

Dormouse
Assessment

Development at
87 Sidford High Street
Sidmouth
East Devon

A Report prepared
for In-Ex Design Ltd

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Final Report



encompass

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1 Introduction

Encompass Ecology Ltd was commissioned through In-Ex Design Ltd to undertake a dormouse presence/absence assessment on land at 87 Sidford High Street, Sidford, East Devon, located at NGR SY 125 900. The location and extent of the survey area can be seen in figure 1.

The requirement for a dormouse assessment was identified within the judgement of an Appeal hearing raised by the site owner Mr. P. Aldam, against the refusal of planning permission by East Devon District Council (planning reference 202653/FUL), dated 26/10/2020 and refused on 23 December 2021. The proposed site layout can be seen in figure 2.

An Appeal hearing was held on 14 November 2022 in regard to the proposed development for the demolition of the existing dwelling on site and the re-development of the site to provide four dwellings with a new vehicular access.

The appellant had submitted new evidence prior to the Appeal relating to biodiversity enhancement measures within the development proposed which EDDC are understood to have accepted. It would appear that in light of that new evidence the matters in dispute had narrowed to include the presence or absence of dormice and reptiles, and potential loss of their habitat. This framed the main issue and the assessment of the proposal.

Overall, the Appeal was dismissed on the basis that reptile and dormouse survey information was not submitted with the application and hence, *'Overall, there is insufficient evidence to demonstrate that the proposal would have an acceptable effect on the protected species of dormice and reptiles. Therefore, it would conflict with Policy EN5 of the East Devon Local Plan 2016, which among other things sets out that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value.'*

The reptile assessment is reported separately. In accordance with the specific conclusions of the Appeal decision, the following dormouse assessment is presented, both to accord to Best Practice but also to inform East Devon District Council and allow the planning process so to accord with local plan policy.

The presence of Hazel dormouse is known within the locality with the current ecologist having documented their presence within hedgerow habitat of a development site 300 metres to the west in 2010. In 2014 when the 87 Sidford High Street site was first surveyed, the gardens associated with the property were formally laid out and well maintained, with separate compartments for lawn, flower beds, orchard and vegetable garden, all separated with ornamental hedging. Since that time, the property has fallen derelict and the gardens only occasionally maintained such that bramble scrub covers much of the original garden segregation. Further properties have also been built immediately to the west and south, removing previous boundary hedgerows and replacing these locally with wooden fencing.

Dormice are fully protected as a Schedule 5 species against killing and injury under UK legislation by the Wildlife and Countryside Act 1981, as amended. Their protection is furthered through the Countryside Rights of Way Act (CRoW) 2000. Dormice and their habitat are further protected from killing and disturbance by European Species legislation, (Habitat Regulations, 1994 and the Conservation of Habitats and Species Regulations 2010).

The current dormouse assessment is designed to be a qualitative assessment only to gauge presence/absence of dormice *Muscardinus avellanarius* on site and to help direct mitigation to reduce habitat loss on site and to suggest suitable mitigation practices and the requirement for licensing of works, where appropriate .

2 Background

2.1 Site Description and Context

The site was first surveyed in 2012 by Encompass Ecology Ltd at which time there was an occupied mock Tudor type house on site, of likely early twentieth century era. The property is quite substantial in size and occupies the northern part of the site from which access is taken directly from Sidford High Street. There is a graveled parking area to the north of the main house and at in 2012 there were numerous sheds, a garage and a greenhouse present to the east of the main house. The main house has hanging clay pan tiles on the western and southern elevations at first floor level and a large veranda to the rear (southern elevation).

The rear garden falls away from the property to the south and was initially compartmentalized into an amenity lawned area adjoining the house with a vegetable garden and small orchard towards the southern end of the curtilage. Mature hedgerows bounded all sides of the study site in 2012, the best example being a banked hazel dominated hedgerow on the eastern site boundary hedgerow to the neighbouring garden. This hedgerow was however impacted in 2012, suffering from being shaded out by a Leylandii hedge planted directly in front. The Leylandii was subsequently removed under the terms of habitat improvements as part of a previously agreed planning permission on site and has since flourished.

Throughout the years of survey, the house has become derelict and suffered from break-ins and vandals, with all doorways and windows now either hoarded up or broken. The hanging pan tiles on the rear elevation, a few of which were initially missing, have also been broken in the process. The sheds and structures on the eastern side of the main house were demolished in 2014.

Since 2016, one of the large Pine trees within the rear garden on the western boundary has also been clear felled across the garden. The trunk and associated branches of this tree are very substantial in size and within the current intervening period have been covered in dense bramble growth. This dense scrub habitat now dominates the central rear garden area, such that the previous compartmentalized nature of the garden has been masked.

The area of amenity grassland below the house is present but has been left to become rank, with patches of Tansy and Ribwort Plantain present and pockets of bramble also developing. The grassland is still relatively open and dominated by Common Bent grass but retains a sheltered southerly aspect.

2.2 Dormice

Dormice are nocturnal, arboreal mice that will forage and nest in areas of suitable scrub and woodland habitat generally at low population densities. Once thought of as confined to areas of Hazel coppice, recent studies have shown dormice are also known to utilise diverse habitat types. Dormice activity is strictly dependent on weather conditions and time of year, and they are one of the few British species to truly hibernate.

Dormice are protected by UK and European law, providing legal protection for both the individual animals and the habitat they utilise in which to take shelter. Dormice are also both a UK Priority and Devon Biodiversity Action Plan (BAP) species.

Devon is an area well documented to provide locally common dormouse records due to the preponderance of mature species rich, banked hedgerows and woodland areas that serve as ideal feeding and nesting habitat.

3 Survey Methods

During the current survey, the potential presence of dormice was assessed using the Best Practice method of appraising dormouse potential on site, and the widely accepted method of deploying summer nest tubes, (*The Dormouse Conservation Handbook, Second Edition, 2006*).

This method is fully described in the former English Nature (EN) South-West dormouse project publication (EN publication No. 529) and involves placing dormouse tubes within the hedgerows and scrub habitat within the garden area. These tubes have been shown to be utilised by dormice as places of shelter during the summer and autumn foraging periods if they are present on site.

Since dormice are generally only present at low density within suitable habitats, surveys have to be undertaken over an extended timescale through which different months accrue differing probabilities of encountering dormice, (based on the deployment of 50 nest-tubes), see *table 3.1* below. Either presence is found on site during the survey period or Best Practice stipulates the requirement for a score of 20+ during the survey season to make a reasonable assumption of dormouse absence on site.

Month	Index of probability
April	1
May	4
June	2
July	2
August	5
September	7
October	2
November	2

Table 3.1: Index of probability of detecting dormouse presence within survey tubes each month during active season – taken from Chanin and Woods.

Examination of the tubes and investigation of the structure of any nest present can determine their presence. The surveys were all undertaken by Julian Perrett BSc. MSc MCIEEM CEnv, an experienced dormouse surveyor, under a valid current Natural England class based dormouse handling licence (2016-22274-CLS-CLS).

Normally, nest tubes are deployed at 20 metres spacings along hedgerows, hence to accommodate 50 tubes, a length of 1km of hedgerow would normally be required. In the case of the rear garden of the 87 Sidford High Street property, such length of hedgerow was clearly not available. This was overcome during April 2023 through a method statement approach to vegetation clearance on site in which the dormouse licenced ecologist undertook a finger-tip hand search of vegetation for any early signs of dormice before small 'wedges' of scrub vegetation were removed to increase the length of 'edge' habitat on site in which dormouse nest tubes could be placed. This allowed the necessary number of survey tubes to be installed, in accordance with the requirement to undertake survey assessment.

Whilst undertaking hand searches of the vegetation, the ecologist also actively searched for any indications of nesting birds such that any likely nesting locations could be retained and suitable vegetation buffers retained so as not to cause disturbance.

Following vegetation clearance fifty (50) Mammal Society dormouse tubes were placed within the eastern hedgerow, ornamental hedgerow features on site and throughout the scrub area present. The tubes were checked twice during the survey season and collected on 17 October 2023, timings which allowed 20 points to be accrued, using the index of probability described above. Dormouse nest-tubes were placed in the hedgerow and associated vegetation at approximately chest height and secured in place using flexible wires.

4 Survey Findings

The nest tube survey resulted in the finding of a single dormouse nest on site, found on 17 October 2023, located within the edge of the eastern hedgerow corridor, see *figure 3*. The dormouse nest was characteristic in nature with green outer hazel leaves and a tightly woven centre. The nest was empty at time of survey but was considered to be freshly constructed, see *photographs provided*. No dormouse nests had been found on site during the summer check performed.

Feeding stations and occasional woodmice were also encountered within the survey nest-tubes at reasonable levels during both surveys. The woodmice nests were very different from the dormouse nests and were composed of either wet, brown leaves or dry green leaves placed loosely within the tubes and with no particular arrangement, whereas the dormouse nest contained a clear woven centre with surrounding leaves, mostly green.

Selected photographs are presented in Appendix 1.

5 Legislation and Planning Policy

This is a summary of relevant legislation; however it is recommended that proper legal advice be sought as necessary.

5.1 Hazel Dormice

Dormice and their habitat are protected in the UK under the Wildlife and Countryside Act 1981 (as amended), through inclusion in Schedule 5 and under the Countryside and Rights of Way Act 2000. Dormice and their habitat are further protected by European Species legislation, (Habitat Regulations, 2010). Taken together, these acts and regulations make it illegal to:

- deliberately capture, injure or kill hazel dormice
- damage or destroy a dormouse resting place or breeding site
- deliberately or recklessly disturb a hazel dormouse while it's in a structure or place of shelter or protection
- block access to structures or places of shelter or protection
- possess, sell, control or transport live or dead hazel dormice, or parts of hazel dormice

Developments that compromise the protection afforded to Dormice under the provisions of the Habitat Regulations 2010 will almost invariably require a European Protected Species Licence (EPSL) to do so lawfully from Natural England.

5.2 Planning Policy

Nationally, protected species are considered under the National Planning and Policy Framework (NPPF) and through local Biodiversity Action Plan (BAP) policies, which endeavour developers to incorporate suitable mitigation and compensation within proposed development sites upon which protected species are known to be present.

This is reflected locally through the East Devon District Council Local Plan 2013-2031, specifically within Policy EN5 Wildlife Habitats and Features.

If dormouse presence is confirmed by survey, a mitigation plan should be formulated and conditioned within any granted approval of planning permission and agreed between the developer and the Local Planning Authority to protect these species during the construction phase of development and provide suitable long-term incorporation of habitat/features for them within the end development scheme proposed, where appropriate.

6 Conclusions and Recommendations

6.1 Assessment of the presence of EPS

The assessment of the survey effort undertaken can be scored against the 'Good Practice Recommendations' for assessing survey effort as outlined within the new (2nd Edition) Dormouse Conservation Handbook, (Natural England), outlined within section 3.1 and table 3.1.

Summing up the score attained for the months included within the surveys undertaken at the 87 Sidford High Street study site (50 survey tubes deployed from mid-April to mid-October), the current survey would score a total of 21.5 points. This exceeds the requirement of 20 to satisfy current Best Practice working methods to describe a valid survey but due to the fact that a dormouse nest has been recorded on site, is sufficient to satisfy the aims of the survey and establish dormouse presence on site.

6.2 Consideration of likely Impacts on Dormice

Since dormice have been found on the 87 Sidford High Street study site, mitigation would be best undertaken under the terms of a dormouse mitigation licence (EPSL) to allow a derivation from current legal statute and the disturbance of a European Protected Species (EPS) to be allowed.

To compensate for the likely disturbance to dormice during the development proposed and the loss of potential foraging habitat on site we would recommend that existing hedgerows are sensitively incorporated within the development, (as proposed), with particular attention paid to their long-term management. This has obviously worked well in the past with the removal of the *leylandii* along the eastern hedgerow, allowing that native hedgerow to prosper and provide suitable habitat for dormice on site. Further suitable hedgerow management and creation would be proposed on site to both re-instate/reinforce hedgerows along the southern and western site boundaries where Laurel and wooden panelled fencing now exists. It can be seen that further internal hedgerows are also proposed on site to provide additional native, structured habitat on site, suitable for dormouse occupation.

Hedgerow provision will provide continued habitat linkage on site and if comprised of suitable native woody species will provide a potential greater food resource for dormice through the active season.

6.3 Progression to Construction

To proceed with any proposed development works, full planning permission must firstly be achieved with the LPA being fully aware of the presence of EPS on site. It would then be recommended that the ecologist and client apply for a European Protected Species Licence (EPSL) to cover the development proposed, the vegetation clearance works that would need to be undertaken and the mitigation that would be required.

Any EPSL application would have to satisfy the three tests contained within Regulation 53(9) of the Conservation of Habitats and Species Regulations 2010 in that, the development would have to be applied for and be proved on the basis of 'over-riding public interest', that there was 'no satisfactory alternative' and that the EPS would be maintained at 'a favourable conservation status' within their local range.

The timetable for EPS licence submission to approval is generally 30-45 working days, pending acceptance of information provided and mitigation measures proposed. An EPSL application can only be made once full planning permission has been granted and any other EPS wildlife conditions have been satisfied.

Timing restrictions are generally placed upon licensed works that would affect dormice, (i.e. vegetation clearance to avoid the summer breeding season) in an attempt to avoid causing unnecessary and significant disturbance to this protected species. Autumn and winter clearance is often preferred since this avoids the bird-breeding season.

6.4 Mitigation

As part of any mitigation package, a dormouse licensed ecologist would direct, oversee and hand search the vegetation prior to removal, using hand tools only and at an appropriate time of year to reduce any undue disturbance to EPS. The extent of works would all be agreed with Natural England within the Method Statement of the EPSL document.

A landscaping and planting scheme would also have been approved that would ideally result in no net loss of dormouse habitat on site. The retention of viable habitat linkages around the site is paramount in any mitigation package proposed and the creation of new dormouse suitable habitat on site would be needed to compensate for the vegetation clearance proposed and the new hedgerow breach required for the site access, (understood to have already been agreed through previous planning permission). Again, mitigation measures and compensatory planting would have to be agreed with Natural England under any EPSL submission.

Within any works proposed, dormouse nest boxes would also be recommended to be installed within the hedgerow and retained habitats as part of any works species mitigation plan (number and location to be agreed with Natural England during the licence application). These nest boxes are proven to increase dormouse density within habitats through the provision of suitable nesting areas and would benefit any dormouse population present. A five year monitoring of the nest boxes would likely be a license requirement to fully monitor the success of the mitigation measures employed and ensure dormice still used the habitats retained/created on site at similar population levels than before development, (i.e. maintain 'Favourable Conservation Status').

Due to the documented presence of dormice on site, planning can proceed and a determination can be made on the planning application, having taken account of European Protected Species issues (dormice).

References

Bright, P., Morris, P. and Mitchell-Jones, T. The Dormouse Conservation Handbook. Second Edition. 2006 English Nature.

Bright, P and MacPherson, D. Hedgerow Management, dormice and Biodiversity. 2002. English Nature report number 454.

Chanin, P. and Woods, M. Surveying Dormice using nest tubes. Results and Experiences from the south-west dormouse project. 2003. English Nature Research Report number 529.

Website References

Multi-Agency Geographic Information for the Countryside (MAGIC), www.magic.gov.uk

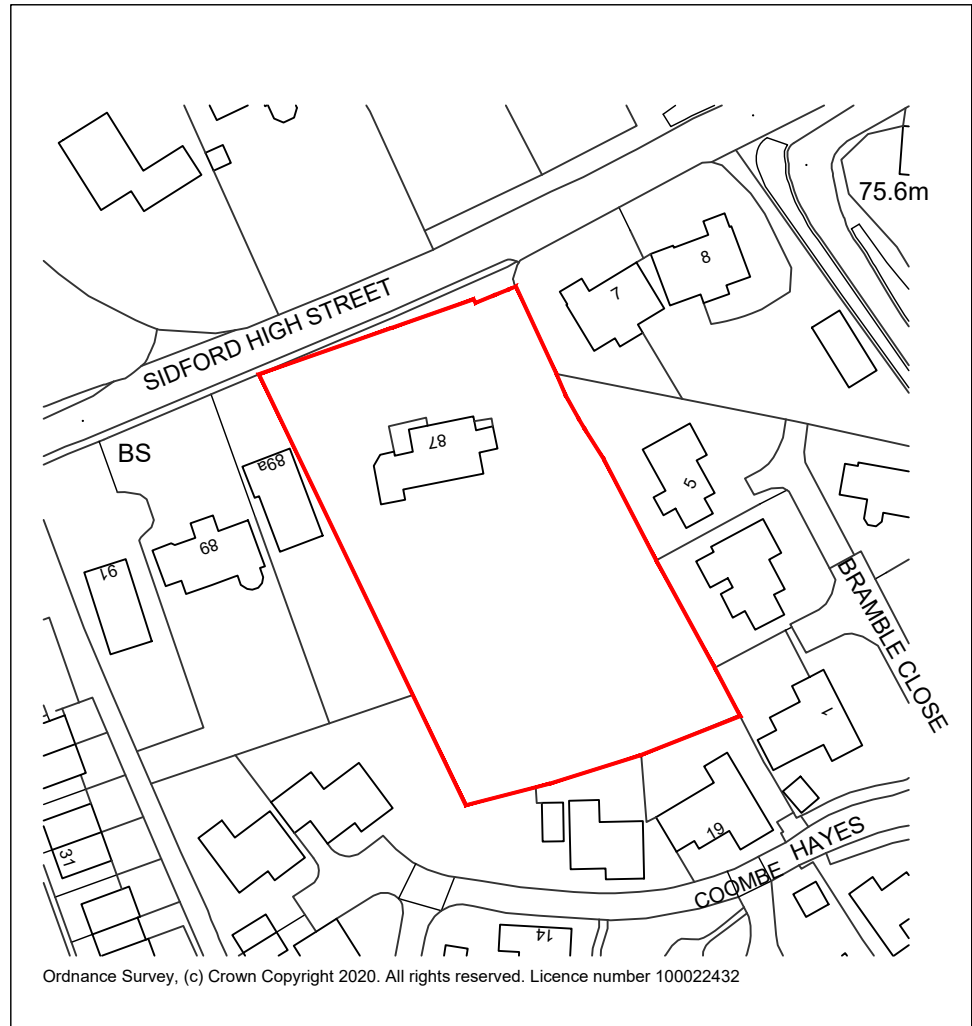
National Biodiversity Network, www.nbn.org.uk

National Planning Policy Framework (2019). www.tso.gov.uk

UK Biodiversity Action Plan List, www.ukbap.org.uk

Figure 1: Location plan of the 87 Sidford High Street study site, Sidmouth, East Devon.

See adjoining sheet



SITE LOCATION PLAN

1:1250 @ A3



IN EX DESIGN

Interior-Architectural-Landscape-Design

Rev.	Date	Details	Drawn	Checked
A	26/04/21	RED LINE BOUNDARY AMENDED.	HC	

Project/Client:
87 SIDFORD
HIGH STREET

Project No:
1402004

Dwg No:
PE-SLP

Rev:
A

Drawing:
EXISTING
SITE LOCATION PLAN
RIBA Work Stage:
2 - Planning

Scale:
1:1250 @A4
Drawn By: Date:
HC 11/08/20
Checked By: Date:
JAC 19/10/20

Figure 2: Proposed Development Plan of the 87 Sidford High Street study site, Sidmouth, East Devon.

See adjoining sheet

Figure 3: Plan indicating location at which Dormouse nest was found at the 87 Sidford High Street study site, Sidmouth, East Devon.

See adjoining sheet

Appendix 1: Selected Site Photographs taken at the 87 Sidford High Street study site.



Photograph 1: Rear view of derelict 87 Sidford High Street property showing unkempt rear garden area with much low bramble scrub.



Photograph 2: View to south across rear garden with eastern hedgerow to left of photograph, above ornamental hedgerow.



Photograph 3: View to south along eastern site boundary with ornamental hedgerow to right of photo and mature hazel boundary hedgerow (to be retained) to left.



Photograph 4: Close-up of dormouse nest found within nest-tube on eastern site boundary hedgerow.