site, with an area of 9m². The pond is a garden pond surrounded by dense vegetation, meaning it was shaded throughout the day. At the time of the site visit, the pond had very low levels of water. No submerged vegetation was observed, and therefore, no egg search could be completed. There were common frogs *Rana temporaria*, present in the pond. Surrounding the pond, terrestrial habitats provide optimal foraging habitats with vegetated garden (grass dominated) and ornamental planting. The banks of the pond are sloping, supporting access to the pond. Vegetated garden and uncurbed and quiet roads, support connectivity between the pond and the site. The owner of the pond notes smooth newts have been previously present in the pond. As this pond is located within a private garden, photographs have not been included.



Pond P1, concealed by shrub

Pond P2

P2 is a natural swimming pool located at National Grid reference TL 23283 17675. This pond is ~50m² and is located ~350m west of the proposed site. As a natural swimming pool, the water had very low turbidity. GCN often avoid ponds with high human activity or disruption, especially during breeding season as this may disrupt or destroy eggs. The pond had bulrush *Typha latifolia* growing around the edges of the pond and small amounts of filamentous algae around the northern corner of the pool. There were significant number of tadpoles at all edges of the pond which could provide prey

for newts but also predate on GCN eggs. Most of the edges around the pond are natural elements such as stones, rocks, and grassland allowing newts access into the pond. The surrounding terrestrial habitat is vegetated, grass gardens and hedgerow fencing allowing newts connectivity to the pond.



Pond P02



Pond P02

Pond P3

P3 is a wildlife pond at National Grid reference TL 23221 17742. This pond is ~17m² and is located ~400m west of the proposed site. As the pond is a wildlife pond it is designed to support amphibians and local wildlife. The water has low turbidity, with yellow iris *Iris pseudacorus* surrounding and submerged within the pond. There are some algae and pond weed coverage over the top of the pond (~30%). The pond is surrounded by gently sloping grass banks allowing wildlife easy access into the pond. No eggs were observed at the time of the site visit. The pond is not regularly disturbed outside of yearly maintenance.



Pond P3

Pond P4

P4 is a koi carp pond at National Grid reference TL 23324 17639. This pond is ~18m² and is located ~320m west of the proposed site. The pond is not considered suitable for GCN due to the presence of large carp within the pond who predate on GCN eggs and sharp banks which would hinder GCN access into and out of the pond. The pond has moderate turbidity with yellow iris *Iris pseudacorus* surrounding pond. There is little algae or shade around the pond and there are no submerged plants suitable for egg laying. Therefore, this pond is considered unsuitable for GCN.



Pond P4



Pond P4

3.2.3. Habitat Suitability Index (HSI)

Table 5: Categorisation for HSI scores, indicating suitability for GCN, taken from ARG UK (2010)

HSI Score	Pond Suitability
<0.50	Poor
0.50 – 0.59	Below average
0.60 – 0.69	Average
0.70 – 0.79	Good
>0.80	Excellent

Table 6: HSI scores for Ponds P01-P03

Pond reference	P1	P2	P3	P4
Grid reference	TL 23610 17638	TL 23283 17675	TL 23221 17742	TL 23324 17639
HSI Criteria	Value	Value	Value	Value
Geographical location	1	1	1	1
Pond area	0.01	0.01	0.01	0.01
Pond permanence	0.1	0.9	0.5	0.9
Water quality	0.33	0.67	0.67	0.01
Shade	0.2	1	1	1
Waterfowl effect	1	1	1	1
Fish presence	1	1	1	0.01
Pond density	0.8	0.8	0.8	0.8
Terrestrial habitat	1	0.67	1	0.33
Macrophyte cover	0.3	0.5	0.8	0.3
HSI Score	Poor (0.33)	Below Average (0.53)	Below Average (0.54)	Poor (0.19)

3.2.4. eDNA Field Survey

Pond Ref	National Grid Reference	eDNA Result
P1	TL 23610 17638	Negative (0/12)
P2	TL 23283 17675	Negative (0/12)
P3	TL 23221 17742	Negative (0/12)

3.2.5. Great Crested Newt Rapid Risk Assessment

The development involves the development of two residential dwellings and therefore requires the removal of grasslands and hedgerow. No positive eDNA samples were returned as part of this report and therefore the rapid risk assessment shows that an offence is 'highly unlikely'.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	0.1 - 0.5 ha lost or damaged	0
Individual great crested newts	No effect	0
Maximum:		0
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

This assessment is only to be used as general guidance and does not take into account factors such as newt population size, pond density, terrestrial habitat types, habitat fragmentation or dispersal barriers. Where possible, these factors have been assessed during visual surveys

4. Impact Assessment, Recommendations and Enhancements

This section includes further work to commission (if any) to obtain planning permission or comply with legislation for other consent. Impacts as a result of the proposed development are assessed, and recommendations for mitigation and further survey work are given below.

4.1.1. Amphibians

Impacts:

No positive great crested newt results were returned as part of the eDNA sampling. Therefore, it can be assumed that GCN are not present in the area surrounding the proposed development. Common frogs were present in two of the ponds and could be utilising the grassland and hedgerow on the proposed site. Therefore, they could be injured as part of the development.

Recommendations:

Precautionary Working Methods Statement for Common Amphibians

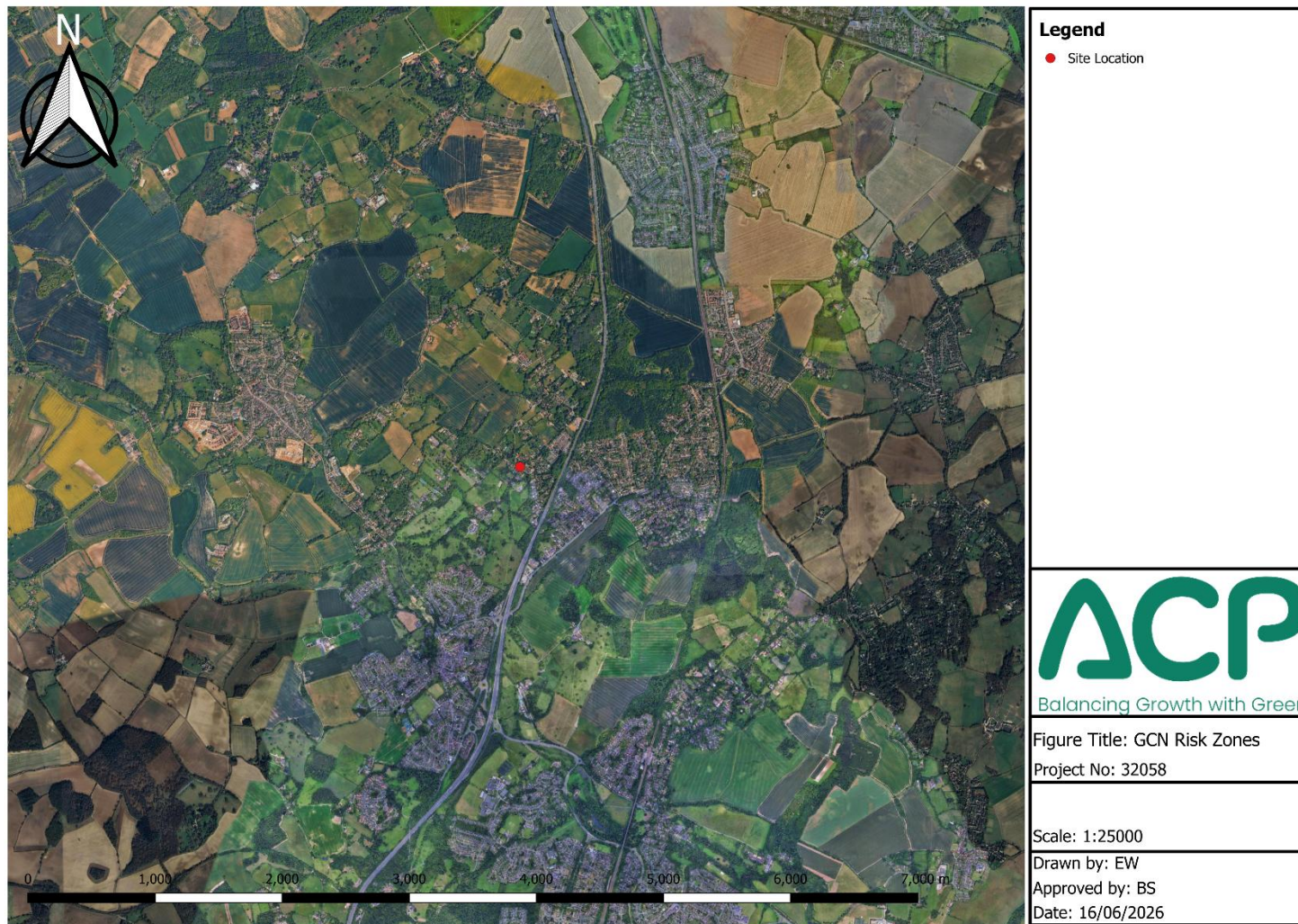
The proposed development has low potential to impact on common amphibians, and therefore further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction, including the following measures:

- Site clearance will be undertaken outside of the amphibian hibernation season (November to February) insofar as is possible.
- Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent amphibians from utilising these areas.
- Best practice pollution prevention measures will be implemented to minimise impacts to nearby aquatic habitats that amphibians could use.
- Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.
- If any common amphibians are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.
- In the unlikely event that a great crested newt is identified, works must cease and advice must be sought from a suitably qualified ecologist.

Appendix 2: Pond Location Map



Appendix 3: Site Location Map



Appendix 4: Planning Policy & Legislation

This section summarises the relevant national and local legislative and policy background, statutory and non-statutory guidelines relevant to the potential commercial development.

National Policy

National Planning Policy Framework (2025)

Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The principal national planning policy guidance with respect to the potential development is the National Planning Policy Framework (NPPF). The most recent update of the NPPF was published in December 2024 by the Ministry of Housing, Communities and Local Government. This guidance sets out the Government's planning policies for England and how they are expected to be applied. Three dimensions to sustainable development have been identified in the NPPF: economic, social, and environmental.

The NPPF Section 187 states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Section 188 states that:

“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”

Section 189 states that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads⁶³. The scale and extent of development within

these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

Section 190 states that:

“When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development⁶⁴ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Section 192 states that:

“To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

Section 193 states that:

“When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

Section 194 states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or

projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

Environment Act 2021

Available at: <https://www.legislation.gov.uk/ukpga/2021/30/contents>

Effective 2024, the statutory mandate for Biodiversity Net Gain (BNG), as established by Schedule 14 of the Environment Act 2021, requires all developments subject to Schedule 7A of the Town and Country Planning Act 1990 to provide a minimum +10% gain in biodiversity value. This requirement is a mandatory condition of planning permission, applicable to all new developments except those expressly excluded under the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Pursuant to the statutory framework established by Schedule 14 of the Environment Act 2021, every grant of planning permission is subject to a biodiversity gain condition under Schedule 7A of the Town and Country Planning Act 1990. This condition mandates that the biodiversity gain objective be satisfied via a minimum +10% net increase in biodiversity value relative to the pre-development baseline. This requirement serves as a condition precedent; accordingly, a Biodiversity Gain Plan must be submitted to and discharged by the Local Planning Authority (LPA) in writing prior to the commencement of development. Any material operations initiated in the absence of such approval shall constitute a breach of planning control under Section 171A of the Town and Country Planning Act 1990.

Statutory provision requires that significant on-site biodiversity enhancements be maintained for a duration of no less than 30 years following the development's conclusion. This requirement is satisfied through the imposition of a planning condition, a planning obligation, or a conservation covenant. Under the Town and Country Planning Act 1990, LPAs are empowered to utilise section 106 (s106) agreements to facilitate the delivery of on-site enhancements, the transfer of registered off-site biodiversity gains, or the use of statutory credits, while ensuring compliance through rigorous monitoring and reporting frameworks.

Species and Habitats Legislation

The Conservation of Habitats and Species Regulations 2017 (as amended)

Available at: <https://www.legislation.gov.uk/ukSI/2017/1012/contents>

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates all various amendments made to The Conservation (Natural Habitats & c.) Regulations 1994, in respect of England and Wales. The 1994 Regulations transposed the EC Habitats Directive 1992 (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) into national law.

Annexes I and II of the Habitats Directive list (respectively) habitats and species for which member states are required to establish and monitor SACs. The EC Birds Directive provides a similar network of sites (SPAs) for all rare or vulnerable species listed in Annex I and all regularly occurring migratory species, with particular focus on wetlands of international importance.

Together with SACs, SPAs form a network of pan-European protected areas known as 'NATURA 2000' sites.

The Habitats Regulations also make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade on the animals listed in Schedule 2, including GCN, or pick, cut, uproot, destroy or trade in the plants listed in Schedule 4.

This legislation was amended in January 2021: The main changes to the 2017 Regulations are:

- “the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
- the establishment of management objectives for the national site network (the ‘network objectives’)
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives
- an amended process for the designation of Special Areas of Conservation (SACs)
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
- arrangements replacing the European Commission’s functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK.”

The Wildlife and Countryside Act 1981 (as amended) (WCA 1981)

Available at: <https://www.legislation.gov.uk/ukpga/1981/69?view=extent>

The WCA is the primary UK mechanism for statutory site designation (Sites of Special Scientific Interest [SSSIs]) and the protection of individual species listed under Schedule 1,2,5 and 8 of the Act, each subject to varying levels of protection.

Great Crested Newts are fully protected under Schedule 5 and as such in England and Wales it is an offence under the Wildlife & Countryside Act 1981 (as amended) to:

- Deliberately capture, injure or kill a Great Crested Newt
- Damage or destroy a breeding site and resting place (including when GCN are not present)
- Deliberately destroy their eggs
- Deliberately or intentionally obstruct a place used for shelter or protection
- Possess, control, transport or sell GCN (dead or alive)
- Intentionally or recklessly disturb GCN while they occupy a structure of place used for shelter or protection

The consequences are outlined as 6 months in prison and/or an unlimited fine.

The Countryside and Rights of Way Act 2000 (CROW 2000)

Available at: <https://www.legislation.gov.uk/ukpga/2000/37/contents>

This legislation strengthens the provision of the 1981 WCA (as amended), both in respect of statutory sites such as SSSIs and protected species. It also places a statutory obligation on Local Authorities and other public bodies to further conservation of biodiversity in the exercise of their functions, thus providing a statutory basis to the Biodiversity Action Plan (BAP) process, which began in 1994. Section 74 of the Act lists the habitat types and species of principal importance in England. The UK Biodiversity action Plan has now been superseded by the ‘UK Post-2010 Biodiversity Framework’ (July 2012), however, many of the species and habitats in the UK and local BAPs have not been updated and are still considered relevant to date.

A Bill to amend the Countryside and Rights of Way Act 2000 to extend the right of public access to the countryside, including to woodlands, the Green Belt, waters and more grasslands; and for connected purposes is currently in second reading in the House of Commons (November 2022).

Conservation of Habitats and Species Regulations 2017

Great Crested Newts at all their life stages are fully protected under Schedule 2 and as such in England and Wales it is an offence under the Conservation of Habitats and Species Regulations 2017 to:

- Deliberately capture, injure or kill a Great Crested Newt
- Damage or destroy a breeding site and resting place (including when GCN are not present)
- Deliberately destroy their eggs
- Deliberately or intentionally obstruct a place used for shelter or protection
- Possess, control, transport or sell GCN (dead or alive)
- Intentionally or recklessly disturb GCN while they occupy a structure of place used for shelter or protection

The consequences are outlined as 6 months in prison and/or an unlimited fine.

Natural Environmental and Rural Communities Act 2006 (NERC 2006)

Available at: <https://www.legislation.gov.uk/ukpga/2006/16/contents>

The act places a duty of public authorities regarding the conservation of English wildlife and biodiversity. Section 41 sets out a list of species “of principal importance for the purpose of conserving biodiversity”. Such species include but are not restricted to:

- Great Crested Newt (*Triturus cristatus*)
- Natterjack Toad (*Epidalea calamita*)
- Common Toad (*Bufo bufo*)
- Pool Frog (*Pelophylax lessonae*)

Appendix 5: Reference List

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