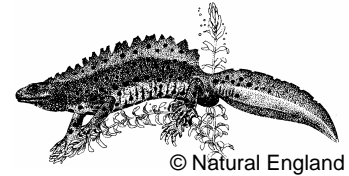


AMPHIBIANS



SUMMARY

There are seven species of amphibians native to Britain, six of which are found in Dorset - Common Frog, Common Toad, Natterjack Toad, Great Crested Newt, Smooth Newt and Palmate Newt.

Natterjack Toads and Great Crested Newts and their habitats are protected under UK and European Law.

Amphibians require water for breeding. They use ponds, lakes, canals and pools by rivers, but generally avoid running water. They also need terrestrial habitats, which provide humidity, shelter and food, e.g. open woodland, grassland and field edges, allotments and gardens.

Activities potentially harmful to amphibians include; land clearance, digging foundations, driving machinery over sensitive areas, maintenance of balancing ponds and drainage ditches, removing rubble, wood piles and other debris.

Where Great Crested Newts or Natterjack Toads are or may be present, it is recommended that you contact the Natural Environment Team, and/or check with DERC¹, before you carry out any work. A survey and a licence may be required.

BACKGROUND

Legal Protection

The Great Crested Newt and Natterjack Toad and their respective habitats are fully protected under Schedule 5 (Section 9) of the Wildlife and Countryside Act 1981² (as amended) and under Conservation (Natural Habitats, &c.) Regulations 1994³. It is illegal to kill, injure, capture, handle or disturb them, and the places they use for breeding, resting, shelter and protection are protected from being damaged or destroyed. They are both UK Biodiversity Action Plan⁴ priority species.

The Common Toad is protected in Britain under the Wildlife and Countryside Act 1981 and is a Species of Conservation Concern under the UK Biodiversity Action Plan (BAP).

Amphibian Ecology

Amphibians require suitable aquatic and terrestrial habitats to support their life cycle. They use aquatic habitats to breed and lay eggs and humid terrestrial habitats for shelter, foraging and hibernation. Ponds provide very important amphibian breeding sites and are used by all our native newts, frogs and toads.

Great Crested Newts most commonly breed in arable or pasture field ponds and in chalk or clay pits. On land their habitat range includes; ancient woodland, scrub and rough grassland with suitable ponds nearby.

Natterjack Toads are almost entirely found on three habitat types: sand dunes, saltmarsh and lowland heath. Their key habitat requirements are shallow, often ephemeral (dry up for some of year), warm ponds for breeding and open, sandy terrestrial habitats for foraging, dispersal and hibernation. In Dorset they are very rare and found only around Poole and Christchurch Harbours.

Current factors causing decline in Natterjack Toads and Great Crested Newts include loss of suitable breeding ponds, pollution, degradation, loss and fragmentation of terrestrial habitat.

The Common Frog, Smooth and Palmate Newts are widespread species that have readily adopted gardens as a substitute for natural habitat.

Timing

The timing of an amphibian survey is crucial because of their use of different habitats. The best time to survey for amphibians in ponds/water bodies in Dorset is generally Feb/March – June. Terrestrial habitats can be surveyed March to October. As a general guide destructive management work on breeding ponds which Great Crested Newts are known to use are best done during November to January and for Natterjack Toad's August to March. Both species are unlikely to be present in the ponds during these months as they both hibernate on land. Care must be taken to avoid likely hibernation sites, which are also protected.

It is advisable to carry out a pre-survey of any site where there are likely to be Great Crested Newts or Natterjack Toads (or any protected species) to avoid delays later on.

Other

Non-native amphibians currently found in Dorset include, American Bullfrog, Marsh Frog and Alpine newt. It is illegal to release these species into ponds or move them from one area to another.

Amphibian virus diseases - There are two diseases that have been introduced into the U.K. on alien species of amphibians that can prove fatal to the native British species. Do not move tadpoles or adults from other ponds especially from out of the area and just allow what should be healthy specimens to find the pond naturally. Never introduce alien species from garden centres or pet shops or by bringing home any from abroad. The two diseases are Ranavirus and the Chytrid fungus *Batrachochytrium dendrobatidis*. Disinfection of footwear and equipment should be carried out before entering new ponds. There is an advice note on precautions available from Amphibian and Reptile Groups of the UK⁵.

Non-native pond plants, e.g. Parrots Feather, Australian Stonecrop and Marsh Pennywort should not be either introduced to new ponds or transplanted from ponds that are to be filled in. Similarly, the planting of invasive marginal species such as Reed Mace (*Typha*), Bur reed (*Sparganium*) and Reed (*Phragmites*) is not recommended as they will soon take over a pond reducing the area for true aquatic plants, they are almost impossible to eradicate and will soon turn small ponds into an area of marsh with no open water.

Work

The law recognises that it is sometimes necessary to carry out work that may affect Great Crested Newts and Natterjack Toads or their habitats. It is not the intention of the law to prevent all activity in areas used by amphibians. However, legal protection does require that due attention is paid to the presence of these species and that appropriate actions are taken to safeguard the places they use for shelter or protection or breeding.

European Protected Species (EPS) licences⁶ are usually needed when a project involves disturbing or destroying key habitat features. Some forms of survey also need a licence. Licences cannot be granted retrospectively and are only issued to people considered competent to do the work. Several months may be required for preparing and considering Natural England EPS licence applications.

If Great Crested Newts and Natterjack Toads are found on site once work has commenced, work must stop immediately and Natural England or the Natural Environment Team contacted.

Defences

Wildlife & Countryside Act 1981: Section 10(3)(c) – A person is not guilty of an offence under Section 9, if they can show that the act was the incidental result of a lawful operation and could not have been reasonably avoided.

This defence has now been removed from the Habitats Regulations 1994. This means that those carrying out activities that cause low level disturbance may be able to rely on the defence under the Wildlife & Countryside Act 1981 or may decide to obtain a licence. However, it is expected that enforcement action in respect of more serious disturbance would be brought under the Habitats Regulations 1994 (as amended), where such a defence is longer available.

For further information and advice please contact the Natural Environment Team.

Fines

The maximum penalty for each offence in the Magistrates' Court is a Level 5 (up to £5000) and/or six months imprisonment. In addition, items used to commit the offence (e.g. vehicles) may be forfeited.

Other considerations

Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation (2005).

Definitions

¹ DERC - Dorset Environmental Records Centre - www.derc.org.uk – T: 01305 225081

² The Wildlife and Countryside Act 1981 (as amended) transposes into UK law the Convention on the Conservation of European Wildlife and Natural Habitats (commonly the 'Bern Convention').

³ The Conservation (Natural Habitats, &c.) Regulations 1994 (known as the Habitats Regulations) transposes into UK law EC Directive 92/43/EEC.

⁴ Biodiversity: The UK Action Plan (1994). HMSO. CM 2428.

⁵ <http://www.arg-uk.org.uk/Downloads/ARGUKAdviceNote4.pdf>

⁶ Natural England is the appropriate authority for determining licence applications for works associated with development. Three tests must be satisfied before Natural England can issue a licence under Regulation 44(2) (e) to permit otherwise prohibited acts:

- (i) Regulation 44(2)(e) states that licences may be granted by Natural England "*to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.*"
- (ii) Regulation 44(3) (a) states that a licence may not be granted unless Natural England is satisfied "*that there is a no satisfactory alternative.*"
- (iii) Under Regulation 44(3) (b) a licence cannot be issued unless Natural England is satisfied that the action proposed "*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*"

⁷ Herpetological Conservation Trust (HCT) - is a non-government organisation whose primary aim is to safeguard Britain's threatened herpetofauna (amphibians and reptiles).

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