

Reptile Mitigation Strategy

May 2024

**Leicester Road,
Earl Shilton**

Prepared by
CSA Environmental

On behalf of
Vistry South East Midlands

Report No: CSA/4519/13

Report Reference	Date	Revision	Prepared by	Approved by	Comments
CSA/4519/13	22/05/2024	-	KK	AP	First issue



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1.0 INTRODUCTION

- 1.1 This report has been prepared by CSA Environmental on behalf of Vistry South East Midlands. It sets out a mitigation strategy with respect to reptile species in the context of proposed development at Leicester Road, Earl Shilton (hereafter referred to as 'the Site').
- 1.2 The Site was granted outline planning permission in May 2022 by Hinckley and Bosworth Borough Council (21/00135/OUT) for up to 140 dwellings, with public open space, landscaping and sustainable drainage system (SuDS).
- 1.3 Condition 18 states:

“Prior to commencement of development a reptile mitigation strategy shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that reptile species are protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the NPPF.”
- 1.4 Various ecological surveys and assessments were completed by CSA Environmental in support of the planning application. In part, these found a small population of grass snake *Natrix helvetica* to occur on-site. An update Site visit has recently been completed to verify that conditions are still consistent with those during the original ecological assessment.
- 1.5 This mitigation strategy aims to:
 - Summarise the baseline ecological conditions at the Site with respect to reptile species
 - Identify the potential adverse effects of the proposed development activities in the absence of impact avoidance or mitigation measures
 - Set out avoidance and mitigation measures required to address likely significant effects

2.0 LEGISLATIVE CONTEXT

2.1 Domestic legislation relating to wildlife and biodiversity includes the following statutes:

- The Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2010 (as amended)
- The Natural Environment and Rural Communities (NERC) Act 2006

2.2 There are six reptile species native to the UK; the slow-worm *Anguis fragilis*, common lizard *Zootoca vivipara*, grass snake and adder *Vipera berus* (widespread reptile species); as well as the smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* (rare reptile species largely restricted to the southern counties of the UK).

2.3 All six native reptile species are listed under Schedule 5 of the Wildlife and Countryside Act 1981. Under Section 9(1) of the Act, it is an offence to intentionally kill or injure any animal listed under Schedule 5, or 9(4)(a) to intentionally or recklessly damage, destroy or 9(4)(c) obstruct a place of shelter or protection used by such an animal. Furthermore, it is an offence under Section 9(4)(b) to intentionally or recklessly disturb such an animal whilst occupying a place of shelter. However, the Act repeals all but the protection against killing and injury afforded by Section 9(1) in the case of the four widespread species.

2.4 Section 40(1) of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities (including Local Planning Authorities) to have regard to the purpose of conserving biodiversity. All six native reptile species are adopted as species of principle importance for the conservation of biodiversity in England under the Act.

Policy Context

2.5 DM6 of the Site Allocations and Development Management Policies DPD (2016) states that “Development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management”.

2.6 Chapter 15 of the NPPF states that development plans should “promote...the protection and recovery of priority species”; and

“When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less

harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

3.0 BACKGROUND INFORMATION

Site Description

- 3.1 The Site comprises four grassland fields bounded by mature native hedgerows with some encroaching scrub and tall ruderal vegetation. The fields have traditionally been grazed on a rotational basis by sheep or managed by mowing (for the southern-most field). Additional habitats include a triangular parcel of semi-mature broadleaved woodland and a small pond.
- 3.2 These habitats all offer opportunities for reptiles, particularly less managed areas around the on-site pond and field edges.
- 3.3 The Site is situated on the northern edge of Earl Shilton village, with land to the north, east and west dominated by pasture and agricultural land.

Previous Survey Information

- 3.4 A desktop study was completed in 2020, which included acquisition of biological records from the Leicestershire and Rutland Environmental Records Centre (LRERC). No records of reptiles were provided for within a 2km search radius around the Site.
- 3.5 However, as potentially suitable reptile habitat is present on-site, a dedicated presence/absence survey was completed between April and August 2020. During this time a single adult grass snake was seen along the western edge of the central field. No other reptiles, or evidence of reptiles was found.
- 3.6 As a result, it was determined that a low population of grass snake occur on-site, likely associated with scrub, hedgerow, pond, and field edge habitats. As grass snake are wide-ranging with large territories, it is assumed that this species could occur in all areas of the Site, albeit at a very low density.
- 3.7 Two residential developments have also been consented on land immediately adjacent to the south of the Site. Reptile survey work was completed for one of these sites (information available on planning portal, ref: 20/00916/FUL) with no reptiles found.

4.0 MITIGATION STRATEGY

Likely Impacts

- 4.1 Construction of the development will require the stripping of grassland for preparatory ground works, as well as the removal of sections of hedgerow along the eastern Site boundary and across two central hedgerows. It is expected that some scrub and tall ruderal management will take place as part of these works and for the implementation of new landscaping.
- 4.2 These actions have the potential to kill or injure reptiles which may be utilising these habitats at the time of works, this resulting in a breach of the Wildlife and Countryside Act, 1981.
- 4.3 The completed development will result in an overall change in land use and habitat type at the Site, with an increase in urban habitats, increased disturbance from human activity and a corresponding increase in domestic pets. As it is suspected that only individual grass snake/s occur on-site, the changes are not expected to have a significant impact on the local population, however there could be increased predation and risk of harm to individuals present.
- 4.4 The proposed landscaping scheme for the development will provide replacement habitat opportunities for grass snake, including a net increase in habitats appropriate for sheltering from predators (e.g. scrub). A separate Landscape and Ecology Management Plan (LEMP) has been prepared (CSA/4519/14) which ensures management prescriptions for new and retained habitats will be carried out in a manner sensitive to reptiles and other wildlife.
- 4.5 The following strategy outlines these measures as well as a working method statement for the clearance of potential reptile habitat during construction works.

Mitigation Approach

Habitat Clearance Works

Toolbox Talk

- 4.6 A Toolbox Talk will be given to site staff and contractors at the start of works to set out ecological constraints and the Site and provide information on legislation and the necessary avoidance and mitigation measures to be adhered to.
- 4.7 A register of attendees will be taken to provide confirmation that this information has been delivered.

- 4.8 Contact details for an ecologist will be kept within the Site office during works, in case of queries or questions arising on ecological matters.

Timing of Works

- 4.9 Reptiles are most vulnerable to harm when they are hibernating or when conditions are cold and wet. At these times, reptiles are unable to move out of the way of people/machinery. Damage/disturbance to hibernation sites could also cause death or injury by exposing grass snake to predators or bad weather.
- 4.10 As a result, the preferred time period for clearing habitat used by reptiles is during the spring to autumn months, in dry warm conditions. However, removal of scrub/hedgerow at this can conflict with the protection of habitat used by nesting birds, as these are also protected from harm/damage to their nests and eggs under the Wildlife and Countryside Act, 1981. To ensure that both protected species are fully considered, three scenarios are set out below to inform scrub clearance works at different times of year:
- Clearance works required September-November:
 - Proceed with clearance works using tools/approach set out below.
 - Be mindful of late-season nesting birds (seek ecologist advice)
 - Clearance works November- March
 - An ecologist will conduct a pre-commencement inspection of the area to be cleared.
 - If it is confirmed that there is no hibernation potential for reptiles, then clearance works can proceed with no further supervision.
 - If there is hibernation potential, then the ecologist will advise whether the area to be cleared must be retained completely undisturbed until spring, or whether it is appropriate to allow some hand clearance of top growth (so as to reduce the nesting bird constraint ahead of the spring nesting season)
 - Complete clearance of vegetation/stumps/low growth can then be completed in spring only once weather conditions are consistently <10°C at night and reptiles are active above ground.
 - Clearance works required April – September
 - Works must be preceded by a nesting bird check, completed by a qualified and experienced ecologist
 - If nesting birds are found then clearance of vegetation containing the nests, along with a suitable buffer area (as determined by the ecologist) must be postponed until the ecologist can determine that nesting is completed
 - Once nesting birds are confirmed to not be a constraint then clearance can proceed using the approach in the following section

- 4.11 Grassland habitat should ideally also be cut during warm weather conditions when reptiles can escape from harm. Where there is no hibernation potential (e.g. tussocks, vole burrows etc) it is possible to cut and clear the grassland during winter as no reptiles should be present.

Method of Works

- 4.12 As only relatively small areas of hedgerow and scrub are proposed for removal it is intended that these can be removed using hand tools.
- 4.13 If it is not possible/practical to use hand tools for hedgerow/scrub clearance then machinery such as a side-arm flail can be used to remove top growth, to no lower than 300mm. Stumps and ground-level vegetation must still be cleared by hand unless/until an ecologist can confirm that there are no suitable sheltering places for reptiles, at which time it may be permitted to use a machine.
- 4.14 Grassland habitat should continue to be managed under the current regime as long as possible before the commencement of construction works, so as to maintain a short and homogenous sward of lower value to reptiles.
- 4.15 On the day of works, the attending ecologist will undertake a systematic walkover of the open grassland areas to 1) disturb any wildlife that is in the area to be cut, encouraging it to retreat to the Site boundaries and 2) visibly check for any potential locations reptiles and amphibians may use for hibernation/shelter so that these may be protected from damage by machinery or cutting works.
- 4.16 A grassland cutting height of no lower than 300mm will be set to make sure that impacts to the ground are avoided. This will also reduce the risk of injury to any reptiles that might be present and encourage them to move to retained areas at the edge of the Site. As such, the cutting pattern should be designed to occur in a systematic manner i.e. from one side of the Site to another, or working from the centre outwards, so that any wildlife which is disturbed can retreat to the Site boundaries rather than becoming trapped or isolated. The relatively high cut height further helps to reduce this from happening. The cutting blades will be ahead of the machine so as to prevent the grass being flattened before it is cut. The arisings will be left in-situ.
- 4.17 A final short cut of the grassland can be completed 24-48 hours following the initial 300mm cut. All final arisings should be removed.
- 4.18 Grassland within areas yet to be impacted should be managed routinely to reduce the need for repeated checks/staged cutting.

Contingency measures

- 4.19 In the unlikely event that any reptiles are encountered during the clearance works or pre-start checks, they will be carefully caught by

hand (using gloves) and transferred to an appropriate container (such as calico reptile bag or pillowcase secured inside a plastic bucket). Care will be taken to ensure the container is not left for extended periods in the sun, or otherwise subject to thermal stress or excessive vibration. Once caught, reptiles will be transported as soon as possible to an area of the Site with retained suitable habitat which will be left undisturbed e.g. a hedgerow base, woodland edge or pond area.

On-Site Habitat Provision

- 4.20 Mature vegetation around the boundaries of the Site are largely to be retained, as well as the pond area which is likely to be used by resident grass snakes. The north-west of the Site will be retained as open grassland with increased scrub planting and attenuation basins. Scrub and pond habitat will provide foraging opportunities for grass snake, as well as added cover from predators such as domestic cats. Gardens can also be valuable habitat for reptiles but this cannot be relied upon as management can vary significantly and access into the gardens themselves is likely to be restricted by new fencing and walls.
- 4.21 Given the low density of reptiles likely to occur on-site, the proposed habitat provision is expected to provide suitable opportunities to maintain the local population.

Summary

- 4.22 Subject to the completion of precautionary working methods detailed herein and the satisfactory establishment of the proposed landscaping scheme, no significant negative impacts on the local reptile population is anticipated.



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