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Man fined for harming protected amphibians

A man was fined £1,000 and ordered to pay £500 costs after being found guilty of offences against endangered and protected amphibians, English Nature announced today (Tuesday 22 March 2005).

Mr Peter Dennis, of Spennymoor, County Durham, was found guilty of controlling and recklessly disturbing great crested newts whilst occupying a structure or place used for shelter or protection, in a verdict announced on 16 March.

The Court heard that in November 1999 Mr Dennis acquired land, which included a large pond, in the knowledge that a significant population of great crested newts was present.

English Nature gave Mr Dennis extensive advice and assistance over several years in relation to the management of the pond, and through consultation with Sedgefield District Council, over his development proposals to build three bungalows next to the pond.

Mr Dennis was specifically advised by English Nature against water weed removal in the critical spring and summer breeding period. The court heard that a large quantity of weed was removed from the pond between 21 and 25 March 2004.

Mr Dennis admitted in evidence that he was aware there was a risk that newts would be in the pond during March, and that if newts were in the pond they were at risk if the weed was cleared. Mr Dennis admitted that he did not check the pond for presence of newts prior to removal of the weed. Being aware of the risk, Mr Dennis admitted that he removed the weed from the pond and did not check the weed after removal. Durham Constabulary investigated the incident which revealed that numerous newts and frogs had been trapped, and some killed, inside the piled up water plants.

Sgt Dave Wray, of Durham Constabulary, said: "We are very pleased with the outcome of the hearing as Mr Dennis was given extensive advice beforehand but chose to ignore it. If the police have evidence a wildlife crime has been committed, we and the other relevant agencies will take action. I hope this case serves as a warning to anyone else tempted to flout the law."

Mr Dennis admitted in evidence that he had commissioned his own great crested newt report the previous year for planning purposes. This report indicated the presence of newts during March.

Great crested newt numbers have plummeted across Europe over the last century, with an estimated 40,000 breeding pond losses in Britain during the 1960s to 1990s alone. Such declines are largely due to loss of ponds and surrounding habitat through agricultural intensification in the countryside, but residential, industrial and commercial development around our towns and inappropriate management of ponds has also played a part.

A similar pattern of decline is happening throughout the European range of the species, with England emerging as one of the strongholds for great crested newts. As a result, the newts and the places they use for breeding, resting, shelter and protection are safeguarded under UK and European law.

Great crested newt ponds may need careful maintenance to keep them in good condition, and this is best done in late autumn or winter when most newts are on land. Undertaking substantial management in the pond during the breeding season can be damaging. English Nature produces clear guidance on how to manage newt ponds effectively and within the law.

Sgt Dave Wray continued: "Without the expertise of our colleagues from English Nature this case would never have got off the ground. The law on this issue is very complex and we needed specialist advice from a number of different agencies. Everyone concerned has put in a great deal of time and effort to get the case to court."

Jim Foster, English Nature's amphibian specialist, said: "In most cases there are only minimal restrictions on land management where protected species occur, and English Nature is keen to help landowners if they have any concerns. Where there are plans to develop the land, additional considerations are required. Generally, we work well with the construction industry to ensure wildlife is safeguarded. Unfortunately we are witnessing an increase in reports of wildlife crime associated with development. In some cases the activity is driven by a desire to save the time and costs associated with considering protected species in development. This case demonstrates that harm to protected species is taken seriously."