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FURZE VIEW SHOP, MORWENSTOW CORNWALL

Ecological Impact Assessment

MAY 2021

A REPORT TO:

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Executive Summary

Penpont Ecology Services Ltd was commissioned to undertake an Ecological Impact Assessment of a section of garden at Furze View, Shop, Morwenstow, Cornwall. This was carried out to support planning application to erect a residential unit on the land.

The site comprises 425m² garden and gravelled parking area, bordered by Sycamore trees to the south and west.

The site lies within an Area of Outstanding Beauty and the Hartland Heritage Coast.

The site is evaluated as being of low conservation value at 'site' level.

Potential impacts of the proposed development include:

- Permanent loss of 80% lawns
- Permanent loss of 2-5 Sycamore trees
- Disturbance of nocturnal species through night-time lighting
- Disturbance of nesting birds.

Mitigation includes:

- Avoid, limit and minimize night-time lighting

Compensation includes:

- Replacement of garden species with native species.

Biodiversity net gain and ecological enhancement may be achieved by:

- Incorporating a bat and bird box to the new unit.

It is concluded that the proposed project will cause low ecological impacts, but that provided the recommendations given are adhered to, those impacts will be negligible.

Furze View – Ecological Impact Assessment

1 Introduction

Penpont Ecology Services Ltd was commissioned to undertake an Ecological Impact Assessment of a small garden area at Furze View, Shop, Cornwall. This was carried out to support a planning application to erect a residential unit on the land. The assessment was carried out to determine presence/likely absence of important habitats and protected species, and to assess the impact the proposed works may have on any found to be present.

2 Site description

The surveyed land measures 425m² and is located at OS Grid Reference: SS 2268 1481 (Fig 1). The site is the garden of a house named Furze View which is located on a quiet residential street in the village of Shop, 4.3km north west of Kilkhampton. The house is bordered by residential development within a rural landscape. Wider surrounding land is in agricultural production with small woodland pockets including Morwenna 360m to the north west, and Beacon Downs 360m to the south (Fig 2).

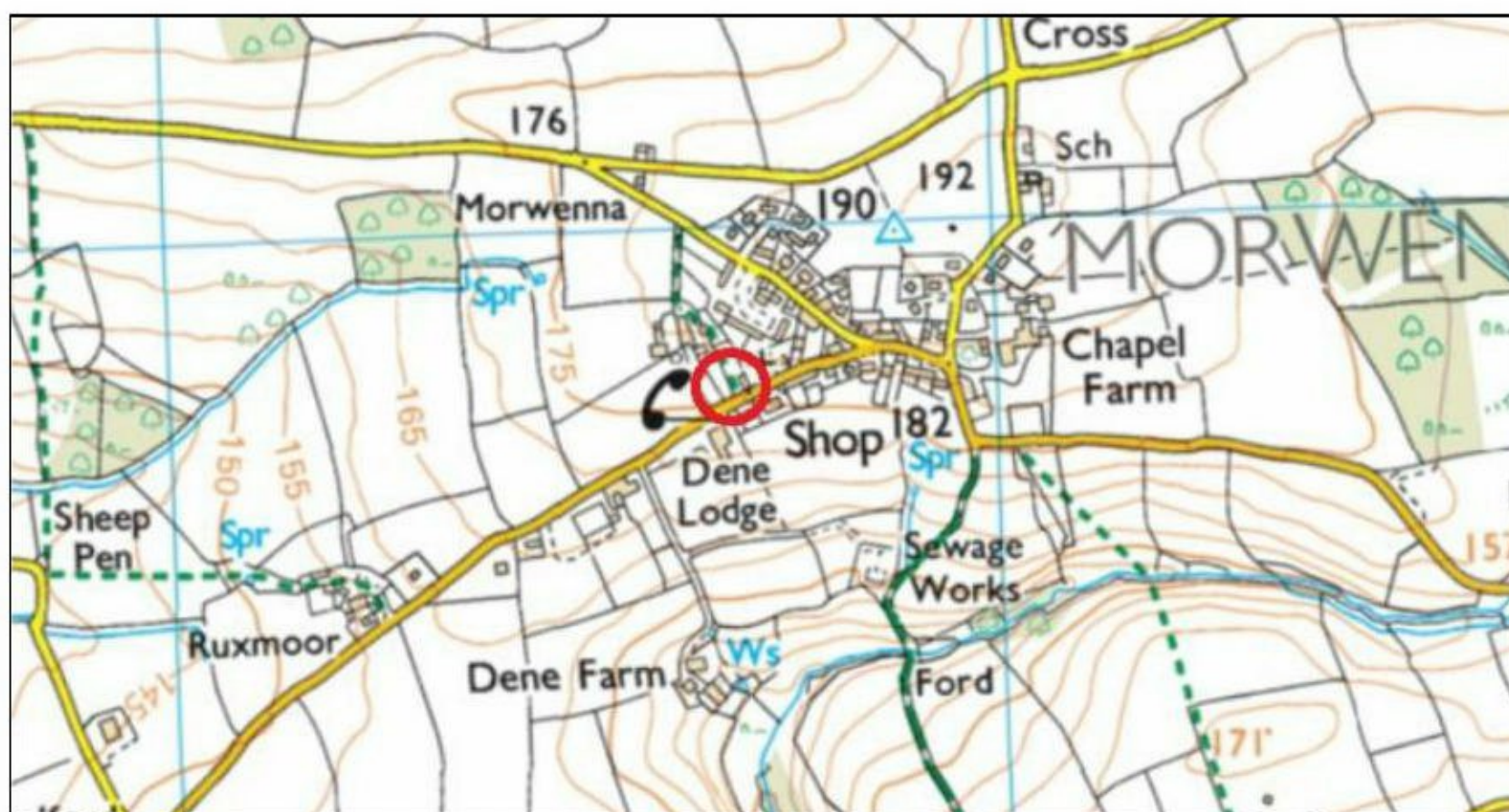


Fig 1 – Location Map (OS Scale: 1: 50 000)

The garden includes lawns and gravelled parking areas bordered by Sycamore trees to the south and west.



Fig 2 – Aerial photograph showing surveyed site and surrounding land use.

3 Survey methodology

3.1 Desk study

Due to the small size of the surveyed area (≤ 1 ha) an electronic search of local records was deemed sufficient to inform the survey. The desk study researched all designated nature conservation sites and records of important habitats and species within a 1km radius of the site (post 1970). Additional information was sought for dormice (a 2km radius around the site boundary) and highly mobile bats and birds (a 4km radius).

3.2 Site Survey

The Extended Phase 1 Habitat Survey was carried out in accordance with the standardised system developed by the Nature Conservancy Council (Joint Nature Conservation Committee, 2010) and the Chartered Institute of Environmental Assessment (2016).

The site survey was undertaken on 25 May 2021 in clear weather conditions. The site was easily accessible on foot and a walkover survey was undertaken to record habitats present.

Habitats

Habitats were classified according to the standard Phase 1 categories.

Flora

A list of higher plants was recorded and the abundance of each species was estimated for each habitat using the standard 'DAFOR' scale (D = Dominant; A = Abundant; F = Frequent; O = Occasional; R = Rare). The survey also searched for notable plants which may be present, and any evidence of non-native, invasive species.

Fauna

Bats

The survey searched for habitats which could be used by bats for roosting, foraging and commuting.

- Mature trees with cracks, crevices, holes and/or dense Ivy cover which may provide roost sites
- Buildings with weather boarding, hanging tiles or cladding tiles, gaps above soffits and behind fascia and barge boarding and gaps between window frames and wall brickwork which may provide roost sites and access to roof spaces for roosting
- Hedgerows, streams, ponds and woodlands which may provide feeding habitat
- Linear features such as hedgerows and stream corridors that may be used as commuting routes.

The potential of these features to support bats was assessed according to the results of the desk study, any field evidence of bats, the quality of bat habitats and the context and connectivity of the site within the local landscape.

Dormouse

Habitats capable of supporting Dormouse, such as broad-leaved woodland, scrub and species-rich hedgerows, were searched for evidence of characteristically gnawed Hazel nuts and nests. Where no evidence was found, the potential of habitats to support Dormouse was assessed, according to the results of the desk study, habitat quality and connectivity of the site.

Otters

The potential of the site to support Otters was assessed according the desk study records, proximity to running water and wetland habitats and the connectivity of the site to areas of favourable Otter habitat.

Badgers

Field signs of Badger were recorded and mapped, such as setts, latrines, hairs, paths and tracks. The potential of the site to support Badger was assessed according to the desk study records, habitats present and connectivity to woodlands and other favourable Badger habitats.

Birds

All birds observed during the field survey were recorded. Features such as trees, scrub and hedges, which potentially support nesting and feeding birds were also noted. The potential of the site to support bird species of special conservation importance was

assessed, taking into account the bird species assemblage observed during the survey, the habitats present, the context of the site in the wider landscape and the results of the desk study.

Reptiles

The potential of the site to support reptiles was assessed according to the findings of the desk study, the suitability of habitats on site (e.g. rough grassland or refuges such as wood piles, rubble or compost heaps) and the context of the site.

3.3 Ecological evaluation

The legal and nature conservation value of the site, and the habitats and species it supports, was evaluated within geographical context according to guidance given by Chartered Institute of Ecology and Environmental Management (CIEEM, 2016). The criteria used for the ecological evaluation are given in Appendices 1 and 2.

3.4 Impact assessment

An assessment of the impacts of the proposed project on the ecology of the site was undertaken, based on the findings of the Extended Phase 1 Habitat Survey. The assessment methodology is based on the guidelines given by CIEEM (2018).

4 Limitations of the survey

- The report is based on the findings of a single survey and represents a 'snapshot' of the biodiversity of the site.
- The time of year/behaviour may mean that certain species and habitats are not properly identified
- the recommendations relate to plans/proposals as provided by the client at the time of the survey; any subsequent changes may alter those recommendations and the proposed mitigation/enhancement measures.

5 Survey Results

5.1 Desk Study

The site lies within an Area of Outstanding Beauty and the Hartland Heritage Coast.

5.2 Habitats

The site comprises a garden and gravelled parking areas bordered by trees to the south and west, measuring 425m² (Fig 3). The lawn is newly created with low sward diversity with species including Rye grass, Daisy and Dandelion. To the south of the site a group of 5 Sycamore trees are present (Fig 4). It is unclear if three or more of these are a single multi-stemmed tree as the flare has been buried in a raised bed and piled with garden cuttings. A rotten section of heartwood is visible towards the base. A roadside wall and verge are present (Fig 6).



Fig 3 – The surveyed site comprises a lawned garden with bordering trees to two sides, and wooden panel fencing.



Fig 4 – Group of 2-5 Sycamore trees on raised bed.



Fig 5 – Gravelled access and parking.



Fig 6 – Roadside wall and verge.

5.3 Species

Flora

Several botanical species of ecological note have been recorded within the locality, including non-native invasive species. The site was inspected carefully for signs of these. None was identified.

Fauna

Bats

The Desk Study has identified Common Pipistrelle and Lesser Horseshoe bat within 4km of the survey area.

All species of bat are legally protected under the Conservation of Habitats and Species Regulations (amended 2017), Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and the Countryside and Rights of Way (CRoW) Act 2000, making it an offence to kill, injure, capture or disturb bats, obstruct access to bat roosts or damage/destroy bat roosts.

The trees were inspected for potential roost features, and no obvious habitat was identified, however the trees and lawn may form a small part of a larger foraging habitat for bats.

Dormouse

The desk study found that Dormouse has been recorded within a 4km radius of the site.

Dormouse is classed as a European Protected Species under the EC Habitats Directive 1992 and in the UK it is legally protected under the Conservation of Habitats and Species Regulations 2010, Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way (CRoW) Act 2000. Together this legislation makes it an offence for any person to kill, injure, capture or disturb a Dormouse, or to damage, destroy or obstruct access to any place used by Dormouse for shelter or protection. Dormouse is also UK Biodiversity Action Plan (BAP) priority species and protected under the NERC Act 2006.

Dormouse is considered likely to be absent, and further surveys are not required due to:

- lack of woodland (Dormouse primary habitat)
- lack of woodland edges and suitable hedges (Dormouse secondary habitat)
- lack of Hazel and other fruiting plants (food and nest material resource)
- fragmentation of the site from wider suitable habitat, and a lack of connectivity
- surrounding human disturbance (night-time lighting, presence, noise, traffic, domestic pets).

Otter

Otter has been recorded within 2km of the site on tributaries of the River Stratt.

The European otter is the only native UK otter species. It's a European protected species (EPS) and is also fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 making it an offence to:

- capture, kill, disturb or injure otters
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places
- possess, sell, control or transport live or dead otters, or parts of otters.

The site is not considered to be suitable to support Otter.

Badger

The desk study found that badger has been recorded within 1km of the site.

Badgers and their setts are legally protected under the Protection of Badgers Act 1992, making it an offence to kill, injure or take a Badger or to damage a sett.

The Extended Phase 1 Habitat Survey searched for any evidence that badgers are present on the site, looking for any signs of setts, tracks, latrines, paths and hairs. None was found, and it is considered unlikely badger is present.

Birds

Several bird species of nature conservation importance have been recorded from the local area including Bullfinch, Song thrush, Skylark, Yellowhammer and Barn Owl.

These are UK BAP Priority species and have some protection under the NERC Act 2006.

Wren and Blackbird were identified during the walkover survey.

The nests and eggs of all wild birds are legally protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence to intentionally or recklessly take, damage or destroy eggs or any nest while it is in use or being built.

It is considered unlikely suitable nesting habitat for Skylark and Barn Owl is present. The trees may provide limited suitable habitat for garden species.

Reptiles

The desk study identified Slow Worm within 2km of the site.

All species of reptiles are legally protected from killing and injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Reptiles are also UK BAP Priority species and under the CRow Act 2000 and the NERC Act 2000, Local Authorities have a legal duty to further the conservation these species.

Suitable habitat to support reptiles is limited due to:

- human disturbance (presence, night-time lighting, vehicular traffic, domestic pets).

6 Site Evaluation

Sites, habitats & species are evaluated in a geographical context according to IEEM guidance: international, national, regional, county, district, local, site level.

The site is assessed as being of low conservation value at site level.

7 Proposed works

The proposed project includes the erection of one residential unit, utilizing the existing accessway. It is understood the group of 2-5 Sycamore trees to the south of the site, may have to be removed to facilitate services.

8 Potential Impacts

The site has been assessed as having a low conservation value. Impacts, **in the absence of mitigation**, during the construction phase, and operational phase are considered below:

- Permanent loss of 2-5 Sycamore trees
- Permanent loss of 80% lawn
- Disturbance of nocturnal species through night-time lighting
- Disturbance of nesting birds.

It is considered that due to the poor condition of the sycamore trees, the loss of these may be tolerated.

It is considered that due to the low conservation value of the lawn, the loss of this may be tolerated.

9 Mitigation

Nesting birds

Any trees to be removed will be checked immediately prior to removal for nesting birds. If nesting birds are found to be present, felling shall not occur until after the young have fledged.

Night-time lighting

Avoid all use of exterior night-time lighting if possible. If night-time lighting is required for safety and security reasons:

- Use only porch lighting on a timed motion sensor.
- Ensure the sensor is adjusted to suitable sensitivity levels.
- Set illumination timings for the minimal time period.
- Use directional fittings to ensure light is directed only where it is required.
- Use lowest lux levels as possible.

10 Compensation

Due to the small size of the site compensatory planting for the loss of the Sycamore trees is not possible. However, the owners may wish to consider replacing non-native garden species of shrubs and bushes with native varieties.

11 Enhancement

The small size of the site limits the opportunities for enhancement; however the following is recommended:

- An integrated bat box shall be incorporated to the new unit.
- An integrated bird box shall be incorporated to the new unit.

12 Conclusions

The surveyed garden at Furze View comprises lawns and gravelled areas bordered by trees to the south and west. The site is evaluated as being of low conservation value.

The loss of the Sycamore trees to the south, and most of the lawn, can be tolerated.

Mitigation includes installing sensitive lighting. Compensation includes replacing the non-native garden shrubs with native species.

Enhancement of the site may be achieved by the installation of integrated bat and bird boxes.

It is considered that the proposed project has the potential to cause negligible ecological impacts, and these may be reduced provided the recommendations given are adhered to.

Whilst the construction of one unit falls below planning legislation criteria to attract required formal biodiversity net gain, the recommended enhancements shall provide an ecological gain.

This report has been produced in good faith, with all reasonable skill, care and diligence based on the information provided and accessible at the time of its preparation and within the scope of the work agreed with the client.

We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

This report is provided for the sole use of the named client and is confidential to them and their professional advisors.

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Appendix 1. Criteria for ecological assessment**1. SITES**

Geographical Scale at which Feature is Important	Example of Feature
International	<ul style="list-style-type: none"> • Special Areas of Conservation (SACs) • Special Protection Areas (SPAs) • Ramsar sites • World Heritage Site (if designated for its biodiversity)
National	<ul style="list-style-type: none"> • Sites of Special Scientific Interest (SSSIs) • National Nature Reserves (NNRs).
Regional	<ul style="list-style-type: none"> • Designated wildlife sites supporting a regionally significant area of a UK priority habitat; or large population of species in the UKBAP or of national nature conservation concern protected species level.
County	<ul style="list-style-type: none"> • Non-statutory sites designated at county level – County Wildlife site or County Geology Site. • Ancient woodlands, large areas of priority BAP habitat offering a significant wildlife resource at county level. • Large populations of a legally protected species or species included in the UK or Local BAP or other species considered to be threatened at a national level.
District	<ul style="list-style-type: none"> • Non-statutory sites designated at district level, • Local Nature Reserves (LNRs) • Moderately sized examples of priority BAP habitats.
Local	<ul style="list-style-type: none"> • Old hedges, woodlands, ponds, significant areas of species rich grassland or other habitat, small scale examples of priority BAP habitat • areas supporting small populations of protected species, species included in the UK or Local BAP or other species considered to be threatened at a national level.
Of value within the context of the Site or zone of influence of the scheme	<ul style="list-style-type: none"> • Woodland plantations, structure planting, small areas of species rich grassland • Other species rich habitat that is not included in the UK or Local BAP

2. HABITATS

Geographical Scale at which Feature is Important	Example of Feature
International	<ul style="list-style-type: none"> • EC Habitats Directive – habitat type is listed on Annex 1 • Habitat meets selection criteria for the designation of an internationally important site
National	<ul style="list-style-type: none"> • UK Biodiversity Action Plan - Priority Habitat • Habitat meets selection criteria for the designation of a nationally important site
Regional	<ul style="list-style-type: none"> • Regional Biodiversity Action Plan – Priority Habitat • Habitat meets selection criteria for the designation of a nationally important site
County	<ul style="list-style-type: none"> • County Biodiversity Action Plan – Priority Habitat • Habitat meets selection criteria for the designation of a site of county importance
District	<ul style="list-style-type: none"> • Moderately sized examples of priority BAP habitats.
Local	<ul style="list-style-type: none"> • Old hedges, woodlands, ponds, significant areas of species rich grassland or other habitat, small scale examples of priority BAP habitat
Of value within the context of the Site or zone of influence of the scheme	<ul style="list-style-type: none"> • Woodland plantations, structure planting, small areas of species rich grassland or other species rich habitat that is not included in the UK or Local BAP.

3. SPECIES

International	<ul style="list-style-type: none"> • Berne Convention – Appendices 1 and 2 • Bonne Convention – Appendices 1 and 2 • EC Birds Directive – Annex 1 • EC Habitats Directive – Annex 2 • International Union for the Conservation of Nature - Red list of threatened species • A species which regularly occurs in internationally or nationally important numbers.
National	<ul style="list-style-type: none"> • UK Biodiversity Action Plan Priority species • British Red Data Books • Nationally rare, notable and scarce species • Wildlife and Countryside Act 1991 – Schedules 1, 5 and 8 • Conservation Regulations 2010 – Schedules 2 and 4 • Royal Society for the Protection of Birds - Red and Amber lists • Species which regularly occurs in nationally or regionally important numbers • A nationally important assemblage of species.
Regional	<ul style="list-style-type: none"> • South West Biodiversity Action Plan Priority species • Species which regularly occur in regionally important numbers. • Sustainable populations of species that are rare or scarce within a region.
County	<ul style="list-style-type: none"> • Local Biodiversity Action Plan Priority species • Species which regularly occurs in county important numbers. • Sustainable populations of species that are rare or scarce within a county, or listed in a county BAP.
District	<ul style="list-style-type: none"> • Species listed as priority in the UK BAP, which are not covered above, and are rare in the locality or in the relevant Natural Area profile. • Species present in numbers just short of county importance • Sustainable populations of species that are rare or scarce within the locality.
Local	<ul style="list-style-type: none"> • Other species of conservation interest (which are not covered above) regularly occurring in locally sustainable populations
Of value within the context of the Site or zone of influence of the scheme	<ul style="list-style-type: none"> • All other common and widespread species.

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Appendix 2. Wildlife legislation in England and Wales

Conservation of Habitats and Species Regulations 2010

This Act transposes the EC Habitats Directive into British law. The Regulations cover the designation and protection of 'European sites', the protection of 'European Protected Species', and the adaptation of planning and other controls for the protection of European Sites. The Regulations make it an offence to deliberately kill, disturb or trade in animals listed in Schedule 2 or to pick, collect, uproot, destroy or trade in any plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses from the appropriate authorities.

Wildlife and Countryside Act 1981 (as amended)

This Act consolidates and amends existing national legislation to implement the Bern Convention and the EC Birds Directive in Great Britain. The Act covers the protection of wildlife (all wild birds and some plants and animals), the countryside, National Parks, and the designation of protected areas, and public rights of way. The Act makes it an offence to intentionally kill, injure or take any wild bird or their eggs or nests (with exception to species listed in Schedule 2) and birds listed on Schedule 1 are specially protected. The Act also makes it an offence to intentionally kill, injure, or take, possess or trade in any animals listed on Schedule 5 and any to pick, uproot, trade in or possess any wild plant listed in Schedule 8. The Act also makes it an offence to plant or cause to grow in the wild injurious weeds, such as Japanese knotweed and Giant hogweed.

The Countryside and Rights of Way Act 2000

The CRoW Act, which applies to England and Wales only, provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB).

Natural Environment and Rural Communities Act 2006

The NERC Act makes provision for bodies concerned with the natural environment and rural communities, amends protection for some designated wildlife areas and amends the law relating to rights of way. Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. This list includes habitats and species which have been identified as requiring action in the UK Biodiversity Action Plan. Section 40 of the Act requires local authorities and other decision makers use the list to guide them in their duty to have regard to the conservation of biodiversity in England.

Protection of Badgers Act 1992

Under this Act, it is an offence to wilfully kill, injure, take, trade or cruelly treat a badger, and to destroy, damage or obstruct access to a badger sett. However, licenses can be granted for certain activities which would otherwise be illegal, such as development, forestry and drainage works.

Wild Mammals (Protection) Act 1996

An Act to make provision for the protection of wild mammals from certain cruel acts; and for connected purposes.

Hedgerow Regulations 1997

These Regulations are intended to protect important countryside hedges from destruction or damage. Any landowner who wishes to remove a hedge must serve a Hedgerow Removal Notice in writing to their local planning authority and this must be approved before the hedge can be taken out.

Weeds Act 1959

This Act allows the Secretary of State to enforce occupiers to control injurious weeds on their land. The five species identified in the Act are common ragwort, creeping thistle, spear thistle, broad-leaved dock and curled dock.