

Ecological Survey and Assessment for 43 Cliff Road Clacton-on-Sea

On behalf of:

**Stanfords
The Livestock Market
Wyncolls Road
Colchester
Essex
CO4 9HU**

Prepared by:

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1) Summary

As part of a planning proposal involving land at 43 Cliff Road, Clacton-on-Sea, Essex CO15 5QQ, a site visit was conducted on 30th January 2024 to determine whether the site had the potential to be occupied by protected species, which would be affected if any proposed development were to go ahead.



Photo 1: Looking S-N across the site. The proposal is for a new bungalow to be erected in the rear garden

There are no buildings or trees at the site that might offer potential roosting places for bats.

The vegetation at the site comprised a Yew and *Camellia* on the western boundary and four fruit trees. All are due to be removed, although four replacement fruit trees are to be planted on the developed site. There was no vegetation that had woodpecker holes, crevices or loose bark that might offer potential roosting places for bats. If the trees and shrub are to be removed, it is recommended that this takes place during November to the end of February to avoid the nesting season for birds.

No evidence of the presence of bats was found at this site.

Since there was no evidence of bats at the site, a European Protected Species Licence will **not** be required for this project.

A small block shed with a sloping corrugated asbestos roof had approximate dimensions of 2m x 1m. The lack of potential roosting places and absence of any evidence of the presence of bats means that **no** further surveys are required for the site. The block shed at the site was considered to have **no potential** as a roosting place for bats.

The lack of suitable trees and buildings made the site unsuitable for occupation by barn owls and no evidence of this species was found.

The site is entirely of short, maintained grass and is bordered on all four sides by residential properties with maintained gardens. There are no features that might be attractive to basking by reptiles, and there is no suitable habitat nearby from which the site could be colonised by reptiles. There is no standing water at the site or in the vicinity and no terrestrial dispersal habitat at the site to support great crested newts. The Essex Field Club has no records of great crested newts in this tetrad during the last fifteen years.

There were no latrines or digging by badgers found at the site, or within 30m of its boundaries.

Although no evidence of bats was found, it is probable that bats from nearby roosts would forage across the site. This foraging behaviour would be expected to continue after any building work is completed and therefore it is considered that the planning proposal for this site will not have a detrimental effect on the local bat population, or on protected species.

According to the latest guidance (December 2017) from CIEEM, the following is advised:

Very occasionally it might be possible to carry out a robust Preliminary Ecological Appraisal without obtaining LERC/NBDC/CEDaR data; this will usually only apply to low impact or small-scale projects (e.g. by virtue of size, extent, duration of works, magnitude and locality), and should be determined on a case-by-case basis. In all cases, the decision not to obtain these data should be justified in the report. The following is not intended to be an exhaustive list, but gives examples of the type of sites where such data might not be needed:

- **a field in active arable cultivation where there is no impact on any hedges, trees or waterbodies;**
- **small areas of cultivated garden/amenity grassland, as above; or**
- **small urban sites comprising mostly asphalt or compacted hardstanding.**

CIEEM (December 2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

The survey area just relates to the survey site. It is entirely of short, maintained grass. This is a low impact project that will have no impact on any designated sites.

2) Introduction

Essex Mammal Surveys was requested to carry out a survey of a garden at 43 Cliff Road, Clacton-on-Sea to investigate for signs indicating the presence of protected species. The

identification of protected and priority species is vital in the proposed development of a site to comply with existing legislation and also allows any work that may otherwise be detrimental to these species to be appropriately scheduled.

The objectives of the survey were to:

- assess the habitats on the site (noting any Priority habitats) including the potential of the site to support protected species (bats, reptiles, water voles, great crested newts and badgers) or any other species that may act as a constraint on development eg Priority species (s41 NERC Act 2006)
- determine any impact of development on any wildlife of conservation concern within the area
- produce a strategy for avoiding, mitigating and compensating for any potential impacts identified with reasonable enhancements for biodiversity.

John Dobson, a bat worker and trainer licensed by Natural England (Licence No. 2015-15258-CLS-CLS), and author of *Mammals of Essex* (Essex Field Club, 2014) carried out the survey on 30th January 2024. John Dobson has been elected a Fellow of the British Naturalists' Association and received the David Bellamy Award for natural history in 2015. The site is located at Grid Reference: TM202162.

This report has been compiled in accordance with the Bat Conservation Trust's *Bat Survey Guidelines for Professional Ecologists: Good Practice Guidelines*.

Ref: Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edn). The Bat Conservation Trust, London.

However, the first page of all four editions includes the following: *The guidelines should be interpreted and adapted on a case-by-case basis according to site-specific factors and the professional judgement of an experienced ecologist. Where examples are used in the guidelines, they are descriptive rather than prescriptive.*

3) Legislation and planning policy relating to bats, badgers, barn owls, reptiles and NERC 2006 and s41 Priority species and habitats

All bat species in Britain are protected under the Wildlife and Countryside Act 1981 through inclusion on Schedule 5. They are also protected under the Conservation (Natural Habitats &c.) Regulations 1994 (which were issued under the European Communities Act 1972), through inclusion on Schedule 2. From January 31st 2020 these Regulations were consolidated into the Conservation of Habitats and Species (Amendment) (EU exit) Regulations 2019.

European protected animal species and their breeding sites or resting places are protected under Regulation 39. It is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal. It is also an offence to have in one's possession or control, any live or dead European protected species.

The threshold above which a person will commit the offence of deliberately disturbing a wild animal of a European protected species has been raised. Now, a person will commit an offence only if he deliberately disturbs such animals in a way as to be likely significantly to affect (a) the ability of any significant groups of animals of that species to survive, breed, or rear or nurture their young, or (b) the local distribution of abundance of that species. However, please note that the existing offences under the Wildlife and Countryside Act (1981) as amended which cover obstruction of places used for shelter or protection (for example, a bat roost), disturbance and sale still apply to European protected species.

This legislation provides defences so that necessary operations may be carried out in places used by bats, provided the appropriate Statutory Nature Conservation Organisation (in England this is Natural England) is notified and allowed a reasonable time to advise on whether the proposed operation should be carried out and, if so, the approach to be used. The UK is a signatory to the Agreement on the Conservation of Bats in Europe, set up under the Bonn Convention. The Fundamental Obligations of Article III of this Agreement require the protection of all bats and their habitats, including the identification and protection from damage or disturbance of important feeding areas for bats.

Paragraph 98 of Circular 06/2005 states that *'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'*.

Section 15 of the National Planning Policy Framework 2018 (NPPF) states that *'the planning system should contribute to and enhance the natural and local environment by ...minimising impacts on and providing net gains for biodiversity....'*

Since August 2007, building development that affects bats or their roosts needs a Protected Species Licence under The Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 administered in England by Natural England.

Schedule 12, paragraph 13 of the CROW Act (2000) makes an offence under Section 9 of the Wildlife & Countryside Act (1981) an arrestable offence. As a result, the police gain additional power to aid the investigation and enforcement of the legislation protecting bats.

In relation to the badger, the Wildlife and Countryside Act (1981) and its subsequent amendment (1985) made it an offence to take, kill, injure or ill-treat a badger. The badger gained further protection under the auspices of The Protection of Badgers Act (1992) which consolidates all former protective legislation in relation to badgers, except their inclusion on Schedule 6 of the Wildlife and Countryside Act 1981.

Under the 1992 Act, the badger sett is protected against obstruction, destruction, and damage; furthermore the animal's access to and from the sett must not be impeded. It should be noted that the concept/definition of the sett extends beyond the main sett to include annexe, subsidiary and outlying setts. However, it must be noted that although the badger and its sett are protected (including access to the sett), the wider habitat and foraging ground is not.

With legal responsibilities and planning implications, it is essential that any ecological assessment of a potential development site, including the area of this report, must determine

the possible presence or absence of any protected species as part of any planning development consideration.

Without this assessment the potential developer would be unable to demonstrate due diligence in his responsibilities. Furthermore the local planning authority would not have been provided with sufficient information for a planning decision to be made. This could result in the application being designated incomplete and not determined, or simply refused.

The barn owl is protected under Schedule 1 and Schedule 9 of the Wildlife and Countryside Act 1981. It is therefore an offence to injure, kill or capture the bird, to disturb nesting birds, to take eggs, and to release captive owls into the wild without a licence. The barn owl is also recognised by the UK Biodiversity Group as a “Species of Conservation Concern”.

Reptiles such as common lizard, slowworm, grass snake or adder (the species recorded in Essex), are protected under Section 9 of the Wildlife & Countryside Act (1981) as amended. The legislation makes it illegal to deliberately or recklessly kill or injure any native reptile. This protection therefore requires that reasonable effort be made to avoid harm to reptiles during developments on land occupied by reptiles.

Priority species likely to be present and affected by this development and therefore require consideration are Common Toad and Hedgehog. However, the Essex Field Club has no records of Great Crested Newt and Common Toad for this tetrad. There are two records of a Hedgehog within 1km of the site since the author’s database commenced in 1995.

The site has no suitable habitat to support Harvest Mouse, Otter, Water Vole, Hazel Dormouse or White-clawed Crayfish.

4) Methods

4.1 Bats

The trees were examined for loose bark, holes and crevices that could potentially be used by roosting bats. The presence or past usage of a crevice by bats can be detected by the presence of droppings on bark adjacent to the hole and sometimes by a dark urine stain on the trunk of the tree below the roost entrance. Trees with such evidence can then be observed at sunset during the summer and emerging bats recorded. In warm weather and prior to evening emergence, roosting bats may also be detected by squeaking or “chattering” noises which can be heard from several metres distance.

4.3 Reptiles

The site was inspected for any feature that might support reptiles such as sheltered refuge features (e.g. logs, compost heaps) open sunny areas for basking and varied habitats such as rockeries and grassy areas for feeding.

4.4 Barn owls

The ground area along the boundaries was searched for feathers, nest debris and pellets – the remains of small mammals and other prey items that are regurgitated from a perch. Where owls are present, there is usually splashing of excreta on the ground as this is expelled whilst perching.

4.5 Priority species

Hedgehog and Common Toad are likely to be present as the garden habitat is compatible. Field-based surveys would be unreasonable, and a desk top data search revealed two records of a Hedgehog within 1km of the site.

5) Results

5.1 Bats

There are no buildings or trees at the site that might offer potential roosting places for bats.

The vegetation at the site comprised a Yew and *Camellia* on the western boundary and four fruit trees. All are due to be removed, although four replacement fruit trees are to be planted on the developed site. There was no vegetation that had woodpecker holes, crevices or loose bark that might offer potential roosting places for bats. If the trees and shrub are to be removed, it is recommended that this takes place during November to the end of February to avoid the nesting season for birds.

No evidence of the presence of bats was found at this site.



Photo 2: A small block shed had no potential as a roosting place for bats



5.3 Reptiles

The site is entirely of short, maintained grass and is bordered on all four sides by residential properties with maintained gardens. There are no features that might be attractive to basking by reptiles, and there is no suitable habitat nearby from which the site could be colonised by reptiles. There is no standing water at the site or in the vicinity and no terrestrial dispersal habitat at the site to support great crested newts. The Essex Field Club has no records of great crested newts in this tetrad during the last fifteen years.



Photo 2: The site for the proposed drive on the western side of the existing property



Photo 3: Looking northwards along western boundary



Photo 4: Looking southwards along western boundary



Photo 5: Looking W-E across the site



Photo 6: Looking eastwards along northern boundary



Photo 7: Looking N-S across the site



Photo 8: Looking westwards along northern boundary



Photo 9: Looking southwards along eastern boundary. The small pile of brush is to be cleared by hand



Photo 10: Looking E-W across the site



Photo 11: Looking northwards along eastern boundary



Photo 12: The front garden



Photo 13: Location of proposed access from Cliff Road

5.4 Barn owls

The lack of suitable trees and buildings made the site unsuitable for occupation by barn owls and no evidence of this species was found.

5.5 Priority species

Hedgehog and Common Toad may be present as the adjacent garden habitat is compatible. Field-based surveys would be unreasonable, and a desk top data search revealed no records of a Hedgehog within 1km of the site.

6) Discussion

Bats are inquisitive, highly mobile animals, which constantly investigate their surroundings, evaluating good feeding areas and potential roosting opportunities. Where suitable habitat such as woodland, woodland edge or sheltered pasture occurs, bats will travel up to several kilometres to take advantage of this resource. To reach favoured sites, small bats will follow linear landscape features such as hedgerows, streams and lanes etc. The absence of such features can make an otherwise suitable site inaccessible to bats. In addition, new roosts will become established in such areas - examples being the rapid colonisation of artificial roost boxes placed in conifer forests or the occupation of new houses by nursery colonies of pipistrelle bats within a year or two of their completion.

Although no evidence of bats was found, it is probable that bats from nearby roosts would forage across the site. This foraging behaviour would be expected to continue after any building work is completed and therefore it is considered that the planning proposal for this site will not have a detrimental effect on the local bat population, or on protected species.

7) Review of existing records of bats in the area

Since the early 1980s, the Essex Bat Group has monitored the status and distribution of bats in this area. Records occurring within a 2km radius of the site are as follows:

TM209166	17 Sep 1996	Common Pipistrelle recorded foraging
TM195167	21 Oct 1995	Brown Long-eared Bat found by member of public

8) Review of existing records of badgers in the area

Since the early 1980s, the author has monitored the status and distribution of mammals in Essex and has a database of over 34,000 records. There are four records of a badger within a 1km radius of the site.

TM210170	26 Jan 2008	Badger found dead on B1032
TM193175	04 Apr 2011	Badger found dead on minor road
TM210170	08 Oct 2011	Badger found dead on B1032
TM210170	10 Apr 2009	Badger found dead on B1032

9) Assessment of impacts

The site is entirely of mown grass and has no Priority habitats. Although Hedgehogs and Common Toad are not known to be present at the site, it is possible that they are present in the area. It is therefore recommended that any trenches dug during the demolition are covered at night, or, if open, that sloping planks are left in the trench such that any mammals and amphibians are able to escape. All open trenches should be checked for mammals and amphibians each morning.

The site has no suitable habitat to support Harvest Mouse, Otter, Water Vole, Hazel Dormouse or White-clawed Crayfish.

10) Recommendations for reasonable biodiversity enhancements

1: It is recommended that the existing gaps along the site boundaries are retained to allow hedgehogs and common toads to forage across the site as, potentially, at present. However if boundary fences are to be introduced, see below:

Hedgehogs travel around **one mile** every night through our parks and gardens in their quest to find enough food and a mate. If you have an enclosed garden this can prevent hedgehogs from dispersing throughout their territory. It is now known that one of the main reasons why hedgehogs are declining in Britain is because our fences and walls are becoming more and more secure, reducing the amount of land available to them. Developers can make their life a little easier by removing the barriers within their control – for example, by making holes in or under our garden fences and walls for them to pass through.

Alternatively:

- Remove a brick from the bottom of the wall
- Cut a small hole in your fence if there are no gaps
- Dig a channel underneath your wall, fence or gate



Photo 14: Hedgehog pathway at base of fence

A gap 13cm by 13cm is sufficient for any hedgehog to pass through. This will be too small for nearly all pets.

- 2:** Two bird nesting boxes to be sited on trees or buildings at the site.
- 3:** A Hedgehog nesting box to be located along hedged boundary.
- 4:** Two solitary bee hives to be erected at the site.



Photo 15: Solitary bee hive

A solitary beehive may be manufactured from durable FSC timber and provides valuable habitat for bees in modern gardens. It is designed specifically to attract non-swarming bees like the Red Mason Bee, Leafcutter Bee and other solitary bees which are naturally attracted to holes in wood.

Attracting solitary bees to the garden is not only safe, but beneficial to pollination of flowers, fruit and vegetables.

Siting: Site in a visible warm place ideally oriented to face between southeast and south and to catch some sun. It is helpful to have soil nearby, and food sources such as flowers, orchards and fruit.

5: Four replacement fruit trees to be planted on developed site.