



Land to the Rear of 41 – 49 Frogmore Lane Reptile Mitigation Strategy

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1.0 INTRODUCTION

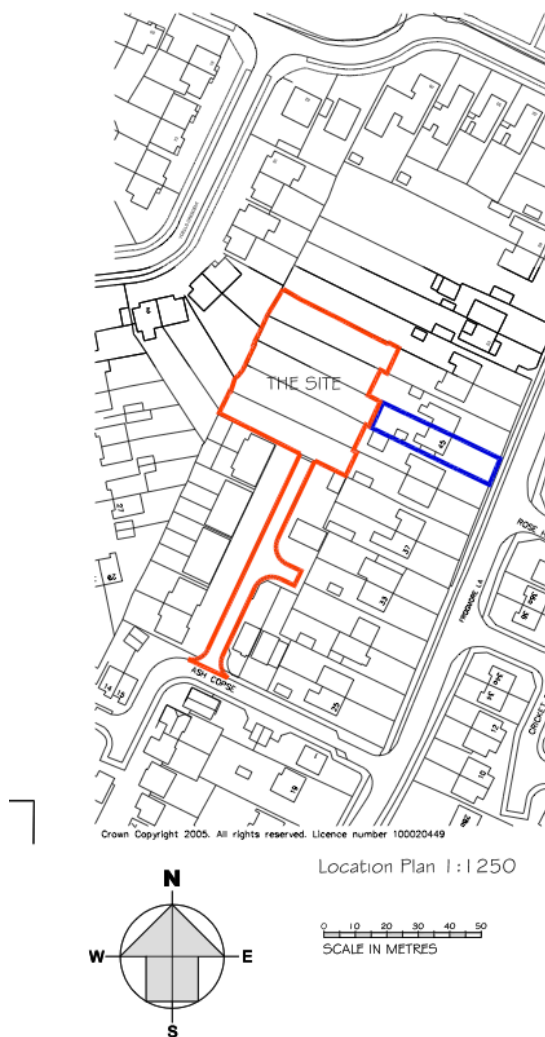
1.1 Background

This document outlines a revised reptile mitigation strategy for an outline application for the construction of 4No. detached 3 bed chalet style bungalows with approval for access, appearance, layout and scale with landscaping reserved. (Revised application.) | Land to rear of 41-49 Frogmore Lane, Waterloooville (APP/15/00728). This is required as the original strategy had intended for the identified Slow Worm (*Anguis fragilis*) population to be retained in a 1m buffer on site, however this was found to comprise of hedgerow and dense scrub which once cleared, would not be suitable to support a reptile population. This strategy therefore outlines a translocation to an offsite receptor.

1.2 Site Description & Location

The site itself comprises parts of the rear gardens of No 41 – 49 Frogmore Lane, Waterloooville PO8 9QL. The site is bounded on all aspects by residential housing and gardens (Fig 1).

Figure 1. Redline boundary of the proposed development site.



1.3 Legislation & Policy Context

1.3.1 Relevant legislation

The Wildlife & Countryside Act 1981 (as amended) is the primary piece of legislation by which biodiversity in the UK is protected. The most relevant areas of the Act to development related activities are:

- The protection of certain species listed in Schedule 5, which prohibits killing, injury, disturbance, damage and / or destruction of breeding sites and / or resting places and sale (it should be noted that all parts of this protection do not apply to all Scheduled species).

The Natural Environment and Rural Communities (NERC) Act 2006 requires that public bodies to have regard to the conservation of biodiversity. This means that Planning Authorities must consider biodiversity when planning or undertaking activities. Section 41 of the Act lists species found in England which were identified as requiring action under the UK Biodiversity Action Plan and which continue to be regarded as conservation priorities under the *UK Post- 2010 Biodiversity Framework*.

1.3.2 Planning policy

Government policy with respect to the protection of biodiversity is laid out in the National Planning Policy (NPPF) (Department for Communities and Local Government 2012). This places an onus on development to minimise impacts to biodiversity and where possible to provide net biodiversity gain. The NPPF provides guidance to Local Authorities in how to conserve and enhance biodiversity through local Planning Policies and when assessing Planning Applications.

2.0 METHODS

2.1 Reptile Survey

A reptile survey was carried out during late summer 2014 by Brian Masterson Wildlife following best practice methodology described in a number of sources (Griffiths & Inns 1998, Froglife 1999, Sewell et al., 2013). Approximately 23 artificial refugia comprising of bitumen roofing felt were distributed throughout all suitable reptile habitat on site within the proposed development footprint (as per **Fig 1**). Seven visits to the site were subsequently undertaken during suitable weather conditions during which all the refugia were checked for the presence of reptiles.

2.2 Assessment Methodology

The methodology for the assessment of the likely ecological effects of the proposed development is based on the IEEM's *Guidelines for Ecological Assessment in the UK* (2006). Although this assessment does not constitute a formal Ecological / Environmental Impact Assessment, the IEEM guidelines provide a useful framework for assessing ecological impacts at any level.

2.2.1 Valuation

Features of ecological interest are valued on a geographic scale. Value is assigned on the basis of legal protection, national and local biodiversity policy and cultural and / social significance.

2.3 Limitations

Brian Mastersons report did not consider there to be any significant limitations on the results of the reptile surveys with all areas on site accessible and the weather conditions suitable at the time of the checks.

3.0 BASELINE DATA

3.1 Status of Reptiles on Site

The full results of the presence / absence were not provided in Brian Mastersons Reptile Survey Report (2014), however it is stated that a maximum count of 7 individuals was noted during a survey in August (2014). This would indicate that there is a **LOW** population of Slow Worms present according to the assessment criteria outlined within the Herpetofauna Groups of Britain and Ireland (HGBI) *Evaluating local mitigation / translocation programmes: Maintaining best practice and lawful standards* (1998).

3.2 Valuation

In order to inform the assessment of impacts from the proposed development, it is necessary to evaluate the ecological features or resources in nature conservation terms. The value of the reptile population on site has been estimated following the IEEM guidelines on Ecological Impact Assessment (IEEM, 2006), which use a geographical scale to describe the value of an ecologically important feature.

Based on the presence of a low population of Slow Worms the site is considered to be of **LOCAL** value for reptiles.

4.0 POTENTIAL IMPACTS TO REPTILES WITHIN THE DEVELOPMENT SITE

The IEEM guidelines (2006) require that the potential impacts of the proposals should be considered in absence of mitigation. In order for a significant adverse effect to occur, the feature being affected must be at least of local value. However in some cases, features of less than local value may be protected by legislation and/or policy and these are also considered within the assessment.

4.1 Habitat Loss

The proposals will result in the permanent loss of approximately 1300 m² of suitable reptile habitat comprising of unmanaged scrub and unmanaged rough grassland associated with the rear gardens of 41-19 Frogmore Lane.

4.2 Impacts to Individuals

Within the proposed area of impact, as a low population of Slow Worms is present site clearance, plant machinery movements and clearance of ground vegetation would likely harm/kill reptiles. Reptiles are protected under the Wildlife & Countryside Act 1981 (as amended).

5.0 MITIGATION STRATEGY

This mitigation strategy is intended to prevent any adverse impacts occurring to reptiles as a result of the proposed development. Where adverse impacts cannot be prevented or adequately mitigated, off setting compensatory measures are proposed.

5.1 Site Set Up

Given the nature of the habitats around the boundaries of the site (trees, hedgerows and dense scrub and then managed gardens in adjacent properties), it would not be practicable to install a perimeter exclusion fence and so the grassland areas will instead be set up with a high density (15 – 20 / 100 m²) of capture refugia (bitumen roofing felt). During the capture process the results will be monitored and if it is considered additional Slow Worms are entering the site, fencing may be installed.

5.1.1 Release area

Any reptiles found will be released into a restored area of grassland located between Southwick Road and James Callaghan Drive, Portsdown Hill (**Fig 2**). Portsmouth City Council has targeted this area for restoration to chalk grassland from arable through using cuttings from the adjacent SSSI and distributing these on site.

Figure 2. The triangular parcel of land that will form the receptor area.



Based on conversations with the Portsdown Hill Countryside Officer (Richard Jones), it is understood that the only existing reptile population would be 9 Slow Worms that were translocated into the site by another ecologist (David Leech) earlier this year. Given that there was only a low population identified on our site, it is considered there is more than adequate carrying capacity (**Fig 3**) within the receptor.

Figure 3. Picture of the proposed receptor area showing species rich grassland and newly translocated scrub shrubs.



A letter should shortly be available from PCC which outlines that they are happy to receive the Slow Worms from the 41 – 49 Frogmore Lane site, that this site will be free from the threat of development in perpetuity, that they are happy with the commuted sum for management being proposed by Driftstone Developments Ltd and that an adequate area of the site will be managed sympathetically for Slow Worms (I understand a management strategy has already been prepared for the whole site which includes managing some areas as species rich grassland, some areas via annual cultivation for arable plants and some areas left unmanaged around planted scrub).

As the reptiles are being moved from Havant Borough Council into Portsmouth City Councils land there will also need to be an agreement between the Councils ecologists.

5.1.2 Capture and transport

Reptiles will be captured by hand by a Suitably Qualified Ecologist (SQE) from beneath artificial refugia, or wherever they are encountered on site and placed into a suitable sealed container (with air holes) and immediately driven to the receptor area and released.

5.1.3 Capture effort

The HGBI guidelines (1998) suggest that for a 'LOW' population of Slow Worms a minimum of 60 capture effort days are expended however given the small size of the site it is considered that 20 – 30 days would be more than sufficient to provide the 5 negative capture days required. Given that we are undertaking this capture operation in the latter parts of the active reptile season we will also carry out double capture visits per day where weather permits (am and pm).

5.1.4 Habitat manipulation

Once the capture operation is underway, habitat within the exclusion area may be manipulated in order to increase the capture rates. Typically this would involve the strimming of areas of suitable habitat to reduce cover for reptiles and increase their reliance on artificial refugia for cover. It will also concentrate any remaining reptiles into parts of the site where the density of artificial refugia can be increased. Any habitat manipulation works will be carried out by a contractor under the supervision of a SQE to ensure works are carried out without harming individual reptiles.

5.1.5 Destructive search

Once 5 negative capture visits have been made (after a reasonable level of capture effort during suitable weather conditions has been expended), the vegetation on site will be stripped with a mini digger using a toothed bucket under a watching brief by an ecologist. During this process, if any Slow Worms are seen, they will be captured by hand and placed into a transportation container before being moved into the receptor.

5.1.6 Enhancements

It is not considered necessary to undertake any specific habitat management works within the receptor area as the habitat is currently suitable for reptiles. Furthermore, as seen during a site visit, parts of the area have brash piles that would be suitable for any translocated Slow Worms to use as hibernacula.

5.1.7 Management

It is understood that PCC have already prepared a habitat management strategy for the site that is sympathetic towards the requirements of reptiles (such as not cutting grass below, 10cm)

6.0 REFERENCES

Brian Masterson Wildlife (2014) 41 – 49 Frogmore Lane, Reptile Survey Report

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

Griffiths, R., & Inns, H., (1998) Surveying (in Gent, T., & Gibson, S., (eds) (1998) *Herpetofauna Workers Manual*. JNCC, Peterborough

Institute of Ecology and Environmental Management (2006). *Guidelines for Ecological Impact Assessment in the United Kingdom*. Final draft. IEEM, Winchester.

Sewell, D., Griffiths, R.A., Beebee, T.J.C., Foster, J., & Wilkinson, J.W., (2013) *Survey Protocols for the British Herpetofauna Version 1.0*