REPTILE MITIGATION STRATEGY

CLAGUE

FOXBURY FARM STONE STREET, SEVENOAKS, TN15 OLW

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EXECUTIVE SUMMARY

- S.1 This report details a Reptile Mitigation Strategy for land at Foxbury Farm, Stone Street, Sevenoaks, Kent.
- S.2 Development proposals comprise the construction of 17 residential units with associated soft landscaping and car barns. The semi-improved grassland along the southern site boundary will be landscaped to improve vision splays. One farm building at the front of the site may be retained within the proposed scheme as a commercial unit. All remaining farm buildings will be removed to facilitate development.
- S.3 A reptile presence / likely absence survey was conducted in June 2016.
- S.4 An 'exceptional' population of slow worm is present within the site, with the maximum number of adults recorded in any one day being 37.
- S.5 A 'low' population of grass snake is present within the site, with the maximum number of adults recorded in any one day being three.
- S.6 Reptiles were recorded within tall ruderal and scrub habitats on the bank that forms the western site boundary and within the semi-improved grassland at the front of the site only.
- S.7 Where possible, impacts to habitats are avoided by design. Propped Heras fencing, with associated wildlife protection notices, will be used to protect retained habitats.
- S.8 Reptiles will be moved from the proposed development site to an off-site area of land within the client's ownership. The proposed reptile receptor area lies c. 1.6km south of the proposed development site. This area is present within the wider landscape of Foxbury Farm. Prior to translocation this area will be subject to an enhancement programme to create suitable reptile habitat. Given that an 'exceptional' population of slow worm is present, a 90-visit trapping and translocation programme may be required to effectively remove all reptiles from the proposed development site.
- S.9 Precautionary methods of work will be employed during final site clearance, under the direct supervision of a suitably experienced ecologist. This will ensure that any remnant animals are trapped and translocated, and is in line with the precautionary methods of work recommended for great crested newt (see *Herptile Report*).



1. INTRODUCTION

INSTRUCTION

1.1. Lloyd Bore Ltd was instructed by Ian Mitchell on the 28th October 2016 to produce a Reptile Mitigation Strategy associated with the development proposals at land on Foxbury Farm, Stone Street, Sevenoaks, Kent (approximate centre TQ 575 547).

DESCRIPTION OF PROPOSED DEVELOPMENT

1.2. Development proposals comprise the construction of 17 residential units with associated soft landscaping and car barns. The semi-improved grassland along the southern site boundary will be landscaped to improve vision splays. One farm building at the front of the site may be retained within the proposed scheme as a commercial unit. All remaining farm buildings will be removed to facilitate development.

MITIGATION STRATEGY OBJECTIVES

- 1.3. The objectives of this strategy are to ensure the works are completed in a way that minimises the risk of an offence, and to provide sufficient information in relation to reptiles to allow the planning authority to discharge their obligations in relation to the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006 (as amended).
- 1.4. The reptile mitigation strategy includes:-
 - A site location plan with an associated red line boundary (see Section 2, Fig. 1);
 - A habitat plan (see Appendix 1); and
 - A plan showing the location of suitable reptile habitat (see Section 3, Fig. 2).

CONSTRAINTS

- 1.5. The recommendations of this strategy have been based on the results of survey work conducted in 2016. Constraints relating to reptile surveys are detailed within the associated *Herptile Report*.
- **1.6.** In summary, there are no material constraints to the survey data that informed this strategy, or to the usefulness of this mitigation / compensation strategy.



2. SITE LOCATION AND RED LINE BOUNDARY



Site location (survey area) as shown by the red line boundary (Drawing '21817A_01B Site Location Fig. 1: Plan' dated August 2014). Habitats within the blue line ownership boundary are excluded from the development proposals.



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3. REPTILE HABITAT PLAN



Fig. 2: Three areas of suitable reptile habitat were surveyed during June 2016. These are marked in red on the above plan. These three areas will either be impacted or permanently lost to facilitate development. These three areas comprise the semi-improved grassed frontage (southern parcel), the scrub and tall ruderal growth along the western site boundary (western parcel), and the improved grassland at the base of the Leyland Cypress forming the northern boundary of Foxbury Cottages (eastern parcel).



4. SUMMARY OF SURVEY DATA

DESK STUDY

4.1. A data search was undertaken by in 2014. For full results refer to Lloyd Bore Ltd, 2016b.

POPULATION CLASS ASSESSMENT

Methodology

4.2. A presence / likely absence survey for reptiles was undertaken between 7th June and 29th June 2016 to establish whether reptiles are present on site, and if so, which species are present and their population size. For full methodology and weather conditions refer to Lloyd Bore Ltd, 2016a.

Results

- 4.3. Grass snakes (*Natrix natrix*) were recorded on 7th June, 16th June, 20th June, 24th June, 27th June and 30th June 2016.
- 4.4. Slow worm (Anguis fragilis) was recorded on each site visit.
- 4.5. An 'exceptional' population of slow worm are present within the site, with the maximum number of adults recorded in any one day being 37. These animals were located within tall ruderal and scrub habitats on the bank that forms the western site boundary. One animal was recorded on one occasion within the grassed frontage during the reptile surveys.
- 4.6. A 'low' population of grass snake are present within the site, with the maximum number of adults recorded in any one day being three. All animals were located within tall ruderal and scrub habitats on the bank that forms the western site boundary.
- 4.7. Reptiles were recorded within two of the three land parcels within the red line boundary. Reptiles were predominantly recorded within land parcel two. One slow worm, on one occasion, was recorded within land parcel one. Reptiles were absent from land parcel three.
- 4.8. For full details please refer to Lloyd Bore Ltd, 2016a.

HABITAT ASSESSMENT SURVEY

Methodology

- 4.9. A walkover survey, conducted on 6th April 2016 by Kathryn Tennant, was completed to determine the quality of the on-site habitats for reptiles.
- 4.10. The survey comprised a site walkover and ecological assessment of habitats. Vegetation was classified according to the standardised habitat descriptions (JNCC 2003; 2010) to update the survey conducted by Jacobs (2014).
- 4.11. There is no published method for objectively assessing the quality of habitat for reptiles and determining potential for reptile presence. However, there are habitat characteristics known to influence the suitability of habitats for reptiles. These comprise:
 - Location of site in relation to species geographic range;
 - Vegetation structure and type;
 - Insolation (sun exposure);



- Aspect;
- Topography;
- Surface geology;
- Connectivity to nearby good quality habitat;
- Prey abundance;
- Refuge opportunity;
- The presence of suitable hibernation habitat;
- Disturbance; and
- Availability of suitable egg laying sites (egg laying reptiles only).
- 4.12. The above factors were used to assess the potential for presence of reptiles within the site, and the quality and distribution of suitable habitat.

Results

- 4.13. Hard standing and building footprints form c. 0.66ha of the proposed development site. These habitats are of negligible suitability for reptiles.
- 4.14. The proposed development site comprises c. 0.15ha of suitable reptile habitat. Suitable habitat is spread across three land parcels. Land parcel one comprises the semi-improved grassed frontage. This habitat area shows limited structural diversity and is cut regularly to ensure sight lines onto Stone Street are maintained for Health and Safety. The grassland is atop a brick wall which is crumbling and is likely to provide places for hibernation.
- 4.15. Land parcel two comprises dense bramble (*Rubus fruticosus* agg.) scrub atop the earth bank that forms the western site boundary. The scrub is intermixed with rank grassland and tall ruderal growth. A dense hedgerow sites atop the earth bank which provides suitable places for hibernation.
- 4.16. Land parcel three comprises the semi-improved grassland at the base of a Leyland Cypress hedgerow. This limited area of grassland is managed and therefore shows a uniform structure which reduces it suitability for basking, foraging or hibernating.
- 4.17. Section 3, Fig. 2 provides the location of suitable reptile habitat.



5. LEGISLATION AND PLANNING POLICY

Wildlife and Countryside Act 1981 (as amended)

- 5.1. Grass snake, common lizard, slow worm and adder (*Vipera berus*) are protected by the Wildlife and Countryside Act 1981 (as amended). Surveys on site recorded grass snake, common lizard and slow worm.
- 5.2. The specific legal protection afforded to these species can be found within the Schedules of the legislation and relevant case law.
- 5.3. In general, any person and/or activity that intentionally or recklessly kills or injures a reptile may be guilty of an offence. The legislation applies to egg and adult life stages.
- 5.4. Maximum penalties are punishable with fines up to £5,000 per offence and up to 6 months imprisonment. Actions affecting multiple animals can be construed as separate offences and therefore penalties can be applied per animal impacted. In addition, the courts may order the forfeiture of any vehicle or other thing that was used to commit the offence.
- 5.5. The Wildlife and Countryside Act (1981) includes defences for those aspects of the legislation that apply to reptiles. In particular, notwithstanding provisions elsewhere in the Wildlife and Countryside Act, a person shall not be guilty of an offence by reason of any act made unlawful by those provisions if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

The Natural Environment and Rural Communities Act 2006 (as amended)

5.6. Local authorities have obligations under sections 40 and 41 of the Natural Environment and Rural Communities Act (NERC) 2006 to have regard to the purpose of conserving biodiversity in carrying out their duties. All four common species of reptile are listed on Section 41 the NERC Act and therefore may be a material consideration in planning.

National Planning Policy Framework (NPPF)

- 5.7. In addition to primary legislation, the government published the National Planning Policy Framework (NPPF) on 27 March 2012 to make the planning system less complex and more accessible. Within this, Section 11 is headed - Conserving and enhancing the natural environment (paragraphs 109 to 125).
- 5.8. Of particular relevance to ecology (and therefore reptiles) are the following statements:
 - The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity (Section 109);
 - Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife...will be judged (Section 113).
 - When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (Section 118). If significant harm 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 and opportunities to incorporate biodiversity in and around developments should be encouraged.



6. OFF-SITE RECEPTOR AREA

6.1. An off-site reptile receptor area measuring a minimum of c. 0.08ha (800m²) has been identified. This area has been selected as it will remain within the client's ownership.



Fig. 3: Location of the proposed reptile receptor site as shown in the purple circle. This area lies c. 1.6km south of the proposed development site (red circle) and will remain within the client's ownership.

6.2. The proposed reptile receptor area presently comprises improved grassland with a mature treeline boundary. A scrub and tall ruderal growth forms the understorey of the treeline. Presently, the site is



cut yearly to ensure that there is no scrub encroachment and it is maintained as grassland. See Appendix 2 for photographs.

- 6.3. Regular management of the proposed receptor area should cease. This will allow the proposed site to development structural diversity and complexity which will increase the quality of habitat for reptiles.
- 6.4. The proposed reptile receptor site is outside the red line boundary but it is within the wider habitat network at Foxbury Farm. As such, translocated animals will remain within their wider population and will not be isolated within the landscape. This ensures the conservation status of the local reptile population will be maintained.
- 6.5. The development will result in the loss of c. 0.13ha (1300m²) of occupied reptile habitat. This habitat is predominantly of low suitability for reptiles. The proposed reptile receptor site will be enhanced to provide high quality habitat. Therefore, the proposed area will support any animals that are captured and translocated from the development area.
- 6.6. The reptile receptor area will be enhanced prior to translocation works, with the following measures:
 - Two log piles should be constructed within the receptor area. These should consist of deciduous logs piled to c. 1m in height. Pieces of turf should be placed over the top of the log pile to create a microclimate suitable for hibernating;
 - The grassland within the receptor site should not be cut between mid-March and mid-October because of the risk of killing and injuring animals. Instead it should only be 'topped' outside of the main period of reptile activity. Grassland areas should be topped to a height of 15-20cm, allowing a tussocky structure to develop and be maintained;
 - The grassland should be topped on a three-year rotation, with only 30% of the total grassland area being topped in any one year. Longer areas of grassland should be retained adjacent to bramble patches and hedgerows;
 - Bramble scrub within the receptor site should be cut on rotation once every 2 years, such that only 50% of the total scrub area is cut in any one year. Scrub should be cut to a height of 50cm between October February (inclusive); and
 - Any vegetation clippings should be piled in a sunny location within the reptile receptor area to create a compost heap that will serve as an additional hibernaculum and a potential egg laying site for grass snake. Vegetation should be piled adjacent to the treeline boundary.



7. MITIGATION STRATEGY

- 7.1. Reptiles were recorded within the red line boundary of the proposed development site. As such, reptile mitigation works are recommended prior to the commencement of works. Translocation works will reduce the risk of killing and/or injuring reptiles.
- 7.2. Reptiles were found to be absent from the grassland at the base of the Leyland Cypress hedgerow, as such precautionary methods of working are recommended during habitat clearance works within this area.

Exclusion fencing

- 7.3. Exclusion fencing is recommended for habitats along the western site boundary only. The remaining occupied habitats are isolated within hardstanding therefore the risk of animals moving into the construction site is low.
- 7.4. Prior to works commencing, the reptile exclusion fence should be installed around the western site boundary (see Appendix 4 for proposed fence location). The line of the fencing should be strimmed in hot sunny weather to a width of c. 3m before works to install the fence commence. Strimming should be supervised by a suitably experienced ecologist. This will minimise the risk of killing and injuring reptiles during the installation of the fence.
- 7.5. This exclusion fence will ensure reptiles do not enter the construction zone from the retained habitats outside the red line boundary. It is therefore important that the fence is not damaged and is protected throughout construction activities by propped Heras fencing in those areas where the risk of damage is greatest. The exclusion perimeter fence should be checked regularly for damage which may also result in the trapping period being extended.
- 7.6. In addition, propped Heras fencing will be installed around the semi-improved grassed frontage to ensure that no contractors, materials or machinery encroach into this habitat prior to its clearance.
- 7.7. The reptile exclusion fence will be near offsite ancient woodland and mature hedgerows. Therefore, to reduce the risk of damage to offsite trees, advice from a suitably qualified arboricultural consultant should be sought prior to the construction of the reptile exclusion fencing.

Trapping works

- 7.8. Artificial capture objects (ACOs) will be placed within the areas of the site that will be impacted. They will be placed within land parcels one and two.
- 7.9. To ensure the effective capture of reptiles ACOs will be placed on site at a high density and well above that recommended for survey work (Froglife, 1999a; 1999b). Areas of the most suitable habitat will be targeted; however, less suitable habitat will also have some ACOs placed in them.
- 7.10. Given that an 'exceptional' population of reptiles was recorded, it is likely that 90 trapping visits will be required to effectively 'clear' the development site of reptiles. However, trapping may extend beyond this if animals continue to be caught. Trapping works will not stop until at least 45 trapping visits have been conducted and until there have been at least five clear days of trapping, during suitable weather conditions, when no animals have been caught.
- 7.11. Trapping visits will only be counted if the weather is suitable. In particular, the weather will be dry and temperatures will be above 12°C; the temperature when grass snakes start to bask (Gent and Gibson, 1998). In general, trapping visits will not be conducted when the temperature is above 18°C (Froglife, 1999a), however experience from other projects has shown that trapping can also be



effective in temperatures up to 25°C, especially when it is warm and overcast, or during a sunny spell just after a thundery shower. Therefore, trapping works will only cease on site when temperatures are above 25°C. All trapping visits will be completed under weather conditions that are conducive to reptile basking behaviour.

- 7.12. On very hot days trapping may be conducted early and late in the day. However, prolonged hot spells with hot nights is likely to reduce capture efficiency. In these weather conditions, the period of capture free days required would be extended beyond five clear days. In general, trapping works will be conducted between 08:00 and 18:00. The precise timing on site will target the most suitable reptile basking weather conditions.
- 7.13. The capture works will only be undertaken during the reptile active season, which is generally taken to be between early April and the end of September (inclusive). However, the season may start earlier or extend later because during periods of warm prevailing weather conditions. If possible, April and May will be targeted because there will be fewer young animals to move.

Supervised destructive searches and site clearance

- 7.14. Since reptiles were found to be absent from the base of the Leyland Cypress hedgerow (eastern portion of site, as shown in Section 3, Fig. 2), habitats in this location shall be cleared under precautionary methods of working. In addition, once trapping works have been completed within the remaining surveyed land parcels, these areas shall be cleared under the supervision of an ecologist.
- 7.15. The vegetation within each land parcel shall be strimmed initially using hand held machines. Vegetation shall be cut to a minimum height of 10cm in hot, sunny weather when the temperature is above 15°C. Prior to the commencement of strimming, a fingertip search of the clearance area will be completed by the supervising ecologist. If any animals are found, these will be captured and moved to the receptor site.
- 7.16. Habitats shall then be cleared under supervision using a toothed bucket. This will reduce the risk of killing and injuring any animals that might remain within these areas. Animals found will be translocated to the reptile receptor area.
- 7.17. Once these supervised clearance works have been completed, these areas should be mown on a fortnightly basis to ensure the habitat remains below 50mm in height.
- 7.18. If possible, any clearance of suitable bird nesting habitat, such as scrub and hedgerows should be undertaken during the period October to February (inclusive) to avoid the bird nesting season. However, this should not impact on suitable reptile habitats before they have been trapped and 'cleared' of reptiles. If this is not possible, prior to commencement of final habitat clearance works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nest will need to be left *in situ* until the birds have stopped using it.

General measures

- 7.19. The mitigation measures below are recommended to further reduce the risk of construction works killing and/or injuring reptiles:
 - All site workers and contractors are to be made aware of the potential presence of reptiles on site as part during the site induction. A tool-box talk during the induction, prepared by the ecologist, should be provided to all new workers on site; and
 - Any sensitive wildlife areas adjacent to the site should be protected through Heras fencing and signs should be attached to this highlighting the risk to wildlife. A copy of an example notice is provided in Appendix 3.



Completion of works

7.20. Reptile exclusion fencing should be retained and maintained throughout construction. Once it is complete however the fencing should be removed.

Additional ecological considerations

- 7.21. The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) afford legal protection to both great crested newts and bats.
- 7.22. Precautionary methods of work have been recommended with regards to great crested newt (*Triturus cristatus*) (see *Herptile Report*).
- 7.23. As a precautionary measure, a detailed internal and external inspection of Building 8 for evidence of bat presence has also been recommended immediately prior to its demolition (see *Ecological Appraisal* report). This should be conducted by a licenced bat surveyor (Lloyd Bore Ltd, 2016b).
- 7.24. In the event a great crested newt or roosting bat is found on site prior to or during works, all works should cease immediately because of the nature of the legal protection afforded to this species and a suitably qualified ecologist should be contacted for advice.
- 7.25. Some of the on-site habitats provide suitable nesting habitat for common breeding birds. All nesting birds are protected by the Wildlife and Countryside Act. Therefore prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left *in situ* until the birds have stopped using it.
- 7.26. If great crested newt (low risk of presence), roosting bat(s) (low risk of presence) or nesting birds are discovered prior to or during clearance, this may cause delays to site clearance.



8. CONCLUSION AND EVALUATION

- 8.1. A 'low' population of grass snake and an 'exceptional' population of slow worm were present within the proposed development site. As such, a Reptile Mitigation Strategy has been produced to reduce the risk of killing and/or injuring reptiles. If the measures outlined are implemented, then the risk of killing and injuring reptiles will be effectively minimised.
- 8.2. The proposed development will result in the loss of 0.13 ha of occupied reptile habitat. The remainder of the proposed development site (0.66ha) is of negligible suitability for reptiles.
- 8.3. The proposed development scheme does not contain sufficient space to create new habitat for reptiles within the redline boundary. Therefore, an area of managed grassland within the client's ownership will be used as an off-site reptile receptor area. This area is present c. 1.6km south of the red line development boundary and is within the wider network of Foxbury Farm.
- 8.4. The current intensive management regime within this area will cease, allowing habitats to develop prior to translocation. The receptor site will also be enhanced prior to translocation works via the creation of hibernacula and log piles. This receptor areas will remain within the ownership and responsibility of the client. The proposed reptile receptor site will be enhanced to provide high suitability reptile habitat and will be sufficient to accommodate any translocated animals.
- 8.5. No other protected species were found to be present within the development site during the survey work completed; however, if great crested newts (or roosting bats) are found prior to or during works, all works must cease immediately and a suitably qualified ecologist contacted.
- 8.6. The landscape proposals include measures that will benefit other wildlife. These include:
 - Provision of 'Habibat' Bat Access Slates within the car barn;
 - · Construction of log piles to provide hibernacula for reptiles; and
 - Creation of a long grassland margin at the base of a newly planted hedgerow along the reinstated grassland frontage.



9. **REFERENCES**

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10. APPENDIX 1: HABITAT MAP AND TARGET NOTES



Fig. 4: Phase 1 habitat plan (Ref: Lloyd Bore (2015) 3344_RF_022 Habitat Plan).



Target notes

- 1. Earth bank with scrub forming the western site boundary. Supports slow worm and grass snake. Provides potentially suitable terrestrial habitat for great crested newts (if present).
- 2. Semi-improved grassland. Supports slow worm only. Provides potentially suitable terrestrial habitat for great crested newts (if present).
- 3. Semi-improved grassland. Reptiles found to be absent from this area. Potentially provides suitable terrestrial habitat for great crested newts (if present).
- 4. Building 8, where seven bat droppings and remains of moth wings were recorded.
- 5. Building 10, a small brick shed with an access point in the soffit box leading into the roof void. This building is of low potential for roosting bats, no further assessment is recommended.



11. APPENDIX 2: PHOTOGRAPHS OF PROPOSED RECEPTOR SITE



Photo 1: Proposed reptile receptor area.



Photo 2: Proposed reptile receptor area with managed grassland and scrub boundary.



12. APPENDIX 3: WILDLIFE PROTECTION NOTICE





13. APPENDIX 4: PROPOSED REPTILE EXCLUSION FENCE LOCATION



Fig. 5: Proposed location of reptile exclusion fencing (shown by green line). Fencing should be constructed along the western site boundary to stop animals from adjacent habitats entering the construction zone. The remaining areas of suitable reptile habitat are isolated within areas of hard standing, thus the risk of animals entering the construction zone is reduced. Propped Heras fencing is recommended around the two remaining areas of suitable habitat to stop contractors, machinery or materials encroaching until reptile translocation has been completed.

