



Reptile Survey

Jefferson Park, Whitehaven, Cumbria, CA28 9HE

2021

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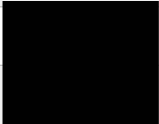
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1. Introduction

1.1. BACKGROUND

This report details a Reptile Survey conducted at Jefferson Park, Whitehaven, Cumbria, CA28 9HE (Nat. Grid Ref. NX 97446 16791 - Approx. centre of site)

Plans 'as proposed' have been provided and it is thereby understood that a proposal exists for a residential development consisting of '14 new affordable rented dwellings'.

The proposal has been informed by a report entitled '*Preliminary Ecological Appraisal: Jefferson Park, Whitehaven, Cumbria, CA28 9HE: 2021*' - Ref. No. HG21PEA022.001 - dated 06 September 2021 by Hesketh Ecology. This report recommended that;

'A reptile presence / likely absence survey should be conducted on site. This should employ an Artificial Cover Object (ACO) survey, combined with Visual Encounter Survey techniques. Artificial Cover Objects should be placed on site at an appropriate density in all suitable habitat and then 7no. repeat survey visits conducted during suitable weather conditions during the period March - September.

If reptile presence is confirmed during the presence / likely absence survey, a further 7no. Repeat survey visits should be conducted to ascertain a Population Size Class so as to inform an appropriate mitigation strategy.'

Section 7.1, Pg. 40.

Hesketh Ecology were commissioned by Mr Jonathan Tibbitts of Thomas Armstrong (Construction) Ltd. in September 2021 to complete a full reptile survey of the site so as to inform an impact assessment and mitigation strategy (as appropriate).

1.2. FULL DETAILS OF PROPOSED WORKS ON SITE

See Figure 2. The proposed development consists of 14no. residential units. It is understood these will be 2 bedroom, semi-detached and terraced properties and that all of the proposed properties will be 'affordable renting dwellings'.

The development is located within the existing Jefferson Park estate and will effectively be 'in-fill' development making economical use of existing infrastructure and minimising the requirement for new access roads etc.



Figure 1: Location Plan.



Figure 2: Jefferson Park - Site Plan - Drawing No. 202 by Home Group.

2. Legislation

2.1. GENERAL

The laws protecting wildlife exist regardless of the requirements of any planning consent.

The legal protection of animals and plants in the United Kingdom is mainly provided for by:

The Wildlife & Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000,

The Habitats and Species Directive (92/43/EC) enacted through the Conservation of Habitats & Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The level of protection for each species varies according to the conservation status of the species.

The Countryside and Rights of Way Act 2000 supplemented existing legislation for wildlife protection by prohibiting reckless acts that result in the killing or injuring of protected species.

The Natural Environment and Rural Communities Act 2006 requires that every public authority in exercising its functions must have regard as far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Section 41 of this Act requires the Secretary of State to have prepared lists of species and habitats which are considered to be of principal importance for the purpose of conserving biodiversity [The UK Biological Action Plan (BAP) species].

The Cumbria Biodiversity Action Plan (CBAP) was designed to implement national biodiversity targets set out in the UK BAP at a local level, with an emphasis on local priorities. At its inception the CBAP included 40 species / species groups, 21 of which had dedicated action plans with a further 19 without action plans. The original CBAP list was updated in 2010 to include all UK BAP species which occur in Cumbria.

2.2. NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

The National Planning Policy Framework (NPPF) was originally published by the Department of Communities and Local Government in 2012, consolidating over two dozen previously issued documents called Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) for use in England. A revised NPPF was published by the UK Government's Ministry of Housing, Communities and Local Government in 2018 and then again in 2019. The revised National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in 2012, and revised in 2018.

Chapter 15 of the NPPF, Conserving and Enhancing the Natural Environment, states (NB the following is a summary only, selecting points which relate to biodiversity and species

only, for the full text see National Planning Policy Framework; February 2019, Ministry of Housing, Communities and Local Government ;

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'*

Paragraph 170, Pg. 49.

To protect and enhance biodiversity and geodiversity, plans should:

- *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

Paragraph 174, Pg. 50.

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

- *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;*
- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;*

Paragraph 175, Pg. 50.

2.2. REPTILES

Common reptiles, including adder (*Vipera berus*), common lizards (*Zootoca vivipara*), slow worms (*Anguise fragilis*) and grass snake (*Natrix helvetica*), are protected under the Wildlife & Countryside Act 1981. It is illegal to: Injure, capture, kill, keep, transport or sell a reptile (Sub-Sections 9 (1) and 9 (5)). These species are listed in Schedule 5.

Common reptiles are also a UK Biodiversity Action Plan Priority Species and Species of Principal Importance in England. Furthermore, all species of reptiles in Cumbria are Cumbria Biodiversity Action Plan species (from 2010) for which a species statement has been prepared by Cumbria Biological Data Network.

3. Methodology

No universally adopted guidance on reptile survey effort is currently available. The survey methodology used here was designed by Sam Griffin ACIEEM who has 15+ years experience surveying for reptiles within similar habitats throughout the West coast of Cumbria, with reference to the Design Manual for Roads and Bridges (Highways England, 2019), Herpetofauna Workers' Manual (Gent & Gibson, 2003), Froglife's Reptile Survey Advice Sheet 10 (Froglife, 1999) and Natural England Technical Information Note TIN102: Reptile mitigation guidelines' [WITHDRAWN].

3.1. HABITAT SUITABILITY ASSESSMENT

A daytime inspection of the site was conducted during which all areas of the site were inspected in detail during a walk over survey. Areas immediately adjacent the development sites were inspected in detail where possible and from public rights of way using binoculars and an AG80 20x- 60x spotting scope where access was not possible.

The following list gives characters that influence reptile habitat suitability;

- Location in relation to species range
- Vegetation structure
- Isolation
- Aspect
- Topography
- Surface geology
- Connectivity to nearby good quality habitat
- Prey abundance
- Refuge opportunity
- Hibernation habitat potential
- Disturbance regime

The site was inspected with a view to assessing each of the above habitat characters. The assessment of reptile habitat suitability is subjective and based on a personal experience of the surveyor, but considers all the above characters. The habitat suitability assessment was conducted prior to commencing the presence / likely absence survey and was used to help inform the placement of artificial refugia.

3.2. PRESENCE / LIKELY ABSENCE AND POPULATION SIZE CLASS SURVEY

Artificial Cover Objects (ACOs) cut from bituminous roofing felt measuring approximately 50cm² were placed on site in all poor, good and exceptional habitat. In total 11 artificial refugia were laid. Numerous existing 'natural' refugia (for the purposes of this survey report 'natural' refugia refers to any refugia already present on site; i.e. wood, plastic, metal, rubble etc.) were also noted. Where artificial refugia were deemed to be at risk of blowing away stones were placed on the refugia so as to weigh them down, but not prevent reptiles from getting underneath. Refugia were positioned around features deemed to offer potential for reptiles (i.e. south facing slopes, near to cover etc.). All refugia were allowed to 'bed-in' for 7 days prior to survey commencing. All refugia were checked 7 times, during suitable weather

conditions to ascertain presence / likely absence. This follows the suggested methodology in *Natural England (2010) Reptile Mitigation Guidance – CONSULTATION DRAFT* and is considered to be suitable to identify the presence / likely absence of all species of reptile currently known to occur in Cumbria.

Checking of refugia involved quietly approaching each felt, observing from a distance to check for reptiles basking on top (with binocular if deemed necessary), before lifting each felt from the edge, away from the sun so as to avoid shadow. The vegetation beneath the refugia was searched by hand to identify any reptile sheltering beneath vegetation.

To compliment this technique, Visual Encounter Survey (VES) techniques were employed. This involves observing all habitat whilst slowly and quietly walking around the site. The noise of reptiles moving through the habitat was listened for and evidence of reptiles was also searched for (i.e. sloughed skins, droppings etc.).

3.3. TIMING

The survey visits were conducted between 09 September and 27 September 2021.

3.4. WEATHER CONDITIONS

Date	Activity	Weather conditions			
		Temp (°C)	Wind (Beaufort scale)	Cloud (%)	Precipitation
02/09/2021	Laying Artificial Refugia	-	-	-	-
09/09/2021	Survey Visit 1	20	0	100	None
13/09/2021	Survey Visit 2	14	0	100	None
15/09/2021	Survey Visit 3	17	0	0	None
17/09/2021	Survey Visit 4	14	1	50	None
21/09/2021	Survey Visit 5	17	0	60	None
23/09/2021	Survey Visit 6	14	0	80	None
27/09/2021	Survey Visit 7	16	0	50	None

Table 1: Weather conditions.

3.5. PERSONNEL

The survey was conducted by Sam Griffin BSc ACIEEM who has 15+ years experience surveying for reptiles within similar habitats throughout the West Cumbria.

4. Results

4.1. SITE DESCRIPTION

The area proposed for development is located on Jefferson Park, Whitehaven which lies off the B5345 (Low Road) approximately 1.5km to the south of Whitehaven town centre. The site is an enclosed residential estate which currently consists of residential units on the northern and southern boundary, with an undeveloped area of mown amenity grassland in the centre. An area to the north and east of the access road consists of neutral grassland with some amenity tree planting. Jefferson Park is bounded to the south by Whitehaven Cemetery and to the west and north by areas of mature semi-natural deciduous woodland. A private residential dwelling known as Rose Cottage lies on the eastern boundary between the site and Low Road. A narrow belt of screening scrub currently exists between Jefferson Park and Rose Cottage.

A review of historic maps and aerial photography has shown that the site was undeveloped during the latter part of the C.19th but does appear to be part of a larger field marked as 'Brick Field', which suggests it may have been used as a small clay pit to serve brick works in the area. Between 1867 and 1899 the site is surrounded by open agricultural land, the deep gill to the north is marked as woodland and Whitehaven and Preston Quarter Cemetery lies some 100m to the south. By 1900, the cemetery has expanded north to meet the current southern boundary of the Jefferson Park site and a mineral railway has been constructed within the deep wooded gill which runs along the northern boundary of the site. The Jefferson Park site itself is - at this time - marked as 'Clay Pits' with numerous small tracks connecting the site with a 'Fire Brick Works' approximately 100m to the north. By 1925 the clay extraction has moved to the west and the access track between the clay pits and the Fire Brick Works is via a tunnel which passes beneath the Mineral Railway which runs along the northern boundary. A large building marked as 'Laundry' is marked on the OS Cumberland Series: Cumberland map from 1925. This occupies the majority of the southern portion of the current Jefferson Park site. The site then remains broadly unchanged throughout the latter part of the C.20th, with only minor extensions to the Laundry building (later known as Lakeland Laundry) occurring sometime after 1938. By 1979 the site is surrounded by developed residential areas, although the cemetery and Woodhouse Quarry remain as areas of woodland surrounded by suburbs of Whitehaven Town.

By 2003 (when the first aerial photography of the site becomes available) the laundry building has been completely demolished and the site appears to consist of grassland and scrub surrounded by areas of mature deciduous woodland. The fire brickwork to the north appear to have been recently demolished and the Jefferson Park site appears to be broadly disused. Aerial photography from 2008 shows the site has been completely cleared and construction of the properties which currently exist on the site is underway. At this time the site is surrounded by woodland, but all ground within the boundary of Jefferson Park is bare and in use as an active development site. From 2016 onwards the site is consistently shown as it currently exists. This review of historic maps and aerial photography shows that the site has undergone significant changes over the last 150 years. The site appears to have been cleared on a number of occasions, most recently during 2008 when the most recent phase development occurred and the buildings which currently occupy the site were constructed. Although impossible to accurately ascertain from maps and aerial photography alone (and considering the limitations of the Copeland Borough Council online planning application search facility), it would appear that the habitats on site have developed entirely since c.2008-2009 and are therefore relatively young.

The site contains two distinct habitats, these being close mown amenity grassland and herb rich neutral grassland. These two habitats are only distinct due to the management regime observed on the two sections. The central area of Jefferson Park, bounded by access roads to the north and south, is routinely mown to a short sward and is therefore dominated by grasses and lacking any three dimensional structure. Identification of species within this mown sward was difficult and complicated by the fact the area had been recently mown, however the following species were recorded; Yorkshire fog (*Holcus lanatus*), rough meadow grass (*Poa trivialis*), common bent (*Agrostis capillaris*), false oat grass (*Arrhenatherum elatius*), ragwort (*Jacobaea vulgaris*), red bartsia (*Odontites vernus*), daisy (*Bellis perennis*), herb Robert (*Geranium robertianum*), white clover (*Trifolium repens*), red clover (*T. pratense*), broadleaved dock (*Rumex obtusifolius*), curly dock (*R. crispus*), wood dock (*R. sanguineus*), selfheal (*Prunella vulgaris*), enchanters nightshade (*Circaea lutetiana*), ribwort plantain (*Plantago lanceolata*), creeping buttercup (*Ranunculus repens*) and black medic (*Medicago lupulina*). This area also contains a small number of semi-mature deciduous trees at the western end. These are birch, sycamore, oak, goat willow and whitebeam (See 'JEFFERSON PARK WHITEHAVEN: Pre-development Arboricultural Report', Prepared for: Thomas Armstrong Construction - 17 June 2021 By Treescapes Consultancy Ltd. Reference No. AH/AIA/170621) and are all classified as 'Category C - Low Quality Trees'. Of the 8no. Trees identified within the proposed development site boundary, 4no. Will be retained (birch, white beam, goat willow x2) and 4no. Have been 'proposed for removal to facilitate the proposed development' (oak and sycamore x3).

The area to the north / north east of the access road consists of herb rich neutral grassland. This is a relatively small area of land measuring c.0.12ha, which is subject to routine mowing within a strip of approximately 1m directly adjacent to the footpath only. The rest of this area is left completely unmanaged and has therefore developed a structure which consists of areas of bare ground, areas of relatively short sward and scattered coarse clumps of ranker, tussock forming grasses. In this neutral grassland *Salix* sp. trees have been planted. These are commercial cultivars which were presumably planted following the completion of the development phase in 2008 and have seemingly struggled to thrive in the thin, compacted soil which is present in this area. The lack of any formal management of this area has allowed a diverse floral community to develop, which in turn supports a diverse invertebrate community. The plant species recorded here include, Yorkshire fog (*Holcus lanatus*), false oat grass (*Arrhenatherum elatius*), red fescue (*Festuca rubra*), knapweed (*Centaurea nigra*), broadleaved dock (*Rumex obtusifolius*), curly dock (*R. crispus*), ragwort (*Jacobaea vulgaris*), red bartsia (*Odontites vernus*), white clover (*Trifolium repens*), red clover (*T. pratense*), ribwort plantain (*Plantago lanceolata*), creeping buttercup (*Ranunculus repens*), black medic (*Medicago lupulina*), oxeye daisy (*Leucanthemum vulgare*), hogweed (*Heracleum sphondylium*), creeping thistle (*Cirsium arvense*), spear thistle (*C. vulgare*), marsh thistle (*C. palustre*), field horsetail (*Equisetum arvense*), figwort (*Scrophularia nodosa*), silverweed (*Potentilla anserina*), Angelica (*Angelica sylvestris*), greater plantain (*Plantago major*), nipplewort (*Lapsana communis*), rosebay willow herb (*Chamaenerion angustifolium*), greater willow herb (*Epilobium hirsutum*), hemp agrimony (*Eupatorium cannabinum*), doves-foot cranesbill (*Geranium molle*), coltsfoot (*Tussilago farfara*), perforate St. Johns wort (*Hypericum perforatum*), nettle (*Urtica dioica*), birds-foot trefoil (*Lotus corniculatus*), meadow vetchling (*Lathyrus pratensis*), tufted vetch (*Vicia cracca*), bush vetch (*V. sepium*) and common vetch (*V. sativa*). Although field horsetail is dominant in places, this area is generally diverse and offers a mosaic of structure which is of some value to invertebrates. Common blue butterfly (*Polyommatus icarus*) and speckled wood (*Pararge aegeria*) were both observed on site during the site inspection.

The boundaries of the area of neutral grassland to the north east of the access road (i.e. in a strip screening Jefferson Park from the adjacent Rose Cottage) are planted with scrub / im-

mature trees. This contains a variety of native and non-native species and is outside of the proposed development footprint and will therefore be unaffected by the proposed works.

The amenity grassland is of no intrinsic conservation value and offers very little potential for any legally protected or priority species. The unmanaged neutral grassland to the north east of the access road is likely to be of some value to wildlife and may support legally protected species (specifically common reptiles), but is broadly typical of vacant land in the surrounding area.

4.2. PRE-EXISTING RECORDS

Records obtained from Cumbria Biodiversity Data Centre include 45 historic records of reptiles within 2km of the site. The species previously recorded in the search area are common lizard (*Zootoca vivipara*) and slow worm (*Anguise fragilis*).

The vast majority of these historic records come from land adjacent Corkickle Railway Station which lies approximately 0.5km to the north east and were collected by Sam Griffin (the author of this report). Further to the historic records already held on the CBDC database, Sam Griffin has also collected records in recent years which are awaiting verification for inclusion on the CDBC database. These include populations of common lizards and slow worms on land at Haig Pit (c.0.95km to the north west) and at land adjacent Watersedge Close (C.0.85km to the south west). The identified populations at Corkickle Station and land adjacent Watersedge Close both lie on the line of the former mineral railway which passed along the northern boundary of the site. This railway - particularly the track bed and cuttings - are highly likely to have offered highly suitable reptile habitat throughout most of the C.19th and C.20th and has, until relatively recently, offered strong connectivity to known, extant populations of common lizards and slow worms to the east and west of the site.

4.3. HABITAT SUITABILITY

The following list gives characters that influence reptile habitat suitability;

- Location in relation to species range
- Vegetation structure
- Isolation
- Aspect
- Topography
- Surface geology
- Connectivity to nearby good quality habitat
- Prey abundance
- Refuge opportunity
- Hibernation habitat potential
- Disturbance regime

A detailed inspection of the Site as regards its suitability to support reptiles specifically was conducted during the placement of Artificial Cover Objects (ACOs) (so as to inform placement of ACOs) and throughout the survey period (to verify the findings of the initial assessment). The site was inspected with a view to assessing each of the above habitat characters. The assessment of reptile habitat suitability is subjective and based on a personal experience of the surveyor, but considers all the above characters.

The amenity grassland on site is currently intensively managed and is therefore unsuitable for reptiles. The neutral grassland to the north east of the access road contains a highly suitable vegetation structure, with good prey abundance and refuge / hibernation site potential. Although small in extent - and notwithstanding the fact that the site was recently cleared to facilitate the previous phase of development - the neutral grassland to the north east of the access road is considered to offer suitable reptile habitat.

4.4. SURVEY RESULTS

Survey Visit	Date	Common Lizard		Slow worm	
		Adult	Juvenile	Adult	Juvenile
1	09/09/2021	-	-	-	-
2	13/09/2021	-	-	-	-
3	15/09/2021	-	-	-	-
4	17/09/2021	-	-	-	-
5	21/09/2021	-	-	-	-
6	23/09/2021	-	-	-	-
7	27/09/2021	-	-	-	-

Table 2: Reptile Survey Results.

No reptiles were observed on site during the presence / likely absence survey. No evidence of reptile presence such as sloughed skins or droppings were identified on site.

Based on the results of seven repeat survey visits conducted during the optimal reptile survey period and in optimal weather conditions, it is concluded that reptiles are likely to be absent from the site.

5. Photographs



Figure 3: *Showing suitable reptile habitat to the north of the access road.*



Figure 4: *Showing suitable reptile habitat to the north of the access road.*



Figure 5: *Showing example of floral diversity and vegetation structure.*



Figure 6: *Showing example of Artificial Cover Object (ACO) placed in suitable reptile habitat on site.*

6. Impact assessment

6.1. PREDICTED IMPACTS

This survey has confirmed that reptiles are likely to be absent from the Site. Although the habitat is deemed to be suitable for common reptiles and lies within close proximity to known occupied habitat no reptiles were identified on Site during this survey.

Based on current evidence, in the absence of mitigation, there are no predicted impacts to common reptiles during the development nor the operational phase, which would be an offence under the Wildlife & Countryside Act 1981.

7. Mitigation and Recommendations

7.1. REPTILES

Based on current evidence, in the absence of mitigation, there are no predicted impacts to common reptiles.

As no impacts are anticipated, no bespoke mitigation strategy is necessary. However, as the Site is deemed to be suitable for common reptiles and as common reptile species occur in the immediate area, there is a low risk that the site could be colonised by common reptiles in the future. If this was to occur prior to development there is a theoretical risk of impacts to reptiles.

Whilst it is impossible to quantify the risk of future colonisation by common reptiles, it must be noted that this survey report represents a 'snap shot' and therefore has a limited shelf life. To address this perceived risk, the following recommendations should be observed;

- *If* development does not commence before 2023, a repeat assessment should be conducted to assess the continued suitability of the site for reptiles.
- *If* the repeat assessment concludes that the habitat is still suitable for reptiles, a further reptile presence / likely absence should be conducted.
- *If* any future reptile presence / likely absence survey confirms reptile presence on site, a full population size class assessment should be completed so as to inform an impact assessment and appropriate mitigation strategy.

8. Summary

8.1. SUMMARY OF DEVELOPMENT AND MITIGATION

This report details a Reptile Survey conducted at Jefferson Park, Whitehaven, Cumbria, CA28 9HE (Nat. Grid Ref. NX 97446 16791 - Approx. centre of site)

Plans 'as proposed' have been provided and it is thereby understood that a proposal exists for a residential development consisting of '14 new affordable rented dwellings'.

The proposal has been informed by a report entitled '*Preliminary Ecological Appraisal: Jefferson Park, Whitehaven, Cumbria, CA28 9HE: 2021*' - Ref. No. HG21PEA022.001 - dated 06 September 2021 by Hesketh Ecology. This reptile survey report should be read alongside the PEA.

The survey methodology used here was designed by Sam Griffin ACIEEM who has 15+ years experience surveying for reptiles within similar habitats throughout the West coast of Cumbria, with reference to the Design Manual for Roads and Bridges (Highways England, 2019), Herpetofauna Workers' Manual (Gent & Gibson, 2003), Froglife's Reptile Survey Advice Sheet 10 (Froglife, 1999) and Natural England Technical Information Note TIN102: Reptile mitigation guidelines' [WITHDRAWN].

Based on the results of seven repeat survey visits conducted during the optimal reptile survey period and in optimal weather conditions, it is concluded that reptiles are likely to be absent from the site.

The habitat is deemed to be suitable for common reptiles and is located in close proximity to known occupied habitat.

Based on current evidence, in the absence of mitigation, there are no predicted impacts to common reptiles during the development nor the operational phase, which would be an offence under the Wildlife & Countryside Act 1981.

As no impacts are anticipated, no bespoke mitigation strategy is necessary.

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