

Ecological Assessment & Reptile Mitigation

Land adjacent

63 Hawkwell Park Drive
Hockley
Rochford
Essex.

Planning UK

Ecological Assessment
&
Reptile Mitigation

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63 Hawkwell Park Drive
Hockley
Rochford
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Final Report

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None Statutory Conservation Designations
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B.A.P. Habitats

1. Summary

- 1.1 Eco-Planning UK Ltd received instruction to complete an ecological assessment and reptile mitigation for an area of land adjacent to 63 Hawkwell Park Drive, Rochford, Essex.
- 1.2 The assessments, reptile mitigations and this subsequent report will be part of a planning application that will be submitted to the local authority for this area of land.
- 1.3 The ecological assessments were completed on the 23rd and 25th of August, and the reptile mitigation throughout September and into October 2012.
- 1.4 From the on-site ecological assessments and desk top study it was determined that: -
 - No part of the development site or any adjacent area has any statutory or none statutory conservation designation or status.
 - No part of the proposed development site or any adjacent area has a B.A.P. Priority Habitat designation.
 - The proposed development shows no sign of any recent management. Ecological succession is taking place but the site remains dominated by a species poor rank grassland sward and opportunistic ruderal vegetation. Garden plants are occasional.
 - A small localised population of reptiles identified in an earlier survey were still present in very small numbers in localised sections of the site.
 - The reptile population was successfully removed during a two month translocation exercise to a receptor site at Marks Hall estate.
 - The reptile mitigation will continue at the receptor site with specific habitat management regimes and annual population monitoring.
- 1.5 The on-site ecological assessments and the completed reptile translocation mitigation along with this report meet in full all ecological/conservation related issues that could require consideration as part of the planning application process for this site. Furthermore the potential developer has addressed all of his legal wildlife responsibilities and requirements in relation to due diligence as part of the planning application process.
- 1.6 The Local Authority Planning Officer has been supplied with all relevant ecological information as part of the planning application process.

2. Introduction

- 2.1 The Countryside Rights of Way Act, Planning Policy Statement 9, the biodiversity legislation, Natural Environment Rural Communities Act (2006) required local planning authorities to give full consideration and to take into account the effects a development proposal may have on a particular habitat, protected species and site biodiversity, existing and potential.
- 2.2 P.P.S. 9 however has now been replaced with the Governments new National Planning Policy Framework. Although replacing P.P.S.9 the framework does maintain a very similar position in ensuring that biodiversity/conservation is given full consideration at the time of a planning application submission.
- 2.3 The Local Planning Authority would therefore be acting in a reasonable and responsible manner under the new legislation by requiring that the planning applicant provides all relevant ecological information for the application site at the time of application.
- 2.4 The ecological assessment, reptile mitigation and this subsequent report has therefore been produced and is presented to meet all of the possible ecological related issues that would require consideration in determining the planning application.

3. Site Assessment

- 3.1 The proposed development site is an area of land at the end of Hawkwell Park Drive, Rochford, Essex.
- 3.2 To the right flank boundary beyond the adjacent bridleway and hedgerows are the open playing fields of the public Clements Hall Leisure Centre.
- 3.3 To the rear front and left flank boundaries is existing residential development and associated mature gardens (Photograph 1).



Photograph 1

- 3.2 The application site has no sign of any recent management.
- 3.3 Rank species poor grass land and ruderal invasive vegetation has spread throughout the site, there is no open ground/bare earth basking sites (Photograph 2 and 3). The conservation value and potential is low.
- 3.4 There are a number of historic spoil mounds through the central section of the northern half of the site. Invasive scrub has established in these areas and provides dense ground cover (Photograph 4).



Photograph 2



Photograph 3

- 3.5 There are two maturing oaks (Photograph 5) with low spreading crowns adjacent to the right flank boundary and two ornamental conifer hedges to the left flank boundary. There is no other on site tree cover.



Photograph 4



Photograph 5

- 3.5 There are no well-worn runs, foraging snuffle holes, or latrines associated with badger related activity on site.
- 3.6 There are no water bodies on or adjacent to the site with amphibian potential
- 3.7 A small reptile population had been recorded on site in a previous survey some time contained very little time before. However the site in its present condition has declined in its reptile potential. Open basking sites are limited, suitable foraging reduced and fragmentation of habitat with limited connectivity.
- 3.8 No reptile was observed during either of the two initial site assessment walk overs.

4. Planning Policy and Site Status

- 4.1 The conservation status of a site, its biodiversity and the associated planning controls were grouped under national, county and local planning policies; and all broadly based on The Department of the Environment Planning Policy Statement No 9, which sets out planning policies on the protection of biodiversity through the planning system.
- 4.2 The policies of PPS9 took into account by regional planning bodies in relation to the preparation of spatial strategies, and by local planning authorities in determining individual planning applications.
- 4.3 In a broad sense the aims of the Statement are that development should have minimal impacts on biodiversity (this has recently been extended with the Natural Environmental Communities Act).
- 4.4 To achieve this within the Key Principles the Statement required that: -

Planning decisions be based upon up-to-date information in relation to relevant biodiversity.

Planning decisions should aim to maintain/enhance biodiversity

Appropriate significance is attached to designated conservation sites in making a planning decision, International Sites, Sites of Special Scientific Interest, Regional and Local sites.

Where development causes significant biodiversity harm that cannot be adequately mitigated against then planning consent should be refused.

- 4.5 The Governments new National Planning Policy Framework has now fully replaced P.P.S.9.
- 4.6 However the direction to protect sites with a designated conservation status, including Local Wildlife Sites has been continued:-

"113 – Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged".

117 – to minimise impacts on biodiversity.... Planning policies should

- ***Identify and map components of local ecological networks including the hierarchy of international, national, and locally designated sites of importance for biodiversity.....***

- 4.7 With such extensive legislative protection of biodiversity and designated conservation sites against development it is essential to first establish the status of any site were any ecological related assessment is being made if it is as in this case in relation to a proposed planning application.
- 4.8 A search for any type of conservation designations for the proposed development site and the immediate adjacent areas was completed and is represented in Appendices 1-4.
- 4.9 Appendix 1 shows the position/boundaries of any conservation area with Statutory Designation in or adjacent to the proposed development site.
- 4.10 Appendix 2 shows the position/boundaries of any conservation area with None Statutory Designation in or adjacent to the proposed development site.
- 4.11 Appendix 3 shows the position/boundaries of any habitat registered on the Habitat Inventory in or adjacent to the proposed development area.
- 4.12 Appendix 4 shows the position of any B.A.P. Priority Habitat in or adjacent to the proposed development area.
- 4.13 It can be seen from these four maps that no part of the proposed development site or any land that it abuts has any type of statutory or none statutory conservation designations.

5. Planning Policy and Wildlife Legislation

- 5.1 Regardless of any planning policy or guideline change certain species are legally protected and any type of development that would injure, kill, ill-treat or intentional damage or destroy any protected species or place of shelter would be a criminal act.
- 5.2 However some species that do not receive statutory full protection under existing ranges of legislation were identified as requiring conservation action as species of principal importance in biodiversity conservation. - PPS 9 Key Principle 15 - 16.
- 5.3 As previously explained PPS 9 has now been replaced by the National Planning Policy Framework.
- 5.4 The new legislation however does recognise the conservation based protection certain species require as part of the planning application to protect and increase site biodiversity.

To minimise impacts on biodiversity - planning policies should ...

- ***Promote the preservation restoration an re-creation of priority habitats and the protection of priority species populations....linked to national and local targets***
 - ***When determining planning applications local planning authorities should aim to conserve and enhance biodiversity....***
 - ***To achieve this conservation action/protection planning authorities are instructed to refuse planning applications that cause harm to these species or their habitats if no suitable mitigation has been identified.***
- 5.5 With legal responsibilities and new planning framework implications it remains essential that any ecological assessment of any development site, including the area of this report, must determine the possible presence or absence of any protected species as part of the development process.
 - 5.6 Without this assessment the potential developer would be unable to demonstrate due diligence in his legal wildlife responsibilities.
 - 5.7 Furthermore the local planning officer will not have been provided with sufficient information to be able to determine if the new ecological based requirements of their relevant planning application for the site are being met in full.

- 5.8 It would however be unreasonable to survey for every protected floral/faunal species. The likelihood of a protected species being present is based on the habitat type, its condition and quality.
- 5.9 The site assessment confirmed that the site had limited biodiversity and low conservation value. There was no badger or amphibian potential and no suitable building/tree for any type of bat roost.
- 5.10 Very little of the site still had reptile potential, however a small reptile population had been identified previously within this site.
- 5.11 Slow Worm, Common Lizard and Grass Snake are all protected under schedule 5 of the Wildlife and Countryside Act (1981 and amendments) against killing, injury and sale.
- 5.12 Any development of this site without providing for these protected species would be seen as a deliberate and an unreasonable act, i.e. an offence would have been committed.
- 5.13 However it must be noted that their habitat is not protected, only the individual animal.
- 5.14 Any development of this site without providing for these protected species if they are still present would be seen as a deliberate and an unreasonable act, i.e. an offence would have been committed.
- 5.15 A suitable reptile dispersal/translocation/exclusion mitigation was therefore completed for the proposed development area over a 9 week period in late summer 2012.

6. Reptile Mitigation

Dispersal/Exclusion

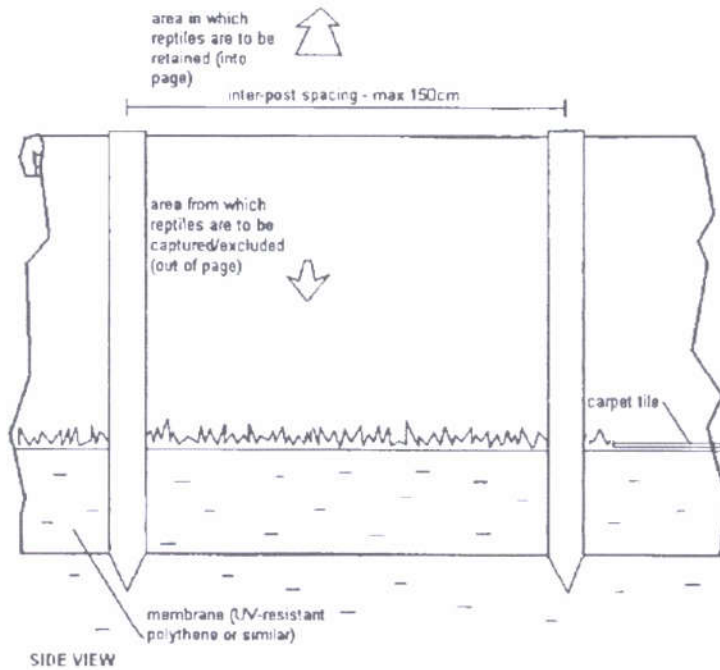
- 6.1 With an expected very small population of reptiles within the proposed development site the potential remaining habitat areas were sequentially cut in three stages from existing height to 15 cms, 7 cms and bare ground over an 8 day period.
- 6.2 This vegetation management regime has proved very successful on several similar sites (including the Rochford District) with individual animals or very low population numbers.
- 6.3 The sequential cutting has two reptile effects, it can cause the dispersal of the animal in this case into the adjacent mature gardens, and the concentration of any population into given areas where subsequent trapping and removal is more effective.
- 6.4 Following the vegetation management a reptile exclusion barrier (Photograph 6) was erected around the relevant proposed development area and remnant reptile habitat.



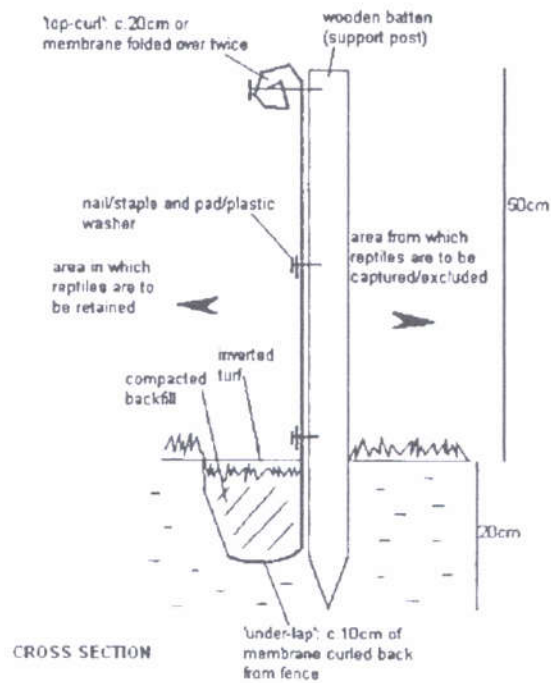
Photograph 6

- 6.5 The purpose of the vertical exclusion barrier (Drawings 1 and 2) is to prevent any reptile entering the proposed development area from adjacent off site

habitats, and allow all those animals within the barrier area to be successfully trapped and removed.



Drawing 1



Drawing 2

Trapping/Translocation Methodology

- 6.6 The reptile capture and translocation followed the guidelines of the Herpetofaunas Workers Manual (Gent, T and Gibson 2003) and Natural England's advisory information.
- 6.7 Artificial refugia were spread across the few suitable open areas within the development site that provided some reptile habitat.
- 6.8 These refugia were a mix of roofing felt; corrugated metal and plywood sheets, all cut to 75 cm wide squares (Photograph 7).
- 6.9 The refugia provide basking areas, on which the reptiles may warm themselves in the early morning sun, seek refuge from predators and gain shelter.
- 6.10 All the refugia were inspected during every site visits. At the same time as the artificial refugia inspections, casual surveys were also made amongst any rubble or waste materials dumped on the site.
- 6.11 All of the trapping days were warm, rain free with early morning sunshine. This good weather is essential for spotting the "cold blooded" reptiles.



Photograph 7

Translocation Results

6.12 Refugia inspections were made on the following dates during suitable conditions as described earlier.

September

6th No reptile of any species

10th As above

12th 1 x immature Grass Snake, second G Snake seen but not captured

14th No reptile of any species

18th 1 x immature Grass Snake caught

23rd No reptile of any species

26th No reptile of any species

28th No reptile of any species

October

1st No reptile of any species

3rd No reptile of any species

8th No reptile of any species

Mitigation Discussion

6.13 Both translocated Grass Snakes were placed within a receptor site within Marks Hall Estate, Marks Tey, Essex.

6.14 The receptor area contains structurally and floristically diverse neutral grassland that is adjacent to rank grasslands and scrub. There are numerous old logs/trunks that have been brought into the site as refugia/basking sites/hibernacula. Several small ponds and wet ditches are scattered across the wider site. The owners and managers are enthusiastic about the translocation and conservation benefits for their sites.

6.15 Following successive negative results on six occasions it was determined that no further reptiles were present within the proposed development are, and that no further translocation effort was required.

7. Conclusion

- 7.1 No part of this development site or any adjacent area has any statutory or none statutory conservation designation or status.
- 7.2 The site has limited biodiversity and low conservation value.
- 7.3 Successful mitigation has been provided/completed for the reported small reptile population.
- 7.4 Two Gras Snakes have been translocated to a suitable receptor site.
- 7.5 They will be monitored for a 5 year period in relation to population size, distribution, and suitability/effect of management regimes.
- 7.6 In providing the reptile mitigation and ecological assessment before the controlled site clearance the potential developers have addressed all of their legal wildlife responsibilities and possible requirements in relation to due diligence.
- 7.7 Furthermore the Local Authority Planning Officer has been supplied with all relevant ecological information in relation to determining the planning application for this site.

Appendix 1

Statutory Conservation Designation



Appendix 2

None Statutory Designations



Appendix 3

Habitat Inventory



Appendix 4

B.A.P. Habitats

