

Preliminary Ecological Appraisal  
Land at Tyhanner, Polbathic, Cornwall  
March 2024

A report by

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## Report details

Site address:	Land at Tyhanner, Polbathic, Cornwall PL11 3EX
Grid reference:	SX 350568
Survey date:	5 <sup>th</sup> March 2024
Report date:	18 <sup>th</sup> March 2024
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Report reference:	WOR- 4330

## Declaration of compliance

### BS 42020:2013

This study has been undertaken in accordance with British Standard 42020:2013 Biodiversity, Code of practice for planning and development.

### Code of Professional Conduct

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

## Validity of survey data and report

The findings of this report are valid for 12 months from the date of survey. If work has not commenced within this period, an updated survey by a suitably qualified ecologist will be required.

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## Non-technical summary

Western Ecology has been commissioned to complete a Preliminary Ecological Appraisal of land at Tyhanner, Polbathic, Cornwall. A single holiday unit is proposed.

The Site comprises a majority habitat of regularly managed vegetated garden with a shaded northern aspect, with occasional scattered trees and a small area of other neutral grassland to the south. Boundaries are provided by ornamental hedging, vegetated bank, a Cornish hedgebank with hedgerow with trees providing the eastern boundary and supported native hedgerow at the south-eastern boundary. Woodland habitat is adjacent to the east, with a narrow trickle stream adjacent at the north-eastern corner.

The house (Tyhanner) an associated holiday let, and a small garden shed are not impacted by the proposals and are not included in the survey effort.

*Adjacent habitat to the east comprises other woodland; mixed.*

To ensure compliance with nature conservation legislation and planning policy, the following recommendations are made with regards to habitats:

### **Cornish hedgebank with hedgerow with trees; native hedgerow**

No loss of Cornish hedgebank or hedgerow habitat is indicated. All Cornish hedgebank/ hedgerow habitat bounding the Site that may be impacted by the development should be protected from accidental damage during the construction and phase by a protection zone using suitable fencing.

### *Adjacent habitat: other woodland; mixed (AWIS/CWS)*

*Recommended mitigation for hedgebank/hedgerow boundary habitats and Non-statutory Nature Conservation Sites (NNCS) will also protect against accidental damage of adjacent woodland habitat during the construction phase.*

To ensure compliance with nature conservation legislation and planning policy, the following recommendations are made with regards to species:

### **Bats**

Precautionary mitigation for light-averse bats is recommended.

### **Nesting birds**

Habitat within and bounding the Site may support occasional widespread and common nesting bird species.

Any activities affecting these habitats should be completed during the period September to February inclusive, outside the accepted bird nesting season. If this is not practicable, within 24 to 48 hours prior to the start of works these habitats should be thoroughly inspected by a suitably qualified person prior to disturbance or removal. If nesting birds are found, all activities likely to damage the immediate area should be delayed until chicks have fledged.

### Hedgehog

Any new garden boundaries should be designed to allow Hedgehogs free movement. Mitigation during construction is recommended.

### Reptiles

Reasonable Avoidance Measures are recommended prior to and during the construction phase.

### Invasive Non-native Species

Montbretia and a potentially invasive rhododendron are present within the Site. Control is recommended to prevent spread beyond the Site. Mitigation should involve the excavation of all plant material (including corms) and surrounding soil within the development footprint, prior to construction activities taking place. All excavated plant material and soil will be regarded as controlled waste and will need to be disposed of at a properly licensed facility.

To ensure compliance with nature conservation legislation and planning policy, the following recommendations are made with regards to Statutory and Non-statutory Nature Conservation Sites:

#### Lynher Estuary Site of Special Scientific Interest, Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex SPA

Due to the close proximity of the development to the Lynher Estuary SSSI, Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, it is recommended that a Construction Environmental Management Plan (CEMP) should be produced prior to the construction phase of the development. This should mitigate for the potential adverse effects from construction practices.

Adoption of this CEMP will ensure that this development is unlikely to impact the interest features for which this SSSI has been selected. However, its location within the SSSI's Impact Risk Zone requires that the LPA consult Natural England with regards to these proposals.

Taking the CEMP into account, the development may need to be screened as to its potential to impact the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, and its requirement for an appropriate assessment as per Article 6(3) and (4) of the Habitats Directive 92/43/EEC (as amended).

The Site is within the Zone of Influence for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA Zone of Influence for Natura 2000 sites. Developers may be required to provide a shadow screening assessment to the planning authority to aid in its Habitat Regulations Screening assessment of the likely impact on this SAC/SPA

### Lower Lynher Estuary County Wildlife Site and Polbathic/Tredis Woods Ancient Woodland Inventory Site

Mitigation for habitats and species and adjacent SNCS identified and included in a CEMP will provide the required mitigation during the construction and operational phases in relation to the adjacent NNCS.

#### Further surveys

Information within this report is sufficient to allow a robust assessment of the potential effects on the majority of ecological features associated, or potentially associated, with this Site.

No other survey work is recommended for this Site.

#### Biodiversity Enhancements

Simple biodiversity enhancements are recommended.

# 1. Introduction

Western Ecology has been commissioned to complete a Preliminary Ecological Appraisal of land at Tyhanner, Polbathic, Cornwall

## 1.1 Proposed development

A single holiday unit is proposed.

## 1.2. Survey aims

The survey and this report identify features of conservation importance that could constitute a constraint to the proposals for this site. Where appropriate, recommendations for impact avoidance, mitigation and post-development enhancement are made to ensure compliance with wildlife legislation and relevant planning policy.

This survey has been prepared in accordance with the 'Guidelines for Preliminary Ecological Appraisal' produced by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017).

## 1.3. Site location

The land surveyed is situated in a semi-rural area at the eastern edge of the village of Polbathic in south-east Cornwall.

## 2. Survey methodology

### 2.1. Desktop survey

In light of the habitats present within the site, a biological records search was not considered appropriate for the scale and probable impact of the proposed development.

The desktop survey identified any statutory nature conservation sites that may be affected by the proposals. This comprises an important part of the assessment process, providing information on ecological issues that may not be apparent during the site survey.

Consultees for the data search included:

- Natural England - GIS datasets of Statutory Nature Conservation Sites.
- Cornwall County Council- Interactive Map
- Multi-Agency Geographic Information for the Countryside map (MAGIC Map).

The location of nature conservation sites was examined to determine their ecological and landscape relationships with the proposed site. An assessment was then made of how the sites may be affected by the proposal, taking into account these relationships, and the species and/or habitat types for which the nature conservation site was chosen.

SSSI Impact Risk Zones are areas where the proposed planned change to the environment could either create significant damage to a local SSSI, or might require additional planning and consultation in order to avoid impacting such sites. The assessments are made according to the particular sensitivities of the features for which the SSSI is notified, and specifies the types of development that have the potential for adverse impacts.

In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

### 2.2. Field survey

A Preliminary Ecological Appraisal of the site was completed by Yolande Knight BSc (Hons) PhD MRSB.

The survey was completed on 5<sup>th</sup> March 2024 at 09:10 with an air temperature of 4°C, with 20% cloud, and calm.

Habitats were classified using the Phase 1 Habitat Survey methodology developed by the Joint Nature Conservation Committee (JNCC, 2010) and modified by the Institute of Environmental Assessment (IEA, 1995). The main plant species were recorded and broad habitat types mapped according to UK Habitats Classification v2 definitions (UK Hab Ltd., 2023). Habitats encountered are described within the Results section, with a map included within the report. Plant species were identified according to Stace (1997).



## 2.3. Method for valuation of habitats

The ecological value of habitats present is provided in line with Guidelines for Ecological Impact Assessment (CIEEM, 2018), and those which are important in terms of legislation or policy are identified. Table 1 summarises this information and details the extent of each habitat recorded here.

The nature conservation value, or potential value, of the habitat is determined within the following geographic context:

- International importance (e.g. internationally designated sites such as Special Areas of Conservation, Special Protection Areas, Ramsar sites);
- National importance (e.g. nationally designated sites such as Sites of Special Scientific Interest or species populations of importance in the UK context);
- County importance (e.g. SNCI, habitats and species populations of importance in the context of Cornwall);
- Local importance (e.g. important ecological features such as old hedges, woodlands, ponds);
- Site importance (e.g. habitat mosaic of grassland and scrub which may support a diversity of common wildlife species);
- Negligible importance. Usually applied to areas such as built development or areas of intensive agricultural land.

The examples are not exclusive and are subject to further professional ecological judgment.

## 2.4. Survey constraints

All areas of the site were readily accessible. Although some plant species would have not been visible during the survey period, within such a small, simple site comprising common and widespread habitat types, the timing of this survey is not a significant constraint to a robust initial site assessment.

It should be noted that habitats, and the species they may support, change over time due to natural processes and because of human influence. In line with local guidelines, the survey on which this report is based is only valid for one year, after which time it will need updating. This report is valid until 5<sup>th</sup> March 2025.

## 2.5. Study area

The study area for the desktop survey is within 2km for Statutory Nature Conservation Sites and 1km for Non-statutory Nature Conservation Sites. The study area for the Preliminary Ecological Appraisal was the footprint of the proposed development, hereafter referred to as the 'Site', and its immediate boundaries. This is the area included within the line described as "Survey area" within the legend of Map 1.

## 3. Results

### 3.1. Site description

The Site comprises a majority habitat of regularly managed vegetated garden with northern aspect, with occasional scattered trees and a small area of other neutral grassland to the south. Boundaries are provided by ornamental hedging, vegetated bank, a Cornish hedgebank with hedgerow with trees providing the eastern boundary, with supported native hedgerow to the south-east. Woodland habitat is adjacent to the east, with a narrow trickle stream adjacent at the north-eastern corner.

The house (Tyhanner), an associated holiday let, and a small garden shed are not impacted by the proposals and are not included in the survey effort.

*Adjacent habitat to the east comprises other woodland; mixed, areas of Ancient Woodland Inventory Site (AWIS) including stands of conifer plantation.*

### 3.2. Phase 1 habitats

Habitats have been classified using the Phase 1 Habitat Survey methodology and are described below and detailed in Map 1 as phase 1 habitat types. Habitats which are important in terms of legislation or policy are identified in Table 1. Plant species that characterise each of these habitats are identified, although this is for descriptive purposes, and comprehensive inventory is not provided.

Table 1. Habitat descriptions

Habitat type	Description	Biodiversity value
Vegetated garden	<p>The majority habitat comprises a manicured vegetated garden, with very close managed amenity lawn including frequent perennial rye, Yorkshire fog and occasional <i>Poa</i> sp., common daisy and creeping buttercup.</p> <p>The lawn towards the north-eastern corner has locally frequent lesser columbine, ribwort plantain and germander speedwell.</p> <p>Introduced shrubs such as ornamental conifers, camelia and montbretia are present through the Site. Rhododendron (potentially <i>ponticum</i>) is also present.</p>	Site
Scattered trees	<p>A number of trees are present within the vegetated garden habitat, with a number of small apple trees. In terms of larger trees, a walnut, silver maple and other non-natives such as</p>	

	<p>Lawson cypress are present towards the centre, east and north of the Site.</p> <p>A number of common ash with ash die-back have previously been removed from the north-eastern corner of the Site.</p>	
Other neutral grassland	Previously identified in 2022 as close-managed amenity grassland, an area to the south now comprises tussocky other neutral grassland, with frequent Yorkshire fog, occasional cock's-foot and <i>Festuca spp.</i> . Forbs included occasional white clover, daisy and creeping buttercup. Towards the edge habitats, additional herb species were present including germander speedwell, yarrow and self-heal.	Site
Cornish hedgebank with native hedgerow with trees	A low stone bank with hedgerow with mature trees provides a significant section of the eastern boundary. Species present include frequent sycamore, and occasional oak sp. and wild cherry.	Local Habitat of Principal Importance (JNCC & Defra, 2012) Local Biodiversity Action Plan priority habitat (CBI, 2011)
Supported native hedgerow	At the south-eastern boundary of the Site, a short (~20m) section of supported species-poor hedgerow is present, with a mix of occasional sycamore, hazel, hawthorn and rose.	Site Habitat of Principal Importance (JNCC & Defra, 2012)
Non-native hedgerow	A managed ornamental hedgerow is present at the western boundary, with majority cherry laurel, occasional conifer and other non-native species.	Site
Vegetated half-bank	A steep halfbank at the southern boundary is heavily vegetated with majority tall ruderals such as frequent hogweed, common nettle and broad-leaved dock. Other occasional species include red campion, dog's mercury and cleaver, with patchy grass species including false brome and false oat-grass.	Site
Walls and fencing	Low concrete walling provides a short section of boundary at the western edge. Wooden fencing is present along the southern boundary.	Negligible
<i>Adjacent habitat: other woodland, mixed</i>	<i>Immediately adjacent habitat to the east comprises two AWIS of other woodland, mixed, including areas of (replanted woodland) comprising conifer plantation.</i>	<i>Local AWIS and CWS.</i>

### 3.3. Desktop survey

#### Statutory Nature Conservation Sites (SNCS)

Two SNCS are present within 2 km of the surveyed Site: Lynher Estuary Site of Special Scientific Interest (SSSI) and Plymouth Sound and Estuaries Special Area of Conservation (SAC) are both situated 120m to the north at their nearest point.

The Site is within the Zone of Influence for the Plymouth Sound and Estuaries SAC.

#### Non-statutory Nature Conservation Sites (NNCS)

Two NNCS are present within 1 km of the centre of the surveyed Site: Lower Lynher Estuary County Wildlife Site (CWS) is immediately adjacent to the eastern boundary of the Site. This CWS also includes Polbathic/Tredis Woods Ancient Woodland Inventory Site (AWIS), which also extends beyond the CWS outline to the south-west of the Site.

#### SSSI Impact Risk Zones

The Site is within an area identified as a SSSI Impact Risk Zone for:

All planning applications- except householder applications.

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Unit 2  
The Workshed  
Liskeard Cattle Market  
Liskeard,  
Cornwall  
PL14 4BA

Tel: 0800 622 6828  
email: office@westernecology.co.uk

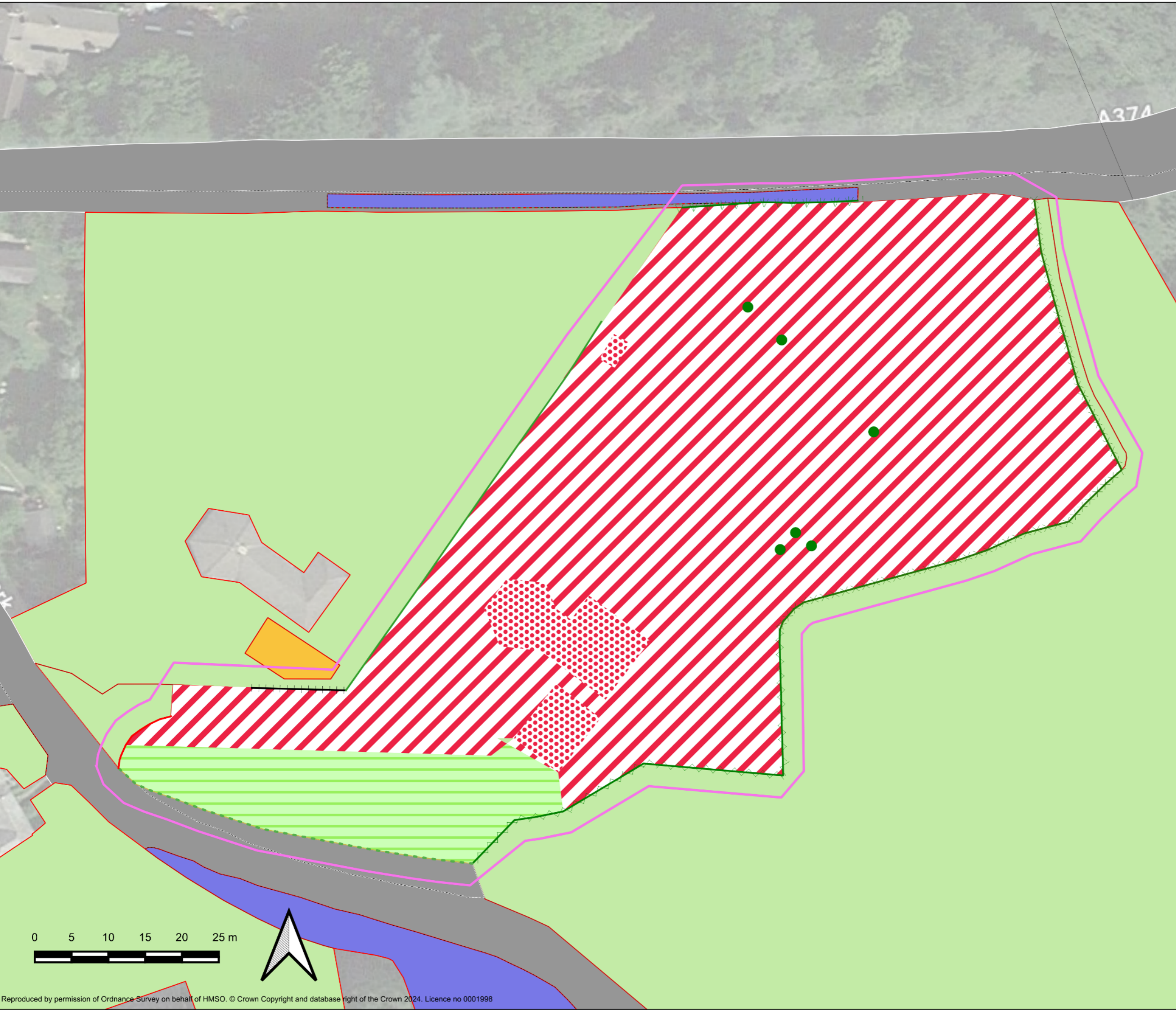
Legend

- Scattered trees (moderate/large)
- Line of trees
- Native supported hedgerow
- Fence
- Wall
- Ornamental hedge
- - - Earth bank
- Cornish hedgebank with hedge with trees
- Survey area (Approximate)
- g3c - other neutral grassland
- u1 - built-up areas and gardens
- u1b5 - buildings

Title: Map 1. UK Habs survey

Project: Tyhanner, Polbathic,  
Cornwall

Checked by: CDH Version: 01  
Date: 18/03/2024





### 3.4. Potential for species of nature conservation importance

Habitats have been assessed from the results of the field survey for their potential to support the following protected species. Where there is no potential for a species or species group to be present within the site, or where habitats with the potential to support this species or species group will not be impacted by the proposals, they may be scoped out at this stage.

Table 2: potential for protected species.

Species	Assessment	Potential for presence/value
Amphibians	There is no habitat within or near the Site that has the potential to support breeding amphibians. Amphibians do not need to be considered further.	Negligible
Badgers	There is no evidence of badgers within the Site, and negligible potential for Badger to be associated with habitats within and bounding the Site.	Possible
Bats	Trees within the Site were investigated from the ground for Potential Roosting Features (PRFs) such as suitably aligned knot holes, torsion twists etc., and none found.  The Site as a whole provides moderate potential for foraging and commuting bats, with the Site situated adjacent to unlit semi-natural habitat, including woodland habitat to the east and south, and with linkage out to the River Lynher 20m to the north all providing good potential.	Negligible  Moderate
Birds	There is potential for common nesting birds within shrubs, trees and hedgerow habitats around the Site.	Potential
Common Dormice	There is negligible potential for Dormice to be associated with habitats within and bounding the Site.	Negligible
Hedgehog	The habitats bounding the Site have limited potential for Hedgehog.	Limited potential
Reptiles	The majority garden habitat within the Site has very limited thatch and is regularly mown, with negligible potential for commuting or hibernating reptiles. The southern area of garden was previously well-managed grassland, and although slightly more overgrown, still has limited thatch, with low potential for foraging reptiles.	Low potential (foraging)
Otter	Although there are no suitable water bodies within the Site, and negligible potential for foraging and/or commuting otter within the Site, there is limited potential for commuting otter associated with the adjacent stream to the north-eastern boundary.  Visual survey from the boundary did not show any suitable habitat for holts or resting places.	Limited
Water Vole	No suitable water bodies.	Negligible
Notable invertebrates	Habitats at this Site are likely to support common and widespread invertebrates, although priority invertebrate habitats such as flushes, suitable brown-field land and soft rock cliffs are absent from the site	Negligible
Notable plants	Habitats within the Site provide little potential for notable or rare plants and they do not need to be considered further.	Negligible
Invasive non-native plants	Montbretia, a plant listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as INNS with respect to England and Wales, were present within the Site. A rhododendron (possibly <i>ponticum</i> ) was also present.	Present

## 4. Evaluation of ecological features and potential impacts

Ecological features that have the potential to be present have been assessed in light of current nature conservation policy, planning policy and wildlife legislation by an experienced ecologist (see Appendix 1). Where necessary, the ecological value of an ecological feature is given along with the potential effect of the proposed development.

If it is considered that the proposed development is likely to have no effect on features that have been identified as present, or potentially present, they may be scoped out at this stage.

### 4.1. Habitats of nature conservation importance

#### Protected habitats

Habitats are protected under international and national legislation including The Conservation of Habitats and Species Regulations 2017, and Wildlife and Countryside Act 1981 (as amended). These have been formulated into policy measures, with many examples protected under formal site designations such as SSSIs and SACs.

No habitats of European Community Importance as defined within The Conservation of Habitats and Species Regulations 2017 were present within this site. Protected habitats of this type are not a consideration for this project.

#### Notable habitats

Sixty five habitats are listed as being of principal importance, in the Secretary of State's opinion, for the purposes of conserving biodiversity. Under section 41 (England) of the NERC Act (2006) there is a need for these habitats to be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity. These habitats are the subject of National and Local Biodiversity Action Plans.

Hedgerows are given particular protection under the Protection of Hedgerows Act 1997.

#### Cornish hedgebank with native hedgerow with trees; native hedgerow

The Cornish hedgebank with native hedgerow with trees at the eastern boundary is a Local Biodiversity Action Plan Priority (CBI, 2011). All native hedgerow habitat is a Habitat of Principal Importance (JNCC & Defra, 2012). No native hedgerows qualify as ecologically important for the purposes of the Hedgerow Regulations 1997.

The removal of any Cornish hedgebank would require written permission from the local planning authority. The loss of any section of this habitat would be a material consideration in the determination of any planning application.

Plans do not indicate the loss of any Cornish hedgebank or hedgerow habitat.

There is potential for impact on Cornish hedgebank and hedgerow habitats during the construction phase and precautionary mitigation is recommended.

#### Adjacent habitat: other woodland, mixed

There is potential for impact on adjacent woodland habitat during the construction phase. Precautionary mitigation is recommended.

## 4.2. Species of nature conservation importance

### Overview

Many native wild plants and animals are protected by law with the two main legal instruments being the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017. The latter consolidates amendments to the Conservation (Natural Habitats, &c) Regulations 1994 which transposed into UK Law the EU Habitats Directive.

One thousand, one hundred and fifty species of fungi, plant or animal are listed as being of principal importance, in the Secretary of State's opinion, for the purposes of conserving biodiversity. Under section 41 (England) of the NERC Act (2006) there is a need for these species to be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity. These species are the subject of National and Local Biodiversity Action Plans.

### Bats

Bat species and their breeding or resting places (roosts) are protected under the Wildlife and Countryside Act 1981 (as amended), and The Conservation of Habitats and Species Regulations 2017. They are identified as European Protected Species. Under these laws it is an offence to:

- capture, kill, disturb or injure bats (on purpose or by not taking enough care);
- damage or destroy a breeding or resting place (even accidentally);
- obstruct access to their resting or sheltering places (on purpose or by not taking enough care); or
- possess, sell, control or transport live or dead bats, or parts of them.

Seven species of bat are listed as species "of principal importance for the purpose of conserving biodiversity".

No potential roosting habitat is present within the Site.

Site habitats provide moderate potential for foraging and commuting bats. Adjacent woodland habitat provides good potential for foraging and commuting bats, including light-averse bats. Mitigation may be required to allow light-averse bats to continue to forage and commute along the eastern woodland edge boundary.

### Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) from being killed, injured or captured whilst their nests and eggs are protected from being damaged, destroyed or taken. Birds which are listed under Schedule 1 of the Act are given additional protection against disturbance.



Fifty-nine species of bird are listed as species “of principal importance for the purpose of conserving biodiversity”.

It is likely that common birds nest within hedgerow, shrub and tree habitats within and bounding the Site. Any activities which impact these habitats have potential to adversely impact nesting birds. Any site clearance is likely to require mitigation for nesting birds.

Any activities that expose invertebrates, such as earth worms and grubs, will provide an additional food resource for local birds and will have a positive temporary effect, particularly when adults are feeding nested chicks.

### Hedgehog

Hedgehogs are partially protected under the Wildlife & Countryside Act 1981 (as amended) and may not be trapped without a licence from Natural England. Hedgehogs are listed as a species “of principal importance for the purpose of conserving biodiversity”.

There is potential that Hedgehog are active and forage within the Site. Mitigation may be required.

### Reptiles

All native reptiles are protected to some degree under the Wildlife and Countryside Act 1981 (as amended) whilst our two rarest species, the Sand Lizard and Smooth Snake, are given full protection under the Act and also identified as European Protected Species.

The four common species (Slow Worm, Adder, Grass Snake and Common (Viviparous) Lizard) are protected from deliberate killing, injury and trade.

The two rare species, Sand Lizard and Smooth Snake, are given more protection that includes protection from capture and deliberate or reckless killing, injury or disturbance. Their breeding or resting places are also protected from obstruction or damage, even if it were accidental.

All six native reptiles are listed as species “of principal importance for the purpose of conserving biodiversity”.

The majority garden habitat has negligible potential for foraging reptiles, with impermanent features (eg brash piles) in heavily shaded areas.

There is potential for commuting reptiles associated with the southern area of grassland and vegetated bank.

The loss of habitat to the footprint of the proposed development is unlikely to impact reptiles at a population level, were they to be present, although construction activities across the Site could result in the killing or injury of individuals which may be deemed an offence under the Wildlife and Countryside Act 1981 (as amended). Mitigation may be required.

### 4.3. Invasive Non-native Species (INNS)

#### Schedule 9 plant species

Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), relates to the introduction of plant and animal species that are not native to the UK. It is an offence to 'cause to grow in the wild' and spread any plant that is listed under this Schedule. This includes the montbretia and potentially invasive rhododendron species growing within the Site. Control of these plants is recommended.

### 4.4. Statutory Nature Conservation Sites

Natural England has assessed the potential for various development types to impact nearby statutory nature conservation sites when they created SSSI Impact Risk Zones. The proposed development is of a type that Natural England judges to be a risk to statutory nature conservation sites.

This relates to its relationships to:

- Lynher Estuary SSSI
- Plymouth Sound and Estuaries SAC
- Tamar Estuary Complex SPA

#### Lynher Estuary SSSI

The river corridor is approximately 20m to the north, with the heavily used A374 between the Site and the SSSI. This SSSI is designated for its wintering birds (as part of the Tamar-Tavy-Lynher complex), marine sediment invertebrate communities, and rocky shore, subtidal and saltmarsh habitats.

This Site is within the SSSI's Impact Risk Zone for all developments. This indicates that the local planning authority should consult Natural England with regards to this development and its potential to affect this SSSI under Schedule 5 (v) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and section 28, paragraph 1 of the Wildlife and Countryside Act 1981 (as amended).

Although there is potential that wintering birds from the estuary may use the area immediately adjacent to the southern riverbank (20m from the eastern-most boundary of the development Site), the proposed development will be screened by two tree lines adjacent to the A374, with the river corridor significantly below the road and, by extent, the development footprint. Current disturbance from heavy traffic use of the A374 throughout the year is either likely to limit its use by wintering birds, or for birds active within the river corridor to be normalised to movements and noise associated with heavy traffic. It is unlikely that the physical presence of the additional built structure in the landscape will adversely affect the distribution of over-wintering birds that are an interest feature of this SSSI.

Proposals for this Site will not lead to direct habitat loss within the Lynher Estuary SSSI. However, some impacts are predicted for this protected site, with potential for adverse effects from construction activities, in particular in relation to the stream adjacent to the north-eastern boundary. Taking into account the distance between the Site and the SSSI, these may include: adverse impacts to soil or water resources and on nearby

environmentally sensitive areas; potential negative impacts on local flora and fauna; disturbance via dust; pollution risks, including the risk of environmental contamination, or harm by incorrect storing, handling, using and disposing of hazardous substances; and the potential environmental impact of vehicles and plant equipment. Mitigation is required.

#### Plymouth Sound and Estuaries SAC

The river corridor zone approximately 20m to the north of the Site is part of the Plymouth Sound and Estuaries SAC.

The primary reason for its designation is the presence of the following Annex I habitats:

- Sandbanks which are slightly covered by seawater all the time;
- Estuaries;
- Large shallow inlets and bays;
- Reefs and Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*).

Mudflats and sand flats not covered by seawater at low tide is an Annex I habitat present as a qualifying feature, but not as a primary reason for selection of this site. Shore Dock *Rume x rupestris* is an Annex II species present as a primary reason for selection of this site. Allis Shad *Alosa alosa* is an Annex II species present as a qualifying feature, but not a primary reason for selection of this site.

It is extremely unlikely that a single unit holiday development at this site would directly impact habitats for which this SAC has been selected. It would have negligible effect on Shore Dock, which is typically isolated to freshwater seeps along cliffs close to the strand line, and Allis Shad, which may migrate past this area on the way to their freshwater spawning grounds.

However, in common with the Lynher Estuary SSSI, some impacts are predicted for this protected site, with potential for impact during the construction phase.

#### Tamar Estuary Complex SPA

The river corridor zone approximately 20m to the north of the Site is part of the Tamar Estuary Complex SPA.

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

On passage;

Little Egret *Egretta garzetta*, 72 individuals representing at least 9.0% of the population in Great Britain (Count as at 1993).

Over winter;

Avocet *Recurvirostra avosetta*, 201 individuals representing at least 15.8% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6).

Little Egret *Egretta garzetta*, 42 individuals representing at least 8.4% of the wintering population in Great Britain (Count as at 1993).

The majority of the proposed development the proposed development will be screened by two tree lines on either side of the A374, with the river corridor significantly below the road and, by extent, shielded from the development footprint. Current disturbance from heavy traffic use of the A374 throughout the year is either likely to limit its use by wintering birds, or for birds active within the river corridor to be normalised to movements and noise associated with heavy traffic. It is unlikely that the physical presence of the additional built structure in the landscape will adversely affect the distribution of over-wintering birds that are an interest feature of this SPA.

However, in common with the Lynher Estuary SSSI, some impacts are predicted for this protected site during the construction phase and mitigation will be required.

The Site is within the Plymouth Sound and Estuaries Special Area of Conservation (SAC) Zone of Influence. Mitigation will be required.

#### 4.5. Non-statutory Nature Conservation Sites

Two NNCS are adjacent to the east of the Site: Lower Lynher Estuary CWS and Polbathic/Tredis Woods AWIS.

Although the proposed development will not lead to any loss of habitat within the NNCS, there is potential for adverse impacts from construction activities to habitats and species that are features for selection of these NNCS. The pathway of effect may include: adverse impacts on nearby environmentally sensitive areas; potential negative impacts on local flora and fauna; disturbance via dust, light, vibration, noise and other related activities; pollution risks, including the risk of environmental contamination, or harm by incorrect storing, handling, using and disposing of hazardous substances; potential environmental impact of vehicles and plant equipment. Mitigation is recommended.

## 5. Recommendations for mitigation and further surveys

### Mitigation

Where there is potential that the proposed development will have a significant<sup>1</sup> effect on a valued ecological feature of nature conservation interest, recommendations for mitigation are made based on the mitigation hierarchy suggested in Paragraph 118 of the National Planning Policy Framework and detailed in Paragraph: 018 Reference ID: 8-018-20140306 of National Planning Practice Guidance;

- Avoidance –significant harm to wildlife species and habitats should be avoided through design.
- Mitigation – where significant harm cannot be wholly or partially avoided, it should be minimised by design, or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations.
- Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, this should be properly compensated for by measures to provide for an equivalent value of biodiversity.

Where the detail of a proposal is unknown, such as in outline planning applications, general mitigation will be suggested. This should be re-addressed once final plans are known.

### Further survey work

Where further survey work is not recommended, this is because it is the professional judgement of the ecologist that adequate information is already available and further surveys would not make any material difference to the assessment provided.

Where the information within this report is insufficient to allow a full description of the nature conservation features of the site along with a robust assessment of the potential effects on these features, further survey work will be recommended.

### 5.1. Habitats of nature conservation importance

To ensure compliance with nature conservation legislation and planning policy, the following recommendations are made with regards to habitats:

#### Cornish hedgebank with native hedgerow; native hedgerow

No loss of Cornish hedgebank/native hedgerow habitat is indicated in plans.

There is potential for impact on these habitats during the construction phase, and as such, mitigation is recommended.

All Cornish hedgebank and hedgerow should be protected from accidental damage during the construction and phase by a protection zone using suitable fencing. A protection zone

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<sup>1</sup> For the purposes of this report, a practical approach has been taken to define the term 'significant'. If an effect is sufficiently important to be given weight in the planning process or to warrant the imposition of a planning condition, it is likely to be 'significant' in the context of the level under consideration (BSI, 2013).

associated with the south-eastern boundary and tree T002 (see Tree Protection Plan provided under a separate cover) should be put in place and maintained for the duration of works. In addition, an additional 2m protection zone should be put in place associated with the eastern Cornish hedgebank with hedgerow with trees (boundary of woodland) and maintained for the duration of the works. In addition to the Tree Protection Plan recommendations, the hedgebank/hedgerow protection zones should include;

- A temporary fence situated along the outer edge of the protection zone (interior to the Site), to protect the zones and the adjacent habitat, during the entire construction phase;
- No storage of machinery, chemicals or other materials, within the protection zone;
- No ground disturbance or burning within the protection zone;
- No vehicles tracking across, and no vehicles parking in, these zone;
- Construction practices ensuring that no dust deposition, disturbance, noise, or pollution risks impact adjacent hedgerow and woodland habitats. This includes mitigation for light-averse wildlife species in relation to the adjacent eastern woodland;
- Construction staff briefed during induction as to the purpose of this protection zone.

Details should be provided in an accompanying Construction and Environmental Management Plan (CEMP).

*Adjacent habitat: other woodland, mixed*

Mitigation recommended under Section 5.1. Cornish hedgebank with native hedgerow; native hedgerow will provide suitable precautionary mitigation measures for adjacent woodland habitat. Details should be provided in an accompanying CEMP.

If plans change and any of these habitats are to be lost, this report and associated recommendations should be reviewed.

## 5.2. Protected species and species of nature conservation importance

To ensure compliance with nature conservation legislation and planning policy, the following recommendations are made with regards to species:

### Bats

The Site has moderate suitability for foraging and commuting bats. However, taking into account the limited footprint of the development, it is considered that bat activity transects are not proportionate to the negligible level of risk to foraging and commuting bats posed by this development.

Precautionary mitigation in relation to external lighting and light-averse bat species should be adopted to retain the function of nearby semi-natural habitats to the east of the development. This should include:

- A limit to 0.5 lux on woodland edge habitats, with lighting directed into the site, away from adjacent tree canopies;

- Security lighting activated by movement sensor with a time limit switch;
- Lighting designed to minimise light spill beyond the required target;
- Lighting directed into the site, in particular away from boundary hedgebank and hedgerow, and adjacent woodland to the east and south-east;
- Use of narrow spectrum lights with no UV content;
- Use of low level bollard lighting along the margins of roads and parking/turning areas;
- Use of low pressure sodium or warm white LED lights.

There is also potential that night-time works during construction could impact light-averse bat species, and the following will be adopted:

- No external night-time works will occur during the construction phase (detailed in CEMP).

This mitigation is considered to be sufficient to meet the requirement of demonstrating minimal new external lighting, and avoidance of light spill onto habitats used by bats and other wildlife.

### Birds

Boundary hedgerow and tree habitat may support occasional widespread and common nesting bird species.

Any activities affecting these habitats should be completed during the period September to February inclusive, outside the accepted bird nesting season. If this is not practicable, within 5 days prior to the start of works these habitats should be thoroughly inspected by a suitably qualified person prior to disturbance or removal. If nesting birds are found, all activities likely to damage the immediate area should be delayed until chicks have fledged.

### Hedgehogs

There is potential for Hedgehogs to be active within the Site and there is potential for hedgehog to be trapped during the construction phase. To prevent this, the following is recommended:

- Any site security fencing along the boundaries should leave a suitable gap between the fence and any other boundary such as scrub/woodland edge, bank or wall etc. to allow continued movement through the Site;
- Any trenches left open at night should have some means of escape for hedgehogs, such as the placement of a scaffolding board at one end;
- Any site security fences should have a gap at each corner sufficient to allow hedgehogs to exit the Site should they gain entry.

It is recommended that any new internal boundaries are designed to allow Hedgehogs free movement within the finished development. It is recommended that a hole for small mammals (including Hedgehogs) be put in place in any new garden boundaries of 13x13cm to allow movement through the landscape.



## Reptiles

The habitat to be lost to the development comprises close-managed amenity grassland. Further survey work is not considered appropriate or proportionate, due to the limited footprint of the proposed development footprint in relation to potential habitat, and the potential to retain these animals within suitable habitats within the wider Site area. This is preferable to translocation as it reduces stress, prevents the spread of disease and supports natural population dynamics (Nash et al., 2020).

There is high potential for Reasonable Avoidance Measures (RAMs) to successfully ensure that no reptiles are killed or injured during development. By following simple mitigation, any adverse impact can be avoided.

RAMs should be undertaken during Site clearance and construction, following a method statement for habitat clearance:

### Construction in period late March to October

If construction is to occur during the reptile active season (late March to October), areas to be affected by construction activities should be de-vegetated prior to any site activities under the supervision of a suitably qualified ecologist. Any vegetation will initially be strimmed to a height of no more than 20 cm, having first used an ecologist to walk and beat the habitat. This will encourage reptiles to disperse naturally into adjacent habitats. After at least 24 hours, a second cut will be made as close to ground/bank level as possible. This should ensure that any reptiles, if present, are displaced from the construction site onto adjacent intact habitats.

Following vegetation and refugia clearance, prior to and during construction works:

- All arising and/or demolition waste from vegetation, refugia and building clearance must either be removed from the area, or placed in a skip so that it does not create further suitable habitats and shelter for reptiles.
- Any storage of building and/or hazardous materials will be stored in a way that does not provide a new refuge habitat for reptiles: that is, not on the ground, e.g. in a skip or alternative.
- During construction, any trenches, holes, pits or other excavations which reptiles or amphibians could fall in to must be covered overnight, or have sloped banks or ramps suitable for their escape.
- If any reptile species is detected on site, it must be carefully picked up, placed in a clean bucket and moved to an area of suitable habitat (for reptiles, amenity land to the south of the Site).

### Construction in period November to early March

The bank to the south no longer has potential for hibernating reptiles due to lack of cover vegetation, and plans do not indicate any impact. Construction can occur in this period without any precautionary mitigation.



### 5.3. Invasive Non-native Species

Montbretia, and a potentially invasive rhododendron species, are present within the Site. control is recommended to prevent spread, with the plants either retained on Site, or achieved using a suitable herbicide applied in line with the manufacturer's recommendations. All arisings, including associated soil and corm material will be disposed of in licenced landfill, or retained onsite.

Methodology will be included in the accompanying CEMP, in particular in relation to potential impact on the adjacent trickle stream to the east of the Site.

### 5.4. Statutory Nature Conservation Sites (SNCS)

To ensure compliance with nature conservation legislation and planning policy, the following recommendations are made with regards to statutory nature conservation sites:

#### Lynher Estuary SSSI, Plymouth Sound and Estuaries SAC and Tamar Estuary Complex SPA

The Site is 20m south of the Lynher Estuary SSSI and within this SSSI's Impact Risk Zone for all developments.

Guidance is given within Section 175 (b) of the National Planning Policy Framework for planning applications on land within or outside a SSSI likely to have an adverse effect on its notified special interest features. Within this guidance it is stated that:

*“development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”*

Due to the close proximity of the proposed development to the Lynher Estuary SSSI, the Plymouth Sound and Estuaries SAC and the Tamar Estuary Complex SPA, mitigation may be required, and is likely to include the following recommendations:

- It is recommended that a Construction Environmental Management Plan (CEMP) should be produced prior to the construction phase of the development. This should also include other mitigation measures identified through Section 5 of the report.
- Mitigation for the potential adverse effects from construction practices should include: ensuring no contamination of soil or water by hazardous substances; ensuring no sediment is deposited outside of the Site, including the reduction of dust deposition, in particular in relation to the use of any access tracks by site vehicles; no works undertaken outside of the approved footprint; ensure work occurs only during daylight hours; undertake appropriate storage and transport of any hazardous materials, including vehicle fuel, or any waste materials; ensure no spills, or leaks of fluids, fuels or oils from vehicles or plant; ensure vehicles and plant are parked an appropriate

distance from sensitive environmental areas when not in use. This in particular relates to the potential for run-off/other environmental impacts relating to the stream adjacent to the north-eastern boundary.

Production and adoption of this CEMP will ensure that this development is unlikely to impact the interest features for which the SSSI, SAC and SPA have been selected. However, its location within this SSSI's Impact Risk Zone requires that the LPA consult Natural England with regards to these proposals.

Taking the CEMP into account, the development may need to be screened as to its potential to impact the Plymouth Sound and Estuaries SAC, and the Tamar Estuary Complex SPA, and its requirement for an appropriate assessment as per Article 6(3) of the Habitats Directive 92/43/EEC (as amended).

The Site within the Zone of Influence for the Plymouth and Tamar Estuaries SAC. Developers may be required to provide a shadow screening assessment to the planning authority to aid in its Habitat Regulations Screening assessment of the likely impact on this SAC/SPA<sup>2</sup>.

Depending on the outcome of this screening assessment, it is likely that the developer will need to provide a financial contribution towards securing mitigation measures to address the recreational impacts of the proposed development upon these SNCS, in accordance with Policy 22 of the Cornwall Local Plan.

Requirements for mitigation are detailed on the Cornwall Council website, with a supplementary planning document and template for Plymouth Sound Estuaries SAC Tamar Estuaries SPA available from:

<https://www.cornwall.gov.uk/planning-and-building-control/planning-policy/adopted-plans/european-sites-mitigation-spd/>

Under this policy the required mitigation is set at £371 per dwelling.

## 5.5. Non-statutory Nature Conservation Sites

Two NNCS are adjacent to the east of the Site: Lower Lynher Estuary CWS and Polbathic/Tredis Woods AWIS.

Mitigation for habitats and species and adjacent SNCS identified and included in a CEMP will provide the required mitigation during the construction and operational phases in relation to the adjacent NNCS.

## 5.6. Summary of net gains and losses

Table 3 provides a summary of net gains and losses to biodiversity resulting from the proposed development with mitigation, but without biodiversity enhancement.

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<sup>2</sup> <https://www.cornwall.gov.uk/media/jfkizz4l/form-3-part-2-european-sites-spd-marine-and-estuarine.pdf>

Table 3. Summary of net gains and losses to biodiversity

<b>Nature conservation feature</b>	<b>Potential impact</b>	<b>Proposed mitigation</b>	<b>Outcome/Comments</b>
Cornish hedgebank with hedgerow/ hedgerow; adjacent other woodland; mixed habitat	Accidental damage during construction.	Adoption of a 2 metre protection zone.	Impact minimised.
Bats: foraging and commuting	Degraded commuting and foraging habitat due to light spill.	Precautionary mitigation in relation to lighting.	Impact minimised.
Nesting Birds	Direct harm or injury during site clearance. Potential for an offence.  Increased food items during construction.	Any activities affecting nesting habitats should be completed during the period September to February inclusive, outside the accepted bird nesting season.	Direct harm and injury avoided.  Temporary positive gain.
Hedgehog	Loss of habitat  Direct harm or injury during construction.	Any new garden boundaries designed to allow Hedgehogs free movement.  Mitigation during construction.	Impact avoided.  Impact minimised.
Reptiles	Direct harm or injury	Reasonable avoidance measures are recommended.	Impact avoided
INNS (Montbretia, potential INNS rhododendron)	Possible spread across Site and wider area. Potential for an offence.	Control of INNS either within Site, or ideally removal and appropriate disposal of material and associated soil.	Impact avoided.
SNCS: Lynher Estuary SSSI, Plymouth Sound and Estuaries SAC, Tamar Estuaries Complex SPA	Potential impact to the Lynher SSSI, Plymouth Sound and Estuaries SAC, Tamar Estuaries Complex SPA.	Production and adoption of a CEMP.	No significant effect.
NNCS: Lower Lynher Estuary CWS and Polbathic/Tredis Woods AWIS.	Potential impact to Lower Lynher Estuary CWS and Polbathic/Tredis Woods AWIS.	Production and adoption of a CEMP.	Impact minimized.
Zone of Influence for Plymouth and Tamar Estuaries SAC/SPA	Increased recreational pressure.	Financial contribution informed by assessment of impact (HRA).	Impact mitigated.

## 6. Further survey work

Information within this report is sufficient to allow a robust assessment of the potential effects on the majority of ecological features associated, or potentially associated, with this Site.

No other survey work is recommended for this Site.

## 7. Biodiversity enhancement

In line with the Environment Act 2021, the majority of Local Planning Authorities (LPA) are now requiring suitable enhancements for wildlife within minor developments, with the aim of securing net gain. Although applying a measurable net gain does not apply to permitted development, change of use, or alterations to buildings and housing extensions, the LPA will likely seek proportionate enhancements for wildlife from these developments. Depending upon the LPA's requirements, this might include bat box/brick/tubes, bird box/bricks and bee bricks. If structurally inappropriate to the design, the use of alternative, but equivalent, wildlife features is possible.

Creating new habitats, enhancing existing habitats or providing new wildlife features, can all contribute towards biodiversity enhancement, and helping to rebuild habitat networks in the wider area improves ecological resilience and adaptation to climate change.

Enhancements are additional to any measures necessary to deal with potential impacts on site, as they are an opportunity to provide new benefits for biodiversity as a consequence of the proposals being implemented.

For this development, we recommend:

- One in-built bird box/brick/tube
- One invertebrate brick

### Bird Boxes

New nesting opportunities could be provided for birds on the Site, through the provision of a nesting box per build and built of long-lasting materials, suited to small passerine birds: boxes suitable include the Green & Blue bird block (Figure 1) which can be integrated or fitted externally with the addition of a fixing kit. These should be situated in a northerly facing aspect.



Figure 1. Green & Blue bird brick.

## Invertebrates

An invertebrate brick (Figure 2) could be fitted 1 to 2 metres above ground level on the southern side of each unit. These attract solitary bees, wasps and other invertebrates.



Figure 2. A bee brick

## References

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## Appendix 1:

### Legislation and Policy used to assess habitats and species

#### European Habitats and Species Directive (CEC, 1992)

The main aim of the Habitats Directive is to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those habitats and species of European importance.

#### European Red Data lists (IUCN, 2000)

International Union for Conservation of Nature (IUCN) and the European Commission have been working together on an initiative to assess around 6,000 European species according to IUCN regional Red Listing Guidelines. Through this process they have produced a European Red List identifying those species which are threatened with extinction at the European level so that appropriate conservation action can be taken to improve their status.

#### European Council Birds Directive (CEC, 1979)

The Directive provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. An important part of this Directive is the identification and classification of Special Protected Areas (SPAs) to protected vulnerable bird species listed in Annex 1 of the Directive and regularly occurring migrating species.

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

This Act is the primary legislation that protects animals, plants and certain habitats in the UK.

#### The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

This amendment of the Conservation of Habitats and Species Regulations 2017 consolidate and update the Conservation of Habitats and Species Regulations 2010, and transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”) and elements of Directive 2009/147/EC on the conservation of wild birds (“the Birds Directive”) in England, Wales, and to limited extent, Scotland and Northern Ireland.

The objectives of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The Directive lays down rules for the protection, management and exploitation of such habitats and species.

The Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species. These sites form a network termed Natura 2000 and include Special Areas of Conservation and Special Protection Areas.

#### Protection of Badgers Act 1992

The Protection of Badgers Act 1992 consolidated and improved previous legislation. Under the Act it is an offence to kill, injure or take a Badger, or to damage or interfere with a sett used by a Badger unless a licence is obtained from a statutory authority.



### [The Hedgerow Regulations 1997](#)

The Hedgerows Regulations 1997 protect certain hedgerows from being removed (uprooted or destroyed) if they meet certain criteria.

### [The Countryside and Rights of Way \(CROW\) Act 2000](#)

This Act increases measures for the management and protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation.

### [Circular 06/2005 Biodiversity and geological conservation – statutory obligations and their impact within the planning system](#)

This circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the National Planning Policy Framework and the Planning Practice Guidance.

### [Natural Environment and Rural Communities Act 2006](#)

The Act made amendments to the both the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way (CROW) Act 2000. For example, it extended the CROW biodiversity duty to public bodies and statutory undertakers.

### [UK Post-2010 Biodiversity Framework, 2012](#)

The 'UK Post-2010 Biodiversity Framework', published in July 2012, succeeds the UK BAP and 'Conserving Biodiversity – the UK Approach', and is the result of a change in strategic thinking.

### [National Planning Policy Framework, 2012](#)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It contains a number of policies relating to ecology including "minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

### [The natural choice: securing the value of nature \(2011\) \(Natural Environment White Paper\)](#)

This White Paper outlines the Governments vision for the future of landscape and ecosystem services.

### [Biodiversity 2020](#)

This is a national strategy for England's wildlife and ecosystem services based on the White Paper.