

Reptile Assessment

Development at
87 Sidford High Street
Sidmouth
East Devon

A Report prepared
for In-Ex Design Ltd

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Final Report



encompass

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1 Introduction

Encompass Ecology Ltd was commissioned through In-Ex Design Ltd to undertake a reptile presence/absence assessment on land at 87 Sidford High Street, Sidford, East Devon, located at NGR SY 125 900. The location and extent of the survey area can be seen in figure 1.

The requirement for a reptile assessment was identified within the judgement of an Appeal hearing raised by the site owner Mr. P. Aldam, against the refusal of planning permission by East Devon District Council (planning reference 202653/FUL), dated 26/10/2020 and refused on 23 December 2021.

An Appeal hearing was held on 14 November 2022 in regard to the proposed development for the demolition of the existing dwelling on site and the re-development of the site to provide four dwellings with a new vehicular access.

The appellant had submitted new evidence prior to the Appeal relating to biodiversity enhancement measures within the development proposed which EDDC are understood to have accepted. It would appear that in light of that new evidence the matters in dispute had narrowed to include the presence or absence of dormice and reptiles, and potential loss of their habitat. This framed the main issue and the assessment of the proposal.

Overall, the Appeal was dismissed on the basis that reptile and dormouse survey information was not submitted with the application and hence, *'Overall, there is insufficient evidence to demonstrate that the proposal would have an acceptable effect on the protected species of dormice and reptiles. Therefore, it would conflict with Policy EN5 of the East Devon Local Plan 2016, which among other things sets out that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value.'*

In accordance with the specific conclusions of the Appeal decision, the following reptile assessment is presented, both to accord to Best Practice but also to inform East Devon District Council and allow the planning process so to accord with local plan policy.

The reptile assessment is designed to be both a qualitative assessment to gauge presence/absence of reptiles on site, yet also a quantitative process to characterise the extent of reptile presence on site and identify those habitats and features present on site of most value for reptiles. The assessment was concurrent with best practice methods of species appraisal recommended by Froglife (Froglife, Reptile Survey, 1999), Natural England and Highways Agency assessment methodologies.

Confirmed reptile presence on site would likely inform the requirement for a reptile mitigation strategy for the works proposed to prevent injury/killing of reptiles and a contravention of the law (Wildlife and Countryside Act 1981), as amended. A mitigation strategy would also inform the construction method statement with implications for working areas, timings of works and extent of mitigation measures required during the works proposed.

2 Background

2.1 Site Description and Context

The site was first surveyed in 2012 by Encompass Ecology Ltd at which time there was an occupied mock Tudor type house on site, of likely early twentieth century era. The property is quite substantial in size and occupies the northern part of the site from which access is taken directly from Sidford High Street. There is a graveled parking area to the north of the main house and at in 2012 there were numerous sheds, a garage and a greenhouse present to the east of the main house. The main house has hanging clay pan tiles on the western and southern elevations at first floor level and a large veranda to the rear (southern elevation).

The rear garden falls away from the property to the south and was initially compartmentalized into an amenity lawned area adjoining the house with a vegetable garden and small orchard towards the southern end of the curtilage.

Throughout the years of survey, the house has become derelict and suffered from break-ins and vandals, with all doorways and windows now either hoarded up or broken. The hanging pan tiles on the rear elevation, a few of which were initially missing, have also been broken in the process. The sheds and structures on the eastern side of the main house were demolished in 2014.

Since 2016, one of the large Pine trees within the rear garden on the western boundary has also been clear felled across the garden. The trunk and associated branches of this tree are very substantial in size and within the current intervening period have been covered in dense bramble growth. This dense scrub habitat now dominates the central rear garden area, such that the previous compartmentalized nature of the garden has been masked.

The area of amenity grassland below the house is present but has been left to become rank, with patches of Tansy and Ribwort Plantain present and pockets of bramble also developing. The grassland is still relatively open and dominated by Common Bent grass but retains a sheltered southerly aspect.

2.2 Reptiles

There are seven species of reptiles that inhabit the British Isles, including lizards, slow-worm and snakes. Due to the fact that all reptiles are ectothermic ('cold-blooded'), they are very much dependent on habitats and sites which provide both basking opportunities and ground cover under which to escape from predators.

Areas of rough, unkempt grassland and 'scrubbed up' areas including hedge banks and field margins provide suitable conditions for reptile occupation within most sites in south-west England. In this instance the unkempt grassland and localised scrub habitat present in combination with the opportunities for refuge beneath the piles of stone and soil provide potentially suitable habitat for this species group.

Both Smooth snake (*Coronella austriaca*) and Sand lizard (*Lacerta agilis*) are fully protected under UK and European law and are only known from a few selected and distinct habitats within the UK. Other species of reptile, which include the more commonly encountered Viviparous lizard (*Lacerta vivipara*) and Slow-worm (*Anguis fragilis*), are protected to a lesser degree principally under the UK Wildlife and Countryside Act 1981, schedule 5, section 9 only. This protects them from unlawful killing and sale only. Adder (*Vipera berus*) and Grass snakes (*Natrix natrix/helvetica*) are also protected under

schedule 5, section 9 only. Further information is provided in section 5, but proper legal advice should be sought for a full interpretation of the law.

Reptiles will hibernate and are hence generally most active from April to October, with the most profitable months for surveying tending to be April, May and September (Froglife, Reptile Survey, 1999).

3 Survey Methods

The presence of reptiles was assessed in suitable areas across the entire site through the Best Practice method of providing refugia for reptiles to bask, under which they can also find safe shelter.

Artificial refugia, consisting of 50cm x 50cm squares of heavy roofing felt were placed on 11 September 2023 across the whole site area, with especial attention paid to those grassland habitats on site considered potentially suitable for reptile presence in order to gauge the presence of reptiles within the different habitats present. The refugia were placed in specific areas where reptiles would be considered to bask. A total of 32 refugia were placed within the study site, throughout the study site.

Refugia tiles were deployed within the autumn 2023 period, both to avoid the winter hibernation period and also the height of summer when reptiles tend not to use refugia and hence can underestimate inherent reptile presence. Refugia were deployed for a full week before surveys commenced to allow any reptiles time to 'find' the refugia, a period consistent with current Best Practice. The refugia were checked 5 times during the period 18 September 2023 to 17 October 2023 during optimum periods of suitable weather that would be expected to elicit reptile presence on site. All surveys were undertaken by Julian Perrett MCIEEM CEnv, an experienced reptile surveyor.

A summary table of the times/dates of survey undertaken at the 87 Sidford High Street study site and the weather conditions can be seen below.

Survey Date	Time of Mat Check	Weather Conditions
18/09/2023	13:45 hrs	Dry, sunny, broken cloud (air temp 18°C)
25/09/2023	15:00 hrs	Dry, sunny and clear (air temp. 20°C)
28/09/2023	12:00 hrs	Dry, bright, sunny and breezy (air temp. 17°C)
10/10/2023	12:30 hrs	Dry, still, early mist clearing (air temp. 17°C)
17/10/2023	12:45 hrs	Dry, bright and hazy sunshine (air temp. 14°C)

3.1 Limitations

Access was possible to the entire site and the refugia were placed throughout those habitats in which reptiles were considered to be potentially present to give a representative indication of reptile presence.

The survey was undertaken at a suitable time of year, in accordance with Best Practice throughout which the weather was suitable for basking and assessment. It is considered overall that the results gained were considered to represent a valid survey.

4 Survey Findings

The survey period was characterised by weather well suited to reptile population assessment, in that it was generally warm with a combination of overcast and clear conditions. Without excessive heat. The refugia checks were however timed to avoid a short period of unseasonable hot weather (>20°C), during which it is considered by Best Practice that reptiles will not need to bask and hence a null result or under-estimate of any population present would be recorded.

Following that period, it was ensured that reptile refugia were checked only on warm days <20°C only, with refugia being warm, ensuring good basking conditions beneath.

Reptile presence was documented on all five survey occasions with Slow-worms *Anguilla fragilis* being recorded only. No other reptile species were recorded during the surveys undertaken.

The presence of adult female slow-worms, adult males, sub-adult forms and juvenile slow-worms is considered to be sufficient conclusive evidence to show that the study site is likely to hold an active breeding population of this species.

If the survey area is considered as being composed of a single continuous reptile population, the numbers of reptiles encountered during the survey period would suggest an 'Exceptional' population of slow-worms are present, according to Best Practice interpretation, (see table 4.1 below, FrogLife, 1999). This is based on the maximal counts achieved throughout the surveys undertaken, with the highest number being attained on **17 October 2023** in which **39 slow-worms** were recorded on a single survey occasion.

	Low Population Score 1	Good Population Score 2	Exceptional Population Score 3
Adder	<5	5 – 10	>10
Grass Snake	<5	5 – 10	>10
Viviparous Lizard	<5	5 – 10	>20
Slow-worm	<5	5 - 10	>20

Table 4.1 Interpretation of reptile species populations as indicators of Key Reptile Sites (taken from FrogLife Advice Sheet 10).

A full survey log for the current survey can be found in Appendix 1 and photographs of key habitat areas can be viewed in Appendix 2.

5 Legislation and Planning Policy

This is a summary of relevant legislation; however it is recommended that proper legal advice be sought as necessary.

Reptiles

The majority of reptiles, including the slow-worms, common lizards and grass snakes encountered here are protected under the Wildlife and Countryside Act 1981 under schedule 5 section 9 only, which protects them from unlawful killing and sale only.

Although this legislation offers no protection for their habitat, the applicant/developer should be aware that all reptiles are protected against unlawful injury and killing on site, where such killing or injury could ..."reasonably be avoided" (JNCC, Herpetofauna Workers' Manual, 2003). The level of protection is at level 5 for each reptile harmed/killed, which currently equates to a £5000 fine and/or up to 6 months imprisonment if found negligent and guilty of a wildlife offence. It is therefore in the interest of all parties to ensure that all reasonable measures are taken to protect the welfare of these species and to safely remove/exclude them from a site before development activities commence.

Planning Policy

Nationally, protected species are considered under the National Planning and Policy Framework (NPPF) and through local Biodiversity Action Plan (BAP) policies, which endeavour developers to incorporate suitable mitigation and compensation within proposed development sites upon which protected species are known to be present.

This is reflected locally through the East Devon District Council Local Plan 2013-2031, specifically within Policy EN5 Wildlife Habitats and Features.

If reptile presence is confirmed by survey, a mitigation plan should be formulated and agreed between the developer and the Local Planning Authority to protect these species during the construction phase of development and provide suitable long-term incorporation of habitat/features for them within the end development scheme proposed, where appropriate.

In the case of the 87 Sidford High Street study site, the reptile mitigation plan would form part of any granted planning permission for the site.

6 Conclusions and Recommendations

From the results obtained a high level of slow-worm presence has been documented on the 87 Sidford High Street study site, mainly within the south facing rank grassland habitat to the rear of the property, although slow-worms were recorded throughout the study site area.

The presence of reptiles throughout the entire site area should be considered within any mitigation strategy formulated.

The highest numbers of slow-worms recorded on any one site visit was 39 on 17/10/2023.

Interpretation of the results using current Best Practice guidance (FrogLife, 1999 and Highways Agency DMRB Volume 10, Section 4, Part 7) would suggest that on the basis of the 'exceptional' population of slow-worms being present and the site attaining 3 points (see table 4.1), the development area would meet the standard for Key Reptile Site status on the basis of criteria 3 set out below. To qualify as a Key Reptile Site, the site in question must meet only at least one of the set criteria. These are that the site;

- 1) Supports three or more reptile species.
- 2) Supports two snake species.
- 3) Supports an exceptional population of one species.
- 4) Supports an assemblage of species scoring at least 4 points (see table 4.1).
- 5) Does not satisfy 1-4 but which is of particular regional importance due to local rarity (e.g. in the East Midlands of England, adders are very rare so even 'low' populations should be designated as Key Sites).

However, the presence of an anticipated large Slow-worm population on site, a common species in the south west would in our view not necessarily trigger the requirement for especial site protection on the basis of reptiles on such a brownfield site.

However the legal constraints imposed on the developer are to ensure that reptiles are protected from killing and injury principally throughout the construction period.

Protection of reptiles is a constraint most appropriately performed through the production of a reptile mitigation strategy, which fully describes working methods, timings of works and mitigation to ensure legal compliance and safeguard the reptile populations present. Licensing will not be a requirement for the slow-worms recorded at this site due to their common nature.

A reptile mitigation strategy will fully describe the working methods proposed which can often involve a combination of hand capture, possible reptile fencing and habitat management to methodically 'clear' the working area of reptiles prior to construction, to avoid committing an offence. Any mitigation strategy would ensure adequate consideration is employed at every stage along the construction programme and should be ideally agreed between the developer and Local Planning Authority.

Within any reptile mitigation strategy it must be borne in mind that reptiles hibernate generally between the months of mid-October and the end of March and hence construction should not generally be initiated between these months, without prior reptile clearance.

In the case of the 87 Sidford High Street study site and the extent of development proposed, the reptile mitigation strategy would likely comprise the off-site translocation of the slow-worms to another suitable receptor site. This would continue until to a point that the site is deemed clear of reptile presence at which point, an ecologist should oversee

the supervised top-soil removal of the entire site. This would be undertaken at an appropriate time of year, i.e. during the active season.

Given the most likely off-site translocation required, prior consideration should be given to the careful selection of a suitable receptor site in advance of works commencing. Using a general rule of thumb, total populations of slow-worms on sites are typically 6 - 8 times higher than the highest number encountered during survey. Allowance should therefore be made for a receptor site to receive approximately 200-300 slow-worms.

References

Arnold E. N. and Ovenden, D (2002). *A Field Guide to the Reptiles and Amphibians of Britain and Europe*. Harper Collins.

English Nature (2004). *Reptiles: guidelines for developers*. English Nature, Peterborough.

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

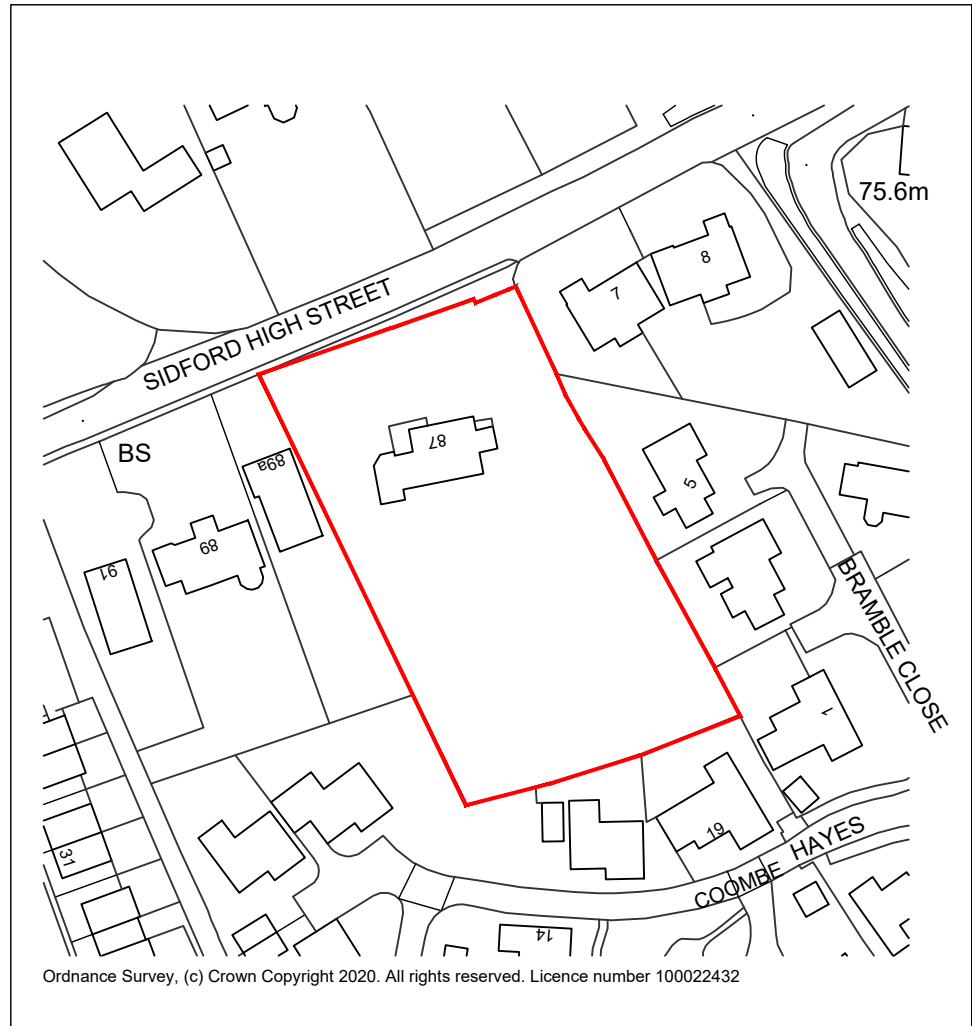
Gent, T & Gibson, S., eds (2003). *Herpetofauna Workers' Manual, revised edition*. JNCC Peterborough.

Highways Agency DMRB Volume 10, Section 4, Part 7

National Planning Policy Framework (2019). www.tso.gov.uk

Figure 1: Location plan of the 87 Sidford High Street study site, Sidmouth, East Devon.

See adjoining sheet



SITE LOCATION PLAN

1:1250 @ A3



IN EX DESIGN

Interior-Architectural-Landscape-Design

Rev.	Date	Details	Drawn	Checked
A	26/04/21	RED LINE BOUNDARY AMENDED.	HC	

Project/Client:
87 SIDFORD
HIGH STREET

Project No:
1402004

Dwg No:
PE-SLP

Rev:
A

Drawing:
EXISTING
SITE LOCATION PLAN

RIBA Work Stage:
2 - Planning

Scale:
1:1250 @A4

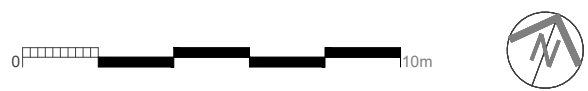
Drawn By: Date:
HC 11/08/20

Checked By: Date:
JAC 19/10/20

Figure 2: Plan indicating locations at which Reptile presence was found at the 87 Sidford High Street study site, Sidmouth, East Devon.

See adjoining sheet

Figure 2: Location plan showing where reptiles (slow-worms) were found at the 87 Sidford High Street study site - presence indicated by orange circles.



Appendix 1: Summary survey logs for reptile assessment works at the 87 Sidford High Street study site, Sidmouth, East Devon.

Reptile presence	Date of Survey				
	18/09/2023	25/09/2023	28/09/2023	10/10/2023	17/10/2023
juv SW	2	5	6	4	14
sa SW	2	10	6	9	6
am SW	0	4	4	3	5
af SW	14	14	21	20	14
GS	0	0	0	0	0
Total Nos.	18	33	37	36	39

Key to table in Appendix 1:

SW indicates Slow-worm
VL indicates viviparous lizard
GS indicates Grass Snake
AD indicates Adder

a indicates adult form
af indicates adult female
am indicates adult male
sa indicates sub adult
juv indicates juvenile form

CT indicates Common Toad
CF indicates Common Frog
SN indicates Smooth Newt
PN indicates Palmate Newt
GCN indicates Great Crested Newt

Appendix 2: Selected Site Photographs taken at the 87 Sidford High Street study site.



Photograph 1: Rear view of derelict 87 Sidford High Street property showing unkempt rear grassland Area.



Photograph 2: Close up view of the previous amenity grassland area, now being encroached by bramble.



Photograph 3: Slow-worms found on site beneath the reptile refugia during the surveys undertaken. Adult male, adult female and sub-adult forms present indicating a breeding population of slow-worms on site.