

SETTING THE RECORD STRAIGHT #5

In our last 2 postings, we considered the requirements for successful amphibian breeding sites and how the boating lake matched (or, rather, didn't match!) those. Now we consider legal obligations and what FoSSC has been doing to provide alternative habitats.

The common toad is listed as being of "least concern" in the International Union for Conservation of Nature's Red Global List of Threatened Species; It is not the UK's own red list where it is generally considered widespread.

All 4 widespread species of British amphibian (smooth and palmate newts, common frog and common toad) are also protected under Section 9(5) of the Wildlife and Countryside Act 1981. However, this section only prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy, nothing more.

The chief threats in the UK appear to be through disruption of migration routes to those natural pools where 1000s of individuals collect annually to breed, resulting in high mortality rates on roads (hence "toad patrols" in affected areas) and drainage of those major breeding sites. As we hope we have demonstrated in the second posting of this series, such considerations are not relevant to the Sports Centre where available evidence indicates that existing populations are very, very small.

None-the-less, under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, the Secretary of State is required to:

- Publish a list of the living organisms and types of habitat deemed to be of prime importance
- Consult Natural England as to the organisms and habitats to be included.
- Take such steps as appear to be reasonably practicable to further the conservation of the living organisms and types of habitat included in the list
- Promote the taking by others of such steps.

The S41 list is then used to guide decision-makers when implementing duties under section 40 of the Natural Environment and Rural Communities Act 2006 to have regard for conservation of biodiversity. The common toad is included on the latest update of this list (August 2010).

The common toad was also listed by the 2007 UK Biodiversity Action Partnership (UKBAP) as a species of conservation concern, but not one requiring protection. The UKBAP has now been succeeded by the UK Post 2010 Biodiversity Framework. The common toad is not listed in the Hampshire BAP It is named as a priority species in Southampton's own BAP ("An update of the 1992 Nature Conservation Strategy", undated but apparently post 2005).

Since being established, FoSSC has been aware of (1) the decayed condition of the boating lake site (2) its unsuitability as a decent amphibian breeding site. Therefore an early priority for the Steering Group was to identify an alternative site nearby where more appropriate habitats could be created to mitigate (a) the unsuitability of the boating lake site and (b) its possible removal under any future improvement plan. Potential sites on the Sports Centre would have required high and expensive fencing to keep both balls and dogs out and also to then not conflict with any aspect of the developing improvement plan. Therefore, when MyTime Active asked FoSSC to create a managed wildlife area for them within an out-of-bounds area of Fairway 2 on the golf course (behind the Pleasure Park and less than 100m from the boating lake), this was an obvious solution.

Progress on the fairway 2 scheme has been regularly reported on our facebook page, so we will simply summarise that over the last 18 months a series of 4 medium to large ponds (total surface area some 100 square metres) that are connected by bog gardens has been created. The project was undertaken with the full knowledge of the relevant council officers, was signed off by the City Ecologist and was undertaken by volunteers in their own time and at their own expense. The ponds lie between the treeline and Holly Brook gully and have variable shapes, sizes, contours and depths. They are surrounded by shade and vegetation to protect emerging juveniles and are aligned East – West, catching the sun on shallow slopes for much of the day all year round, but with partial shade from the treeline at certain times. Numerous refugia have been established close to the ponds and the site backs onto the shrub land that lies beyond the Pleasure Park. In designing the ponds we have followed the guidelines described in our last 2 postings in order to make them as attractive to, and suitable for, a diverse range of species including toads. Native water and terrestrial plants are being planted and becoming established and native hedging will shortly be planted. It is a work in progress, and will be for several years to come. However, in the first year, toads and newts bred in the first ponds and this year to date, frogs have bred and newts and toads have been seen in the ponds, so it would appear that appropriate mitigation and suitable habitat have been created.

We recently had cause to discuss the scheme with froglife, a leading UK amphibian conservation charity – we sent them details and photos of our scheme and this is what Dr. Sylviu Petrovan, their Conservation Coordinator had to say:

"Overall, especially for a non-professional body, I think you've done an excellent job and considerable thought and attention have gone into the design and implementation of the works for the 4 new ponds. The placement seems adequate and the fact that you've decided to create a variety of ponds of different size and profiles is certainly a much better solution than a single larger site. The new ponds seem to incorporate most of the required elements that would make them suitable as breeding areas for amphibians and I certainly hope that they will be able to support a large and diverse community on that site. The fact that the Boating lake had vertical banks and no riparian vegetation surrounding it is certainly an important element that would have greatly reduced its suitability for amphibians. Given the aspect in photographs the ponds do not appear to be too deep. All in all I think you've done a very good job.....It sounds like you have carefully looked at all the options. As mentioned before, I think you've done a great job. I have yet to see a comparable project

undertaken by a friends of group....."

We therefore consider that better suited amphibian habitats than the boating lake are already in existence close by. Since these alternative sites have already been adopted, claims that the boating lake must be filled to fulfil biodiversity obligations and amphibian conservation needs are, we believe, unwarranted. Continued use of the boating lake by the very small local amphibian population would likely be detrimental and lead to further decline as the chance of reproductive success there is low. This does not preclude the possibility that additional habitat could be created somewhere on the Sports Centre itself at some future time if that is deemed appropriate, if a suitable site can be identified and if the necessary funding is available.

In the next posting we will consider the structural integrity of the boating lake, what would be required to reinstate a boating lake on the site, how much that would cost and what that would mean in terms of likely hire charges.