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TELECOMMUNICATIONS WORKS AT KESTLEMERRIS HABITATS REGULATIONS ASSESSMENT

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1. INTRODUCTION

1.1 Background

Ramboll UK Limited (Ramboll) has been appointed by Openreach Limited (the 'Applicant') to provide a report to support Habitats Regulations Assessment (HRA) of telecommunication works at Kestlemerris, Helston, Cornwall, United Kingdom, TR12 6RR (the 'site'). The site is shown on Figure 1, Appendix 1.

The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019 is also known as the Habitats Regulations and HRA applies to plans or projects where there could be a likely significant effect on Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), which are collectively known as National Site Network sites¹, and / or to Ramsar Sites.

1.2 Objective and Scope of Works

This report has been prepared with the aim of supporting decision making by the competent authority (in this case Openreach Limited), in relation to the potential implications of development on the following designated sites:

- The Lizard SAC
- Fal & Helford SAC
- Lizard Point SAC
- Falmouth Bay to St Austell Bay SPA

The implications of the development on these designated sites have been considered due to their proximity to the application site and the potential existence of impact pathways between them and the proposed development. The locations of these designated sites in relation to the application site are shown in Figure 2, Appendix 1.

This report also considers the following:

- The ecological interest of the sites listed above;
- The likely nature and scale of potential effects on these sites from the proposed development; and
- Consideration of the need for an appropriate assessment.

Where it is considered that an appropriate assessment is not likely to be required, the reasons and evidence to support that conclusion are presented.

1.3 Limitations and Constraints

This report has been prepared by Ramboll exclusively for the intended use by the client in accordance with the agreement between Ramboll and the client defining, among others, the purpose, the scope and the terms and conditions for the services. No other warranty, expressed or implied, is made as to the professional advice included in this report or in respect of any matters outside the agreed scope of the services or the purpose for which the report and the associated agreed scope were intended, or any other services provided by Ramboll.

Ramboll has been commissioned to identify potential impacts on relevant designated sites as a consequence of the proposed development. This report does not address any other potential environmental impacts that may result from the proposed development.

¹ Formerly known as European / Natura 2000 Sites.

The UKHab survey was carried out outside of the optimal habitat survey period of March to October, however this is not considered to be a significant limitation as the habitats were still identifiable and the key plant species for determining heathland habitat type were still observable.

In preparation of the report and performance of any other services, Ramboll has relied upon publicly available information, information provided by the client and information provided by third parties. Accordingly, the conclusions in this report are valid only to the extent that the information provided to Ramboll was accurate, complete and available to Ramboll within the reporting schedule. Ramboll does not accept any liability for the accuracy or otherwise of any information derived from secondary sources; however, reasonable endeavours have been made to verify information obtained in this way.

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This report is based on an assessment of the proposed works (the extent of which are as shown in Figure 1, Appendix 1). If the development extends to land additional to that shown on the drawing, or the proposals alter, the assessment and subsequent recommendations may need to be revised.

2. PROPOSED WORKS DETAILS

2.1 Proposed Works Location

The proposed works are located at Kestlemerris, Helston, Cornwall, United Kingdom, TR12 6RR, at an approximate Ordnance Survey (OS) grid reference SW 76885 19313, as seen in Figure 1, Appendix 1.

The proposed works area includes a section of heathland which forms part of the Lizard SAC. The northern part of the proposed works area is a grazed pastoral field and at the south edge is an area of willow scrub.

Adjacent and surrounding land uses include:

- North: fields, hedgerows and buildings associated with Kestlemerris Farm;
- East: further heathlands forming part of the Lizard SAC, with a minor road beyond this;
- South: a minor road, a residential property and further heathland beyond this; and
- West: extensive further heathlands forming part of the Lizard SAC.

Habitats present within and surrounding the proposed works area include modified grassland, woodland, heathland, inland rock and temporary ponds. The key ecological receptors are all habitats within the SAC area, which includes the woodland, heathland, inland rock and temporary ponds.

2.2 The Proposed Works

The proposed works involve installing two new poles (one of which is within The Lizard SAC area) and moving a telecommunications wire from pre-existing high voltage poles onto the new poles for safety reasons. No pre-existing poles will be removed as part of the proposed works. Additionally, around 180 m of new ducting will be installed through an area of grassland from the north pole (outside the SAC) to the Kestlemerris Farm property.

In summary the proposed works comprise:

- Installation of two new telecommunications poles;
- Installation of new ducting north of the SAC area; and
- Movement of a telecommunications wire from pre-existing high voltage poles onto the newly installed poles.

2.3 Construction

Construction works are anticipated to take no longer than a week for the entirety of the proposed works, with works within the SAC anticipated to take no longer than a day. Proposed works are anticipated to be undertaken as soon as possible.

A 1.6 tonne tracked mini excavator will be used to excavate the duct trench and the two holes required for the new telegraph poles. This would access the site via existing gate ways. Within the SAC land, there are existing wheel ruts which would be followed. New telegraph poles will be carried and installed by hand.

Best practice construction measures will be adhered to, to address potential impacts to human health i.e. construction workers and adjacent residents. These measures will include, but not be limited to minimising noise and dust emissions, waste management, site housekeeping and protection of surface waters.

2.4 Completed Development

As per Section 2.2 above the proposed development comprises two new wooden poles, installation of around 180 m of new ducted cable and movement of a pre-existing cable onto the new poles. One of the newly installed poles and the entirety of the new ducting will be installed outside of the SAC. The other new pole will be within the SAC.

3. UKHAB SURVEY

3.1 Methodology

A UK Habitat Classification (UKHab) survey of part of the site was undertaken by Matt Neale and James Cunningham on 10 November 2023. The weather during the UKHab survey was breezy, sunny and dry. This survey was undertaken in order to assess the presence of habitats for which the Lizard SAC is designated.

Matt is a Chartered Ecologist (CEcol) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM), holds a BSc in Environmental Science and an MSc in Coastal Conservation Management and has worked professionally as an ecological consultant since 2004. He holds Natural England survey licenses for bats, dormouse *Muscardinus avellanarius* and great crested newt *Triturus cristatus*. James is a Qualifying member of CIEEM, holds a BSc in Environmental Science and an MSc in Environmental Consultancy and has worked professionally as an ecological consultant since 2021.

The UKHab survey involved a site walkover and preliminary assessment of key habitats, land use and ecological features in the SAC and a small area of adjacent field to the north. The UKHab survey covered only the features of the proposed works area relevant to The Lizard SAC, however the duct route continues to the Kestlemerris Farm property through further modified grassland fields. The main habitats present were recorded using standard UKHab methodology described in the UK Habitat Classification User Manual (Version 1.1)² and identified the habitats present via the prescribed UK Habitat Classification Field Key (Version 2.1)³ and UK Habitat Classification Habitat Definitions (Version 2.0)⁴. Target notes were used to record habitats and features of particular interest. In addition to general habitat classification, a list was compiled of observed plant species (using the nomenclature of Stace, 2019⁵, with common and Latin names referred to in the first instance after which only the common names are used).

3.2 Habitats

The following descriptions of habitats should be read in conjunction with Figure 3, Appendix 1.

3.2.1 Modified grassland (g4)

In the north of the proposed works area (outside the SAC) is a pastoral modified grassland field, surrounded by hedgerows to the north-west and east, and adjacent to the Lizard SAC to the south. Sward height is very low due to grazing, however this grassland is in moderate condition overall due to the reasonable species diversity and absence of scrub and invasive species.

No species are dominant within the grassland but perennial ryegrass *Lolium perenne* and creeping bent *Agrostis stolonifera* are abundant. White clover *Trifolium repens*, ribwort plantain *Plantago lanceolata*, creeping buttercup *Ranunculus repens* and common sorrel *Rumex acetosa* are frequent, Yorkshire fog *Holcus lanatus* and mosses are occasional and broadleaved dock *Plantago major* is rare.

3.2.2 Wet woodland (w1d)

Between the modified grassland and the heathland is a section of wet woodland, which falls within the Lizard SAC area. There were areas of damp ground and occasional standing water within the

² Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2020). The UK Habitat Classification User Manual Version 1.1. Available at: <http://www.ukhab.org>

³ Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2020). UK Habitat Classification – Field Key V2.1. Available at: <http://www.ukhab.org>

⁴ UKHab Ltd (2023). UK Habitat Classification – Habitat Definitions V2.0. Available at: <http://www.ukhab.org>

⁵ Stace, C. (2019). New Flora of the British Isles 4th Edition. Cambridge University Press

woodland area. This woodland was assessed as being in moderate condition, though the diversity of woody species present was very low. The canopy is composed entirely of grey willow *Salix cinerea*.

The shrub layer has frequent bramble *Rubus fruticosus*, myrtle *Myrtus communis* and blackthorn *Prunus spinosa*, and occasional western gorse *Ulex gallii*. The ground flora is composed of abundant bramble, frequent ivy *Hedera helix* and mosses, occasional hemp-agrimony *Eupatorium cannabinum*, self-heal *Prunella vulgaris*, water mint *Mentha aquatica* and creeping buttercup and rarely polypody *Polypodium* sp. and honeysuckle *Lonicera periclymenum*.

The woodland's northern edge features a stone wall with abundant hawthorn *Crataegus monogyna* and blackthorn *Prunus spinosa*, frequent bramble, foxglove *Digitalis purpurea*, ivy, mosses and stonecrop *Sedum* sp., occasional polypody *Polypodium* sp., hart's-tongue fern *Asplenium scolopendrium* and hedge bedstraw *Galium mollugo* and rare pennywort *Umbilicus rupestris*.

A track runs through the centre of this woodland, connecting the grassland and the heathland (see Photo 6, Appendix 2). Grassy habitat along the track has the potential to support reptiles.

3.2.3 Lowland heathland with rock outcrops (h1a 513)

South of the wet woodland is an extensive area of heathland which continues to the west and east. Several exposed rock outcrops and boulders were observed within this area. The heathland was assessed as being in good condition and matches closely to the "4030 European dry heaths" Annex I habitat description listed on the JNCC information page for The Lizard SAC and the National Vegetation Classification (NVC) type H4 *Ulex gallii* – *Agrostis curtisii* heath, or 'short heath'⁶.

No species are dominant within the heathland, however western gorse, cross-leaved heath *Erica tetralix*, bell heather *Erica cinerea* and wavy hairgrass *Deschampsia flexuosa* are abundant. Black sedge *Schoenus nigricans* appeared frequently overall but was more commonly observed to the east of the proposed works area. Heather *Calluna vulgaris* was occasional throughout the heathland. A number of species were rare throughout the heathland, including creeping willow *Salix repens*, grey willow saplings, bog myrtle *Myrica gale*, bramble, hard fern *Blechnum spicant* and tormentil *Potentilla erecta*. Mosses were present on the exposed rocks.

A small temporary track has been formed through the northern section of the heathland, with signs of trampling and a slightly different species composition present. Bell heather, cross-leaved heather, heather, black sedge and wavy hair-grass are less frequent in this area whilst tormentil was occasional. A number of other species were observed along the track, including wood sage *Teucrium scorodonia*, bramble, an unidentified clubmoss species, sheep's fescue *Festuca ovina* and Yorkshire fog. Along the track several patches of dead heath were observed (see Photos 9 to 12, Appendix 2).

3.2.4 Mediterranean temporary ponds (H3170) (r1f5)

Mediterranean temporary ponds are listed as a priority feature of The Lizard SAC. A temporary pond matching the JNCC description was found in the southern half of the heathland area surveyed. Species recorded surrounding the pond were tormentil, black sedge and an additional sedge which could not be identified to species level. The pond is in moderate condition due to a lack of aquatic vegetation and some turbidity.

⁶ Joint Nature Conservation Committee (2015) *The Lizard SAC*. Available at: <https://sac.jncc.gov.uk/site/UK0012799> (Accessed: December 2023).

4. ASSESSMENT METHODOLOGY

The procedure for assessment of projects that are not directly connected with, or necessary to, the management of the designation for conservation is an ordered process following a number of key stages.

4.1 Stage 1 – Screening

Under the first stage, it is necessary for the competent authority to examine if the proposals will result in any 'likely significant effect' on the internationally important features of relevant designated sites, either alone or in combination with other plans or projects.

If it can be objectively concluded that there are not likely to be significant effects on relevant designated sites, no further assessment is necessary, the outcome should be documented and agreed, and permission should not be refused under the assessment.

If any 'likely significant effects' are identified or where it remains unclear whether effects will be significant the assessment procedure should follow on to Stage 2.

Contrary to previous case law in England and Wales, following the Court of Justice of the European Union ruling (*People over Wind, Peter Sweetman v Coillte Teoranta, Case C323/17, dated 12 April 2018*), measures intended to avoid or reduce the harmful effects of a plan or project on a designated site should not be taken into account at this screening stage, and instead these must be considered as part of an Appropriate Assessment (Stage 2). An exception to this is where the mitigation proposed is integral to or embedded in the project in order for the project to ensure compliance with an identified piece of legislation (other than the Habitats Regulations) or policy, as opposed to being required to avoid or reduce impacts to the specific features of the designated site.

Should it be determined that (in the absence of mitigation/avoidance measures) a plan or project will result in 'likely significant effects' on a designated site (or that such effects cannot be ruled out), the competent authority should proceed to the next stage (Stage 2 Appropriate Assessment), where further assessment is required.

4.2 Stage 2 – Appropriate Assessment

Under the second stage, it is necessary for the competent authority to determine whether the proposals, either alone or in combination with other projects or plans, will result in any adverse effects on the integrity of the site in view of the conservation objectives of the site. The precautionary principle should be applied, and the focus should be on objectively demonstrating, with supporting evidence, that there will be no adverse effects on the integrity of the designated site. Where this is not the case, adverse effects must be assumed.

If it is considered by the competent authority that the proposal will not adversely affect the integrity of the site, permission can be granted. If this cannot be ascertained, or there is uncertainty, the assessment procedure should follow on to Stage 3.

4.3 Stage 3 Onwards

Under Stages 3 and 4, it is necessary for the competent authority to assess if there are alternative solutions and whether there are imperative reasons of overriding public interest. If these tests are passed, authorisation may be granted subject to compensation measures being secured.

5. STAGE 1 – NATIONAL SITE NETWORK AND RAMSAR SITES SCREENING ASSESSMENT

5.1 Legislative Basis for Designations

In England, Wales and Scotland, a national site network has been created comprising sites previously designated under the European Commission (EC) Nature Directives (previously referred to as “Natura 2000” sites). These sites, which include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), continue to be designated through domestic legislation, comprising the Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019⁷ (the “2019 Habitats Regulations”) in England and Wales and the Conservation (Natural Habitats) Regulations 1994 and Conservation of Offshore Marine Habitats and Species Regulations 2017 in Scotland.

The Regulations impart a duty on competent authorities to carefully consider whether any proposals are likely to have a significant effect on a National Site Network or Ramsar site, either alone or in combination with other plans or projects.

In most circumstances, permission may only be given for a plan or project that has a likely significant effect to proceed if it has been ascertained that it will not have an adverse effect on the integrity of any such designated site.

The habitat types and species for which these sites are designated are those considered to be most in need of conservation at an international level. SACs with marine components are sites that contain qualifying marine habitats or species. Ramsar sites are designated under the Convention on Wetlands of International Importance (Ramsar Convention 1971). Although Ramsar sites do not form part of the national site network, many overlap with SAC and SPA boundaries, and Ramsar sites are in effect protected in the same way as SACs and SPAs under the 2019 Habitats Regulations as a result of policy⁸.

5.2 Special Protection Areas

There is one SPA within 10 km of the proposed works area:

- Falmouth Bay to St Austell Bay SPA, 6.1 km north-east of the proposed works area

Reasons for designation and qualifying features of the SPA are outlined in Table 5.1.

Table 5.1: Designation Criteria and Qualifying Features of Special Protection Areas within 10 km of the Proposed Development

Special Protection Area	Reference Code	Reasons for Designation
Falmouth Bay to St Austell Bay SPA	UK9020323	Wintering bird populations: <ul style="list-style-type: none"> - Black-throated loon <i>Gavia arctica</i> (20.5% of GB population) - Common loon <i>Gavia immer</i> (3% of GB population) - Horned grebe <i>Podiceps auritus</i> (1.4% of GB population) Also designated for the marine geology present. ⁹

⁷ The National Archives (2019) *The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019* [online] <https://www.legislation.gov.uk/uksi/2019/579/contents/made#:~:text=The%20Conservation%20of%20Habitats%20and%20Species%20%28Amendment%29%20%28EU,Regulations%202019%20UK%20Statutory%20Instruments%202019%20No.%20579> (Accessed: December 2023).

⁸ Ministry of Housing, Communities and Local Government (2021) *National Planning Policy Framework*, Paragraph 181. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf (Accessed: December 2023).

⁹ Joint Nature Conservation Committee (2017) *Falmouth Bay to St Austell Bay – Standard Data Form*. Available at: <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9020323.pdf> (Accessed: December 2023).

5.3 Special Areas of Conservation

There are three SACs within 10 km of the proposed works area, comprising:

- The Lizard SAC, within which the proposed works are located;
- Fal and Helford SAC, 4.6 km north-east of the proposed works area; and
- Lizard Point SAC, 4.7 km south-west of the proposed works area.

Reasons for designation and qualifying features of each SAC are outlined in Table 5.2.

Table 5.2: Designation Criteria and Qualifying Features of Special Areas of Conservation within 10 km of the Proposed Development

Special Area of Conservation	Reference Code	Reasons for Designation
The Lizard SAC	UK0012799	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> - 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts - 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. - 3170 Mediterranean temporary ponds *priority feature - 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> - 4030 European dry heaths - 4040 Dry Atlantic coastal heaths with <i>Erica vagans</i> *priority feature <p>There are no other Annex I or II habitats/species listed in this site's designation.¹⁰</p>
Fal and Helford SAC	UK0013112	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> - 1110 Sandbanks which are slightly covered by sea water all the time - 1140 Mudflats and sandflats not covered by seawater at low tide - 1160 Large shallow inlets and bays - 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> - 1130 Estuaries - 1170 Reefs <p>Annex II species that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> - 1441 Shore dock <i>Rumex rupestris</i> <p>There are no other Annex I or II habitats/species listed in this site's designation.¹¹</p>
Lizard Point SAC	UK0030374	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> - 1170 Reefs <p>There are no other Annex I or II habitats/species listed in this site's designation.¹²</p>

5.4 Ramsar Sites

There are no Ramsar sites within 10 km of the proposed works area.

¹⁰ Joint Nature Conservation Committee (2015) *The Lizard – Designated Special Area of Conservation (SAC)*. Available at: <https://sac.jncc.gov.uk/site/UK0012799> (Accessed: December 2023).

¹¹ Joint Nature Conservation Committee (2015) *Fal and Helford - Designated Special Area of Conservation (SAC)*. Available at: <https://sac.jncc.gov.uk/site/UK0013112> (Accessed: December 2023).

¹² Joint Nature Conservation Committee (2017) *Lizard Point – Designated Special Area of Conservation (SAC)*. Available at: <https://sac.jncc.gov.uk/site/UK0030374> (Accessed: December 2023).

5.5 Justification of Likely Significant Effect

Based on the initial screening outlined above, the following designated sites have been identified as requiring further consideration to assess potentially significant effects:

- The Lizard SAC

This is due to the nature and extent of the proposed works, the location of the proposed works area partly within the SAC and the features for which the site was designated. Baseline information for this site is provided in Table 5.3.

There is no likelihood of a significant effect on Fal & Helford SAC, Lizard Point SAC or Falmouth Bay to St Austell Bay SPA due to the large distance from these sites, the small footprint of the proposed works and the lack of any impact pathway.

Likely significant effects on this site are considered in the following sections.

Table 5.3: Baseline Information for The Lizard SAC

Baseline Information	Detail
Relationship between Designated Site and Proposed Works	The proposed works partially fall within the Lizard SAC area.
Qualifying features	<ul style="list-style-type: none"> - 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts - 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. - 3170 Mediterranean temporary ponds *priority feature - 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> - 4030 European dry heaths - 4040 Dry Atlantic coastal heaths with <i>Erica vagans</i> *priority feature
Conservation Objectives	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> - The extent and distribution of qualifying natural habitats. - The structure and function (including typical species) of qualifying natural habitats, and - The supporting processes on which qualifying natural habitats rely¹³
Condition	54% of the East Lizard Heathlands SSSI (which underpins The Lizard SAC) has been assessed as being in favourable condition, with the remainder of the site having not been assessed. The proposed works area falls within an area which has not been condition assessed. ^{14,15}
Threats	<ul style="list-style-type: none"> - I01 – Invasive non-native species - A02 – Modification of cultivation practices - J02 – Human induced changes in hydraulic conditions - J03 – Other ecosystem modifications¹⁶

Table 5.4: Screening of Potential Likely Significant Effects for The Lizard SAC

Key Issues and Relevant Threats	Justification
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¹³ Natural England (2018) *European Site Conservation Objectives for The Lizard Special Area of Conservation Site Code: UK0012799*. Available at: <https://publications.naturalengland.org.uk/publication/5468171490295808> (Accessed: December 2023).

¹⁴ Natural England (unknown date) *East Lizard Heathlands – Site Units*. Available at: <https://designatedsites.naturalengland.org.uk/SiteUnitList.aspx?SiteCode=s2000126&SiteName=&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAAarea=> (Accessed: December 2023).

¹⁵ Natural England (unknown date) *East Lizard Heathlands – SSSI Condition Summary*. Available at: <https://designatedsites.naturalengland.org.uk/ReportUnitConditionSummary.aspx?SiteCode=S2000126&ReportTitle=East%20Lizard%20Heathlands%20SSSI> (Accessed: December 2023).

¹⁶ Joint Nature Conservation Committee (2015) *Natura 2000 – Standard Data Form UK0012799 The Lizard*. Available at: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0012799.pdf> (Accessed: December 2023).

Loss of / damage to habitat	<p>Construction: A significant effect on the integrity of the SAC is possible due to the excavation required within the SAC. This could be through uncontrolled movement of machinery or through the excavation works for the new pole within the SAC.</p> <p>Completed Development: The completed development will involve the permanent loss of a small area of heath within the Lizard SAC for the newly installed telecommunications pole.</p> <p>The proposed ducting works and second pole installation are to take place entirely outside of the SAC and will not affect SAC habitats. Additionally, movement of the pre-existing cable will not lead to habitat loss.</p>
Pollution	<p>Construction: If not controlled, there is a risk of pollution through fuel spillage from machinery during the construction stage. A likely significant effect cannot be ruled out at the screening stage.</p> <p>Completed Development: Both new poles will be coated with creosote as a preservative, to ensure that future works are kept to a minimum. Creosote has the potential to leach from the treated wood into surrounding soil</p>
Invasive non-native species (I01)	<p>Construction: This effect has been screened in for Stage 2 Appropriate Assessment as there is potential for invasive non-native species to be introduced to the site through vehicle tracks and worker's boots if not controlled.</p> <p>Completed Development: No likely significant effect.</p>

Table 5.5: Conclusions for The Lizard SAC

Is the potential scale or magnitude of any effect likely to be significant?	
Alone	Yes
In combination with other plans or projects	No
In the absence of mitigation, are the proposals likely to have a significant effect on the designated site?	
Yes - An Appropriate Assessment (Stage 2) is required.	

6. STAGE 2 – APPROPRIATE ASSESSMENT

6.1 Designated Sites with Likely Significant Effects

The Screening Assessment in Section 3 identified the following designated sites where significant effects are likely to occur in the absence of mitigation:

- The Lizard SAC.

An assessment of effects on integrity in view of the national site network site’s conservation objectives is set out below, to inform an appropriate assessment of the proposed works.

6.2 The Lizard SAC

The proposed work has the potential to affect the integrity of The Lizard SAC due to the potential for habitat loss (up to 1m²) from the new pole installation, damage to habitats through construction works, pollution through fuel spillage and leaching from creosote coatings, and through the introduction of invasive non-native species. These potential effects on integrity are assessed further within this section.

Table 6.1: Information for Appropriate Assessment for The Lizard SAC

Conservation Objectives – Key Issues and Relevant Threats	Impacts on Integrity of the Designated Site in the Absence of Mitigation
Conservation Objectives / Issues / Threats	Construction: <ul style="list-style-type: none"> - Habitat loss and damage through machine movement, trampling and pole excavation. - Introduction of invasive non-native species from vehicle tracks and boots. - Risk of fuel spillage onto SAC habitats from machinery. Completed Development: <ul style="list-style-type: none"> - A small amount of permanent habitat loss because of the new pole installation (<1m²). - Long-term minor pollution of habitat immediately adjacent to the pole through creosote from the newly installed poles leaching into soils within the SAC.

6.3 Scheme of Mitigation

6.3.1 Protection of Habitats

The following measures are proposed to reduce the risk of the proposed works leading to damage to valuable habitats within the proposed works areas. Subject to the full implementation of these measures it is assessed that the risk of damage would be significantly reduced:

- An ecologist will give a toolbox talk to all site workers. The toolbox talk will describe to workers the sensitive nature of the site and areas of the site that are out of bounds for the works/workers. The toolbox talk will also highlight the need to stick to a single track through the heathland in order to reduce trampling of habitats.
- The primary risk to the integrity of the Lizard SAC is considered to be the permanent loss of a small area of habitat through the installation of a new telegraph pole (<1m²). This will be mitigated through the micro siting of the new pole location by a suitably qualified ecological clerk of works (ECoW) immediately prior to installation, to ensure it is installed within an area of dead heath as was observed on site during the site walkover in October 2023, and described in section 3.2.3. Photos 9-12 (Appendix 2) also show these areas. An ECoW will be present for all works carried out within the SAC area to ensure the pole installation takes place in this area only, to avoid the loss of heath in the SAC as the plants there are already dead. Due to the

potential for creosote leaching into soils from the new telegraph pole, habitat loss (or degradation) within the SAC would effectively be slightly larger than 1m².

- The contractor will provide tarpaulin which will be laid down adjacent to the new pole installation location within the SAC. Material which is excavated for the new pole installation will be deposited onto this tarpaulin rather than being dumped onto SAC habitats. Following pole installation, this material will be used to fill around the pole, then any remaining excavated material will be removed from the site.
- All workers and the ECoW will clean boots with water prior to entering the SAC in order to minimise the risk of spreading invasive species into the SAC.
- No refuelling of machinery will be carried out within the SAC area. If machinery needs to be refuelled whilst on site, this will be carried out away from the proposed works area and will be subject to standard controls to prevent spillage.
- The new pole within the SAC area will be carried in and installed by hand rather than being dragged over habitats, in order to minimise damage to SAC habitats. The cable will also be lifted over habitats to the new pole rather than being dragged, in order to avoid damage.

6.3.2 Protection of Common Reptiles and Birds

Whilst reptiles are not a designated feature of the Lizard SAC, they are protected under the Wildlife and Countryside Act 1981 (as amended). The works will be carried out during the reptile active period from March to September. A careful examination of the track through the woodland will be undertaken by a suitably qualified ecologist prior to any vehicle movement through this area. This will include a hand search of all areas of grass and any brash piles or dead wood piles within the track. If a reptile is found within the track, the ECoW present will attempt to catch and move it to a suitable area of habitat away from the proposed works.

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). There is potential for ground nesting birds such as nightjar *Caprimulgus europaeus* to make use of the heathland as roosting habitat. The proposed works are expected to be undertaken within the bird nesting season but will have a minimal impact on nesting birds due to the small area of excavation. The ECoW present for all works within the SAC will check the area to be excavated for the proposed pole within the SAC and the route workers will take towards it for bird nests prior to works commencing. A 10m exclusion zone will be set up around any identified active nests, within which no workers or machinery will enter.

7. CONCLUSION

This report has been prepared to provide information to the competent authority regarding the potential for the proposed development to have effects on designated sites, in accordance with the HRA process required under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The effects of the proposed development have been discussed using the available information and professional judgement.

After the implementation of mitigation, it is not considered that the proposals (either alone or in combination with other plans or projects) will result in an adverse effect on the integrity of relevant designated sites, namely The Lizard SAC.

In conclusion, and following appropriate assessment of the proposed development along with any required mitigation, there would be **no effect on integrity** during the construction stage or completed development.

APPENDIX 1 FIGURES



Legend






-  Pre-existing Pole
-  Proposed Pole
-  Proposed Duct Route
-  Proposed Overhead Cable
-  Special Area of Conservation

Figure Title
Proposed Works Plan

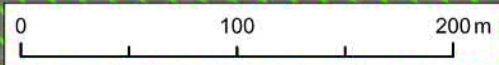
Project Name
Openreach Kestlemerris HRA

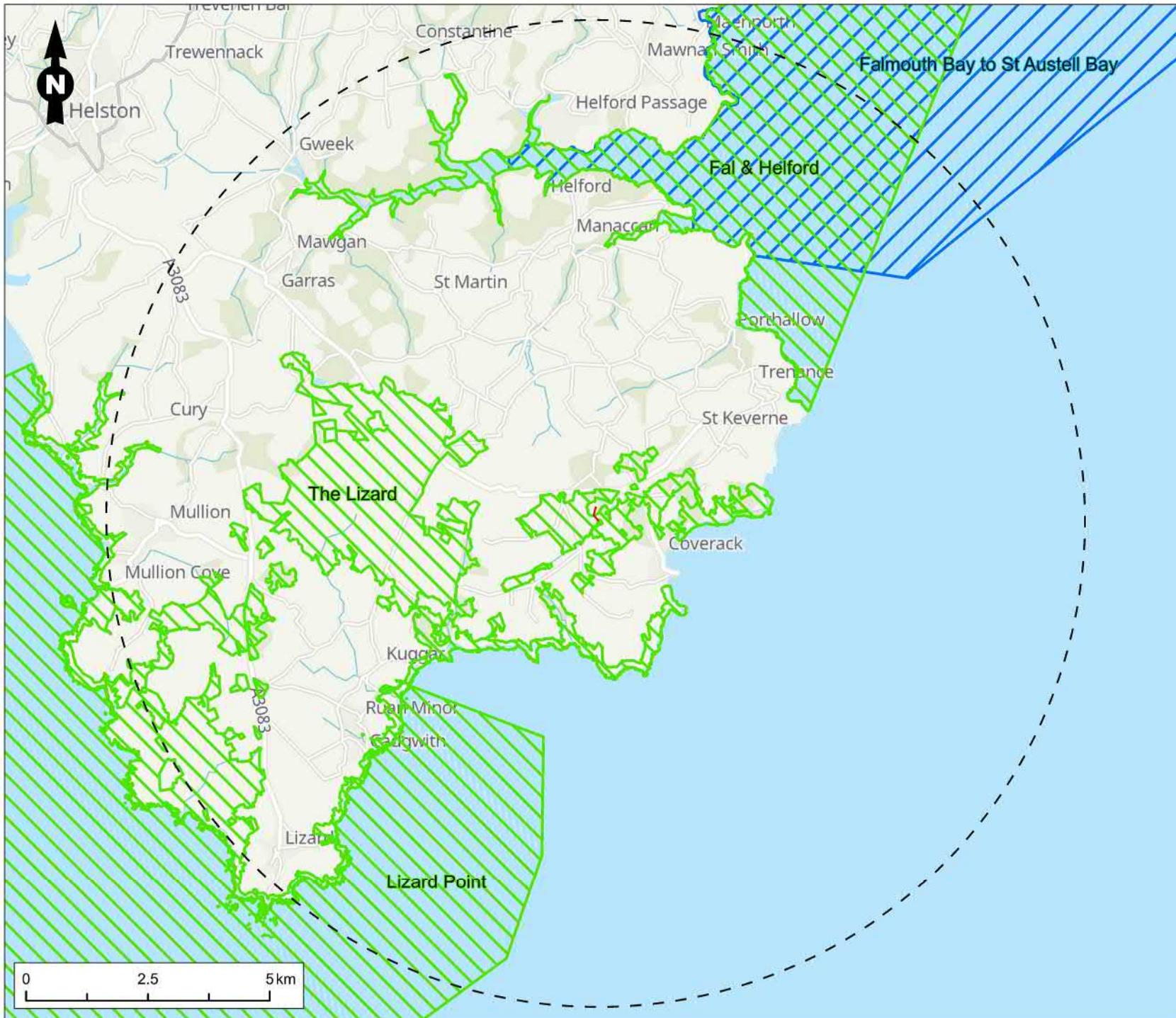
Project No./Filey ID
1620016396 \ REH2023N03633

Date	Figure No.	Revision
November 2023	1	1.0

Prepared By	Scale
MP	1:3,500 @A4

Client
Openreach Limited





Legend

- Proposed Cable
- 10km Buffer Around Proposed Cable
- Special Area of Conservation
- Special Protection Area

Figure Title
National Site Network and Ramsar Sites

Project Name
Openreach Kestlemerris HRA

Project No./Filey ID
1620016396 \ REH2023N03633

Date	Figure No.	Revision
November 2023	2	1.0




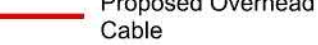
Prepared By	Scale
MP	1:110,000 @A4

Client
Openreach Limited





Legend

-  Pre-existing Pole
-  Proposed Pole
-  Proposed Duct Route
-  Proposed Overhead Cable

Habitat


-  Mediterranean Temporary Ponds (H3170) (r1f5)
-  Modified Grassland (g4)
-  Wet Woodland (w1d)
-  Lowland Heathland with Rock Outcrops (h1a)

Figure Title
UKHab Figure

Project Name
Openreach Kestlemerris HRA

Project No./Filey ID
1620016396 \ REH2023N03633

Date	Figure No.	Revision
November 2023	3	1.0

Prepared By MP	Scale 1:1,500 @A4
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Client
Openreach Limited



APPENDIX 2 PHOTOS



Photo 1. Modified grassland, looking north



Photo 2. Modified grassland, looking south

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 3. Woodland, looking south



Photo 4. Woodland, looking north

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 5. Woodland, looking west



Photo 6. Woodland, looking south

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 7. Woodland, looking north



Photo 8. Woodland, looking east

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 9. Vegetation within heathland (showing damaged area where new pole is proposed)



Photo 10. Vegetation within heathland (showing damaged area where new pole is proposed)

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 11. Vegetation and rocky outcrop within heathland



Photo 12. Vegetation and rocky outcrop within heathland

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 13. Vegetation within heathland



Photo 14. Heathland, looking south

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 15. Heathland, looking east



Photo 16. Heathland, looking east

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 17. Heathland, looking north



Photo 18. Heathland looking south-west

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023



Photo 19. Temporary pond within heathland



Photo 20. View of willow and gorse south of the proposed works area

Title: Photographic Log	Client: Openreach Limited
Site: Kestlemerris	Date: November 2023