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# HERPETOFAUNA GROUPS OF BRITAIN AND IRELAND

## COMMERCIAL CONSULTANCY WORK: HGBI GUIDELINES ON AMPHIBIAN AND REPTILE GROUP (ARG) INVOLVEMENT

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### **Background**

When translocations are linked to a loss of reptile and amphibian habitat, they are generally detrimental to nature conservation. Typically, animals are subject to a period of capture and are relocated to another location. The most appropriate methods used for capture and for the selection of "receptor" sites, are still evolving. The resident population is negatively affected by the removal of animals and by habitat changes, and translocated animals do not always contribute to the establishment of new populations, nor are they shown to augment existing populations in a positive manner. The methods used generally are sufficient to ensure that the developer is fulfilling a legal obligation (usually to avoid killing and injury to animals), but they are rarely shown to enhance the local status of a species.

ARGs may be called upon to give advice on, or perhaps to actually undertake, such operations. Translocations are an increasingly common feature of the way in which the herpetofauna interest on a "doomed" site is handled. Although more agreeable ways of safeguarding herpetofauna from development are available, even with the most strictly protected species, translocation is the only way in which developers can meet their legal requirements in some circumstances.

It is important to recognise that translocations for development will often conflict with the prime objectives of local ARGs. Becoming involved in translocations will, in most cases, compromise the position of the group (for example, groups can be divided when approached by developers as to whether to perform a translocation or defend the site). Although fees from developers can seem attractive, the costs involved in undertaking a translocation properly in line with current best practice are substantial. For example, work carried out for (or advice given to) developers ideally should be covered by Public Liability and Professional Indemnity Insurance. Added to this, the time and resources involved will detract from that available for other badly needed conservation activities.

Surveys for developers, with the aim of searching an area of land proposed for development, are legitimate and valuable activities in which ARGs are increasingly involved, as long as records gained are freely available on request. Such surveys can highlight previously neglected or unknown herpetofauna interest, ensure that they are considered during the planning process, and can add to the biological recording effort of groups. In addition, these surveys can add to the group's funds.

Guidelines are proposed to assist ARGs in dealing with the issues raised by commercial consultancy work involving any loss of established herpetofauna habitat. It is important

to recognise that translocation projects instigated for nature conservation purposes (such as those which have occurred in recent years for the natterjack toad and sand lizard) require a different approach from ARGs; if carefully planned can be a valuable activity for groups to become involved in.

### **Introduction**

Members of ARGs have a wide range of skills and act in a voluntary capacity to promote the conservation of amphibians and reptiles. Due to their specialist knowledge of the species and their habitats, they are occasionally approached, or may canvass paid work, from those requiring advice or assistance in site related matters. Some ARG members are consultants in their own right, either self-employed or as part of a company, and the legal and ethical responsibilities are held by their own name or company. This is a private arrangement, and is independent of the ARG to which they may belong. In examining the work that ARGs might take on, it is important to distinguish between work that may directly benefit amphibians and reptiles and that which arguably does not (or which holds a number of risks for nature conservation). For convenience, work has been divided into two categories: pro-active work and mitigation work. These are discussed as follows.

#### **Pro-active work:**

This might include paid survey work to determine the distribution of a species, or monitoring of a population to provide factual information. Other types might include the management of habitat to improve an area for amphibians or reptiles, for example clearing scrub, excavating a pond or providing advice on these activities. It is quite appropriate for an ARG to ask for expenses or fees for such work as long as it is properly capable and insured (if necessary), and that the work clearly improves conditions for amphibians and reptiles.

#### **Mitigation/translocation work:**

Mitigation work includes situations where habitats are prepared and animals are transferred from one area due to be modified to another. Such translocation work is contentious because often other species/habitat interests are not taken into account, and many translocations fail because of inadequate planning, poor implementation, or lack of follow up. Transfer of animals and establishment of viable populations may succeed but at present there is relatively little evidence to support this. One of the major problems is that this kind of work is typically carried out in order to fulfil a legal obligation to avoid harming protected species during development work, rather than to maintain or enhance populations.

## ARG involvement in mitigation/translocation

The principal risks in ARGs becoming involved in mitigation/translocation work are as follows:

- In the majority of cases, it may result in no net benefit (and often a net loss) to the local conservation status of the species involved.
- It constitutes a considerable time and effort commitment which will often mean competition for time with and distraction from conservation activities that are of direct benefit to amphibians and reptiles.
- It weakens the ARG's capacity to object to other translocations on principle, where this is felt necessary.
- It may compromise the ARG with respect to objections to activities of the body or company contracting the work, should similar circumstances arise elsewhere.
- It hinders the ARG from being an independent local body able to monitor such work and to represent concerns should a programme of mitigation be misconstrued, be badly carried out or otherwise start to go wrong.
- ARGs may not be best equipped to do mitigation work to a professional standard. ARGs, being volunteer led, may organise a scheme that suits the availability of volunteers rather than the needs of the amphibians and reptiles, and a poor scheme may result. The situation is made worse by the fact that the ARG has lent its name to the scheme.

However, the argument that mitigation work is best carried out by specialists cannot be refuted. The way out of this situation, so that ARGs and HGBI can maintain high ethical standards, is for such work to be carried on outside the legal and ethical confines of HGBI affiliated groups. Otherwise, ARGs and HGBI would be open to criticism in some cases for carrying out activities that reduce the conservation status of herpetofauna - i.e. the exact opposite of what they are supposed to do. HGBI and ARGs have a crucial role to play in promoting and carrying out herpetofauna conservation, and this good work stands to be undermined by involvement in translocations resulting from commercial development pressure.

ARGs are advised to operate on the following basis:

1 a) Translocations to enable development (i.e. those involving a loss of or alteration to habitats) usually result in a net conservation loss and should be discouraged through representations to the appropriate bodies (such as Local Planning Authorities and Statutory Nature Conservation Organisations).

b) Where ARG representations seeking to avoid the need for translocation are unsuccessful, and development is inevitable, efforts should be made to ensure that a significant portion of the existing habitat is retained in the Development Plans. It may be feasible to accommodate some of the displaced/captured animals in this area, subject to suitable habitat management measures. The acquisition and/or appropriate management of additional areas may be an essential part of avoiding a reduction in amphibian/reptile status locally.

c) Where translocations are unavoidable, ARGs should seek to ensure the best available option for the animals on land due to be damaged or destroyed. This can include liaising with planning officers over the inclusion of conditions in planning consents so that sufficient time, effort and methods are used in the translocation operation, commenting on method statements and mitigation plans, suggestion of suitable receptor sites, and monitoring of the entire operation. ARGs are referred to "Evaluating local mitigation/translocation programmes: Maintaining best practice and lawful standards: HGBI advisory notes for Amphibian and Reptile Groups" (HGBI, 1998), "The Planning System and Site Defence" (Froglife Advice Sheet 9, 1998) and "Great crested newts: guidelines for developers" (English Nature, 1996).

d) The above guidelines (a-c) do not apply to pro-active translocations for conservation purposes, for example the release of animals into an area which has been recently managed or landscaped and allowed to establish, with a suitable management plan to sustain a population, as part of a well-planned and co-ordinated project.

2. Each ARG is advised to discuss the issue of translocation at a committee meeting and decide how to respond to approaches from developers in this regard, and what the group's policy is towards translocations for development in general.

3. The secretariat of HGBI will not provide technical advice concerning translocations as a part of mitigation projects, nor will such work be endorsed by HGBI.

4. If a written complaint is received by the HGBI secretariat regarding any ARG conducting translocations or other mitigation projects which are likely to or are shown to result in a net conservation loss, that ARG may be suspended in respect of its affiliation to HGBI, subject to an investigation and recommendations given by the national panel.

Approved at the Herpetofauna Groups of Britain and Ireland Annual Meeting, Cardiff, 6 February 1998. This document should be cited as: Herpetofauna Groups of Britain and Ireland (1998) Commercial consultancy work: HGBI Guidelines on Amphibian and Reptile Group (ARG) involvement. HGBI, c/o Froglife, Halesworth. Unpubl.

HGBI is a network that provides a forum and source of advice for voluntary Amphibian and Reptile Groups and their members in Britain and Ireland. It produces guidelines and policies such as this one, and promotes good practice in the work of ARGs. The secretariat of HGBI can be contacted at: HGBI, c/o Froglife, Triton House, Bramfield, Halesworth, Suffolk IP19 9AE; tel 01986 784518; fax 01986 784579; e-mail [froglife@tritonhouse.demon.co.uk](mailto:froglife@tritonhouse.demon.co.uk)

