

Technical Note



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Contract	Stourhead MIOS Detailed Design
Client	National Trust
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Reviewer / Sign off	Jonathan Harrison
Subject	Great Crested Newt Precautionary Working Method

1 Introduction

As part of the works proposed at Garden Lake, at the National Trust Stourhead Estate, a precautionary working method is required due to the potential presence of Great Crested Newt *Triturus cristatus* in the area.

1.1 Legislative Protection

The Great Crested Newt *Triturus cristatus* is protected under the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). This makes it an offence to:

- kill, capture or disturb a Great Crested Newt
- take or destroy the eggs of a Great Crested Newt
- damage or destroy the breeding or resting places of Great Crested Newt.

It also receives additional protection under the Wildlife and Countryside Act 1981 (as amended) making it illegal to possess or control any Great Crested Newt, living or dead.

1.2 Site Location

The site Garden Lake is part of the National Trust Stourhead Estate, the centre of the site is located at National Grid Reference ST 771 339 and the nearest postcode is BA12 6QB. The site location is presented on Drawing (Drg.) PXG-JBA-00-GL-DR-Z-5000-GardenLakeRedLineBoundary. Works are required to a section of embankment along the shallow western arm off the main lake body and to the east of the Grade II Iron Bridge which is hereafter referred to as 'the site'. The site covers the full width of the embankment and is approximately 60m in length.

1.3 Proposed Works

The works currently proposed include sheet-piling approximately 50 meters along the crest of the western embankment to approximately 4 metres above ground level, comprising of AZ12-770 piles in a zig-zag formation. The sheet pile line can be seen on Drg. PXG-JBA-00-GL-DR-Z-5001-GardenLakeGeneralArrangement Sheet piles will be installed using an

attachment to an excavator. A temporary gravel working platform with a separator geotextile at the base will be built along the embankment edge to provide access for the excavator.

In addition, localised earthworks remediation will take place within the working area to remediate any sinkholes. The sinkholes will be excavated to their base, before suitable earthwork material placed and compacted. Topsoiling and landscape remediation will follow. The approximate location of the earthwork remediation can be seen on Drg. PXG-JBA-00-GL-DR-Z-5001-GardenLakeGeneralArrangement.

Water levels of the shallow western arm off of the main lake body will be dropped by approximately 1-2 metres to allow access to the western arm embankment. This will be achieved through the main drainage network and spillway. If the required water level drop cannot be achieved through the main drainage network pumps maybe required.

Given the small-scale nature of the works in relation to the size of the main lake body, the proposed water level drop of the western arm is not anticipated to impact the main lake body. Water levels of the Lake regularly fluctuate with the National Trust often engaging the drainage network to reduce water levels of the main lake body.

The works are currently scheduled to take place in January and February 2026.

1.4 Previous Surveys

A site survey was undertaken on the 19th of August 2025 by ecologist Hannah Webster in order to inform a Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment (EclA) (JBA 2025). The survey was based upon a UKHab Survey, conducted using the UK Habitat classification (UKHab) system. The method was extended to identify any features suitable for use by legally protected or notable species and locate evidence for their presence or likely absence based on standard techniques. This included completing an assessment of waterbodies based on the Habitat Suitability Index (HSI) (Oldham et al., 2000; ARG UK, 2010). This system involves assessment of ten suitability indices per waterbody and is an accepted method of assessing the likelihood for a particular pond to hold breeding Great Crested Newts.

The main body of Garden Lake was deemed to have poor suitability for Great Crested Newt with a HIS score below 0.5. This was largely due to its large size and likely presence of fish. However, the shallow section of the western arm provides potentially suitable breeding habitat for amphibians including Great Crested Newt with a sheltered area with aquatic broadleaved and liner leaved emergent vegetation, with areas of terrestrial habitat including grassland and managed scrub providing habitat suitable for foraging and hibernation. Anecdotal records from a member of the NT suggest that newts have been seen in the western arm of the lake however a positive ID on species was not completed.

2 Rationale for a Precautionary Working Method

2.1 Introduction

For species protected under the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) it is Natural England's view that *"if the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably unlikely to result in an offence under Regulation [43 or 47] then no licence is required"* (Natural England, 2013). Natural England stress that a licence is not always necessary and that they advocate the use of good practice and avoidance measures to minimise the impact of a proposed activity on wildlife, and in particular protected species, to avoid committing offences. Licensing should be seen as the last resort where all other alternative ways of avoiding impacts on the species have been discounted (Natural England, 2013). In situations where a licence is not required, Natural England (2013) stress that reasonable precautions be taken to avoid affecting protected species during works, and that an audit trail is kept on the decision-making process.

Several factors are taken into consideration when assessing whether works can proceed in the absence of a licence including the nature of the proposals; the suitability of habitats within the site to support protected species; evidence of such species; and proximity of existing known populations.

This precautionary working method therefore outlines the rationale and reasonable measures to be taken to avoid impacts to Great Crested Newt as a result of the works proposed at Garden Lake.

2.2 Rationale for Garden Lake

The main body of Garden Lake was deemed to be suboptimal for Great Crested Newt due to its large size and likely presence of fish however the shallow section of the western arm provides potentially suitable breeding habitat for amphibians including Great Crested Newt. Anecdotal records from a member of the NT suggest that newts have been seen in the western arm of the lake however a positive ID on species was not completed. There are currently no records of Great Crested Newt within 2km of the site boundary.

There is therefore a low chance of GCN being present within the works area, but there is still a small risk they could use the western arm of the lake for breeding and small pockets of scrub and other suitable habitat features for foraging and dispersal. However, taking into account that the wider landscape, it is considered reasonably unlikely that the works will result in deliberate capture, injury or killing of Great Crested Newts.

Similarly, it is considered reasonably unlikely that the vegetation clearance will result in deliberate disturbance to Great Crested Newts in such a way to likely impair their ability to

survive, breed, reproduce, rear or nurture their young, hibernate; or affect significantly the local distribution or abundance of Great Crested Newts. Due to the limited potential for Great Crested Newts to be using the habitats within the footprint of the Garden Lake proposed works, it is considered reasonably unlikely that the vegetation clearance will result in damage or destruction of their resting places.

The proposed works are currently scheduled to take place in January and February 2026 and therefore any eDNA surveys completed in order to identify the presence or likely absence of Great Crested Newt would be completed outside of the eDNA survey window and therefore unable to accurately determine whether there are Great Crested Newt populations within Garden Lake.

In conclusion, given the limited habitat suitable for Great Crested Newt on site and the lack of records for Great Crested Newt in the wider area, it is considered on balance that the works are reasonably unlikely to result in an offence under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended) and no protected species mitigation licence is required. It is considered disproportionate to apply for a licence given the nature and location of the works, the known locations of the species in the wider area and the habitats present on site. Similarly, it is considered reasonably unlikely that works will result in disturbing a Great Crested Newt in its place of shelter or obstructing access to such a place and therefore the works are reasonably unlikely to result in an offence under the Wildlife & Countryside Act 1981 (as amended).

However, given that the absence of Great Crested Newt in Garden Lake cannot accurately be determined before the scheduled works and to further ensure that an offence is not committed, it is proposed to proceed under the precautionary working method detailed below.

3 Great Crested Newt Precautionary Working Method

3.1 Introduction

This precautionary working method will be applied to works within the 500m buffer zones around Garden Lake, and in areas of suitable habitat for activities that impact on that habitat. This includes:

- Removal of scrub and vegetation clearance and temporary works to enable access.
- Sheet-piling approximately 50 meters along the crest of the western embankment to approximately 4 metres above ground level, comprising of AZ12-770 piles in a zig-zag formation through the crest of the embankment – see Drg. PXG-JBA-00-GL-DR-Z-5001 -GardenLakeGeneralArrangement

The following sections detail the measures to be followed in relation to each activity.

3.2 Scrub/Tree Removal and Temporary Works to enable access

Measures to be followed include:

- The works are currently scheduled to take place in January and February 2026. As disturbance of roots and the ground could impact on any hibernating Great Crested Newt, scrub will only be cut back to above ground level, with root systems remaining intact and in the ground. Arisings will be removed from the location to prevent them also acting as refugia.
- Any debris (e.g. rocks, logs etc.) at the base of scrub vegetation will be destructively searched and removed.
- Once scrub has been removed, the ecologist will check the area again for Great Crested Newts.
- Prior to any excavation works to facilitate temporary works an ecologist will undertake a detailed hand-search of areas of suitable habitat within the footprint of the works, including any areas where materials may be stockpiled, to check for any resting Great Crested Newts. This may involve the use of a trowel to gently investigate any potential subterranean shelter areas.
- Should Great Crested Newts be found they will be left undisturbed and their place of shelter returned to its original condition where possible. Works in that area will be halted and further work may be required to proceed under a low impact class licence.
- All on site personnel must not handle GCNs.
- Common amphibians may be captured and relocated to areas of suitable habitat that will be unaffected by the works.

3.3 Works Within Suitable Habitat

Measures to be followed include:

- Immediately prior to works starting on site, all suitable habitats within the working area will be checked by an ecologist for the presence of Great Crested Newts. Work will not be permitted to start until hand searching has been completed.
- Hand searching will include carefully checking within and underneath any potential refugia such as leaf piles, around logs, bush stems and branches.
- Any piles of wood, brash and rubble within the working area will be dismantled by hand and immediately removed from the working area, with the Ecologist on hand to provide advice. Where refugia do not require removal they will be left in situ.
- Should Great Crested Newts be found they will be left undisturbed and their place of shelter returned to its original condition where possible. Works in that area will be halted, and further work may be required to proceed under a low impact class licence.

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- All on site personnel must not handle GCNs.
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3.4 Sheet-Piling Along Crest of Garden Lake

Measures to be followed include:

- Prior to sheet-piling an ecologist will undertake a detailed hand-search of areas of suitable habitat within the footprint of the works, including any areas where materials may be stockpiled, to check for any resting Great Crested Newts. This may involve the use of a trowel to gently investigate any potential subterranean shelter areas.
- For the sheet-piling, works will be undertaken carefully and in a staged process allowing for regular checks by the supervising ecologist for any Great Crested Newt.
- Should Great Crested Newts be found they will be left undisturbed and their place of shelter returned to its original condition where possible. Works in that area will be halted and further work may be required to proceed under a low impact class licence.
- All on site personnel must not handle GCNs.
- Common amphibians may be captured and relocated to areas of suitable habitat that will be unaffected by the works.

3.5 Localised Earthwork Remediation

Measures to be followed include:

- Prior to excavation of existing sinkhole(s) an ecologist will undertake a detailed hand-search of areas of suitable habitat within the footprint of the works, including any areas where materials may be stockpiled, to check for any resting Great Crested Newts. This may involve the use of a trowel to gently investigate any potential subterranean shelter areas.
- For the earthwork remediation, works will be undertaken carefully and in a staged process allowing for regular checks by the supervising ecologist for any Great Crested Newt.
- Should Great Crested Newts be found they will be left undisturbed and their place of shelter returned to its original condition where possible. Works in that area will be halted and further work may be required to proceed under a low impact class licence.
- All on site personnel must not handle GCNs.
- Common amphibians may be captured and relocated to areas of suitable habitat that will be unaffected by the works.

3.6 Habitat Enhancement

As part of the proposed works at Garden Lake a Biodiversity Net Gain (BNG) assessment will be completed. As part of this assessment a target of 10% biodiversity net gain within the site will be implemented as part of the proposed works. In order to achieve the targeted 10% BNG habitat enhancements will be proposed alongside further habitat creation. Habitat enhanced and created will potentially create suitable habitat into which the potential Great Crested Newt population can expand.

Potential enhancements for Garden Lake could include the planting of aquatic and marginal plants. All planting should be from a reputable supplier to ensure no import of invasive non-native species and will include species such as Water Forget-me-not *Myosotis scorpiodes*, Water Mint *Mentha aquatica* and other soft, broadleaved species suitable for newts to lay eggs on. If possible, plant species could be translocated from other water bodies in close proximity, such as Turners Paddock.

Terrestrial habitat for newts is equally as important as water bodies. As part of the proposed works scrub planting will be proposed. Additional features could also be created in the form of refugia/hibernaculum. These would be large piles of rubble, rock, log piles and earth banks, located in sheltered areas which are not prone to flooding or freezing. As they need to be free draining, they should be located above ground and not in pits or trenches. They should be a minimum of 2m long x 1m wide x 1m high, and consist of a core of inert, clean material such as logs, rocks or rubble and capped with soil and allowed to vegetate over naturally.

3.7 Other General Measures

Measures to be followed include:

- A toolbox talk will be provided to all site staff on Great Crested Newt, and other amphibians, their identification and what to do if found.
- Should Great Crested Newt be found at any time during the works, work must cease immediately in that area and the ecologist must be informed.
- Prior to use, all materials will be stored within the site, ideally raised off the ground on pallets. This is a precautionary measure only, and the chance of significant numbers of newt moving to shelter under stored materials is considered to be very low.
- Waste materials should be removed from site immediately or placed in skips to prevent them becoming suitable refugia for Great Crested Newts.

References

English Nature (2004) An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt *Triturus cristatus* English Nature Research Reports: Research Report 576. Natural England, Peterborough.

English Nature (2001) Great Crested Newt Mitigation Guidelines. English Nature, Peterborough.

Langton, T.E.S., Beckett, C.L., and Foster, J.P. (2001) Great Crested Newt Conservation Handbook, Froglife, Halesworth.

Natural England (2013) European Protected Species: Mitigation Licensing - How to get a licence.