



Planning: Amphibians, their Habitats and Wildlife Law

Amphibians are a class of vertebrate animals with four limbs, and they typically reproduce in freshwater.

There are seven native species of amphibian in Britain: common frog, pool frog, common toad, natterjack toad, great crested newt, palmate newt and smooth newt. All, except the pool frog and natterjack toad, are found in Yorkshire. Amphibians need water for breeding but spend up to 99% of the year on land. Therefore the loss of terrestrial habitat (rough grassland, wetlands, hedgerows, scrub and woodland) is as damaging as the loss of ponds. The great crested newt and natterjack toad are fully protected by both British law (Schedule 5 of the Wildlife & Countryside Act 1981, as amended) and European law (Conservation (Natural Habitats &c.) Regulations 1994). The remaining four species are protected against sale only under the Wildlife & Countryside Act 1981.

Amphibians and Sites of Development

Development can threaten amphibians in often largely unforeseen ways. Modern roads and traffic cause immense problems for amphibians, particularly for toads. Roads may intersect migration routes used in the spring and autumn. A further problem is caused by road gully pots that are designed to trap sediment from road run-off; unfortunately these are also lethal traps for amphibians. If great crested newts are found on a development site, a licence from Natural England is required to remove them or to interfere with their habitat. Where possible the pond should be retained (and enhanced where appropriate) as part of the development. If it is essential to remove the ponds, it may be possible to create additional ponds/wetlands close to the existing site. Newt fencing should be used to ensure that newts cannot re-enter the development site after removal. Roads should be carefully placed to minimise habitat loss and fragmentation.



Common frog - Margaret Holland



Palmate newt - Erik Paterson

Amphibian tunnels under roads may be used. If ponds are present or near (within approximately 500m) the site, a great crested newt survey should be undertaken. Surveys should be undertaken by an experienced and licensed ecologist between March and June for ponds, and March to October for terrestrial habitats. Methods may include egg searching, netting, torching, bottle trapping, pitfall trapping and/or refuge search. More information about great crested newts can be found in the [Great Crested Newt Conservation Handbook](#) and [Natural England's Great Crested Newt Mitigation Guidelines](#).



Great crested newt - Mike Richardson



Relevant Planning Guidance and Legislation

Planning conditions can be implemented to protect, and where possible, improve amphibian habitat when a proposed development is granted in such areas. Unless material considerations indicate otherwise, planning law requires that planning applications must be determined in accordance with the provisions of the relevant development plan. The National Planning Policy Framework [NPPF] must be taken into account in preparing local and neighbourhood plans, and is a material consideration in planning decisions. The NPPF replaced Planning Policy Statement 9: Biodiversity and Geological Conservation. The NPPF states that the Government's planning objectives are to 'promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and

Smooth newt - YWT



recovery of priority species populations'. Administrative guidance on application of the law relating to planning and nature conservation (Circular 06/05) still applies until further Government notice. NERC 2006 includes the 'duty to conserve biodiversity' which includes 'restoring or enhancing a population or habitat' (S.40(3)). The EU Habitats Directive and Birds Directive give legal backing to Special Areas of Conservation and Special Protection Areas which form a network of protected nature sites across Britain called Natura 2000.

What to do if concerned about possible threats to amphibians

- If you believe a protected species to be under direct threat, contact your local Wildlife Crime Officer
- If the threat is as a result of a proposed development, contact the planning officer dealing with the application at your local authority to ensure adequate procedures have been followed
- You may also wish to contact Natural England as they are the statutory authority for protected species
- Local reptile and amphibian groups may also be able to provide advice.