



# Preliminary Ecological Appraisal and Preliminary Roost Assessment

John Taylor

Bos Kembro, Pannier Lane, Carbis Bay, St. Ives, TR26 2RF

Status	Issue	Name	Date
Draft	1	Merry Anderson BA(Hons) Consultant Ecologist Bat Level 3/4 Survey Class Licence CL19 & CL20 GCN CL08	1/11/2023
Final	2	Merry Anderson BA(Hons) Consultant Ecologist Bat Level 3/4 Survey Class Licence CL19 & CL20 GCN CL08	02/11/2023

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### Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

### Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

## Executive Summary

Arbtech Consulting Limited was instructed by John Taylor to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Bos Kembro, Pannier Lane, Carbis Bay, St. Ives, TR26 2RF (hereafter referred to as “the site”). The survey was required to inform a planning application for the removal of the existing pitched bungalow roof and the construction of a rear extension to form new pitched roof over new and existing footprint (hereafter referred to as “the proposed development”).

**The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 7 of this report.**

Feature	Survey Results Summary	Impact Assessment	Recommendations
Habitats and flora	Cotoneaster horizontalis and montbretia were identified on the site which are listed as non-native invasive species under Schedule 9 of the Wildlife and Countryside Act 1981.	Site clearance could result in the spread of cotoneaster and montbretia.	Non-native invasive plants should be dug up from the roots and should be burned or disposed of in accordance with local garden waste policies.
Reptiles and hedgehogs	The site contains habitats that may support sheltering reptiles and hedgehogs.	Construction and soft landscaping may result in the removal of brash and vegetation and may include the removal of the decking. This could result in the death or injury of sheltering reptiles and hedgehogs if present.	A precautionary working method will be implemented during construction. Details for each species are shown in Table 7.
Roosting bats Building B1	Building B1 has negligible value for roosting bats due to a lack of suitable roost features.  The roof structure is in excellent condition and looks recently renewed. The house is well-sealed against coastal exposure and as such, there are no gaps or crevices for bats to exploit for roosting. No evidence of roosting bats was recovered from an internal survey.	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the extension and renovations to the roof.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.

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## 1.0 Introduction and Context

### 1.1 Background

Arbtech Consulting Limited was instructed by John Taylor to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Bos Kembro, Pannier Lane, Carbis Bay, St. Ives, TR26 2RF (hereafter referred to as “the site”). The survey was required to inform a planning application for the removal of the existing pitched bungalow roof and the construction of a rear extension to form new pitched roof over new and existing footprint (hereafter referred to as “the proposed development”).

A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting.

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

### 1.2 Site Location and Landscape Context

The site is located in Carbis Bay, St Ives Cornwall at National Grid Reference SW52503891 and has an area of approximately 500m<sup>2</sup> comprising a detached bungalow with terraces gardens to the front and rear. The site is located within dense residential development and is surrounded by housing and gardens on all sides. The site overlooks the coastline located 130m to the east. Trelyon Downs is located to the west and St Ives is located to the north. A site location plan is provided in Appendix 2.

### 1.3 Scope of the Report

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.

- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

## 2.0 Methodology

### 2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

### 2.2 Field Survey

The survey was undertaken by Merry Anderson BA(Hons) Consultant Ecologist Bat Level 3/4 Survey Class Licence CL19 & CL20 GCN CL08 on 31<sup>st</sup> October 2023

#### Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

For ease of reading, scientific names are omitted from this report for widespread, ubiquitous and well-known species. Scientific names are only included where deemed necessary in conveying correct information to the reader, for example where common names differ regionally or in specialised, notable, unusual or challenging taxa, or if there is any ambiguity in identification (e.g. where a species can only be identified to genus level).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

#### Preliminary Roost Assessment

The PRA focussed on 1 built structures which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

#### For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the building was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

#### Suitability Assessment



Built structures were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats

<b>Classification</b>	<b>Feature of building and its context</b>
High	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Moderate	Buildings or structures with one or more features suitable for more regular roosting due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation value such as maternity or hibernation roosts. Continuous habitat connected to the wider landscape which could be used by bats for commuting such as lines of trees, linked gardens. Foraging habitat in the surrounding area such as trees, scrub, grassland or water.
Low	Buildings or structures with one or more features suitable for use sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but largely isolated in the landscape. Or an isolated site not connected by prominent linear features.
Negligible	Unsuitable for use by bats.

### 2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records.

There were no specific limitations to the survey.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

These limitations have been considered during the evaluation of the site and requirement for further surveys and mitigation.

### 3.0 Results and Evaluation

#### 3.1 Designated Sites

Details of any statutory and non-statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below.

The site lies within the impact risk zone for Hayle Estuary & Carrack Gladden Site of Special Scientific Interest (SSSI). The development is not listed as a possible high risk with regard to this designation.

Table 2: Statutory and non-statutory designated sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
Hayle Estuary & Carrack Gladden SSSI	~600m east	The Hayle Estuary is located immediately to the north and west of Hayle on the north Cornwall coast at the head of St Ives Bay. The site consists of an extensive area of intertidal mudflats and sandflats that have accumulated over Lower Devonian slates at the mouth of the Hayle and Angarrack rivers. The Hayle Estuary is the most south-westerly estuary in Britain adjacent to the important bird migration routes that traverse the Lands End peninsula to the west. The site is therefore in a strategic location to provide feeding and roosting habitats for a wide variety of bird species.
Steeple Woodland LNR	~600m west	Steeple Woods is a mature woodland of mainly beech and oak trees to the north of Steeple Lane. The wood contains many old coppiced and pollarded trees.
Bussow Moor & Carn Stabba County Wildlife Site (CWS)	Within 2km west of the site	County Wildlife Sites range from small copses and linear features like river valleys, to ancient woodlands, large moors and wetlands. Many of these are Biodiversity Action Plan (BAP) habitats; these are habitats which are considered of conservation significance either locally or nationally. Cornwall has its own list of BAP habitats. County Wildlife Sites were identified and selected during the 1980s and 1990s using a combination of aerial photograph data, past and local knowledge, and where possible, ground-based surveys. They were selected because of their high nature conservation value. Selection was based on distinctive, important or threatened species and habitats, in either a national, regional or local context and aimed to link and buffer other important areas for nature conservation, such as SSSIs.

#### 3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 3.

Table 3: Weather conditions during the survey

Date:	31/10/2023
Temperature	13°C
Humidity	100%
Cloud Cover	100%
Wind	1mph
Rain	Persistent


**Habitats and Flora**


The following habitats are present within and adjacent to the site:


- u1b developed land, sealed surface
- u1b5 buildings
- u1b6 other developed land
- u1 828 vegetated garden
- u1e 853 built linear feature, mortared wall
- u1e 612 built linear feature, fence

A description and photographs of each habitat are provided in Table 4. Cotoneaster horizontalis and montbretia, both non-native invasive plant species (as listed under Schedules 9 of the Wildlife and Countryside Act 1981) were identified on the site.

Table 4: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
u1b5 buildings  u1 828 vegetated garden  u1e 853 built linear feature, mortared wall	The site is located off Pannier Road and is situated with the roof at road level. A mortared wall of exposed stone extends along the roadside. Two sets of concrete steps lead between terraced garden beds to the front of the bungalow where a sealed concrete walkway extends around the front and side of the property leading to the rear garden. An extension with a garage and parking space is located to the north. To the south is an area of sealed surface, in line with the road, currently used for storing block foundations.	

<p>u1 828 vegetated garden</p> <p>u1e 853 built linear feature, mortared wall</p> <p>u1b developed land, sealed surface</p>	<p>Pictured opposite is the terraced garden leading from the road. This is planted with ornamental native and non-native shrubs and plants, with exposed stone retaining walls which are mortared. Where the site has been left untended, early successional species have begun to colonise the planted beds.</p>	
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<p>u1e 612 built linear feature, fence</p> <p>u1 828 vegetated garden</p> <p>u1e 853 built linear feature, mortared wall</p>	<p>Extending the south boundary is a new close board fence. This continues to the southeast corner of the site. A small section of retained stone wall is still exposed adjacent to the building which is vegetated with herb Robert, montbretia, willowherb and shield fern. Montbretia is a non-native schedule 9 invasive species, however, is commonly used as a garden ornamental and is naturally prolific in the region.</p> <p>The rear garden is terraced, comprising an area of lawn with the remnants of a greenhouse, areas of decking and raised beds. The grass is modified and consist of red fescue (D) common bent (A) and meadow grass (A). The site has been recently cleared with laying dead vegetation present during the survey. Buddliea and cherry laurel have been removed from the site. These are both non-native species. Cotoneaster is also present, growing out of the lawn embankment, some of which has been cut and is piled on the decking area. This is a schedule 9 invasive species.</p> <p>Within the remaining garden wild herbs and forbs have taken over the garden beds. Wild strawberry is abundant. Other species present include mallow (O), hearts tongue and shield fern (F), foxglove (F), sow thistle (O), willowherb (F), oxalis (O), red campion (R) and feverfew (R).</p> <p>Timber fencing extends around the garden boundaries with a low mortared wall below the fence on the north boundary.</p>	
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u1e 853 built linear feature, mortared wall

u1b developed land, sealed surface

At the rear of the bungalow is a raised terrace with a concrete block wall. The terrace is covered in sealed asphalt surface and is unvegetated. The walls are rendered and whitewashed. A set of concrete steps lead from the garden up to this terraced area.



u1b6 other developed land

Other developed land comprises two areas of decking located at the northeast corner of the garden and in front of the side extension below the garage. Gaps under the decking may provide shelter for small wildlife species.




**Fauna**



Bats



The results of the PRA are provided in Table 5. No evidence of roosting bats was identified during the survey.

*Table 5: Assessment of the suitability of the site for bats*

Feature	Description	Photographs						
Historical records	A review of the Magic database returned the following granted European Protected Species Licenses (EPSLs) for bats:	<table border="1"> <tr> <td data-bbox="297 442 696 507">2018-36256-EPS-MIT-1</td> <td data-bbox="707 442 1514 507">Brown long-eared, Natterer’s myotis, common pipistrelle, greater horseshoe, lesser horseshoe</td> <td data-bbox="1525 442 2141 507">Destruction of a resting place ~800m southwest of the site.</td> </tr> <tr> <td data-bbox="297 507 696 544">2017-31586-EPS-MIT</td> <td data-bbox="707 507 1514 544">Common pipistrelle</td> <td data-bbox="1525 507 2141 544">Damage of a breeding site ~1.4km south of the site.</td> </tr> </table>	2018-36256-EPS-MIT-1	Brown long-eared, Natterer’s myotis, common pipistrelle, greater horseshoe, lesser horseshoe	Destruction of a resting place ~800m southwest of the site.	2017-31586-EPS-MIT	Common pipistrelle	Damage of a breeding site ~1.4km south of the site.
	2018-36256-EPS-MIT-1		Brown long-eared, Natterer’s myotis, common pipistrelle, greater horseshoe, lesser horseshoe	Destruction of a resting place ~800m southwest of the site.				
2017-31586-EPS-MIT	Common pipistrelle	Damage of a breeding site ~1.4km south of the site.						
Bat foraging and commuting habitat	<p>The site is located within a residential area surrounded by houses with gardens containing scattered trees and shrubs. This will provide a foraging resources for bats dispersing from nearby roost sites. To the north and southeast extends the coastline of Carbis Bay with maritime cliff slope scrub vegetation. Small pockets of broadleaf woodland are present between the houses and the cliff edges. This will support a rich diversity of insect and invertebrate prey. The line of the coast will be used by commuting bats as they navigate the local landscape.</p>							



<p>B1 – west elevation</p>	<p>B1 is a detached bungalow constructed from rendered block. The roof is hipped and pitched with a cross hipped extension to the west and south. The roof is clad in slate tiles and a concrete ridge. The roof is on extended eaves which are closed and blocked in. A small flat roof porch with EPDM roof is located on this elevation. The roof and ridge are in excellent condition and look relatively new. The tiles are flush with no damaged, slipped or missing tiles. The ridge is intact and continuous with no missing mortar or gaps leading into the ridge tiles. The end ridge tiles are capped in mortar. The valley is lined in lead flashing and is in good condition with no gaps leading under the field tiles on either side. The EPDM flat roof is in good condition. No roost features were identified on this elevation.</p>	
<p>B1 – southern elevation</p>	<p>The roof on the south elevation is similarly in excellent condition. All sections of ridge are capped with mortar. No gaps were identified within the field tiles to provide roost habitat for bats. An inspection under the eaves found them to be boxed in with timber with no gaps leading into the roof.</p>	

<p>B1 – north elevation</p>	<p>A chimney is present on the north roof elevation. This has a lead flashing collar which sits flush with the surrounding field tiles. No roost habitat was identified on this elevation. All the tiles are intact and flush.</p>	
<p>B1 – South elevation - eaves</p>	<p>Picture opposite are the eaves which are extended and closed. Due to the coastal aspect of the house, the roof is well-sealed against the prevailing sea winds. As such, there are no gaps to provide roost habitat for bats or access into the internal roof void.</p>	

B1 – east elevation


The roof to the rear of the property is clad in natural slate tiles and a concrete ridge. An inspection using binoculars found the field tiles to be intact and flush. The area under the roof around the bay windows was examined using a high-powered torch and ladder. There is extensive mortar around the top of the bay window roofs which fills the cavity under the main roof and eaves. No gaps leading under the roof line were identified. The ridge is intact and continuous with no missing mortar.



B1 – interior

The interior loft is constructed from modern timbers and lined in breathable roof membrane which is in excellent condition. The floor is covered in mineral wool insulation which has multiple layers. There are supporting timbers across the apex of the roof. A central area around the loft hatch has been covered with floorboards on loft stilts. An inspection was conducted throughout the loft using a high-powered torch. Attention was paid to the areas along the walls at the hipped roofs and down the central ridge. The wool insulation around the perimeter of the loft and along the ridge lines was pulled back to reveal the original layer of insulation underneath. This was inspected for historical evidence of roosting bats, such as droppings or feeding remains however none was found. The top of the insulation, floorboards and supporting roof beams were examined throughout the loft, however no evidence of roosting activity was recovered.



<p>B1- interior</p>	<p>The chimney stack extends through the loft is well sealed to the roof. This was examined for urine stains and bat droppings down the walls and around the base. No evidence of roosting bats was recovered.</p>	
<p>B1 – suitability assessment</p>	<p>In line with the BCT survey guidelines, B1 has been assessed to provide negligible value for roosting bats. The building has been constructed and maintained to a high standard and is well sealed against the exposed coastal climate. No gaps suitable for roosting bats was identified. An internal survey did not recover any evidence of bat using the internal roof structure.</p>	

Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 6.

Table 6: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability
Amphibians	The site is outside of the natural distribution for GCN. A review of the OS aerial map did not return any natural waterbodies or ponds within 500m of the site. As such, there is no suitable breeding habitat in the locality or surrounding area to support common amphibians. Therefore, the presence of amphibians within the site is not anticipated and they are given no further consideration within this report.
Reptiles	The site is located within an existing residential area and has severed connectivity to habitat where large populations of reptiles are likely present. The site is bound by extensive development and urban infrastructure to the west and surrounding walls and fence lines to the north and south. Access to the east into surrounding gardens may allow for the migration of reptiles into the site from the surrounding landscape. Relic populations of common species such as slow worm may be present in the garden to the rear however, populations are anticipated to be in low numbers.
Terrestrial mammals	Given the geographical location and the habitats within the site, the presence of dormouse is not considered. The site is severed from woodland where badger colonies may exist by the presence of extensive development and site boundaries of walls and fences. Hedgehogs may be present within the site, accessing through small gaps in fencing. Hedgehogs are highly urban tolerant and will find shelter in man-made structures, enabling them to live exclusively in residential areas. The void under the raised decking may provide shelter and over-wintering hibernacula for hedgehogs. The small area of grassland and raised vegetated beds will provide a foraging resource.
Birds	The site is sub-optimal for birds due to a lack of tree or hedgerow habitat. Occasional visits may occur from common garden species, foraging the vegetated garden for insects and invertebrates. The site has no habitat for breeding birds. No nests were observed during the survey.
Invertebrates	The site is sub-optimal for notable or large populations of invertebrates. The terraced garden to the front of the site may support a variety pollinating insects in small numbers. Small crevices in the stone walls provide shelter for soil invertebrates, beetles and spiders. There are two standing dead wood stumps in the rear garden that will provide habitat for saproxylic species if retained.

## 4.0 Conclusions, Impacts and Recommendations

### 4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

### Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e. the area covered by the desk study and field survey) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

### 4.2 Evaluation

Taking the desk study and field survey results into account, Table 7 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the removal of the existing pitched bungalow roof and the construction of a rear extension to form new pitched roof over new and existing footprint.

Table 7: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities <sup>1</sup>
Designated sites	There are 2 statutory sites within 2km of the site, the closest being Hayle Estuary & Carrack Gladden SSSI located	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites as well as the urban location of the site with surrounding physical barriers.	None.	None.

<sup>1</sup> The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	<p>~600m from the site. The site lies within the impact risk zone for this designation however the proposed development is not listed as a possible high risk for this designation.</p> <p>There is 2 non-statutory sites within 1.4km of the site.</p>			
<p>Habitats and flora</p>	<p>There are no notable habitats within the site but deciduous woodland and maritime cliffs and slope habitats are present within 1km of the site.</p> <p>Habitats within the site comprise vegetated garden beds, terraced flowerbeds and lawn grassland. These habitats are considered common and of</p>	<p>No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers.</p> <p>The proposed development will result in restructuring of the current dwelling, to include an extension to the rear. It is assumed some soft landscaping will also be undertaken as part of the project.</p> <p>Clearance of the site could result in the spread of cotoneaster and montbretia.</p>	<p>Non-native invasive plants should be dug up from the roots and should be burned or disposed of in accordance with local garden waste policies.</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development:</p> <ul style="list-style-type: none"> <li>Planting of native shrubs, trees and flora that are tolerant of the coastal conditions and are likely to be successful.</li> </ul> <p>Species-specific enhancement opportunities are detailed later in this table.</p>



	<p>low ecological value. The site has severed connectivity to habitats of higher ecological value.</p> <p>Cotoneaster horizontalis and montbretia were identified on the site which are listed as non-native invasive species under Schedule 9 of the Wildlife and Countryside Act 1981.</p>			
<p>Reptiles</p>	<p>The site may contain small numbers of common reptiles such as slow worm. These species may be found sheltering under stored waste material or under decking.</p>	<p>Construction and soft landscaping may result in the removal of brash and vegetation and may include the removal of the decking. This could result in the death or injury of sheltering reptiles if present.</p>	<p>A precautionary working method will be implemented during construction, including the following measures:</p> <ul style="list-style-type: none"> <li>• Any vegetation, brash or rubble piles will be dismantled by hand and debris will be stored on pallets or removed from the site to prevent reptiles from utilising these areas.</li> <li>• Areas of decking will be dismantled by hand after a pre-commencement check has been conducted for sheltering reptiles.</li> <li>• Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</li> </ul>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles:</p> <ul style="list-style-type: none"> <li>• Hibernacula using dead wood or rocks will provide shelter and basking opportunity.</li> <li>• Areas of tussocky grassland will increase foraging resources.</li> <li>• Grass compost heaps will provide breeding habitat.</li> </ul>

			<ul style="list-style-type: none"> <li>Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</li> <li>In the unlikely event that a common reptile is identified, this should be allowed to disperse of its own accord or moved by hand away from the work area.</li> </ul>	
Roosting bats Building B1	<p>Building B1 has negligible value for roosting bats due to a lack of suitable roost features.</p> <p>The roof structure is in excellent condition and looks recently renewed. The house is well-sealed against coastal exposure and as such, there are no gaps or crevices for bats to exploit for roosting. No evidence of roosting bats was recovered from an internal survey.</p>	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the extension and renovations to the roof.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	<p>The provision of 2 integrated bat boxes into the fabric of new buildings will provide additional habitat for roosting bats.</p> <p>E.g. NHBS Vivara Pro Build-in Woodstone Bat Tube Wildcare Integrated Eco Bat Box, Cavity Or a similar brand.</p> <p>Boxes should be installed a minimum of 3m from ground level in a south, south-westerly aspect, away from artificial light.</p>
Foraging and commuting bats	There are no habitats on the site which could be used by bats	The proposed development will result in an increase the ridge height of the dwelling and include windows at an elevated level, however, given the	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats:

	for foraging or commuting.	location of the site and the surrounding houses, this is not anticipated the development will significantly increase artificial light spill or deter foraging and commuting bats from the area.		<ul style="list-style-type: none"> <li>Planting of native tree, shrub and hedgerows to increase foraging opportunities.</li> </ul>
Hedgehog	The site contains habitats suitable for foraging and sheltering hedgehogs that may be residing in the locality.	Construction and soft landscaping may result in the removal of brash and vegetation and may include the removal of the decking. This could result in the death or injury of sheltering hedgehogs if present.	<p>A precautionary working method will be implemented during construction, including the following measures:</p> <ul style="list-style-type: none"> <li>A pre-commencement inspection of the site will be undertaken for hedgehogs. Where possible, inspection using a torch will be conducted under raised decking to check for the presence of sheltering hedgehogs.</li> <li>Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.</li> <li>The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use.</li> <li>Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.</li> <li>If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.</li> </ul>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs:</p> <ul style="list-style-type: none"> <li>Gaps in fencing should be provided to allow the free movement of hedgehogs through the site.</li> <li>The provision of tussocky grassland or native vegetated area will increase foraging resources for hedgehogs.</li> <li>The provision of hibernacula from logs or brash will provide shelter.</li> </ul>
Birds	The site contains no habitat for nesting birds due to a lack of any tree, shrub or hedgerow	No impacts are anticipated on nesting birds as a result of the proposed development.	None.	The installation of 1 integrated bird boxes at the site will provide additional nesting habitat for birds. Commercially available Swift boxes incorporated in the fabric recreate the natural cavities found in older properties and are acceptable to most building dependent species. They will be used by house sparrows, great tits

	vegetation. The site may be used opportunistically by foraging passerine species.			and starlings as well as swifts and other species. Nest provision should be approximately metre+ apart and approximately five metres above ground level in locations sheltered from prevailing weather conditions and direct sunlight. "In order to help achieve gain for biodiversity Cornwall Council expects each new residential unit (this includes conversions of non-residential buildings and new dwellings built to replace demolished dwellings) to provide at least one bird box/ brick per unit within the scheme. Provision of artificial nest sites is required due to the lack of nesting opportunities in modern building design. The reduction in available nesting and roosting sites is implicated in the decline of these species. Boxes need to be built into the units on site as other types of box e.g. tree mounted or surface mounted to buildings, have a very limited lifespan." Cornwall Planning for Biodiversity Guide ( <a href="https://www.cornwall.gov.uk/media/v1roqk0x/planning-for-biodiversity-v14.pdf">https://www.cornwall.gov.uk/media/v1roqk0x/planning-for-biodiversity-v14.pdf</a> )
Invertebrates	The site is sub-optimal for notable or large populations of invertebrates. the ornamental flowerbeds will provide a small nectar resource for pollinating insects. Dead wood stumps may support some saproxylic species.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates: <ul style="list-style-type: none"> <li>• In line with local policy, the provision of 1 bee brick built into the fabric of new buildings will provide additional habitat for solitary bees and wasps.</li> <li>• The provision of early flowering native trees and shrubs will provide an early resource of nectar and pollen.</li> <li>• Retention of dead standing wood will increase habitat for beetles and other dead wood invertebrates.</li> <li>• Planting of native flora within flowerbeds will attract bee, butterflies and other pollinating insects.</li> </ul>

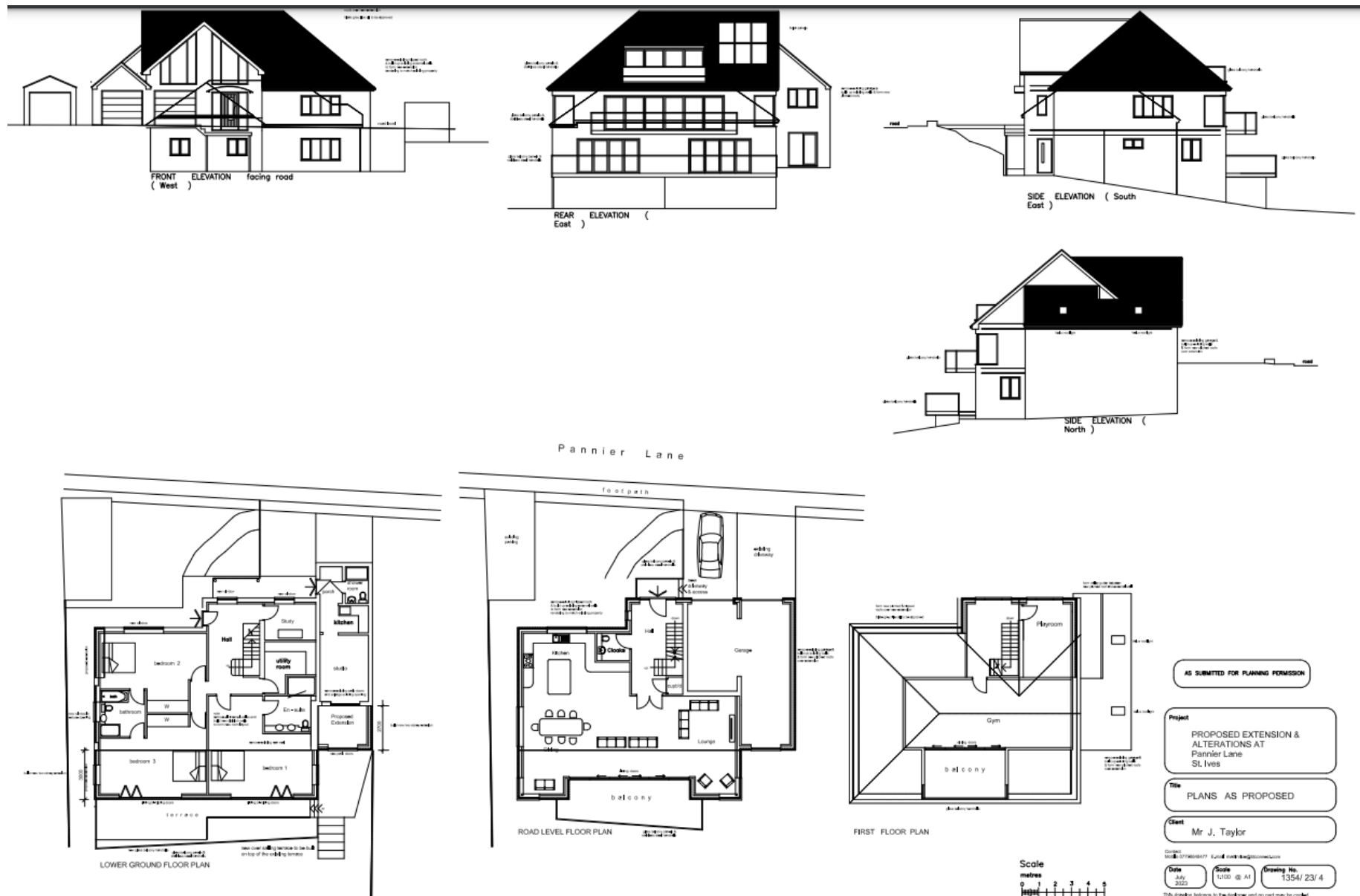
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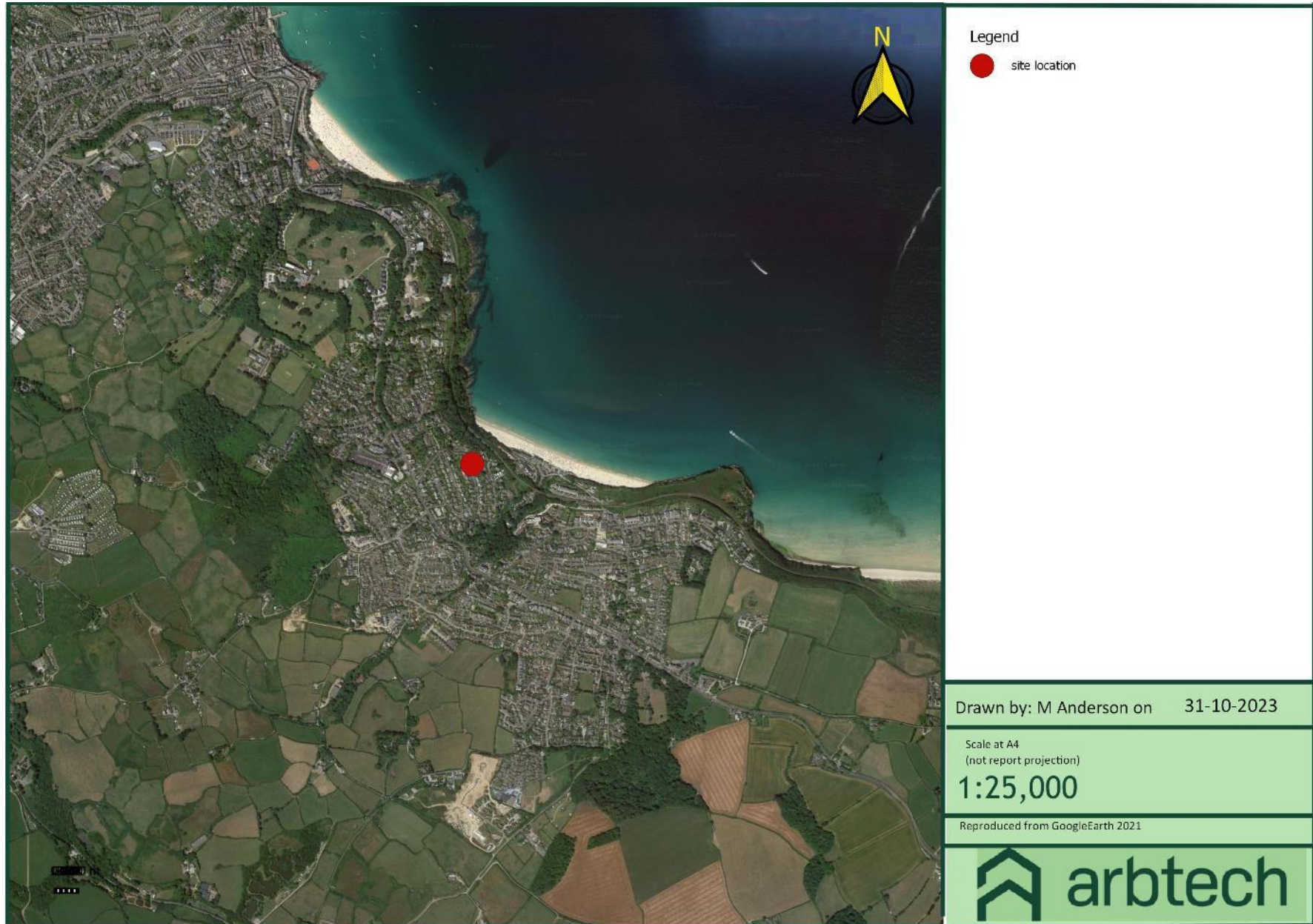
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Appendix 1: Proposed Development Plan





### Appendix 2: Site Location Plan



### Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Plan



## Appendix 4: Legislation and Planning Policy

### LEGAL PROTECTION

#### National and European Legislation Afforded to Habitats

##### *International Statutory Designations*

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

**Annex II species** (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

**Annex IV species** (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

**Annex V species** (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”.

However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites.

The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

##### *National Statutory Designations*

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

#### ***Local Statutory Designations***

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

#### ***Non- Statutory Designations***

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

#### **The Hedgerow Regulations 1997**

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

#### **National and European Legislation Afforded to Species**

##### ***The Conservation of Habitats and Species Regulations 2017 (as amended)***

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

### ***The Wildlife and Countryside Act (WCA) 1981 (as amended)***

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

### ***Badgers***

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

**EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

***Birds***

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

**EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

***Amphibians and Reptiles***

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young.
  - To impair their ability to hibernate or migrate
  - To significantly affect the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

#### **Water Voles**

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:



- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

#### ***Otters***

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young.
  - To impair their ability to hibernate or migrate
  - To significantly affect the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

### **Bats**

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young.
  - To impair their ability to hibernate or migrate
  - To significantly affect the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSL. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

### **Hazel Dormice**

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
  - To impair their ability to survive, breed, or reproduce, or to rear or nurture young.
  - To impair their ability to hibernate or migrate

- To significantly affect the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

#### ***White Clawed Crayfish***

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

#### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

#### **Wild Mammals (Protection Act) 1996**

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

### **Legislation Afforded to Plants**

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
  - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
  - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

#### ***Invasive Species***

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife.

Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

### ***Injurious weeds***

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

### **EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS**

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

**NATIONAL PLANNING POLICY*****Environment Act 2021***

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

***National Planning Policy Framework 2021***

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

***The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty***

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

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'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

## LOCAL PLANNING POLICY

### Cornwall Local Plan 2010-2030

Cornwall Local Plan 2010-2030 can be viewed here: <https://www.cornwall.gov.uk/media/ozhj5k0z/adopted-local-plan-strategic-policies-2016.pdf>

#### Development and mitigation

Policy 2.166 Development should avoid any adverse impact on biodiversity and geodiversity. Where significant adverse impacts would result, the first priority should be relocation of the development to an alternative site. If impacts cannot be avoided then suitable mitigation is required. If that is not possible, then full compensation must be provided. 2.167 Planning applications which have the potential to impact on biodiversity and geodiversity (including but not restricted to, Local Nature Reserves (LNR), Regionally Important Geological/ Geomorphological Sites (RIGs), and habitats of species of principal importance for biodiversity) will need to be accompanied by ecological statements, which describe the ecological value of the site and the nature and extent of any impact of the proposed development. They should outline any mitigation measures and the steps to be taken to enhance biodiversity features, avoid adverse impact on ecological features and where appropriate manage the biodiversity interest, as part of the proposals. Further information on the standard of surveying and reporting required is set out in the biodiversity SPD being prepared by the Council to assist applicants.

### The Cornwall Planning for Biodiversity and Net Gain Supplementary Planning Document 16/10/2018

The Cornwall Planning for Biodiversity and Net Gain Supplementary Planning Document can be viewed here: <https://www.cornwall.gov.uk/media/v1roqk0x/planning-for-biodiversity-and-net-gain-spd-v11.pdf>

The following species could be present on the site or in the surrounding area (based on the site survey and a review of the magic.gov.uk database) and are included in the plan:

Species: Barbastelle bat, Greater horseshoe bat, Lesser horseshoe bat, Soprano pipistrelle bat, Brown long-eared bat, Noctule bat, harvest mouse

## EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision.
- Policy 2; provides greater flexibility in the location of compensatory habitat.
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.

