Amphibians

Where can amphibians be found and what are the signs they are present?

The most likely sign of the presence of amphibians is that there is a pond or other wetland on the site. Spotting toads, frogs and newts is easier in spring when the adults return to the water to breed. When the adults have left the water, it is more difficult to establish the presence of amphibians. They are then most easily found by looking under logs or stones.

Whenever development or work is likely to affect or is in close proximity to a freshwater pond with rough surrounding vegetation, the presence of great crested newts should be checked for. They are up to 160mm long with dark, warty skin, which contrasts to the smaller size and smooth appearance of other newt species. They can venture several hundred metres from a pond.

Specialised surveys are likely to be required if there is a pond or other wetland on the site.

What are the statutory requirements for protecting amphibians?

Under the Wildlife and Countryside Act 1981, there is statutory protection for a number of amphibians.

Full protection is given to great crested newts. It is an offence to intentionally or recklessly kill, injure, disturb, take, possess or sell great crested newts (in all life stages). It is also illegal to damage, destroy or obstruct access to their place of shelter or protection. This includes, for example, the breeding pond or water body and the surrounding terrestrial habitat they occupy.

Great crested newts are also a European Protected Species and are subject to stringent safeguards under the Habitats Regulations 1994. A survey should be undertaken to confirm the presence of European Protected Species where these are believed to be present or where habitat conditions make this likely. This survey should be undertaken by a suitably experienced and licensed ecologist.

If an activity is likely to result in disturbance or killing of a European Protected Species or damage to its habitat, a 'development licence' will usually be required from DEFRA. In order to obtain a licence it must be demonstrated that:

- the project is for the purpose of preserving public health or public safety or other reasons of overriding public interest, and
- there is no satisfactory alternative, and
- the action will not be detrimental to the population of the species.

Where the presence of a European Protected Species is known or likely, relevant survey information should be gathered and presented at the time of the planning application. The planning application will need to be determined, in the light of this survey information and with due consideration of the requirements of the Habitats Regulations, before DEFRA makes its decision about a development licence. If a developer is not granted a licence, this *could* mean that proceeding with the development *even with planning permission* results in illegal acts against European Protected Species or their habitat.

Under the Wildlife and Countryside Act 1981, there is also statutory protection for smooth and palmate newts and common frogs and toads. It is illegal to sell these species.

What opportunities are there for mitigation and additional wildlife gains for amphibians?

If a 'development licence' is issued for great crested newts, mitigation to minimise or compensate for any likely impacts is usually required. This may be significant and required in advance of development commencing, and may involve:

- changes in timing of operations
- capturing and excluding animals
- habitat creation and management
- monitoring of populations after development.

If great crested newts are present on a site the simplest solution is to incorporate the existing pond and sufficient surrounding vegetation into the development. A diversity of vegetation heights and species maximise the number of invertebrates available for food. This should include old fallen timber, brambles, piles of wood and stones. In addition, artificial hibernacula can be constructed.

Although the habitat of common toad or frog and smooth or palmate newts is not specifically protected by law, the loss of ponds has resulted in an alarming decrease in numbers of previously common species. Therefore, if at all possible, try to retain the pond and a suitable amount of surrounding vegetation as amphibians live and feed on dry land for most of the year. If this is not possible, a new pond should be created elsewhere on the site, with arrangements made to transfer the animals and plants.

If the separation of the breeding ponds of amphibians from their feeding/wintering areas by a road or car park is unavoidable, tunnels and fencing can be used to channel animals into safe crossing points. As with all such projects it is relatively inexpensive when included in a large scale development, but more complicated to add onto a finished scheme.

If it is impossible to incorporate the breeding pond into the new development, it may be possible to move amphibians to a new, specially designed pond with suitable habitat for shelter, foraging and hibernation. This should only be considered as a last resort and requires long-term management and monitoring. It is important to note that translocation can be a complicated and expensive option and there is no guarantee of success.

Where should I go for further information?

English Nature. 1991. Facts about amphibians
Individual copies of this free publication can be obtained from English Nature's Enquiry Service, tel. 01733 455100/1/2 or email at enquiries@english-nature.org.uk

English Nature. 1996. Great Crested Newts: Guidelines for Developers.
Individual copies of this free publication can be obtained from English Nature's Enquiry Service, tel. 01733 455100/1/2 or email at enquiries@english-nature.org.uk

English Nature. 2001. Great crested newts: mitigation guidelines.

DEFRA. 2002. European Protected Species: Guidance Note.

DEFRA. October 2002. Circular 2/2002: New Guidance for Local Planning Authorities on European Protected Species and Changes in Licensing Procedures. This guidance modifies the way that planning authorities deal with European Protected Species when processing planning applications.