Reptile Survey

St Johns Nursery, Clacton-on-Sea, Essex, CO16 8BP

E3 Design

September 2018

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Quality Control

Report Status: Final

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Reviewed by	Karen Devenney		23/05/2018	1
Issued by	Ian Craft		27/09/2018	1

REPTILE SURVEY

St Johns Nursery, Clacton-on-Sea, Essex, CO16 8BP

CONTENTS

1.0 EXECUTIVE SUMMARY

1.1 Total Ecology was commissioned by Mr Dave Caruso on behalf of E3 Design in March 2018 to undertake a series of reptile surveys on land at St Johns Nursery, Clacton-on-Sea, Essex, CO16 8BP. The approximate National Grid Reference for the centre of the site is **TM 14514 16089** (Figure 1, Appendix A). The survey is required prior to proposed redevelopment of the site for mixed business and residential purposes.

1.2 A presence/absence reptile survey was undertaken between April - May 2018. eight survey visits were made during this period. The survey was undertaken based on the methodology detailed in the Herpetofauna Workers Manual (Gent and Gibson, 1998) and Froglife Advice Sheet 10 – Reptile Survey (Froglife 1999).

1.3 During the surveys no native reptile species were encountered, however wall lizards were found both inside and outside the greenhouses.

1.4 It is illegal to release these animals into the wild. Currently the animals are mainly within the confines of the greenhouses which provide suitable conditions for overwintering and breeding. There are also small numbers of lizards outside. It is important to control the spread of non-native animals and to not cause the animals to spread into the wider countryside which can be construed as 'releasing into the wild' and would therefore be illegal under the Wildlife and Countryside Act 1981

1.5 Prior to the commencement of development works the wall lizards should be removed from site and either humanely disposed of or re-homed in captivity. The removal of wall lizards would require multiple visits over suitable weather for a period of three weeks prior to any removal of buildings and other debris. Exclusion fencing would need to be strategically placed prior to this removal procedure in order to stop any animals escaping into the wider countryside. Following this capture program any risk areas should be destructively searched by a suitably qualified ecologist by hand and machine including any areas of brash or debris and the composting area.

1.6 Taking the requirements of the NPPF into account, opportunities should be sought where possible for nature conservation enhancement at this site. It is recommended that landscaping areas are designed to maximise their

benefits to biodiversity and should incorporate areas of species rich grassland and use native tree and shrub species wherever possible.

2.0 INTRODUCTION

2.1 Background

2.1.1 Total Ecology was commissioned by Mr Dave Caruso on behalf of E3 Design in March 2018 to undertake a series of reptile surveys on land at St Johns Nursery, Clacton-on-Sea, Essex, CO16 8BP. The approximate National Grid Reference for the centre of the site is **TM 14514 16089** (Figure 1, Appendix A). The survey is required prior to proposed redevelopment of the site for mixed business and residential purposes.

2.1.2 Potential reptile habitat in the form of bare ground, semi-improved, tall ruderal mosaic, scrub and intact hedgerow was identified during an Extended Phase 1 Survey of the site in 2018 (Total Ecology, 2018) and therefore reptile surveys were undertaken between April and May 2018.

2.2 Site Description

2.2.1 The site is located within Clacton-on-Sea, a town within the Tendring peninsula, Essex. The site is immediately bordered by arable fields to the north and west, residential properties to the south and Earl's Hall Drive road to the east, separating from further arable land as well as scrub and woodland habitat. Further from site, arable fields continue to both the north and south. To the east, are the residential buildings of Clacton-on-Sea, leading to the North Sea, approximately 5.5km from site. At it's closest point, the sea is approximately 3km south-east of site. West of site is dominated by both residential dwellings and arable land. An area of woodland is approximately 2.4km west of site. Flag Creek runs inland approximately 4km east of site.

2.3 Survey Objectives

2.3.1 The principal objective of the ecological assessment was to establish the presence or likely absence of reptile species. This assessment will form the basis of recommendations for further survey work and/or mitigation and compensation for these species, where appropriate.

2.4 Legislation

2.4.1 Slow worm (*Angius fragilis*), common lizard (*Zootoca vivipara*), grass snake (*Natrix natrix*) and adder (*Vipera berus*) are partially protected under Schedule 5 (Sections

9(1) and 9(5)) of the Wildlife and Countryside Act 1981 (as amended). This legislation protects these animals from:

- Intentional killing and injury;
- Selling, offering for sale, possessing or transporting for the purpose of the sale or publishing advertisements to buy or sell a protected species.

Where these animals are present on land that is to be affected by development, the implications are:

- the animals must be protected from injury or killing;
- mitigation should be provided to maintain the conservation status of the species;
- following operations, the population should be monitored.

2.4.2 The sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 making them European Protected Species. Under the legislation, it is an offence to intentionally kill, injure or take a sand lizard or smooth snake as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by those species or disturb an animal while it is occupying a structure or place which it uses for that purpose. The legislation applies to both species in all habitats and to all life stages.

3.0 METHODOLOGY

3.1 Desk Study

3.1.1 A desk study was carried out as part of the previous extended Phase 1 report Total Ecology, 2018) and is reproduced in this report. This report involved consultation with The Essex Wildlife Trust (EWT) for records of protected species and sites within 2km of the site, and the publicly available web-based records sources such as www.magic.gov.uk.

3.2 Field Survey

3.2.1 A presence/absence reptile survey was undertaken between April and May 2018. A total of eight survey visits were made during this period. The survey was undertaken based on the methodology detailed in the Herpetofauna Workers Manual (Gent and Gibson, 1998) and Froglife Advice Sheet 10 – Reptile Survey (Froglife 1999). These methods involve the observation of basking reptiles on or under refugia placed in areas across the site that would seem to offer the most suitable habitat for common reptiles i.e. grassland with a more developed, unimproved structure and large tussocks, adjacent to areas which would provide shelter for reptiles such as areas of scrub and wood piles etc.

3.2.2 A total of seventy 500 x 500mm corrugated metal and onduline roofing sheets/roofing felt/ carpet tile refuges were placed around areas considered to offer suitable habitat for reptiles (Figure 3, Appendix A and Photographs 1 & 2, Appendix B). Prior to the tins being placed the site was walked and suitable habitat was identified. The site is varied in its structure and habitats within it form a mosaic including bare ground, semi-improved, amenity grassland, scrub, intact hedgerow and spoil heaps.

4.0 SURVEY RESULTS

4.1 Desk Study and Consultation Response

The results of the desk top study and consultation response are available in the original Ecological Assessment (Total Ecology, 2018). The consultation with EWT revealed no records of reptiles within 2km of site. There have been reports by existing staff that common lizards, grass snakes and slow worms are present on site (pers. comm., 2018). No records of reptiles were returned from EWT within 2km of the site.

4.2 Field Surveys

4.2.1 During the surveys no native reptile species were encountered, however wall lizards were found both inside and outside the greenhouses. Table 1 shows the full results of the surveys.

Table 1 Survey results summary.

Date & time	Weather	Surveyor	Location (Tin no.)	Number	Species	Comments
14/04/18 10.00-11.45	Dry, 90% Cloud 13.5°C	Andrea Place	N/A	0	N/A	1 female toad under mat
17/04/2018 11.00-12.00	Dry, 30% Cloud cover 16.1 °C	John Johnson Ray Cranfield	N/A	2	Wall lizards	2 juveniles near compost heap
21/04/18 10.00-11.30	Dry, sunny spells 12°C – 16.5°C	Andrea Place	N/A	0	N/A	None
25/04/15 15.00-16.00	Dry, 25% cloud cover, 15.6 °C	Jon Cranfield Ray Cranfield		6	Wall lizards	Inside greenhouse
28/04/18 14.10-15.15	Overcast but dry, raining before survey 11°C	Andrea Place	N/A	0	N/A	1 juvenile common toad under felt
02/05/2018 13.00-14.00	Dry, 75% Cloud cover 11.8°C	Jon Cranfield Barbara Cranfield	N/A	0	N/A	None.
06/05/18 10-11.40	Clear Sky, no clouds, warm, sunny, little breeze 18°C	Andrea Place	N/A	2	Wall lizards	On pallets and sheets, partial survey as some areas of site inaccessible

09/05/18 9:20 – 11:45	Sunny, 10% cloud cover 15 – 16°C	Laura Thompson/ Jon Devlin	N/A	5	Wall lizards	1 juvenile present. All reptiles encountered in site but not around mats. Three encountered outside around buildings and two within greenhouse building.

4.2.2 As no native reptiles were observed on any of the surveys it has been determined that they are unlikely to be present on the site.

5.0 CONCLUSIONS, ENHANCEMENT & MITIGATION

5.0.1 No evidence of native reptiles was recorded throughout any of the eight surveys carried out on site. The presence of viviparous lizards could still be possible, but it is felt that there would be only a small number of animals if any. The main species located on the site is the European Wall Lizard *Podarcis muralis*. A non-native species of lizard which has a long history of introduction into the UK. Over 30 to 40 colonies are found in the UK and many of these colonies are because of plant shipments from Europe. It is therefore likely that the current animal population has come in with a shipment of plants – either as overwintering adults/juveniles and/or as eggs. It appears that there are male animals and possibly female animals. The presence of young animals indicates that there may be breeding on site. The European Wall lizard is listed under the Wildlife & Countryside Act 1981 (as amended) under Section 14 as a non-native animal not normally resident in the UK.

5.02 It is illegal to release these animals into the wild. Currently the animals are mainly within the confines of the greenhouses which provide suitable conditions for overwintering and breeding. There are also small numbers of lizards outside. It is important to control the spread of non-native animals and to not cause the animals to spread into the wider countryside which can be construed as 'releasing into the wild' and would therefore be illegal under the Wildlife and Countryside Act 1981 (as amended).

5.03 Prior to the commencement of development works the wall lizards should be removed from site and either humanely disposed of or re-homed in captivity. The removal of wall lizards would require multiple visits over suitable weather for a period of three weeks prior to any removal of buildings and other debris. Exclusion fencing would need to be strategically placed prior to this removal procedure in order to stop any animals escaping into the wider countryside. Following this capture program any risk areas should be destructively searched by a suitably qualified ecologist by hand and machine including any areas of brash or debris and the composting area.

5.0.4 The NPPF outlines government planning policies and how they should be applied within local authorities. The framework places an emphasis on sustainable development, encouraging the re-use of land that has previously been developed over using land that has a higher environmental value and by minimising impacts

on biodiversity. The NPPF states that developments should aim to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments.

5.0.5 Taking the requirements of the NPPF into account, opportunities should be sought where possible for nature conservation enhancement at this site. It is recommended that landscaping areas are designed to maximise their benefits to biodiversity and should incorporate areas of species rich grassland and use native tree and shrub species wherever possible.

6.0 REFERENCES

Conservation of Habitats and Species Regulations (2010). http://jncc.defra.gov.uk/page-1379

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Total Ecology (2018) *Extended Phase 1 habitat survey and bat risk assessment survey report, St Johns Nursery*

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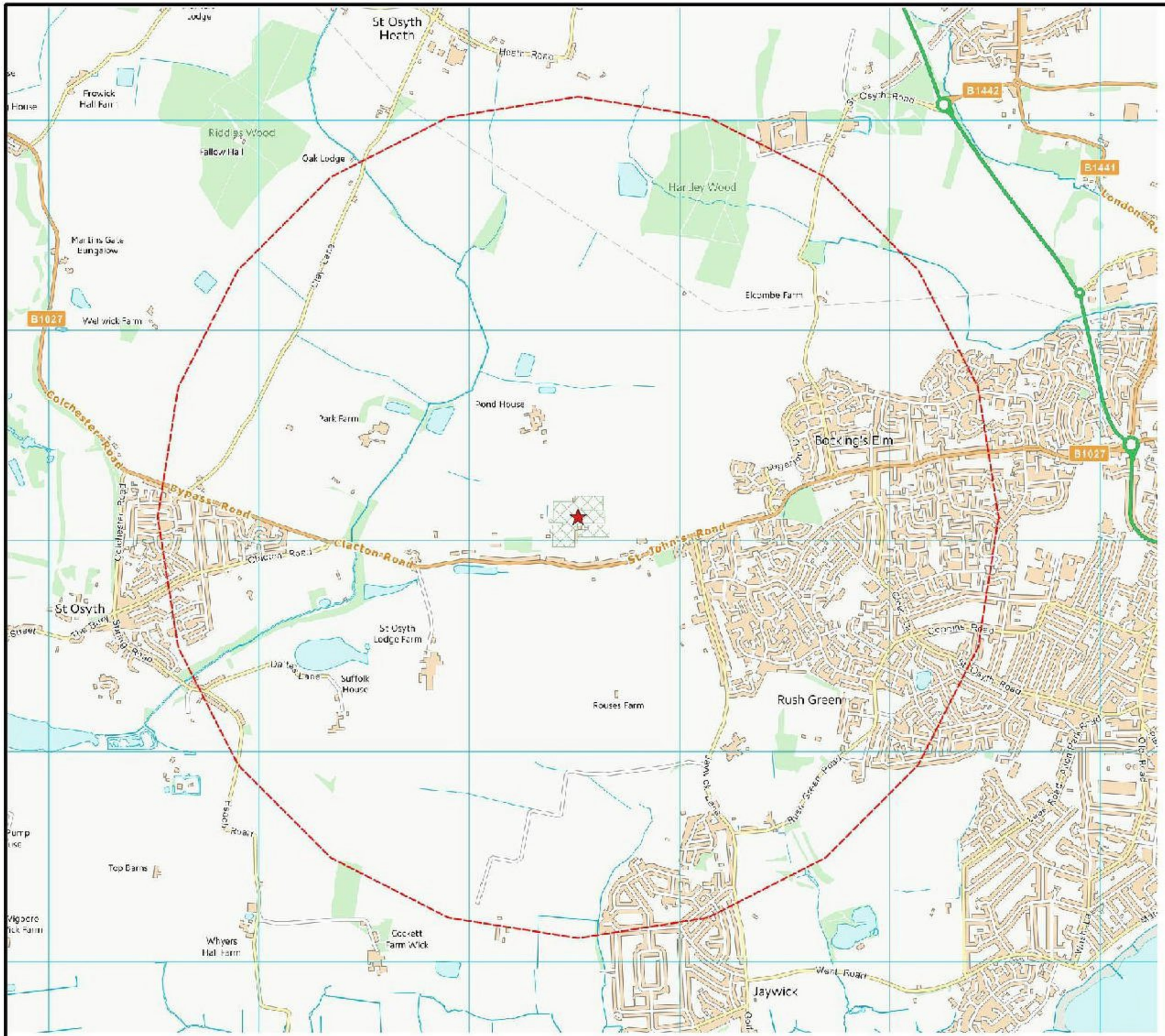
APPENDIX A

Figures



Legend

- Site Location
- 2km Buffer

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[redacted]

Project	St Johns Nursery, Clacton-on-Sea
Title	Site Location
Client	Mr Dave Caruso
Date	14th March 2018
Ref	Figure 1

Legend

★ Site Location

TOTAL ECOLOGY
innovative ecological consultants

Unit 4, Shaswell Business Centre
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Project	St Johns Nursery, Clacton-on-Sea
Title	Aerial Map
Client	Mr Dave Caruso
Date	14th March 2018
Ref	Figure 2

Legend

- Reptile Mat Locations
- Building Reference

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Project	St Johns Nursery, Clacton-on-Sea
Title	Reptile Survey Plan
Client	Mr Dave Caruso
Date	14th April 2018
Ref	Figure 3

APPENDIX B

Selected Photographs

Photograph 1 Example of Onduline refugia type and location

Photograph 2 Example of carpet tile refugia type and location

APPENDIX C

Report Conditions

Total Ecology

REPORT CONDITIONS
St Johns Nursery, Clacton-on-Sea, Essex, CO16 8BP

This report is produced solely for the benefit of ES Design and no liability is accepted for any reliance placed on it by any other party unless specifically agreed in writing otherwise.

Unless otherwise instructed any records collected will be submitted to the body holding environmental records for the area.

This report is prepared for the proposed uses stated in the report and should not be used in a different context without reference to Total Ecology. In time, improved practice, new information or amended legislation may necessitate a re-assessment. Opinions and information provided in this report are on the basis of Total Ecology using due skill and care in the preparation of the report.

This report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times.

This report is limited to those aspects reported on, within the scope and limits agreed with the client under our appointment. It is necessarily restricted and no liability is accepted for any other aspect. It is based on the information sources detailed in the report. Some of the opinions are based on unconfirmed data and information and are presented as the best obtained within the scope for this report.

Reliance has been placed on the documents and information supplied to Total Ecology by others but no independent verification of these has been made and no warranty is given on them. No liability is accepted or warranty given in relation to the performance, reliability, standing etc. of any products, services, organisations or companies referred to in this report.

Whilst skill and care have been used, no investigative method can eliminate the possibility of obtaining partially incorrect, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather related conditions.

Although care is taken to select monitoring and survey periods that are typical of the environmental conditions being measured, within the overall reporting programme constraints, measured conditions may not be fully representative of the actual conditions. Any predictive or modelling work undertaken as part of the commission will be subject to limitations including the representativeness of data used by the model and the assumptions inherent within the approach used. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions.

The potential influence of our assessment and report on other aspects of any development or future planning requires evaluation by other involved parties.

The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Total Ecology accept no liability for issues with performance arising from such factors.

February 2008