

ANNEX B



Ecological Appraisal

Prepared for: **Mr. Jimmy Cash**

**For the site of: Land North West of Doublebois Industrial Estate,
Doublebois, Cornwall, PL14 6LB**

11/03/2022

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| Draft | 0 | Indie England, BSc (Hons) QCIEEM - Assistant Ecologist | 07/03/2022 |
| Proofed | 0 | Simon Pidgeon, BSc (Hons) MRSB – Director/Senior Ecologist | 11/03/2022 |
| Final | 1 | Alex Bridel, BSc (Hons) AMRSB – Consultant Ecologist | 11/03/2022 |

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Executive Summary

Quantock Ecology undertook an Ecological Appraisal at Land North West of Doublebois Industrial Estate, Doublebois, Cornwall, PL14 6LB. This included an extended Phase 1 Habitat Survey (P1HS). The aim of the assessment was to establish the baseline ecological condition of the site, and to conduct an assessment of the likely significance of ecological impacts of the proposed development.

The development proposals briefly comprise the change of use of land for the erection of five trailer pitches. Preliminary development proposals are included in Appendix 2. This report is written to accompany a full planning application submitted to Cornwall Council (Reference: PA21/12790).

Taking into consideration the desk study and site survey findings, this report concludes that the proposed development poses no significant risk to ecological receptors. No further surveys are recommended, however habitat enhancements and suitable avoidance measures are recommended. See table 1 below for summary.

Table 1: Summary of survey results, conclusions and recommendations

| Baseline Conditions (from table 8) | |
|---|---|
| <i>Designated Sites</i> | The site is not subject to any designation. There are no statutory sites within at least 2km and no non-statutory sites within ~295m to be affected by any proposed development. |
| <i>Habitats and trees</i> | There are no protected or notable habitats or trees on the survey site. |
| <i>Protected Species</i> | The general site has some very limited habitat value for common reptiles such as slow worm, but no other protected species. |
| <i>Invasive and non-native species</i> | No invasive species was found on site. |
| Conclusions and Recommendations (from table 9) | |
| <i>Designated Sites</i> | No effect on any designated site. No further surveys. |
| <i>Habitats</i> | No effect on any protected habitat or trees. No further surveys. |
| <i>Protected Species</i> | Suitable reptile habitat on site is of poor-quality and comprises a very small area (~100m ²); therefore no further surveys are required. However, mitigation in the form of seasonal constraints |

| | |
|--|---|
| | and a suitable method of clearance will be adopted, to prevent harm to any species that may happen to be present within the development area. |
| <i>Invasive and non-native species</i> | None found. No further surveys. |

1.0 Introduction and Context

1.1 Background

Quantock Ecology were commissioned by Mr. Jimmy Cash to undertake an Ecological Appraisal at Land Northwest of Doublebois Industrial Estate, Cornwall, PL14 6LB, with consideration of surrounding land, where accessible ('the site'). The survey included an Extended Phase 1 Habitat Survey, in line with methodology set out in JNCC's *Handbook for Phase 1 habitat survey – a technique for environmental audit* (JNCC, 2010); the assessment is based on the *Guidelines for Preliminary Ecological Appraisal* (IEEM, 2012).

This is understood to be the first ecological survey undertaken on site.

1.2 Scope of the Report

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 significant ecological impacts as a result of the development proposals; 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 aim of the EA was to obtain data on existing ecological conditions, and to conduct an assessment of the likely significance of ecological impacts on the proposed development. To achieve this, the following steps were taken:

- The desk *study area* and field *survey area* (including the 'zone of influence' of the scheme) have been identified.
- A desk study has been carried out, including a request from the Environmental Records Centre for Cornwall and the Isles of Scilly (ERCCIS).
- Baseline information on the site and surrounding area has been recorded through an 'Extended Phase 1 Habitat Survey', including a Phase 1 Habitat Survey (JNCC 2010) and recording further details in relation to notable or protected habitats and species if present on site.
- The ecological features present within the survey area have been evaluated, if present and where possible (IEEM, 2006).
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act [WCA]) have been identified, if present.

- Likely impacts on features of value, as a result of the development proposals, have been identified if present.
- Recommendations for further survey and assessment have been made where applicable.
- Recommendations for mitigation and opportunities for enhancement have been provided based on current information where applicable.

The Phase 1 habitat map of the survey area, with supporting target notes (if applicable) is included in Appendix 1. The proposed Project Plan is included in Appendix 2 (if provided). Photographs taken during the site survey are included in Appendix 3 and a summary of relevant legislation can be found in Appendix 4. A summary of the desk study results is outlined in Appendix 5.

1.3 Project Description

This report is prepared to accompany a planning application submitted to Cornwall Council (planning application reference PA21/12790). The proposed development will involve the *“change of use of land for the creation of five traveller pitches comprising the siting of one mobile home, one touring caravan, and the erection of one dayroom per pitch”* (see proposed plans in Appendix 2).

The programme for the scheme is not known at the current time. All works areas, storage and haul routes will be included within the site boundary; access will be provided by existing roads and as such, no additional working footprints are anticipated.

The site does not fall within any statutory or non-statutory designated nature conservation sites.

2.0 Methodology

2.1 Site Context and basic description

The site is located at national grid reference SX 198 648 and comprises an area of approximately 0.6ha. The site is formed from an area of hardstanding bordered by mature hedgerows and an area of improved grassland.

2.2 Desk Study background and scope

Existing records relating to the site and a surrounding 2km radius (the study area) have been received from the Environmental Records Centre for Cornwall and the Isles of Scilly (ERCCIS). The results of this are summarised in the desk study section of this report. The data search is confidential information that is not suitable for public release.

A review of the following information sources has also been undertaken to inform the assessment:

- Landscape structure using aerial images from Google Earth
- Designated sites, habitat and species data held on magic.gov.uk.
- Information on the surrounding area using OS Opendata 2022

2.3 Desk Study results

A summary of desk study results are provided below; further details are included in Appendix 5.

2.3.1 Designated sites

A review of the MAGIC database suggests that the site and surrounding 2km search area are not subject to any statutory nature conservation designations. However, the data search from ERCCIS shows that two non-statutory County Wildlife Sites (CWS) are found within 1km of the site.

Table 2: Designated sites within 2km of the site

| Designated Site Name | Distance and direction from Site (approx.) | Reasons for Notification and integral value (Natural England Citation) |
|---|---|---|
| Statutory Sites | | |
| None | N/A | N/A |
| Non-statutory Sites | | |
| Doublebois Wood County Wildlife Site (CWS) | 295m northwest from site at its closest point | “Includes areas which form part of the network of ancient semi-natural woodland along the river system and provide important wildlife habitats”. – Taken from the ERCCIS data search. |
| Glynn Valley Woods County Wildlife Site (CWS) | 715m west from site at its closest point | “This is considered the largest continuous area of woodland in Cornwall; the majority is listed as ancient woodland but this has mostly been replanted.” – Taken from the ERCCIS data search. |

2.3.2 Description of site within landscape structure

A review of the designated sites, aerial photographs, the MAGIC database and OS maps shows that the site is situated within the village of Doublebois, Cornwall. The site is bordered by the A38 to the north and the B3360 to the east and south, with a railway track and an industrial estate fringing its southern boundary. The surrounding landscape comprises a mixture of arable and pastoral farmland bordered by hedgerows and large stretches of woodland. These large areas of woodland are found throughout the search area, dominating the northern and western regions in particular; with a significant area noted ~170m west which extends northwards. Further wooded areas are noted ~520m southeast, 950m south and 1.5km northeast. The River Fowey is located ~510m northwest of the site at its closest point with the West Looe River situated ~901m northeast.

2.3.3 Habitats of principal importance

A review of the MAGIC database shows the following habitats present within 2km of the site: Several stretches of both ancient replanted woodland and ancient semi-natural woodland are situated in the northern and western halves of the search area. The closest ancient replanted woodland is located

~150m west of the site, with the nearest ancient and semi-natural woodland situated ~320m west. Numerous patches of deciduous woodland are also present within the 2km search boundary, again these typically tend to hug the northern and western boundaries, with the closest noted ~250m northwest of the site. Further small patches of deciduous woodland are found sparsely scattered throughout the search area.

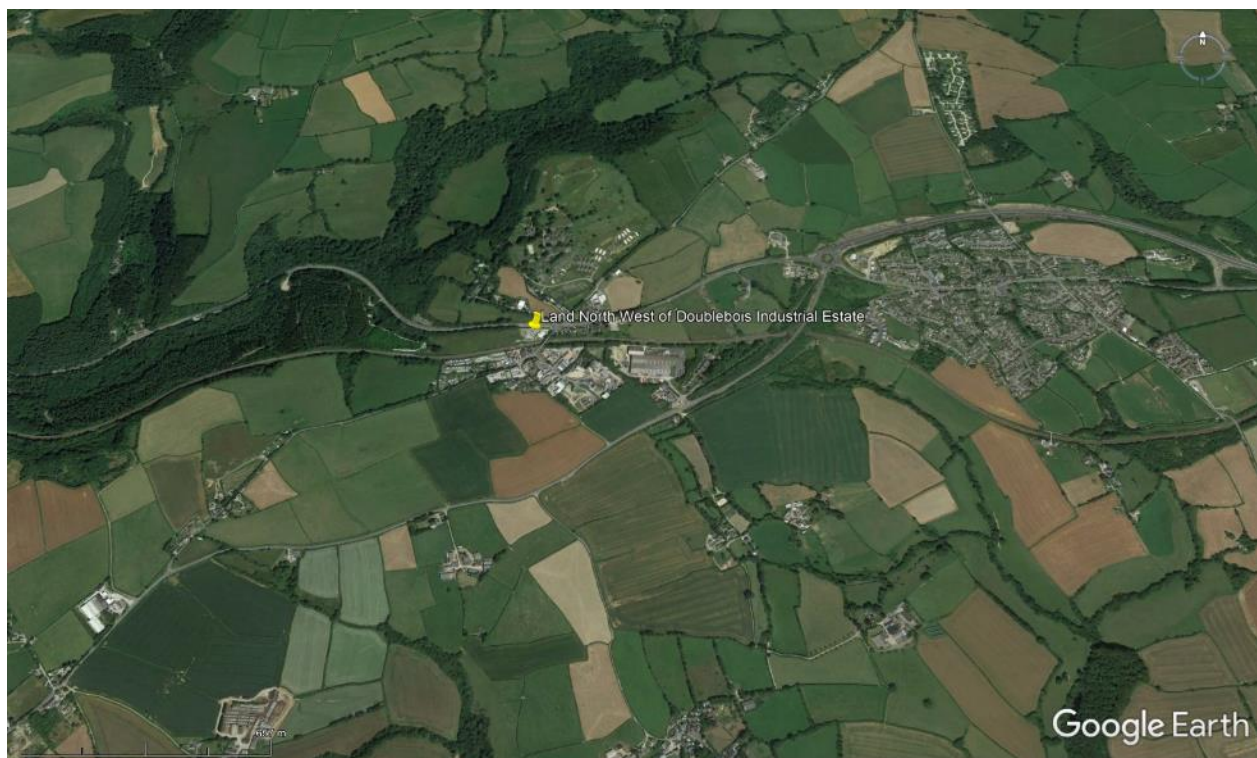
2.3.4 Granted European Protected Species Mitigation Licences (EPSML)

The MAGIC database also suggests the following granted EPSML's (all species) present within the local area:

Table 3: Granted EPSML's within 2 km of the site

| Case reference of granted application | Approx. distance from site | Species Affected | Licence Start Date: | Licence End Date: | Impacts allowed by licence |
|---------------------------------------|----------------------------------|------------------|---------------------|-------------------|---------------------------------|
| EPSM2013-5967 | 1.6km north at its closest point | L-HORSE | 12/07/2013 | 30/09/2014 | Destruction of a resting place. |

2.3.5 Aerial photo of site showing landscape structure



2.3.6 Protected and notable species

The results below show a summary of the protected/notable species recorded present within 2km of the site, as confirmed by the Environmental Records Centre for Cornwall and the Isles of Scilly.

Table 4: Protected and notable species from historic biological records search

| Plants | | |
|---|---------------------------|---|
| Scientific Binominal | Common name | Number of Records |
| <i>Hyacinthoides nonscripta</i> | Bluebell | Ten field records |
| <i>Fallopia japonica</i> | Japanese knotweed | Seven field records |
| <i>Impatiens glandulifera</i> | Himalayan balsam | One field record |
| <i>Crocsmia pottsii x aurea</i> = <i>C. x crocosmiiflora</i> | Montbretia | Two field records |
| <i>Orchis mascula</i> | Early-purple orchid | Five field records |
| <i>Dactylorhiza praetermissa</i> | Southern marsh-orchid | Thirteen field records |
| Other Fauna | | |
| Scientific Binominal | Common name | Number of Records |
| <i>Tyto alba</i> | Barn owl | Six records including field records, nests, roosting and dead individuals |
| <i>Turdus pilaris</i> | Fieldfare | One field record |
| <i>Motacilla cinerea</i> | Grey wagtail | One field record |
| <i>Pernis apivorus</i> | Honey-buzzard | One field record |
| <i>Passer domesticus</i> | House sparrow | One field record |
| <i>Vanellus vanellus</i> | Lapwing | Two field records |
| <i>Dendrocopos minor</i> | Lesser spotted woodpecker | One field record |
| <i>Poecile palustris</i> | Marsh tit | One field record |
| <i>Turdus viscivorus</i> | Mistle thrush | Three field records |
| <i>Accipiter nisus</i> | Sparrowhawk | One field record |
| <i>Strix aluco</i> | Tawny owl | One field record |
| <i>Poecile montana</i> | Willow tit | One field record |
| <i>Troglodytes troglodytes</i> | Wren | One field record |

| | | |
|----------------------------|---------------------------|--|
| <i>Anguis fragilis</i> | Slow-worm | One field record |
| <i>Meles meles</i> | Eurasian badger | Seven records including field records and dead individuals |
| <i>Lutra lutra</i> | European otter | Three records including spraints and a dead individual |
| <i>Erinaceus europaeus</i> | Western European hedgehog | Ten field records including field records and dead individuals |

2.4 Extended Phase 1 Habitat Survey

The survey was undertaken Alex Bridel, BSc (Hons) AMRSB on the 23rd February 2022. The weather conditions during the survey are detailed in the table below.

Table 5: Environmental variables during survey

| | 23/02/2022 |
|-------------------|------------|
| Temperature | 11°C |
| Relative Humidity | 52% |
| Cloud Cover | 70% |
| Wind | 1/8 |
| Precipitation | None |

The survey area generally focussed on the land that will be directly impacted by the proposals (within the site boundary), but also a buffer around this was considered. For details of the survey site, please refer to Appendix 1.

2.4.1 Habitats and flora

The methodology for the Phase 1 Habitat Survey (P1HS) was based on the best practice publication *Phase 1 Habitat Survey methodology* (JNCC, 2010). All land parcels were described and mapped according to JNCC P1HS habitat types. Target notes provide supplementary information on habitat conditions, features too small to map, species composition, structure and management. Scientific names are given after the first mention of a species in this report, subsequently common names are used.

2.4.2 Protected species and Species of Principal Importance

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

2.4.3 Invasive / non-native species

The distribution and extent of invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981) were also noted throughout the survey area, if any.

2.5 Suitability Assessment and Ecological Value

2.5.1 Likelihood of the presence of protected species

The likelihood of occurrence of protected species is ranked according to the criteria listed in Table 6. The habitats on site were evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Table 6: showing criteria considered when assessing the likelihood of occurrence of protected species

| | |
|------------|--|
| Present | Species are confirmed as present from the current survey or historical confirmed records. |
| High | Habitat and features of high quality for species/species assemblage. Species known to be present in wider landscape (desk study records). Good quality surrounding habitat and good connectivity. |
| Medium | Habitat and features of moderate quality. The site in combination with surrounding land provides all habitat/ecological conditions required by the species/assemblage. Within known national distribution of species and local records in desk study area. Limiting factors to suitability, including small area of suitable habitat, some severance/poor connectivity with wider landscape, poor to moderate habitat suitability in local area. |
| Low | Habitats within the survey area poor quality. Few or no records from data search. Despite above, presence cannot be discounted as within national range, all required features/conditions present on site and in surrounding landscape. Limiting factors could include isolation, poor quality landscape, or disturbance. |
| Negligible | Very limited poor quality habitats and features. No local records from desk study; site on edge of, or outside, national range. Surrounding habitats considered unlikely to support species/species assemblage. |

2.5.2 Assessment of Ecological Value

The ecological value of the survey area has been assessed based on the *Guidelines for Ecological Impact Assessment* (IEEM, 2006) and *Handbook of Biodiversity Methods: Survey, evaluation and monitoring* (David Hill, 2005), using geographic frames of reference. The biodiversity value of the identified designated sites, habitat types and associated species/assemblages has been considered. The criteria listed below have been used to reach an evaluation; examples under each category of biodiversity value are provided in Table 7.

- Presence of designated sites or features
- Presence of UK priority habitats and species (S41 of the NERC Act), and species listed as Birds of Conservation Concern (Eaton *et al* 2009)
- Size of habitat, diversity of species, or population
- Habitats or species which are rare, species which are on the edge of their range
- Large populations of uncommon species, or plant communities that are typical of valued natural/semi-natural vegetation types
- Habitats or features that have supporting value for high value habitats, designated sites or protected species, e.g. buffer habitat to ancient woodland
- Presence of legally protected species

Table 7: Examples of criteria defining conservation evaluation

| Evaluation on geographical scale | Examples of criteria defining evaluation |
|----------------------------------|--|
| International | Biodiversity feature that is designated or warrants designation as a European Protected Site |
| National | biodiversity feature that is designated or warrants designation as a National designated site (Site of Special Scientific Interest (SSSI) or National Nature Reserve (NNR)) |
| Metropolitan or County | Biodiversity feature that is designated or warrants designation as a county wildlife site, local nature reserve, or a Site of Metropolitan Importance for Nature Conservation (SMI). Species and habitats of principle importance. |
| Borough | Biodiversity feature that is designated or warrants designation as a Site of Importance for Nature Conservation (SNCI), or other feature which is one of the best examples of its type within the Borough. Diverse and/or ecologically valuable hedgerow network, or ancient woodland greater than 0.25ha |

| | |
|--|--|
| Local | Biodiversity feature which is one of the best examples of its type within a local context (i.e. within ~1km of the scheme extent)/local Parish. Habitat complex considered to enrich the habitat/biodiversity resource within the context of the local neighbourhood. |
| within the vicinity of the site | Biodiversity features of value within the zone of influence (site plus approximately 50m buffer). |
| negligible | Biodiversity features of negligible value. |

Following CIEEM guidance it should be noted that legal protection or UK Biodiversity Action Plan (BAP) status does not necessarily imply biodiversity status at the equivalent scale. For example, a badger *Meles meles* sett would receive legal protection at a national scale and a native hedgerow would be a UK BAP priority habitat, but neither feature is likely to be of biodiversity value at a national scale.

The ecological interest of the study area and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity. It will be clearly stated where a preliminary value can be given and where further information is required.

2.6 General 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.

Where only four figure grid references are provided for some species records, it is not possible to determine their precise location as they could be present anywhere within the given 1km x 1km National Grid square.

This survey provides a preliminary view of the likelihood of protected habitats and species being present. This is based on suitability of the habitats on the site and in the local area, the ecology and biology of protected species as currently understood, and the known distribution of species as recovered during the desk study.

2.7 Specific Limitations to the site

No specific limitations regarding weather, time or access. Although the survey was undertaken outside the optimal survey season for plant species identification this was not deemed to be a significant limiting factor due to the simplistic nature of the habitats identified present on site.

3.0 Results and Evaluation

3.1 Phase 1 Habitat Survey

3.1.1 Summary land use of the site

The survey area comprises a small, former section of a larger agricultural field which has been converted to hardstanding with a small patch of improved grassland and bare ground. The site is bordered by defunct hedgerows to the north and east, a stock fence to the south and the remainder of the field to the west.

3.1.2 Phase 1 habitats of the site

[A1.1.1] Semi-natural broadleaved woodland

A small patch of woodland is located along the bank bordering the north western boundary of the site, comprising a mixture of both semi-mature and mature trees including ash *Fraxinus excelsior*, field maple *Acer campestre*, silver birch *Betula pendula*, willow *Salix sp.* and common oak *Quercus robur* (see Appendix 3, photo 1). The trees appear to be in good physical condition with no damaged limbs or lifted bark. Bramble *Rubus fruticosus agg.*, lords and ladies *Arum alpinum*, bracken *Pteridium sp.*, and moss *Bryophyta sp.* are present in the understory.

[B4] Improved Grassland

A thin strip of improved grassland is situated along the southwestern boundary, this is part of a larger field found offsite but adjacent to the west of the site. The sward measured ~10cm in height at the time of the survey. This is dominated by ryegrass *Lolium sp.*, with some cock's-foot *Dactylis glomerata* also noted. Herb species such as, broad-leaved dock *Rumex obtusifolius*, ribwort plantain *Plantago lanceolata*, lesser celandine *Ficaria verna* and common hogweed *Heracleum sphondylium* were also present within the sward (see Appendix 3, photo 2).

[J2.2.2] Defunct hedge – species-poor

Two defunct hedgerows are present on site. These are referenced as hedgerows H1 and H2 for the purpose of this report.

H1 – This is a defunct, semi-mature and species-poor hedgerow which fringes the northern boundary, measuring ~5m in height and 0.5-1m in length. The hedgerow was completely dominated by hawthorn *Crataegus monogyna* with the understory comprising species such as ivy *Hedera helix*, cleavers *Galium*

aparine, broad-leaved dock, common nettle *Urtica dioica* and hart's-tongue fern *Asplenium scolopendrium* (see Appendix 3, photo 3).

H2 – Is a fairly overgrown and unmanaged hedgerow bordering the eastern boundary of the site (see Appendix 3, photo 4). This wide hedgerow is situated on a steep earth bank comprising various trees and shrubs including common buddleia *Buddleja davidii*, rhododendron, *Rhododendron ferrugineum*, hawthorn and blackthorn *Prunus spinosa* (see Appendix 3, photo 5). Species such as common ivy, bramble, cleavers, nettles and celandine are noted within the understory.

[J2.4] Fences

Post and rail fences are present along the entirety of both the northern and southern fringes, running adjacent to the hedgerows. Feather-board fencing is also present on some areas of hardstanding (see Appendix 3, photo 6).

[J3.6] Buildings and hard standing

The majority of the site comprises of hardstanding with a large area comprising loose stone and rubble and a smaller area which is concreted. Mobile homes were also scattered across the hardstanding (see Appendix 3, photo 7).

[J4] Bare Ground

A small patch of bare ground is located adjacent to the improved grassland on the southern boundary with evidence of vehicle movement (Appendix 3, photo 8). No areas of vegetation are present.

3.2 Protected habitat and species conclusions based on proposed development.

The survey evaluated the site for the presence of all protected and invasive species, summarised under general taxon groups in table 8 below.

Table 8: Assessment of likelihood of protected/invasive habitat/species occurrence, and if there are any impacts from the proposed development.

| Habitat or taxon | Likelihood of impact in context of plans | Justification for evaluation and level of significance |
|-------------------------|---|--|
| Habitat | Negligible | The hedgerows will remain a permanent feature of the site. There are no protected or important botanical habitats on site; therefore, no special mitigation is needed for habitats. |
| Invertebrates | Negligible | The site does not offer habitat to support large populations of rare and/or protected invertebrates. Floral assemblages are generally poor. It does, however, offer limited potential for more generalist species within the hedges and improved grassland area. |
| Amphibian | Negligible | Although protected amphibians such as great crested newts could use the woodland for foraging and cover during their terrestrial phase, there are no ponds or suitable areas of terrestrial habitat on site for amphibians to use. Therefore, it is unlikely that protected amphibians would be present on site at any time of year, especially due to the proximity of the site to the main roads and railway track. It is understood there are currently no records of great crested newt in Cornwall. |
| Badger | Low | There are no sett holes to be affected by the planned works within the woodlands. However, badgers are likely to commute around the site as they may live and/or forage in the nearby woodland, where they have the chance to be harmed should they wander into the construction area. Therefore, mitigation is needed to avoid harm to individual badgers. |

| | | |
|--|------------|--|
| Bat | Negligible | There are no buildings or trees on site or nearby that possess suitable roosting features for bats. Bats may commute around the site to and from the woodland via the hedges, however. |
| Barn Owl | Negligible | There are no buildings or trees on site suitable for barn owl roosting or nesting. |
| Bird | Low | Birds may nest in the trees and hedges present around the site. |
| Other terrestrial mammals e.g. otter, water vole | Negligible | No evidence of any other protected mammal was found. No habitat for otters or water voles is noted present on the site or within a suitable distance to be affected by the proposed development. The tree habitat around the boundary of the site is not of suitable quality or species composition for dormice nesting. |
| Reptile | Low | Reptiles may use the small strip of improved grassland on site for foraging and cover. It is understood that this area will remain unaffected, therefore no further surveys are required but mitigation is recommended. |
| Problematic Species | Negligible | None observed on site. No further surveys required. However, remain vigilant. |

4.0 Discussion and Recommendations

Table 9: Survey recommendations based on the conclusions within table 8.

| Species/ Habitats | Likelihood of impact as described in Table 8. | Notes and recommendations |
|----------------------|--|--|
| Sites | Negligible | The site is not subject to any statutory or non-statutory designations. Direct impacts on any designated sites are unlikely to arise as the works would be a sufficient distance to avoid dust, noise and visual effects on the reasons for designation. |
| Habitats | Negligible | The development proposed impacts no protected botanical habitats, therefore no mitigation is needed for these. |
| Invertebrates | Negligible | No impact on protected invertebrates foreseen, therefore no further surveys required. |
| Amphibian | Negligible | No impact on protected amphibians. No further surveys. |
| Badger | Low | As a precautionary measure to protect badgers or other mammals such as hedgehogs who could be passing through the site during the works, the following measures are recommended: <ul style="list-style-type: none"> • Any trenches dug should either be covered at night or have a rough sawn plank placed in them to act as a ramp for badgers or any other wildlife which may fall in. • Security lighting to be directed away from the undergrowth and wood. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. |
| Bats | Negligible | No further surveys required on site; however, any lighting near or shining onto any trees around the boundary should be |

| | | |
|---------------|------------|--|
| | | <p>designed to minimize the impact it has on the potential bat commuting route.</p> <p>Any Lighting that may be built in the future, post development should be in-line with guidance produced by the Bat Conservation Trust and Institute of Lighting Professionals: https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/. Any future lighting should be of low level, be on downward deflectors and ideally be on PIR sensors.</p> <p>This will ensure that the commuting route that the bats are likely to be using is maintained. If the lighting is to be of up-lighting design then a dark corridor should be retained to allow movement of bats along the site boundary.</p> |
| Barn Owl | Negligible | No further surveys. |
| Bird | Low | <p>Any works which affect the trees and shrubs on site could have an impact on nesting birds. Since all in-use bird's nests and their contents are protected from damage or destruction, any tree and shrub removal should be undertaken outside the period 1st March to 31st August.</p> <p>If this time frame cannot be avoided, a close inspection of trees and shrubs to be removed should be undertaken prior to clearance. Work should not be carried out within 5.0m of any in-use nest and with an Ecological Clerk of Works present. Standard planning conditions can be applied to ensure this.</p> |
| Other mammals | Negligible | No further surveys. No impact on other protected mammals. |
| Reptiles | Low | Suitable reptile habitat on site is of poor-quality and comprises a very small area (~100m ²). As such, no further surveys are required. However, based on the small chance that common |

| | | |
|----------------------------|-------------------|---|
| | | <p>reptiles are found on the site, the following mitigation is recommended to prevent harm to any reptiles that may be present within the development area.</p> <p>Pre-Development Clearing</p> <p>a) Before any development, the ground flora in the immediate vicinity of the building site will be strimmed down to 10cm. If reptiles are found an ecologist should be contacted for advice.</p> <p>b) Rest period of at least 4-6 hours</p> <p>c) Strimming of remaining flora to ground level, to be maintained for the duration of the development.</p> <p>d) If at any other point reptiles are recorded, operations should cease immediately until further advice has been sought from the ecologist.</p> |
| <p>Problematic Species</p> | <p>Negligible</p> | <p>No further surveys required. However, remain vigilant.</p> |

4.1 Opportunities for enhancement

4.1.1 Recommendations for enhancement to increase biodiversity value post-development

The bullet points below represent some broad recommendations that should be considered with the development proposals. These recommendations should be developed further in coordination with the landscape designers and other specialists as the design progresses.

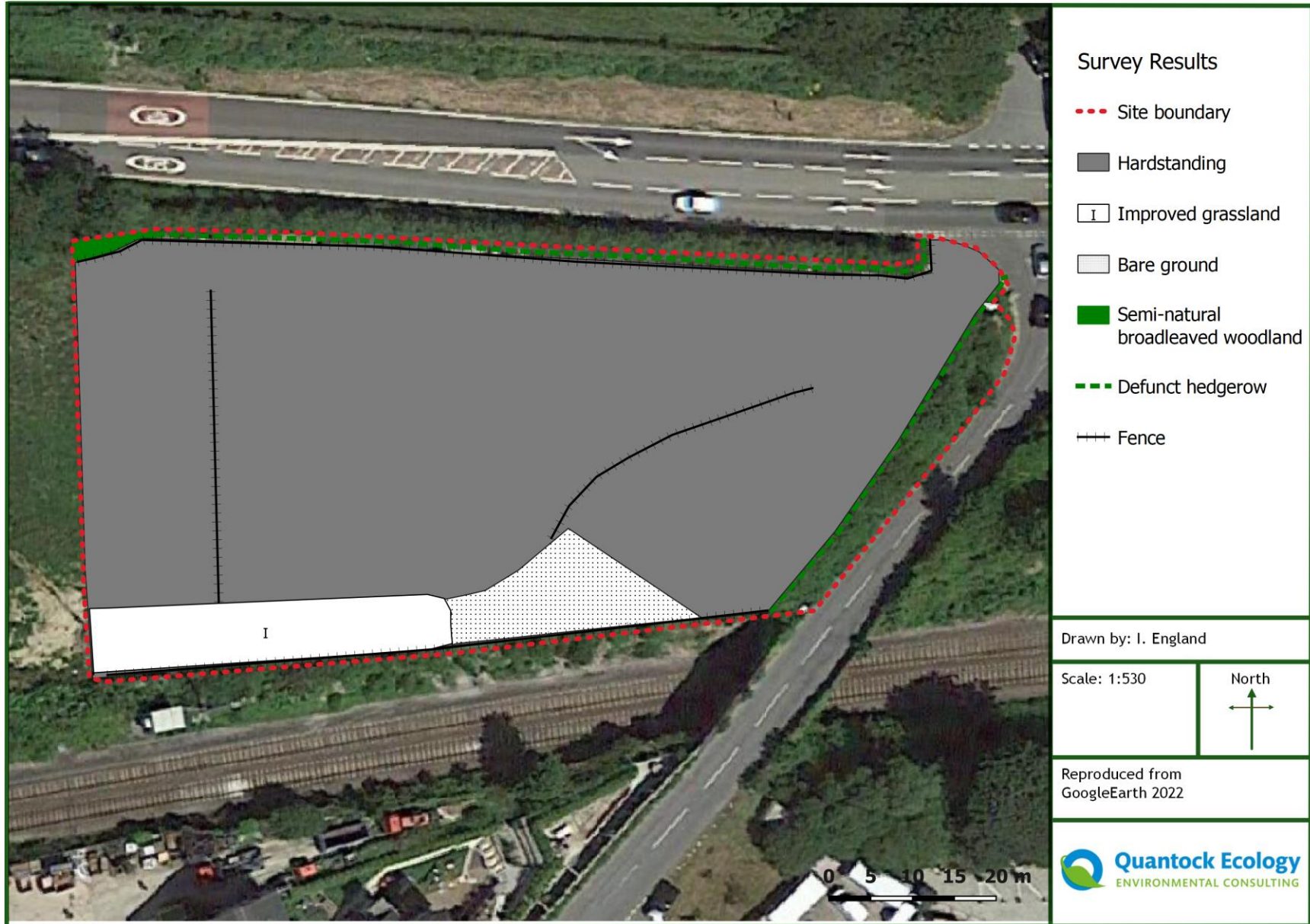
- Design of wildlife friendly lighting.
- Erection of bird and bat boxes; e.g 4x Schwegler multi-purpose bird and/or bat.
- Inclusion of plant species of known value to wildlife in any landscape design proposals.
- Areas of rough grassland could be created within the site, particularly in undisturbed locations not designated for development and along the field boundaries.

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Appendix 1: Survey Plan



Appendix 2: Site Plan/Proposals



Appendix 3: Photographs

Photo 1: Showing the small patch of broadleaved woodland situated on the north-western boundary of the site.



Photo 2: View of the thin strip of improved grassland present on the southern boundary.



Photo 3: View of H1 which fringes the northern boundary.



Photo 4: Showing H2 situated on the eastern boundary of the site.



Photo 5: View of H2 which is situated on a steep earth bank.



Photo 6: Showing the feather-board fencing present across some areas of hardstanding.



Photo 7: View of the mobile homes situated on the concreted area of hardstanding.



Photo 8: Showing the small patch of bare ground on the southern boundary with evidence of vehicle movement.



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 respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive the, Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe in order to conserve the 189 habitats and 788 species (non- bird) identified in Annexes I and II of the Directive (as amended).

SPAs are classified under Article 2 of the EC Birds Directive both for rare bird species (as listed on Annex I) and for important migratory species.

SACs and SPAs up to 12 nautical miles (nm) from the coast are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2010 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994. In Scotland, the requirements of Habitats Directive are implemented through a combination of the 1994 and the 2010 (reserved matters) Regulations. The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a means for designating and protecting SACs in UK offshore waters (from 12 - 200 nm).

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)

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).

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. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

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 Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests':

the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;

there is no satisfactory alternative; and

the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) 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) and Nature Conservation (Scotland) Act 2004.

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 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 sett¹ 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

¹ A badger sett is defined in the legislation as "*any structure or place which displays signs indicating current use by a badger*". This includes seasonally used setts. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf

Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works

A development licence will be required from the relevant countryside agency for any development works liable to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agency's to define what would constitute a licensable activity². It is not 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 (or recklessly in Scotland) kill, injure or take any wild bird

Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) 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.

In Scotland only, intentionally or recklessly obstruct or prevent any wild bird from using its nest

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) 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

² For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing. www.naturalengland.org.uk/Images/badgers-dev-guidance_tcm6-4057.pdf, Natural England (2009) Interpretation of 'Disturbance' in relation to badgers occupying a sett www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf, Scottish Natural Heritage (2002) Badgers & Development. www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp and Countryside Council for Wales (undated) Badgers: A Guide for Developers. www.ccw.gov.uk.

Intentional or reckless disturbance of dependent young of such a bird

In Scotland only, intentional or reckless disturbance whilst lekking

In Scotland only, intentional or reckless harassment

Effects 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 August³. 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.

Herpetofauna (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 affect significantly the local distribution or abundance of the species

Damage or destruction of a breeding site or resting place

³ It should be noted that this is considered the main breeding period. Breeding activity may occur outside this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

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 herpetofauna 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.

Effects on development works

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable 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

Effects on development works

If development works are liable to affect habitats known to support water voles, the relevant countryside agency 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 (e.g. Natural England) 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 affect significantly 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

Effects on development works

An EPSM Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable 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 affect significantly 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

Effects on development works

Works which are liable 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 EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Dormice

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 affect significantly 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

Impacts of legislation 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 an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White clawed crayfish

The white clawed crayfish *Austropotamobius pallipes* receives partial protection under Schedule 5 of the WCA in respect of Sections 9(1) and 9(5). This makes it an offence to intentionally take (capture) white-clawed crayfish.

Impacts of legislation on development works

The relevant countryside agency 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:

Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)

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.

Impacts of legislation on development works

An EPSM licence will be required from the relevant countryside agency for works which are liable to affect species of plants listed on Schedule 5 of the Conservation of 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 and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species

include Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*.

Impacts of legislation 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 land owner or occupier may be required prevent the spread of certain 'injurious weeds' such as spear thistle *Cirsium vulgare*, creeping thistle *Cirsium arvense*, curled dock *Rumex crispus*, broad-leaved dock *Rumex obtusifolius*, and common ragwort *Senecio jacobaea*. 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 (ENGLAND)

National Planning Policy Framework

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 UK Biodiversity Action Plan priority species) 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; opportunities to incorporate biodiversity in and around developments are encouraged; 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

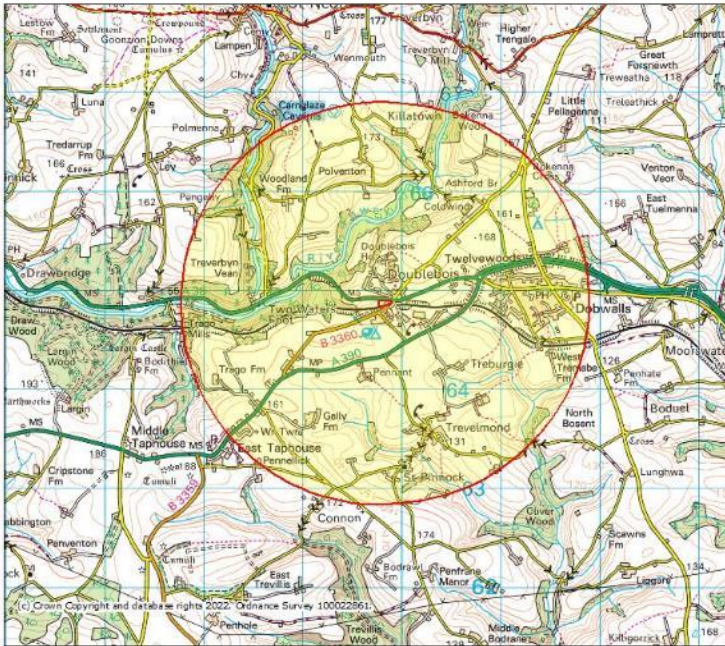
Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) 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.

Appendix 5: Desk Study Data

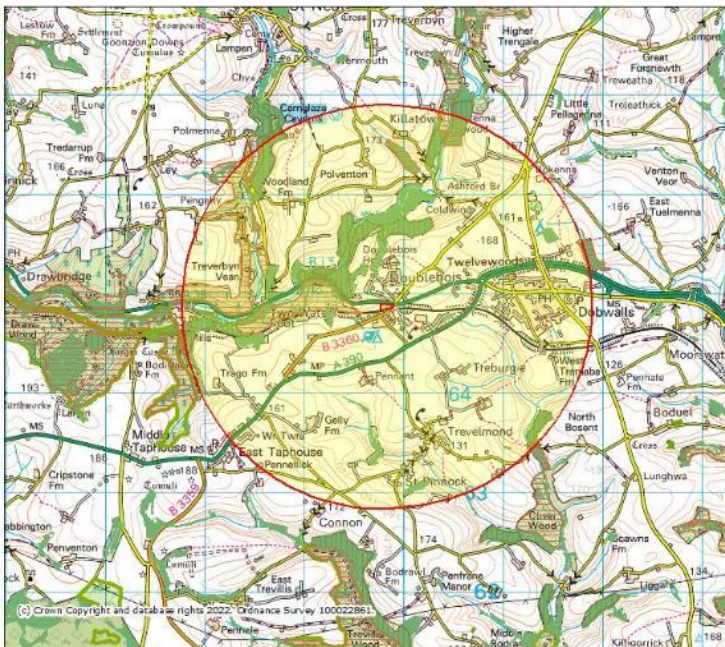
MAGiC

Designated Sites



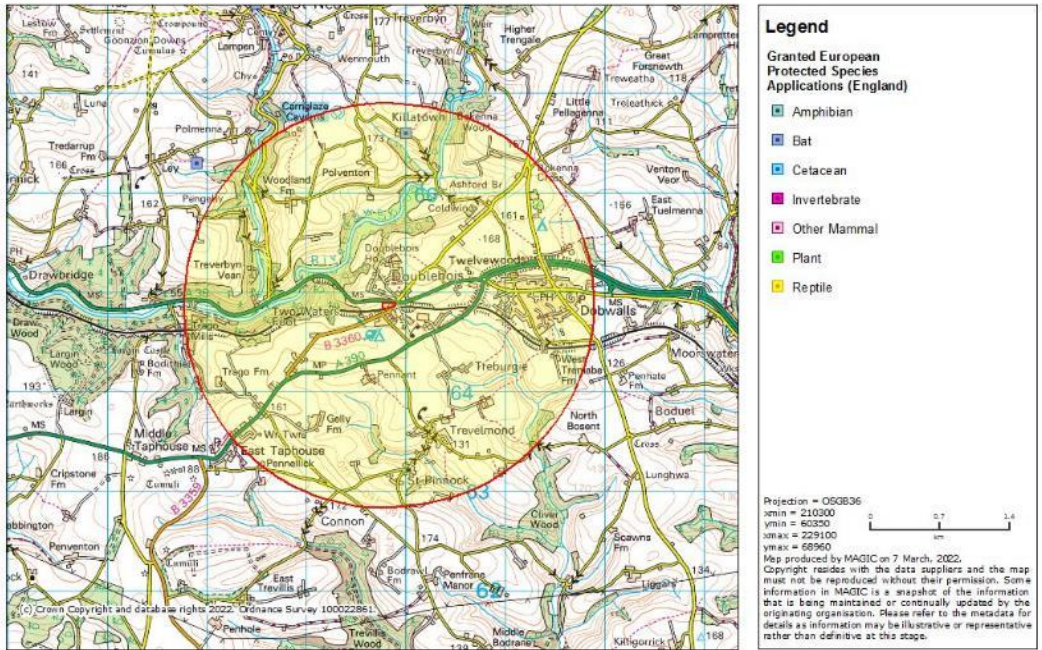
MAGiC

Priority Habitats



MAGiC

Granted EPSML



Contact details:

Quantock Ecology Ltd
01823 414457
enquiries@quantockecology.co.uk

Quantock Ecology Ltd
<https://quantockecology.co.uk>