

# Reptile Presence/Absence Survey

V1.1

Ref: 963	Land to The North of Dickley Wood
Client Name:	Neil Frost
Date of Completion:	27/09/23
Principal Author:	Edward Clark

	Name	Company	Role
REPORT AUTHOR	Edward Clark	ECOassistance	Principal Ecologist
REPORT REVIEW	Julia Blackwood	ECOassistance	Director
SITE SURVEYOR	Matthew Kelk	ECOassistance	Lead surveyor

## 1 Executive Summary

ECOassistance were commissioned to undertake a reptile presence/likely absence survey and population assessment on land to the north of Dickley Wood in Harrietsham, Kent to inform a planning application for demolition of the existing building within the site and the erection of a new-build property.

The surveys have been carried out in accordance with published guidance and best practice.

The results show that reptiles are likely absent from the site and no further action pertaining to reptiles is required at this time.

Disclaimer
This reptile survey report considers the instructions and requirements of the client and is not intended for and should not be relied upon by any third party.
The results contained within this report can be relied on for decision-making purposes without the need to be updated for 12-18 months providing there is no significant change in land use or land management in that time.
Interpretations and recommendations contained in this report represent the author's professional opinions and are based on currently accepted industry practices and personal experience. This is a working document and must be updated if development proposals change, or new information become available.

## Table of Contents

1	Executive Summary.....	2
2	Introduction.....	4
3	Methodology.....	6
4	Constraints and Limitations.....	8
5	Results.....	9
6	Conclusion.....	10
7	References.....	11
	Appendix 1: Review of legislation protecting reptiles.....	11
	Appendix 2: Refugia/trap locations (indicative plan) and site measurement.....	12

## 2 Introduction

ECOassistance were instructed by Mr Neil Frost (hereafter: the client) to undertake a reptile presence/likely absence survey and population assessment to inform a planning application for demolition of the existing building and the erection of a new-build property on land to the north of Dickley Wood, Ashford Road, Harrietsham, Maidstone, Kent, ME17 1BJ (hereafter referred to as: the site).

This report has been prepared to inform on ecological constraints specifically with regards to protected reptile species. Suitable reptile habitat was identified at the site during a Preliminary Ecological Appraisal (PEA) undertaken in June 2023 by ECOassistance<sup>1</sup>.

All native reptiles are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006).

Smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* are designated and protected as European protected species (EPS). EPS are protected under The Conservation of Habitats and Species Regulations 2017.

It is an offence to:

- deliberately kill, injure, disturb or capture them
- deliberately take or destroy their eggs
- damage or destroy their breeding sites and resting places
- possess, control or transport them (alive or dead)

For smooth snakes and sand lizards, it is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

disturb them while they occupy a structure or place used for shelter or protection, obstruct access to a place of shelter or protection

Other native reptiles are protected under the Wildlife and Countryside Act 1981. It is an offence to kill or injure:

- adder *Vipera berus*
- grass snake *Natrix natrix*
- common or viviparous lizard *Zootica vivipara*
- slow worm *Anguis fragilis*

The key objectives of the reptile presence absence survey undertaken is to:

- assess the presence or likely absence of reptiles within the site and its local environs.

---

<sup>1</sup>REPORT 919 PEA Land to The North Dickley Wood^J Ashford Road^J Harrietsham^J Maidstone^J Kent^J ME17 1BJ v1.1, ECOassistance.

- if reptiles are found to be present on the site, give an indication of the population size of each species present.
- recommend further reptile survey work and mitigation where necessary and suggest potential enhancements.

This report describes the survey findings.

### 3 Methodology

Survey work was undertaken by Matthew Kelk. Matthew is an experienced herpetological surveyor with more than three years of reptile survey and mitigation experience including translocations, destructive searches, site supervision as an Ecological Clerk of Works (EcoW) and installation of habitat enhancements and mitigation measures.

The surveys followed guidance including the Herpetofauna Groups of Britain and Ireland (HGBI) Guidelines, the Herpetofauna Workers Manual 2003 and Froglife Advice Sheet 10. The reptile survey included all of the following measures:

- The survey utilised bituminous roofing felt (0.5m x 1m) to create artificial refugia to attract reptiles;
- Refugia were laid out/set at a minimum density of ten per hectare in suitable habitat;
- Refugia were left for a minimum period of seven days to ‘bed in’ prior to commencement of the survey;
- Refugia were inspected for reptiles on seven separate survey visits during optimal weather conditions;
- Survey visits were not carried out on consecutive days; and
- Records were kept on an ECOassistance recording form (with details of the reptiles encountered including species, gender and breeding condition and prevailing weather and ground conditions recorded).

An overhead satellite image indicating the location of the refugia is shown in the appendix.

Froglife (1999) basic means of evaluating reptile populations was used to predict ‘low’, ‘good’ or ‘exceptional’ populations based on the number of adult reptiles of each species recorded during a single survey visit (using a density of 10 refugia per hectare). Table 1 below shows the parameters for assessing population class size.

*Table 1: Assessment criteria for reptile populations*

Species	Low Population Score 1	Good Population Score 2	Exceptional Population Score 3
Adder	<5	5 to 10	> 10
Grass snake	<5	5 to 10	> 10
Viviparous lizard	<5	5 to 20	> 20
Slow worm	<5	5 to 20	> 20

It should be noted that for this site a higher density of reptile refugia were laid out, in order to increase the opportunities of finding reptiles.

The usable reptile habitat within the site measures <0.27 hectares with a small proportion of the site unsuitable for reptiles including buildings and hardstanding.

A total of 10 refugia were placed into the suitable habitat on the site which equates to approximately 4x the recommended minimum density of reptile refugia.

#### **4 Constraints and Limitations**

By placing more than the recommended density of refugia, observational data was to be subject to further extrapolation and calculation for a population estimate rather than simply from reading from Table 1 (above). However, as there were no sightings of reptiles further calculations to define a population score were not required.



## 5 Results

During the surveys no reptiles were encountered.

The results of the surveys including the prevailing weather conditions and time on site are shown in Table 2 below.

Table 2: Survey results form

Reptile - Presence/ Absence Survey										
Site:		Land to The North Dickley Wood								
Visit No.	Survey Date	Start Time	Weather Conditions	Observations						
				Adult M Slow worm	Adult F Slow worm	Adult M Lizard	Adult F Lizard	Juvenile Slow worm	Juvenile Lizard	Juvenile Grass Snake
1	9/5/2023	9:30	wind 3, cloud 50%, 19°C							
2	9/8/2023	7:00	wind 2, cloud 70%, 15°C							
3	9/11/2023	7:00	wind 3, cloud 100%, 16°C							
4	9/13/2023	9:10	wind 3, cloud 90%, 15°C							
5	9/18/2023	9:30	wind 4, cloud 90%, 17°C							
6	9/22/2023	11:20	wind 1, cloud 30%, 15°C							
7	9/27/2023	7:30	wind 2, cloud 90%, 15°C							
<b>Running Total:</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## **6 Conclusion**

Development will not impact reptile species or their habitat as reptiles have been shown likely absent from the site and this is with a high degree of confidence.

The survey effort completed was above industry standards in terms of density of refugia and all of the survey visits complied with guidance on timings and prevailing weather conditions and were conducted within the optimum survey month of September.

No further action pertaining to reptiles is required.

## 7 References

JNCC (2003). Herpetofauna Workers' Manual, JNCC, Cambs.

Gent, A.H and Gibson, S.D eds (1998). Herpetofauna Workers Manual. Joint Nature Conservation Committee, Peterborough. Herpetofauna Groups of Britain and Ireland (1998) Evaluating Local Mitigation/ Translocation Programmes: Maintaining Best Practice and Lawful Standards. HBGI Advisory Notes for Amphibian and Reptile Groups. Froglife, Halesworth, Suffolk.

Natural England (2018) Reptiles: surveys and mitigation for development projects

<https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>

Froglife (1999) Reptile Survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth

### *Appendix 1: Review of legislation protecting reptiles*

The four widespread reptile species (grass snake, adder, common lizard and slow worm) found in Kent are all protected under Schedule 5, section 9 of the 1981 Wildlife and Countryside Act (1981), as amended by the 1988 Wildlife and Countryside Act 1981 (variations of schedules) Order, against intentional injury or killing (section 9(1)) and trade (section 9(5)). They are also listed under Appendix III of the Bern Convention; Article 8 of the convention regulates exploitation and sale of Appendix III species to maintain population levels. There is no specific protection for habitats (under Schedule 5, section 9(4) of the 1981 Act, as amended by Schedule 12 of the 2000 Countryside and Rights of Way Act) in the case of slow-worm, grass snake or the other commoner reptiles.

The widespread reptiles are also priority species for the maintenance of biological diversity in England, listed in Section 41 of the 2006 Natural Environment and Rural Communities Act.

Listing on Schedule 5, section 9(1) of the 1981 Wildlife and Countryside Act gives slow-worm the status of protected species in terms of planning policy. Government planning policy guidance throughout the UK consistently identifies the conservation of protected species as some consideration that local planning authorities should consider when determining planning applications. For instance, ODPM's Circular 06/2005 (paragraph 98) states "The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat". Planning policy further states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision' (ODPM Circular 06/2005; paragraph 99).

While the legal protection for the widespread reptiles is more narrowly focused on avoidance of killing or injury, in terms of planning policy where reptiles occur it is desirable to maintain their conservation status in the wider area of the development site.

Appendix 2: Refugia/trap locations (indicative plan) and site measurement

