

**RECEIVED**

By Liv Rickman at 8:16 pm, Nov 12, 2023

Isles  
of  
Scilly



## Isles of Scilly Capital Delivery Programme

### Preliminary Ecological Appraisal

St Mary's Welfare Compound

107780-PEF-XX-500-T.RP-GE0002

This report is to be regarded as confidential to our Client and is intended for their use only and may not be assigned except in accordance with the contract. Consequently, and in accordance with current practice, any liability to any third party in respect of the whole or any part of its contents is hereby expressly excluded, except to the extent that the report has been assigned in accordance with the contract. Before the report or any part of it is reproduced or referred to in any document, circular or statement and before its contents or the contents of any part of it are disclosed orally to any third party, our written approval as to the form and context of such a publication or disclosure must be obtained.

<b>Report Ref.</b>		107780-PEF-XX-500-T.RP-GE-0002				
<b>File Path</b>		\\rsbgukfs01\EXEEngineering\Data\PROJINFO\107780 - Isles of Scilly Plants & WTW (Trant)\01 - WIP\Documents\Geo&Env\GE-Ecology				
<b>Rev</b>	<b>Suit</b>	<b>Description</b>	<b>Date</b>	<b>Originator</b>	<b>Checker</b>	<b>Approver</b>
P01	S3	Initial Issue	06/10/23	L Handy & C Gilby	T Priestley	J Davey
C01	A1	To inform planning	01/11/23	L Handy & C Gilby	T Priestley	J Davey

Ref. reference. Rev revision. Suit suitability.

This report is to be regarded as confidential to our Client and is intended for their use only and may not be assigned except in accordance with the contract. Consequently, and in accordance with current practice, any liability to any third party in respect of the whole or any part of its contents is hereby expressly excluded, except to the extent that the report has been assigned in accordance with the contract. Before the report or any part of it is reproduced or referred to in any document, circular or statement and before its contents or the contents of any part of it are disclosed orally to any third party, our written approval as to the form and context of such a publication or disclosure must be obtained.

**Prepared for**

**Trant**

Rushington House,  
Rushington,  
Southampton,  
SO40 9LT

**Prepared by**

**Pell Frischmann**

Burrator House  
Peninsula Park, Rydon Lane  
Exeter  
EX2 7NT



Pell Frischmann

## Contents

### Executive summary

1	Introduction .....	1
1.1	Appraisal Objectives .....	1
1.2	Scope of Works.....	1
1.3	Site Location and Description .....	1
2	National Legislation .....	2
2.1	Introduction .....	2
2.2	Legislation.....	2
2.3	Planning Policy .....	2
2.4	Local Planning Policy.....	3
3	Assessment Methodology.....	4
3.1	Desktop Study.....	4
3.2	Ecological Walkover Survey .....	4
4	Desktop Study.....	5
4.1	Sites of Importance for Nature Conservation .....	5
4.2	Priority Habitats.....	6
4.3	Species Records.....	6
4.4	Invasive Non-Native Species (INNS).....	10
5	Site Survey Findings .....	11
5.1	Habitats .....	11
5.2	Species .....	12
5.3	Invasive Non-Native Species (INNS).....	13
6	Discussion and Recommendations .....	14
6.1	Ecological Constraints within the Site.....	14
6.2	Ecological Opportunities and Enhancement.....	16
6.3	Further Survey and Consultation Requirements .....	16
7	Ecological Report Limitations .....	17
8	References.....	18

### Figures

Figure 1: Site Location Plan.....	1
-----------------------------------	---

### Tables

Table 1: Designated Sites of Importance to Nature Conservation within 2km of the site .....	5
Table 2: Bat species recorded within St Mary's.....	7
Table 3: Marine species recorded within St Mary's and the surrounding water .....	7
Table 4: Other Protected and Notable Mammal species recorded within St Mary's .....	8
Table 5 Other Amphibian species recorded within St Mary's .....	8
Table 6: Mollusc species recorded within St Mary's.....	8
Table 7: Reptile species recorded within St Mary's.....	8
Table 8: Notable invertebrate species within St Mary's.....	9
Table 9: INNS species listed under Schedule 9 of the Wildlife and Countryside act returned from St Mary's ..	10
Table 10: Weather Conditions .....	11

Table 11: Mitigation Recommendations .....	15
Table 6-3 Ecological Opportunities and Enhancement .....	16

**Appendices**

- Appendix A Legislation
- Appendix B UKHab Habitat Map
- Appendix C Sites of Importance for Nature Conservation
- Appendix D Priority Habitats within 2 km
- Appendix E Notable Bird records from St Mary's
- Appendix F Site Survey Photographs

## Executive Summary

<b>Site Name</b>	St Mary's Welfare Compound, Isles of Scilly
<b>Location and Proposed Development</b>	<p>The Site is located on Carn Friars Lane and Old Town Lane, Hugh Town, St Mary's, Isles of Scilly. (National Grid Ref SV 91762 10782). The Site is approximately 160m northwest of St Mary's Airport and surrounded by an agricultural landscape.</p> <p>The proposed development will consist of contractor's storage and living area with associated residential cabins, vehicle parking and lighting required for safety.</p>
<b>Designated Site Baseline</b>	<p>There are 12 statutory designated sites of importance to nature conservation identified within 2km of the Site. The wider St Mary's Island is directly surrounded by the Isles of Scilly Area of Outstanding Natural Beauty (AONB), Isles of Scilly Complex SAC, and Isles of Scilly Sites Marine Conservation Zone (MCZ). The Lower Moors (St Mary's) Site of Special Scientific Interest (SSSI) and the Higher Moors &amp; Porth Hellick Pool (St. Mary's) SSSI are both located to the east and west of the Site. There are no Special Area of Conservation (SAC), which is designated for bats within 30km of the site.</p> <p>The Site is situated within the SSSI Impact Risk Zones for Lower Moors (St Mary's) SSSI, Higher Moors &amp; Porth Hellick Pool (St Mary's) SSSI and Peninnis Head (St Mary's) SSSI.</p> <p>Isles of Scilly Wildlife Trust Reserves were also identified within 500m of the site..</p>
<b>Habitat Baseline</b>	<p>The Site comprised a modified grassland field with areas of bare ground being used for chicken grazing. The site was bounded to the west by a Monterey pine (<i>Pinus radiata</i>) plantation woodland. the northern field boundary comprised an English elm (<i>Ulmus procera</i>) hedgerow, while the southern and eastern field boundaries were delineated by a karo dominated (<i>Pittosporum crassifolium</i>) hedgerow.</p>
<b>Species Baseline</b>	<p>The Site provided a 'moderate' suitability for commuting and foraging bats.</p> <p>The grassland and bare ground habitat would be suitable for common invertebrate species, but the lack of good quality flowering species provided limited potential for large numbers of butterfly, moth or other notable invertebrates.</p> <p>The presence of farmland and hedgerows surrounding the wider landscape provide a variety of habitats for nesting birds. The presence of the two nearby SSSI's will lead to a higher presence of over wintering species including wildfowl and passing waders. The proximity of the airport may provide some level of avoidance due to air traffic and disturbance. It is unlikely wintering wading bird will be present within the Site boundary in significant numbers due to the lack of water and wetland habitat within the Site; however, while their presence cannot be ruled out, they would not pose a significant constraint.</p>
<b>Recommendations</b>	<p>Initial consultation with the Isles of Scilly Wildlife Trust has been undertaken to inform the below recommendations.</p> <p>Given the very limited works required to trees, involving only pruning over small overhanging limbs, no further surveys will be required.</p> <p>In addition, ecological enhancement opportunities have been recommended form consideration within the design.</p>

# 1 Introduction

Pell Frischmann have been commissioned by Trant Engineering Ltd. to undertake a Preliminary Ecological Appraisal (PEA) for a parcel of grazing land off Old Town Lane and Parting Carn Lane, St Mary's, Isles of Scilly (as shown in Figure 1 overleaf). This PEA has been undertaken to inform the construction of a welfare compound, required for the delivery drinking water and wastewater improvement schemes on the Isles of Scilly.

## 1.1 Appraisal Objectives

The objectives of the PEA are to (i) ascertain the habitat types present within the development site and (ii) identify the key ecological constraints relating to the proposed scheme. This includes identifying potential impacts upon protected species and habitats and determining whether there is a need for more detailed surveys of notable plant and animal species. Proposals for suitable mitigation have also been made.

The adoption of the mitigation proposals will enable the project to satisfy current UK and European legal wildlife requirements, as well as national and local planning regulations. All public bodies have statutory obligations under the Natural Environment and Rural Communities Act 2006 to conserve and enhance biodiversity.

## 1.2 Scope of Works

The PEA comprises the following elements:

- Desktop study of available site information;
- UK Habitat Classification (UKHab) survey of the site;
- Assessment of the potential impacts of the proposed scheme;
- Appraisal of the requirements for further survey work;
- Appraisal of the requirements for mitigation and potential for enhancement measures.

## 1.3 Site Location and Description

The Site is located on Carn Friars Lane and Old Town Lane, Hugh Town, St Mary's, Isles of Scilly. (NGR- SV 91762 10782). The Site is approximately 160m northwest of St Mary's Airport and surrounded by an agricultural landscape.

The Site boundary used for the PEA is shown in Figure 1 below; the full extent of the study area is shown on the UKHab Habitats Map attached in Appendix B.

The proposed development will consist of contractor's storage and living area with associated residential cabins, vehicle parking, and lighting required for safety.

Figure 1: Site Location Plan



Google Earth Imagery - Licence Number JCPMB2ZBMMAWBHP



Contains ©OpenStreetMap Data

## 2 National Legislation

### 2.1 Introduction

This section summarises the legislation and planning policy in relation to ecology and biodiversity within the UK and Isles of Scilly Council within which the site is located.

### 2.2 Legislation

A number of different acts and regulations refer to the protection of wildlife and habitats. Those potentially relevant to this project include:

- The Environment Act 2021;
- The Wildlife and Countryside Act (WCA) 1981 (as amended);
- Conservation of Habitats and Species 2017 (as amended);
- The Natural Environment and Rural Communities Act (NERC) 2006;
- The Countryside and Rights of Way Act (CRoW) Act 2000;
- The Invasive Alien Species (Enforcement and Permitting) Order 2019;
- The Protection of Badgers Act 1992; and
- The Hedgerow Regulations 1997.

These are outlined in more detail in Appendix A. It is recommended that the full legislation texts are referred to when dealing with individual cases and further legal advice is obtained where required. Protected species licences may be required to further comply with this legislation prior to the implementation of the project.

### 2.3 Planning Policy

#### 2.3.1 National Policy

The National Planning Policy Framework (NPPF 2021) paragraphs 174 to 182 set out the Government's policies on conserving and enhancing habitats and biodiversity through the planning system. These policies are expected to be incorporated into development planning documents at regional and local scales and are also of material worth in considering individual planning applications.

Of particular relevance to biodiversity NPPF paragraph 174 states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'*

The NPPF paragraph 180 advises that '*when determining planning applications, local planning authorities should apply the following principles:*

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *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;*

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

## 2.4 Local Planning Policy

Policy OE2 (1) Biodiversity and Geodiversity within Section 2 of the Isles of Scilly Local Plan (2015 – 2030) states that:

1. *‘Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, and should:’*
  - a) Protect the hierarchy of international, national and local designated sites in accordance with their status;*
  - b) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;*
  - c) Contribute to the restoration and enhancement of existing habitats and the creation of wildlife habitats and linkages between sites to create and enhance local ecological networks;*
  - d) Seek to eradicate or control any invasive non-native species present on site; and*
  - e) Be required to contribute to the protection, management and enhancement of biodiversity and geodiversity.*
2. *Development proposals must:*
  - a) Apply the mitigation hierarchy to all proposals;*
  - b) Demonstrate how they conserve or enhance biodiversity and ecosystem processes;*
  - c) The local guidance on biosecurity to control the spread of invasive non-native species; and*
  - d) Ensure proportionate and appropriate biodiversity net-gain is secured.*
3. *Development proposals will not be supported where significant and harmful direct or indirect effects on biodiversity and ecosystem processes are identified, unless: a) the need for the development clearly outweighs the harm caused; b) an appropriate scheme is proposed that will secure compensation and net-increases in biodiversity.*
4. *Development proposals will not be permitted where a detrimental impact is identified to geodiversity sites unless the need for development outweighs the harm caused.*

### **Avoidance, Mitigation and Compensation for Biodiversity and Geodiversity Impacts**

5. *Development should avoid adverse impacts on existing biodiversity and geodiversity interests as a first principle, and enable measurable net gains by designing-in biodiversity features and enhancements and opportunities for geological conservation alongside new development, in accordance with Policies SS1 and SS2. Where adverse impacts are unavoidable, it must be demonstrated that the development cannot be reasonably located on an alternative site that would result in less or no harm to biodiversity or geodiversity interests; and impacts must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort. Clear arrangements for the long-term maintenance or management of the mitigation and compensation need to be provided.’*



## 3 Assessment Methodology

### 3.1 Desktop Study

To accurately assess the potential ecological impacts of the scheme, a desktop study has been undertaken to identify the presence of sensitive ecological receptors within the site and within the ecological zone of influence (EZI).

Data has been obtained from a range of information sources including:

- Multi-Agency Geographic Information for the Countryside (MAGIC); and
- The Environment Records Centre for Cornwall and the Isles of Scilly (ERCCIS).

MAGIC maps have been used to obtain information relating to statutory and non-statutory conservation designation within 2km of the site boundary, with additional information supplied by ERCCIS. Ecological data obtained from ERCCIS provided data relating to protected and notable species recorded on the Isles of Scilly, and within 2km of the Isles of Scilly.

Records of Granted European Protected Species Licences (EPSLs) have been provided by MAGIC.

A focus on species identified within the past 20 years (i.e. since 2003) has been provided where applicable, otherwise focus has been given to the most recent records returned (post 2003).

### 3.2 Ecological Walkover Survey

The ecological walkover survey was undertaken in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Preliminary Ecological Appraisal guidelines (CIEEM, 2017). The habitats were mapped during the ecological walkover using the UK Habitat Classification (UKHab) Version 2.0 methodology (UKHab Ltd., 2023). The survey also aimed to record evidence of (i) animal species protected under UK legislation and European legislation; (ii) habitat features with the potential to support protected animal species; and (iii) invasive species, the introduction or spreading of which is prohibited under UK legislation.

## 4 Desktop Study

### 4.1 Sites of Importance for Nature Conservation

Twelve statutory and one non-statutory designated sites of importance to nature conservation have been identified on St Mary's, within 2km of the Site and on the figure in Appendix C. These are listed in Table 1: below.

The wider St Mary's Island is directly surrounded by the Isles of Scilly Complex SAC, and Isles of Scilly Sites Marine Conservation Zone (MCZ).

The Lower Moors (St Mary's) Site of Special Scientific Interest (SSSI) and the Higher Moors & Porth Hellick Pool (St. Mary's) SSSI are both located to the east and west of the Site.

There are no Special Area of Conservation (SAC), which is designated for bats within 30km of the site.

The Site is situated within the SSSI Impact Risk Zones for Lower Moors (St Mary's) SSSI, Higher Moors & Porth Hellick Pool (St Mary's) SSSI and Peninnis Head (St Mary's) SSSI. The function of an Impact Risk Zone is to prompt consultation with Natural England about the potential for off-site impacts upon the qualifying features of nearby SSSIs, associated with certain development activities.

With regards to the development activities listed for the location, the proposed scheme can be considered to fall under the following category:

- Large non-residential developments outside existing settlements/urban areas where net additional gross internal floorspace is > 1,000m<sup>2</sup> or footprint exceeds 0.2ha.

Table 1: Designated Sites of Importance to Nature Conservation within 2km of the site			
Site Reference	Designation Importance	Approximate Distance from the Site	Reason for Designation
<b>Statutory Designated Sites</b>			
Higher Moors & Porth Hellick Pool (St Mary's) SSSI	SSSI	280m west of the Site	The site exhibits a wide diversity of habitats with several rare and notable plant species. The pond and fringing habitats are also of particular importance for breeding and migrant birds.
Lower Moors (St Mary's) SSSI	SSSI	360m to the west of the Site	The site supports small populations of Royal Fern ( <i>Osmunda regalis</i> ) and Southern Marsh Orchid ( <i>Dactylorhiza praetermissa</i> ), a species rare in Scilly.  The wet meadows and reed beds are regularly used by some of the less common rails, especially Corncrake ( <i>Crex crex</i> ) and Spotted Crane ( <i>Porzana porzana</i> ), on passage.
Isles of Scilly Sites	Marine Conservation Zone (MCZ)	600m to the south at the nearest point – the MCZ encompasses the sea to around the southern and eastern parts of the island	The MCZ supports an exceptionally high diversity of habitats and species.
Isles of Scilly Complex SAC	SAC	750m to the south at the nearest point – the SAC encircles the entire of the island	The qualifying features as listed by Natural England are: <ul style="list-style-type: none"> <li>➤ Sandbanks which are slightly covered by sea water all the time (subtidal sandbanks)</li> <li>➤ Mudflats and sandflats not covered by seawater at low tide (intertidal mudflats and sandflats)</li> <li>➤ Reefs</li> <li>➤ Grey seal (<i>Halichoerus grypus</i>)</li> <li>➤ Shore dock (<i>Rumex rupestris</i>)</li> </ul>

Table 1: Designated Sites of Importance to Nature Conservation within 2km of the site			
Site Reference	Designation Importance	Approximate Distance from the Site	Reason for Designation
<b>Statutory Designated Sites</b>			
Isles of Scilly SPA	SPA	750m to the south at the nearest point – the SPA encircles the entire of the island	The qualifying features of the Isles of Scilly SPA are: <ul style="list-style-type: none"> <li>➤ European storm-petrel (<i>Hydrobates pelagicus</i>)</li> <li>➤ Lesser black-backed gull (<i>Larus fuscus graellsii</i>)</li> <li>➤ European shag (<i>Phalacrocorax aristotelis</i>)</li> <li>➤ Greater black-backed gull (<i>Larus marinus</i>)</li> </ul>
Porthloo SSSI	SSSI	980m north-west of the site	The site is noted for the extensive and well-developed brecciated head deposits which have made it the recognised type locality for the Porthloo Breccia.  Porthloo is important for the lithostratigraphic evidence which the sediments represent, and the sequence from this site is used widely in comparison with others on the Isles of Scilly.
Peninnis Head (St Mary's) SSSI	Mixed SSSI	1km south-west of the Site	The site is particularly noteworthy for the prominent granite cliffs and tors but it also supports maritime heathland, maritime grassland and scrub habitats together with populations of a number of rare plant and lichen species.  The extreme oceanic conditions experienced at Peninnis Head have also encouraged the development of a rich lichen flora on cliff, tor and heathland habitats. <i>Ramalina siliquosa</i> occurs extensively and <i>Roccella fucoides</i> and <i>Teloschistes flavicans</i> are two particularly rare species that occur here.
Watermill Cove SSSI	SSSI	1.5km north-east of the site	Watermill Cove is particularly important for the lithostratigraphic and chronostratigraphic evidence which the sediments represent, and the sequence from this site is used widely in comparison with others on the Isles of Scilly.
<b>Non-Statutory Designated Sites</b>			
Isles of Scilly Wildlife Trust Reserves	Wildlife Trust Reserve	Multiple locations with three areas being within 500m of the Site.	The Isles of Scilly Wildlife Trust cares for approximately 60% of the landmass of Scilly which includes all of the uninhabited islands. The Wildlife Trust is the only locally run conservation charity.

## 4.2 Priority Habitats

Several priority habitat sites have been identified within a 2km search area of the site boundary as shown in Appendix D. None of the areas identified on the Priority Habitat Inventory (PHI) fall within the Site boundary, the closest was an area of reedbed located 0.255km east of the Site boundary. Due to the absence of priority habitat within the site boundary and distance to the closest area listed on the PHI priority habitats are not considered further in this report.

## 4.3 Species Records

Records of protected and notable species which have been identified within St Mary's, the Isles of Scilly were provided by ERCCIS.

A search MAGIC maps returned no Granted EPSLs within 2km of the site boundary.

It should be noted that ERCCIS returned no records for the following species, and in addition it is understood from the Isles of Scilly Wildlife Trust website that these species are considered absent from St Mary's and most of the other islands. The following species have not been considered further within this report:

- Eurasian badger (*Meles meles*);
- Eurasian beaver (*Castor fiber*);

- Eurasian otter (*Lutra lutra*);
- Hazel dormice (*Muscardinus avellanarius*);
- Water vole (*Arvicola amphibius*);
- Great crested newts (GCN) (*Triturus cristatus*); and
- Reptile species including snakes or lizards (marine species are discussed further below).

### 4.3.1 Mammals

#### 4.3.1.1 Bats

ERRCIS returned 3,124 records for bats within St Mary's since 2003; these were common and light tolerant species, however following review of additional data from the 'Bats of the Isles of Scilly 2022' report (<https://www.ios-wildlifetrust.org.uk/sites/default/files/2023-08/BigScillyBatSurveyReport2022FINAL.pdf>), it is understood that species that often avoid light are also present on St Mary's (brown long-eared bats (*Plecotus auritus*)) and potentially Leisler's bat (*Nyctalus leisleri*) and/or serotine bat (*Eptesicus serotinus*). Further details of bat species recorded on St Mary's are shown in Table 2: below.

Species	Number of records <sup>1</sup>	Most recent year of record	Locations in relation to the Site
Common pipistrelle ( <i>Pipistrellus pipistrellus</i> )	3,099	2019	No records within the Site boundary.
Soprano pipistrelle ( <i>Pipistrellus pygmaeus</i> )	6	2018	Records returned from across the island with clusters in the adjacent Lower Moors and Higher Moors SSSIs' at the closest point.
Bat (species not recorded) ( <i>Chiroptera sp.</i> )	19	2016	

#### 4.3.1.2 Marine Mammals

ERRCIS returned 60 records for marine mammals within St Mary's and the surrounding water since 2004, details which are shown in Table 3 below. The closest record was of a dead grey seal (*Halichoerus grypus*) 1.60km south of the main island in 2006.

Species	Number of records	Most recent year of record	Locations in relation to the Site
Bottle-nosed dolphin ( <i>Tursiops truncatus</i> )	2	2011	No records within the Site boundary.
Common dolphin ( <i>Delphinus delphis</i> )	33	2011	Records returned from the coastline, sea and bays – the closest point to the Site for these habitats is approximately 600m to the south and south-east.
Common porpoise ( <i>Phocoena phocoena</i> )	15	2011	
Fin whale ( <i>Balaenoptera physalus</i> )	2	2012	
Grey seal ( <i>Halichoerus grypus</i> )	3	2019	
Harbour seal ( <i>Phoca vitulina</i> )	1	2014	
Minke whale ( <i>Balaenoptera acutorostrata</i> )	2	2006	
Risso's dolphin ( <i>Grampus griseus</i> )	2	2006	

<sup>1</sup> Where ERCCIS records give no details on the number of species present, it is assumed the record shows one of the species present throughout this report.

#### 4.3.1.3 Other Protected and Notable Mammals

ERRCIS returned six records for notable mammals within St Mary's since 2006, details which are shown in Table 4: below.

Species	Number of records	Most recent year of record	Locations in relation to the Site
Lesser, white-toothed (Scilly) shrew ( <i>Crocidura suaveolens</i> )	4	2015	No records within the Site boundary. Nearest records returned form approximately 180m to the north.
West European hedgehog ( <i>Erinaceus europaeus</i> )	2	2014	

#### 4.3.2 Amphibians

ERRCIS returned four records for other amphibian species on St Mary's. The result of which can be seen in Table 5 . The closest record is a Palmate newt (*Lissotriton helveticus*) 500m west of the Site.

Species	Number of records	Most recent year of record	Designation
Palmate newt ( <i>Lissotriton helveticus</i> )	1	2011	WACASch5
Common frog ( <i>Rana temporaria</i> )	3	2011	WACASch5

#### 4.3.3 Molluscs

ERRCIS returned five records for OSPAR and Nationally Scarce Molluscs within St Mary's and the surrounding water. Further information can be found in Table 6: .

Species	Number of records	Most recent year of record	Designation
Dog whelk ( <i>Nucella lapillus</i> )	3	2010	OSPAR
Green snail ( <i>Ponentina subvirescens</i> )	2	2003	Nationally Scarce

#### 4.3.4 Reptiles

ERRCIS returned eight records for reptiles within St Mary's. The records are for Leathery Turtle (*Dermochelys coriacea*) and Loggerhead Turtle (*Caretta caretta*) which are protected under NERC Section 41 and UKBAP. Further information can be found in Table 7: .

Species	Number of records	Most recent year of record	Distance from the proposed desalination plant
Leathery Turtle ( <i>Dermochelys coriacea</i> )	4	2021	No records within the Site boundary. Records returned from the coastline, sea and bays – the closet point to the Site for these habitats is approximately 600m to the south and south-east.
Loggerhead Turtle ( <i>Caretta caretta</i> )	4	2008	

#### 4.3.5 Birds

ERCCIS returned 210 records since 2003 for bird species on St Mary's; however, it should be noted that many of these species are transient only. Those records within close proximity and associated with the habitats for the Site include:

- Ground nesting species: Quail (*Coturnix coturnix*), meadow pipit (*Anthus pratensis*), skylark (*Alauda arvensis*), snipe (*Gallinago gallinago*), jack snipe (*Lymnocyptes minimus*), woodcock (*Scolopax rusticola*).
- Other nesting species : golden oriole (*Oriolus oriolus*), serin (*Serinus serinus*), blackbird (*Turdus merula*), blackcap (*Sylvia atricapilla*), blue tit (*Cyanistes caeruleus*), Cetti's warbler (*Cettia cetti*), chiffchaff (*Phylloscopus collybita*), firecrest (*Regulus ignicapillus*), goldcrest (*Regulus regulus*), great tit (*Parus major*), and robin (*Erithacus rubecula*).
- Wintering: waders and waterfowl present on local SSSI, likely to also use fields surrounding the Site for resting and foraging, as well as fieldfare (*Turdus pilaris*) and redwing (*Turdus iliacus*).

Other notable species records returned within St Mary's are shown in Appendix E.

#### 4.3.6 Terrestrial invertebrates

ERCCIS returned 73 records for terrestrial invertebrates since 2003 throughout St Mary's. Notable species records returned are listed below in Table 8: .

Table 8: Notable invertebrate species within St Mary's		
Species	Number of records	Protection and Conservation Status
<b>Butterflies</b>		
Monarch ( <i>Danaus plexippus</i> )	12	Convention on Migratory Species A2
<b>Moths</b>		
Large wainscot ( <i>Rhizedra lutosa</i> )	1	NERC S41, UKBAP Priority
Ruddy streak ( <i>Tachystola acroxantha</i> )	3	Cornwall Red Data Book
Coastal pearl ( <i>Mecyna asinalis</i> )	19	Notable- B
Sword-grass ( <i>Xylena exsoleta</i> )	1	UKBAP Priority
Yellow V moth ( <i>Oinophila v-flava</i> )	1	Cornwall Red Data Book
Waste grass-veneer ( <i>Pediasia contaminella</i> )	9	Notable- B
<b>Butterfly</b>		
Wall ( <i>Lasiommata megera</i> )	1	NERC S41, UKBAP Priority
<b>Beetles</b>		
Black oil-beetle ( <i>Meloe proscarabaeus</i> )	17	NERC S41, UKBAP Priority
<b>Other insect</b>		
Dune villa true fly ( <i>Villa modesta</i> )	1	Nationally Scarce
Grey bush-cricket ( <i>Platycleis albopunctata</i> )	5	Nationally Scarce, Cornwall Red Data Book
Prickly stick-insect ( <i>Acanthoxyla prasina subsp. Geisovii</i> )	1	GB Redlist, Cornwall Red Data Book
Smooth stick-insect ( <i>Clitarchus hookeri</i> )	1	GB Redlist, Cornwall Red Data Book

## 4.4 Invasive Non-Native Species (INNS)

There were 253 ERCCIS records of INNIS were returned on St Mary's. Those listed under Schedule 9 on the Wildlife and Countryside Act are listed below in Table 9:

<b>Table 9: INNS species listed under Schedule 9 of the Wildlife and Countryside act returned from St Mary's</b>	
<b>Species</b>	<b>Designation</b>
<b>Alga</b>	
Harpoon weed ( <i>Asparagopsis armata</i> )	WACA Sch 9 Pt 2
<b>Birds</b>	
Mandarin duck ( <i>Aix galericulata</i> )	WACA Sch 9 Pt 1
Red-crested pochard ( <i>Netta rufina</i> )	WACA Sch 9 Pt 1
<b>Ferns</b>	
Water fern ( <i>Azolla filiculoides</i> )	WACA Sch 9 Pt 2
<b>Flowering plants</b>	
Floating pennywort ( <i>Hydrocotyle renunculoides</i> )	IASO Sch2 Pt3
Hottentot-fig ( <i>Carpobrotus edulis</i> )	WACA Sch 9 Pt 2
Japanese knotweed ( <i>Fallopia japonica</i> )	WACA Sch 9 Pt 2
Japanese rose ( <i>Rosa rugosa</i> )	WACA Sch 9 Pt 2
Montbretia ( <i>Crocsmia pottsii x aurea = C. x crocosmiiflora</i> )	WACA Sch 9 Pt 2
Purple dewplant ( <i>Disphyma crassicolium</i> )	WACA Sch 9 Pt 2
Three-cornered garlic ( <i>Allium triquetrum</i> )	WACA Sch 9 Pt 2

## 5 Site Survey Findings

The UKHab survey was undertaken on 22<sup>nd</sup> July 2023 by Principal Ecologist C Gilby (MCIEEM) in fair weather conditions. The weather conditions during the survey are shown below in Table 10:.

Date	Temperature (°C)	Cloud Cover (%)	Precipitation (%)	Wind (Beaufort Scale)
22 July 2023	18	100	25	2

### 5.1 Habitats

Habitats recorded during the survey have been categorised in line with UKHab Habitat Classification. The distribution of habitats across the sites is shown on the UKHab Habitat Plan attached in Appendix B. These habitat types are described within the following sub sections and the frequency of species listed in accordance with the DAFOR scale as follows:

- D – dominant
- A – abundant
- F – frequent
- O – occasional
- R – rare

A selection of photographs taken during the walkover survey are included in Appendix E.

#### 5.1.1 General Habitat Description

The Site was a broadly rectangular modified grassland field with areas of bare ground being used for chicken grazing. A Monterey pine (*Pinus radiata*) plantation woodland was adjacent to the western boundary with an English elm (*Ulmus procera*) hedgerow along the northern boundary and a karo dominated (*Pittosporum crassifolium*) hedgerow along the southern and eastern boundaries.

#### 5.1.2 Other Coniferous woodland (UKHab Code: w2c)

The western boundary of the Site was edged by a Monterey pine dominant woodland. The woodland understorey was limited to karo scrub with evidence of sections being used for pig grazing. Limbs from the mature trees overhung the Site and access into the woodland itself was a constraint due to electric fencing.

#### 5.1.3 Modified Grassland (UKHab Code: g4)

The Site was dominated by modified grassland habitat with species recorded including broadleaf dock (*Rumex obtusifolius*) (F), geranium (*Geranium* sp.) (O), Yorkshire fog (*Holcus lanatus*) (D), ribwort plantain (*Plantago lanceolata*) (F), scentless mayweed (*Tripleurospermum inodorum*) (O), spear thistle (*Cirsium vulgare*) (O), and daisy (*Bellis perennis*) (F). The landowner was met on Site and advised that the Site was rotated for chicken grazing and farm machinery storage.

#### 5.1.4 Bare ground (UKHab Code: g4 510)

A section in the central part of the Site was being used for chicken grazing and therefore falls under the secondary code of 'modified grassland bare ground'. In addition, an access track leading into the Site was also mapped as bare ground. Little to no vegetation was present within these areas.

#### 5.1.5 Native Hedgerow as Line of Trees and Stone Wall (UKHab Code: h2a 33 114)

The northern boundary of the Site was edged by a stone wall with a mature English elm hedgerow.



### 5.1.6 Non-native and Ornamental Hedgerow (UKHab Code: h2b)

The southern and eastern boundaries of the Site was edged by a karo dominant hedgerow.

## 5.2 Species

### 5.2.1 Bats

All species of bat in the UK receive full protection under Schedule 2 of the Conservation of Habitats and Species Regulations (2017) as amended and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

No buildings were present within the Site.

Mature trees were present within the adjacent woodland and the elm hedgerow; the elm trees were covered in loose ivy but no features for roosting bats were identified at the time of the initial walkover survey. Due to the light covering of ivy, and the maturity of the trees, the elm trees were all identified as of 'low' potential for roosting bats. No features were identified in the pine trees within the woodland, and these were identified as of 'negligible' for roosting bats. However, it should be noted that not all trees within the woodland were surveyed due to access restrictions.

The Site provided a 'moderate' suitability for commuting and foraging bats due to the following:

- Hedgerows and woodland along the boundaries which were connected to the wider landscape providing potential flight lines; and
- Open grassland within the Site boundary.

### 5.2.2 Invertebrates

The grassland and bare ground habitat would be suitable for common invertebrate species but the lack of good quality flowering species provided limited potential for large numbers of butterfly, moth, or other notable invertebrates.

### 5.2.3 Birds

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). In addition, those species list on Schedule 1, Part 1 of the Wildlife and Countryside Act 1981 (as amended) are afforded additional protection for which it is an offence to disturb birds intentionally or recklessly and their young at, on or near an active nest.

The presence of farmland and hedgerows surrounding the wider landscape provide a variety of habitats for nesting birds. The records returned suggest the presence of quail and skylark which are a ground nesting, agricultural land bird that will nest within fields and low vegetation on edges. Other species of ground nesting birds that may be present include meadow pipit, jack snipe, snipe and woodcock. Though these species are most likely found within the nearby SSSI's, it is not unexpected to find them within surrounding habitat including the agricultural fields, their edges and grassland.

The hedgerows have the potential to support a number of nesting species present on St Mary's including blackbird, blackcap, Cetti's warbler, chiffchaff, blue tit, great tit, goldcrest, firecrest, serin, and robin. These species will nest in the hedgerow bases and within dense areas as well as any trees that may be present within the hedgerows.

The presence of the two SSSI's could lead to a higher presence of over wintering species including wildfowl and passing waders. The proximity of the airport may provide some level of avoidance due to air traffic and disturbance. It is unlikely wintering wading bird will be present within the Site boundary in significant numbers

due to the lack of water and wetland habitat within the Site; however, while their presence cannot be ruled out, they would not pose a significant constraint.

#### 5.2.4 Other Protected and Notable Species

Habitats suitable for the lesser white-toothed/Scilly shrew were present.

### 5.3 Invasive Non-Native Species (INNS)

No INNS were identified during the walkover survey.

## 6 Discussion and Recommendations

The survey identified ecological features within and immediately adjacent to the Site boundary that would be impacted by the project proposals for the Site which involve construction of a temporary welfare compound. The following recommendations are made based on this. Should the project change or further detailed designs be made available, these recommendations should be reviewed by an ecologist and amended as required.

### 6.1 Ecological Constraints within the Site

The ecological impact hierarchy requires that all steps are taken to avoid adverse impacts to habitats and species. Only where impacts cannot be avoided, steps should be taken to mitigate for any losses within the scheme boundary. In cases where all options for on-site mitigation have been exhausted, offsite compensation measures can be considered.

Creation of the proposed welfare compound would result in the temporary loss of the modified grassland (UKHab code: g4) and bare ground (UKHab code g4 510) within the red line boundary (see Appendix B) for a period of up to four years. Following completion of the works habitats will be restored to the baseline habitat type. The habitats within the welfare compound red line boundary are of low ecological value due to the habitat type, low species diversity, and baseline land use as chicken grazing, and vehicle storage area.

The coniferous woodland (UKHab code: w2c), native hedgerow as line of trees and stone wall (UKHab Code: h2a 33 114), and non-native and ornamental hedgerow (UKHab Code: h2b) surrounding the proposed welfare compound will be retained. The adjacent retained habitats, woodland edges and hedgerows, are suitable to support nesting birds provide foraging and commuting flight lines for bats. No potential impacts have been identified for these habitats.

The trees within the adjacent woodland and hedgerows have potential to support sap groove lichen however no potential supporting habitats for this species are present within the red line boundary. Consequently no impacts to sap groove lichen are anticipated.

Minor branches of trees in the coniferous woodland overhanging the access track at the north of the Site are required to be trimmed to facilitate vehicle access to the welfare compound and avoid damage to the adjacent trees. No tree felling or works to major limbs are required as part the proposed works.

In the absence of mitigation, the proposed works have potential to result in damage or destruction of bird nests, where present, in the modified grassland and overhanging branches on the access track. Due to the size of branches affected the risk of nesting birds being present is low and no potential impacts to trees or branches with suitability to support roosting bats have been identified. Mitigation and avoidance measures to minimise the risk of impacts to nesting birds, foraging and commuting bats, and retained habitats are present in Section 6.1.1 and 6.1.2. The proposed mitigation and avoidance measures are considered to be proportionate and adequate to prevent impacts to protected or notable species and habitats within and adjacent to the Site.

If the proposals change the potential impacts and mitigation requirements should be reassessed.

#### 6.1.1 Avoidance Recommendations

The following avoidance options should be followed where possible within the design and construction of the project. Where these cannot be followed, further surveys and mitigation option are set out below.

- Key habitats to be retained including the adjacent woodland and boundary hedgerows wherever possible;
- In the event where trees are to be removed, focus should be on retaining those with important lichen species on the bark (such as the sap groove lichen);

- Retention of bat foraging flightlines and any trees with bat roosting features should be applied within the scheme design;
- Hoarding of approximately 2.2m has been embedded into the design to provide screening for both visual and wintering birds from the Site;
- If any protected species, including birds' nests, are found during the construction works, construction in that area should stop immediately and an ecological specialist should be consulted, in line with UK legislation.
- Lighting should be designed to avoid spilling onto hedgerows and woodland;
- Biosecurity measures must be implemented to prevent the spread of rats between the islands, as well as to prevent the introduction of Dutch elm disease from the mainland. This should form a standalone section of the Construction Environmental management Plan (CEMP).

### 6.1.2 Mitigation Recommendations

Table 11: Mitigation Recommendations			
Ecological Feature	Seasonal Constraint	Likely Mitigation	Licencing Requirements
<b>Designated Sites</b>			
Designated sites	None	Due to the proximity of the SAC, SPA and Ramsar to the Site, Habitat Regulation Assessment (HRA) screening has been undertaken. Please refer to report 107780-PEF-XX-500-T.RP-EN-0001. No mitigation is considered to be required.	None
<b>Habitats</b>			
Hedgerows and woodland	None	Where hedgerows and woodland trees are to be retained, the root protection areas should be protected with suitable fencing.	None
Modified grassland	None	The proposed scheme will require the removal of the modified grassland. Upon decommissioning of the welfare compound, it is proposed that this modified grassland is reinstated to return the site to its former use as at the chicken grazing pasture.	None
<b>Species</b>			
Foraging and commuting bats	None	Due to the small scale and limited impacts from the scheme, no further surveys are required, however the following mitigation should be incorporated to ensure that bats continue to use the commuting and foraging features (where identified) being retained. <ul style="list-style-type: none"> <li>➤ It is strongly recommended that artificial lighting used within the Site is kept to a minimum and is carefully designed to prevent light spilling onto important foraging and commuting features such as hedgerows and the adjacent woodland.</li> <li>➤ In the event that flightlines cannot be retained, new flight lines in the form of hedgerows or line of trees should be created to aid commuting and foraging bats. Technical specifications should be outlined in the detailed plan.</li> </ul>	None
Nesting birds	Typically, late February – early September	Vegetation clearance works should be completed outside of the breeding bird season. This should also be extended to the grassland habitat to avoid ground nesting bird records including skylark, records for which have been provided by ERCCIS. If this is not possible then the clearance works will require a pre-commencement nesting bird check, by a suitably qualified ecologist, to ensure that the habitats are clear of nests.	None
Roosting bats	N/A	No loss anticipated. No mitigation currently required.	N/A
Lichens	N/A	No loss anticipated. No mitigation currently required.	N/A

## 6.2 Ecological Opportunities and Enhancement

The following recommendations have been made to further enhance the ecological value of the Site in line with the current National Planning Policy Framework (2021)

Table 6-12 Ecological Opportunities and Enhancement	
Ecological Feature	Ecological Opportunities
Invertebrates	Insect houses, log piles, and compost heaps will increase the insect diversity within the Site and could be placed within the existing hedgerow, woodland or corners of the Site where the grassland adjoins these habitats. Wildflower planting, including pot plants and planting in tubs, to enhance the Site for pollinating insects such as bumble bees and butterflies and should be incorporated into the Landscape Scheme.
Nesting birds	Where practicable, it is recommended that bird boxes are attached to trees within the woodland. It is recommended that a series of roosting pockets are installed within the hedgerows which would provide suitable winter shelter for many species and will also provide nesting habitat for smaller passerine species such as wren and goldcrest.
Bats	Where practicable, it is recommended that bat boxes are installed within existing woodland and trees to provide additional roost locations.
Lichens	To further enhance the Site for sap groove lichen, trees with only light layers of ivy could be controlled to prevent the ivy from becoming dominant; younger trees that could become veteran in the future could be identified and kept ivy free; and halo thinning could be incorporated into a hedgerow management plan.

## 6.3 Further Survey and Consultation Requirements

Initial consultation with the Isles of Scilly Wildlife Trust has been undertaken to inform the below recommendations.

It has been determined that no further ecological survey work will be required on the basis that:

- No felling or major pruning works to trees or hedgerows will be required.
- The proposed welfare compound will be set back from trees and hedgerows.
- The works will be located outside of the root protection zones and that these root protection zones will be protected with exclusion fencing, which will be maintained throughout the site operation.

It should be noted that if the felling of trees or removal of hedgerow were deemed to be required at any future stage of the project, the following assessments would need to be undertaken (these are not currently considered to be required based upon the current scheme design):

- BS5837:2012 Arboricultural Survey
  - Could be undertaken at any time of year.
  - Would require a single survey.
- Preliminary roost assessment of trees
  - Could be undertaken at any time of year.
  - Would require one initial visit with possible tree climbing surveys where required.
- Lichen survey – focusing on sap groove lichen (*Bellicidia incompta* (syn. *Bacidia incompta*))
  - Could be undertaken at any time of year.
  - Would require a single survey.

## 7 Ecological Report Limitations

The information reported herein is based only on the interpretation of data collected during the desk study investigations and the site visit. This work pertains specifically to the identification of protected species on the proposed site. Information provided to Pell Frischmann by Environmental Records Centre for Cornwall and the Isles of Scilly and other statutory information sources has been accepted as being accurate and valid.

This report has been prepared by Pell Frischmann with all reasonable skill, care and diligence, and taking account of the manpower and resources devoted to it by agreement with the client.

The evaluation and conclusions do not preclude the existence of protected species, which could not reasonably have been revealed by the comprehensive desk studies and site visit. Hence, this report should be used for information purposes only and should not be construed as a comprehensive characterisation of all site habitats.

In addition, this report details only the conditions on site at the time of reporting. The dynamic nature of the natural environment will result in changes to the surrounding environment as seasons change. No responsibility is taken by Pell Frischmann to the existence of additional species identified on this site at a later date.

The impact assessment made in this report relates only to the effects from the proposed scheme. This report does not therefore apply to any other developments within the site.

This report has been prepared solely for the use of Trant and may not be relied upon by other parties without written consent from Pell Frischmann. In addition, it must be understood that this report does not constitute legal advice.

Pell Frischmann disclaims any responsibility to the client and others in respect of any matters outside the agreed scope of the work.

## 8 References

- Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.
- CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester
- Environmental Records Centre for Cornwall and the Isles of Scilly Data Search (14<sup>th</sup> July 2023)
- Froglife Sheet Advice Sheet 9: The planning system and site defence. How to protect reptile and amphibian habitats.
- Froglife, (1999). Reptile survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife advice sheet 10. Froglife. Halesworth
- Gent, T. & Gibson, S. (2003). Herpetofauna workers manual. Joint Nature Conservation Committee
- Institute of Environmental Assessment. (1995). Guidelines for Baseline Ecological Assessment. London: E & FN Spon.
- Langton, TES., Beckett, CL., and Foster, JP. (2001), Great Crested Newt Conservation Handbook, Froglife, Halesworth
- Joint Nature Conservation Committee. (2010 edition). Handbook for Phase 1 Habitat Survey – a technique for environmental audit. Peterborough: Nature Conservancy Council.
- Multi Agency Geographical information on the Countryside [online].  
Available: <http://magic.defra.gov.uk>
- National Planning Policy Framework (2021) [online]  
Available:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1004408/NPF\\_JULY\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004408/NPF_JULY_2021.pdf)
- UKhab Ltd. (2023) UK Habitat Classification version 2.0 (at <https://www.ukhab.org>)

## Appendix A Legislation



## **The Environment Act 2021**

The Environment Act 2021 provides a framework for environmental governance, including provisions to establish a 'post-Brexit' set of statutory principles including the creation of an environmental watchdog The Office for Environmental Protection (OEP). In relation to Biodiversity and Nature Conservation, the Act includes targets to halt biodiversity decline by 2030 and mandates a 10% Biodiversity Net Gain for developers.

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

The Wildlife and Countryside Act (WCA) 1981 (as amended) consolidates national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and the Directive on the conservation of wild birds (Birds Directive) 2009/147/EC (which is the codified version of the Council Directive 79/409/EEC).

The WCA is the principal mechanism for the legislative protection of wildlife in the UK and is divided into four parts, the first section of which details the protection of wildlife. This legislation protects wild animals listed on Schedule 5 and wildflowers which are listed on Schedule 8. All wild birds and their eggs and nests are protected, with special protection for birds listed on Schedule 1. Invasive plants listed on Schedule 9 must not be spread or propagated in any way.

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

The Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), and the Directive on the conservation of wild birds (Birds Directive) 2009/147/EC (which is the codified version of the Council Directive 79/409/EEC) into national law.

The regulations protect animals listed on Schedule 2 and plants listed on Schedule 5, also known as European Protected Species. The Regulations allow the designation and protection of Special Areas of Conservation (SACs), Special Protection Areas (SPA's) and RAMSAR sites. These are collectively known as National Site Network within the UK (formerly known as Natura 2000 sites). A development which would have an adverse effect on the conservation interests for which a National Site Network area has been designated should only be permitted where:

- There is no alternative solution; and
- There are imperative reasons of over-riding public interest, including those of a social or economic nature.

Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons. These conditions also apply to any European protected species that may be present.

## **The Natural Environment and Rural Communities Act 2006**

The Natural Environment and Rural Communities (NERC) Act 2006 places an obligation on all Local Planning Authorities to conserve and protect biological diversity and the natural environment. Section 40 of the Act concerns biodiversity and states: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercising of those functions, to the purpose of conserving biodiversity.'

The Act states that: 'it is important that public authorities seek not only to protect important habitats and species, but actively seek opportunities to enhance biodiversity through development proposals, where appropriate.'

This legislation also details those species for each county that are of 'principal importance for the purpose of conserving biodiversity' and includes those that are most threatened, declining, or where the UK populations represents a significant proportion of the global population. These species are mainly derived from the original

UK Biodiversity Action Plans (UK BAP) which has now been succeeded by the UK Post-2010 Biodiversity Framework published in 2012 and highlights those that are of conservation concern, detailing why they are of concern and the actions required to prevent further declines and to encourage habitat/population expansion.

Local Biodiversity Action Plans (LBAPs) have been developed which set priorities for locally important habitats and wildlife. The statutory basis for species and habitats listed in the LBAP is provided by Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

### **The Countryside and Rights of Way Act, 2000**

The Countryside and Rights of Way Act 2000 (CROW Act, 2000) increases the measures for the management and protection of Sites of Special Scientific Interest (SSSI), reinforces existing wildlife enforcement legislation, and requires that local authorities provide for better management and have due regards for Areas of Outstanding Natural Beauty (AONB).

Species of principal importance for the conservation of biodiversity in England (as identified under the CROW Act) should be protected from adverse impacts of development. To ensure that the habitats of these species are not adversely impacted upon, the planning authority may impose planning conditions or obligations.

### **The Invasive Alien Species (Enforcement and Permitting) Order 2019**

The Invasive Alien Species (Enforcement and Permitting) Order 2019 are regulations which aim to prevent and minimise the impact of the introduction and spread of non-native plants and animals 'not ordinarily resident in' and 'not a regular visitor to Great Britain in a wild state', or otherwise listed in Schedule 2. The order lists 66 species which are of special concern and apply to live plant and animal specimens (including anything they can reproduce from, such as seeds, spores and fragments of plants). The regulations make it an offence to import, keep, breed, transport (except transporting for eradication), sell, exchange, allow to grow, cultivate or permit to reproduce, or release into the environment unless a licence, permit or exemption is in place.

### **The Protection of Badgers Act 1992**

The Protection of Badgers Act 1992 provides protection to badgers and their setts from injury/fatality, damage and any form of disturbance; however, this does not extend to the protection of other habitats badgers may utilise.

### **The Hedgerow Regulations 1997**

The Hedgerow Regulations 1997 affect hedgerows that are 20m or more in length or are connected at both ends to another hedgerow (of any length) and enable their protection from intentional or reckless removal, or to cause or permit another person to remove a hedgerow. The regulations apply to hedgerows that are on, or adjoining, land that is used for the following – agriculture; forestry; breeding or keeping of horse, ponies or donkeys; common land; village greens; and SSSI's or Local Nature Reserves (LNR's).

the LPA have powers to serve a Hedgerow Retention Notice, requiring that the hedgerow is retained if a hedgerow is deemed to be important under specified criteria (found in chapter 7 The Hedgerow Regulations – A Guide to the Law and Good Practice) and is older than 30 years. The regulations do not apply to hedges that are attached to houses.

### **Ancient Woodlands and Veteran Trees**

Ancient semi natural woodland consists of any wooded area which has been wooded continuously since at least 1600 AD and has protection under the NPPF. Ancient Woodlands are described as irreplaceable habitats as per Natural England's standing advice which states that local planning authorities '*should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless:*

- *there are wholly exceptional reasons*
- *there's a suitable compensation strategy in place*

To protect Ancient Woodland and Veteran Trees during development, The Forestry Commission and Natural England have published guidance (known as 'standing advice'). This standing advice is a material consideration during the planning process and should therefore be considered when making decisions on relevant planning applications. This standing advice was last updated in November 2018 and states the following:

- *'For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic'.*
- *'A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter'.*







### **Oslo and Paris Conventions (OSPAR)**

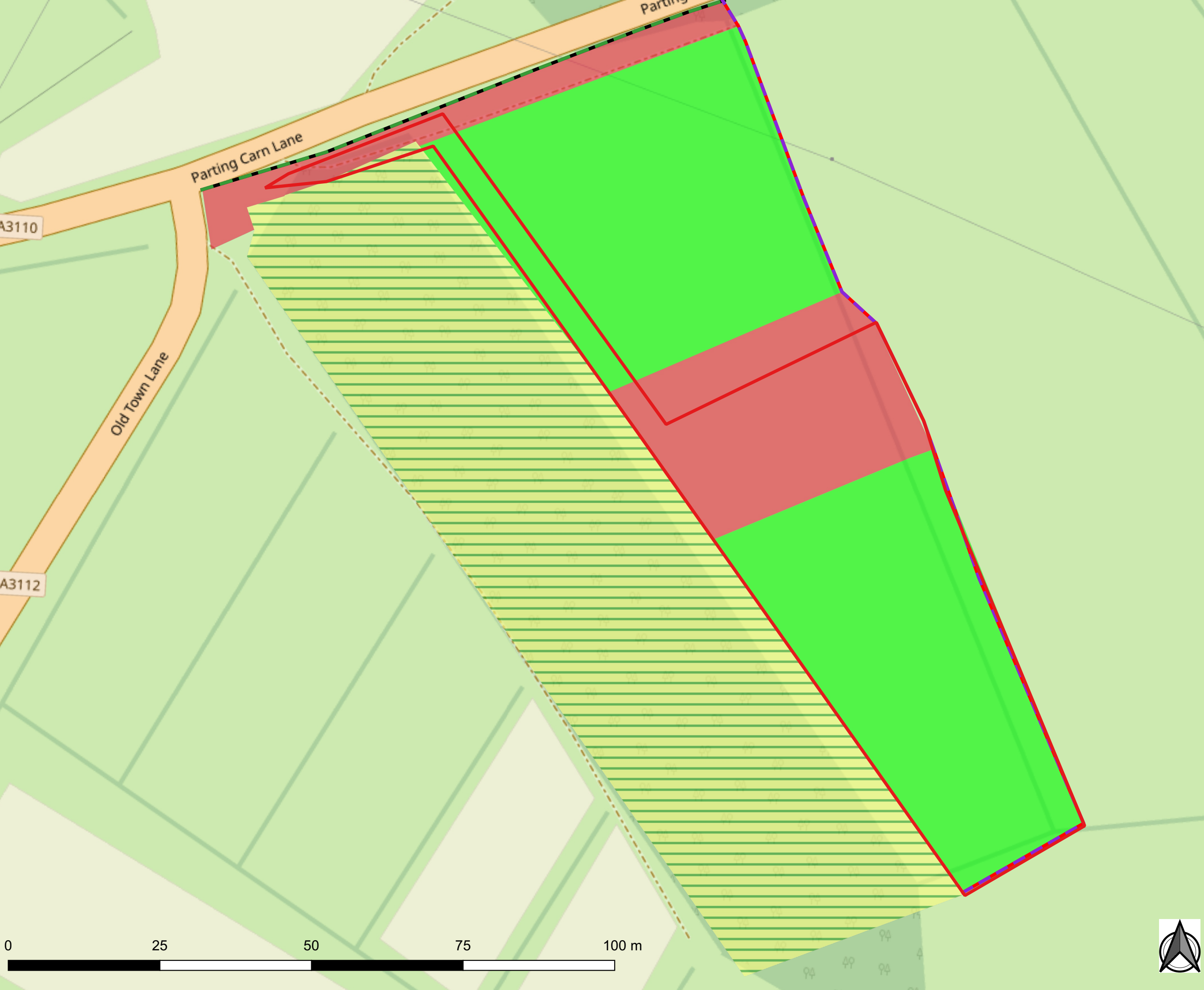
OSPAR is the outcome mechanism of the Oslo and Paris Conventions by which 15 Governments & the EU would cooperate to protect the marine environment of the North-East Atlantic.

OSPAR originated in 1972 (the Oslo Convention) against dumping and then was broadened by the 1974 Paris Convention to cover land-based sources of marine pollution and the offshore industry. These were then unified, updated and extended by the 1992 OSPAR Convention. The new annex on biodiversity and ecosystems was adopted in 1998 to cover non-polluting human activities that can adversely affect the sea.

## Appendix B UKHab Habitat Map

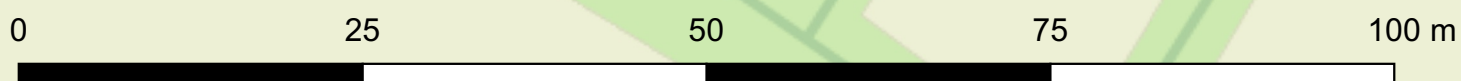
### Legend

-  Proposed Site Options
-  Non-native and ornamental hedgerow
-  Hedgerow: Line of trees associated with a stone wall
-  Modified grassland
-  Other coniferous woodland
-  Bare ground

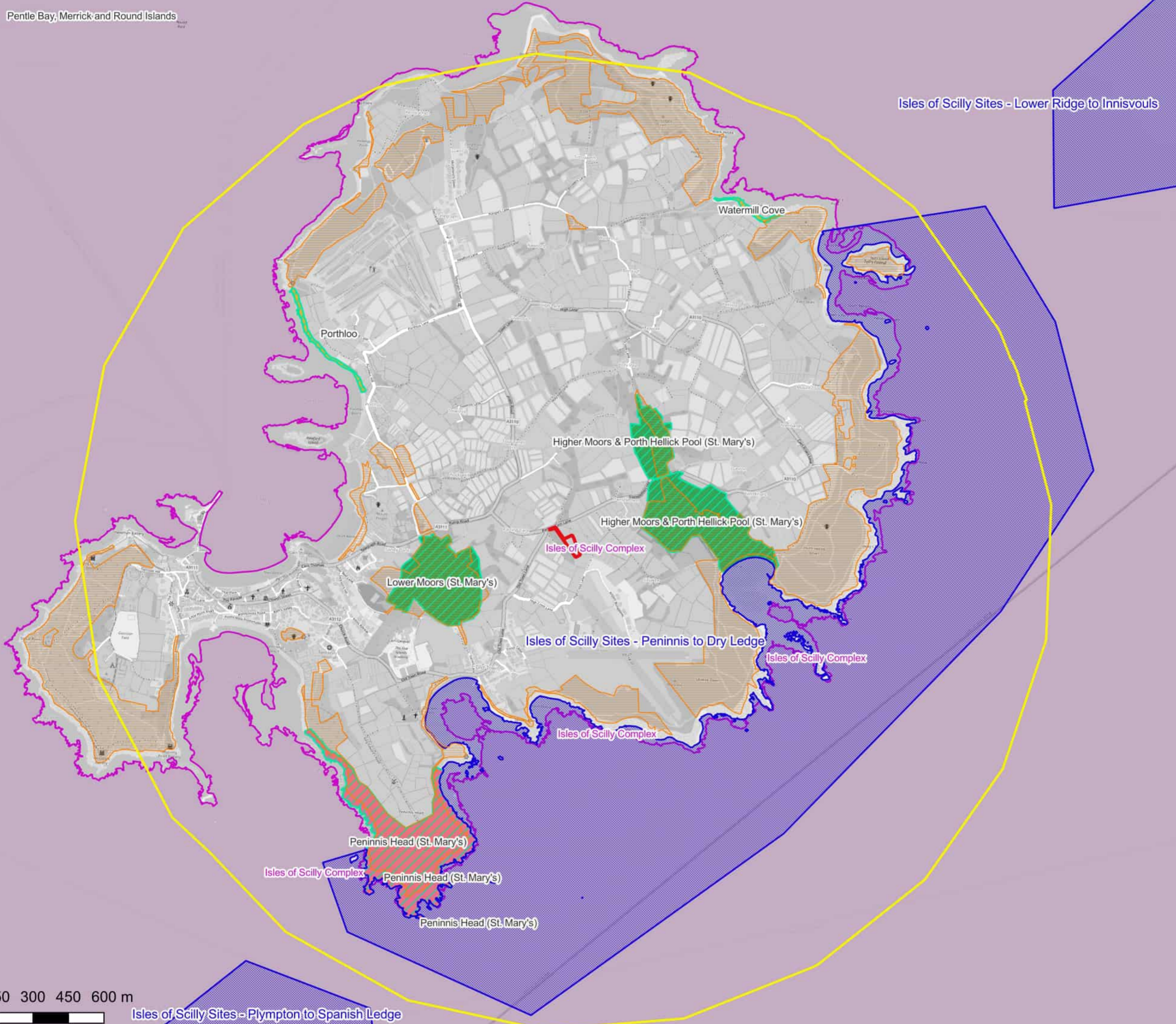


St Mary's Site  
Compound

Uk Habs Survey Map



## Appendix C Sites of Importance for Nature Conservation



Isles of Scilly Sites - Lower Ridge to Innisvouls

Watermill Cove

Porthloo

Higher Moors & Porth Hellick Pool (St. Mary's)

Higher Moors & Porth Hellick Pool (St. Mary's)

Lower Moors (St. Mary's)

Isles of Scilly Sites - Peninnis to Dry Ledge

Isles of Scilly Complex

Isles of Scilly Complex

Isles of Scilly Complex

Peninnis Head (St. Mary's)

Isles of Scilly Complex

Peninnis Head (St. Mary's)

Peninnis Head (St. Mary's)

Isles of Scilly Sites - Plympton to Spanish Ledge

Legend

- 2 km buffer of Site boundary
- Proposed Site Options**
- Proposed Site Compound
- Special Protection Area
- Isles of Scilly Wildlife Trust Reserves
- Marine Conservation Zones
- Ramsar Sites
- Sites of Special Scientific Interest**
- Biological
- Mixed
- Special Area of Conservation
- OpenStreetMap


St Mary's Compound  
Designated Sites within 2km



## Appendix D Priority Habitats within 2 km



Legend


 2 km buffer of Site boundary


Proposed Site Options


 Proposed Site Compound

Priority Habitat Inventory


 Coastal vegetated shingle


 Deciduous woodland

 Good quality  
semi-improved grassland

 Lowland fens

 Lowland heathland

 Maritime cliff and slope

 No main habitat but additional  
habitats present

 Reedbeds

 Traditional orchard

OpenStreetMap

St Mary's Compound  
Priority Habitats within 2km



Map Data Contains ©  
OpenStreetMap Contributors

0 150 300 450 600 m



## Appendix E Notable Bird records from St Mary's

Species	Conservation Status
Balearic Shearwater <i>Puffinus mauretanicus</i>	BoCC Red, NERC_S41, UK BAP
Bee-eater <i>Merops apiaster</i>	WCA Sch 1 Part 1
Bittern <i>Botaurus stellaris</i>	BoCC Amber, WCA Sch 1 Part 1
Black redstart <i>Phoenicurus ochruros</i>	BoCC Amber, WCA Sch 1 Part 1
Black-headed gull <i>Chroicocephalus ridibundus</i>	BoCC Amber
Cattle Egret <i>Bubulcus ibis</i>	BoCC Amber
Common sandpiper <i>Actitis hypoleucos</i>	BoCC Amber
Cuckoo <i>Cuculus canorus</i>	BoCC Red, UK BAP
Curlew <i>Numenius arquata</i>	BoCC Red, UK BAP
European Shag <i>Gulosus aristotelis</i>	BoCC Red
Gannet <i>Morus bassanus</i>	BoCC Amber
Grasshopper warbler <i>Locustella naevia</i>	BoCC Red
Great northern diver <i>Gavia immer</i>	BoCC Amber
Great white egret <i>Ardea alba</i>	BoCC Amber
Green sandpiper <i>Tringa ochropus</i>	BoCC Amber, WCA Sch 1 Part 1
Greenshank <i>Tringa nebularia</i>	BoCC Amber, WCA Sch 1 Part 1
Herring gull <i>Larus argentatus</i>	BoCC Red, UK BAP
House sparrow <i>Passer domesticus</i>	BoCC Red, UK BAP
Iceland Gull <i>Larus glaucooides</i>	BoCC Amber
Kentish Plover <i>Charadrius alexandrinus</i>	BoCC Amber
Leach's Storm Petrel <i>Hydrobates leucorhous</i>	BoCC Red
Lesser black-backed gull <i>Larus fuscus</i>	BoCC Amber
Little Bittern <i>Ixobrychus minutus</i>	BoCC Amber, WCA Sch 1 Part 1
Manx Shearwater <i>Puffinus puffinus</i>	BoCC Amber
Mediterranean gull <i>Larus melanocephalus</i>	BoCC Amber
Merlin <i>Falco columbarius</i>	BoCC Red, WCA Sch 1 Part 1
Moorhen <i>Gallinula chloropus</i>	BoCC Amber
Oystercatcher <i>Haematopus ostralegus</i>	BoCC Amber

Species	Conservation Status
Pallid Harrier <i>Circus macrourus</i>	WCA Sch 1 Part 1
Peregrine <i>Falco peregrinus</i>	BoCC Green, WCA Sch 1 Part 1
Pied flycatcher <i>Ficedula hypoleuca</i>	BoCC Amber
Puffin <i>Fratercula arctica</i>	BoCC Red
Purple Heron <i>Ardea purpurea</i>	WCA Sch 1 Part 1
Ringed plover <i>Charadrius hiaticula</i>	BoCC Red
Savi's warbler <i>Locustella luscinioides</i>	BoCC Red, WCA Sch 1 Part 1, UK BAP
Sedge warbler <i>Acrocephalus schoenobaenus</i>	BoCC Amber
Shelduck <i>Tadorna tadorna</i>	BoCC Amber
Snipe <i>Gallinago gallinago</i>	BoCC Amber
Snow Bunting <i>Plectrophenax nivalis</i>	BoCC Amber, WCA Sch 1 Part 1
Song thrush <i>Turdus philomelos</i>	BoCC Amber, UK BAP
Spotted flycatcher <i>Muscicapa striata</i>	BoCC Red, UK BAP
Starling <i>Sturnus vulgaris</i>	BoCC Red, UK BAP
Storm Petrel <i>Hydrobates pelagicus</i>	BoCC Amber
Swift <i>Apus apus</i>	BoCC Red
Teal <i>Anas crecca</i>	BoCC Amber
Temminck's Stint <i>Calidris temminckii</i>	BoCC Amber, WCA Sch 1 Part 1
Turnstone <i>Arenaria interpres</i>	BoCC Amber
Wheatear <i>Oenanthe oenanthe</i>	BoCC Amber
Whimbrel <i>Numenius phaeopus</i>	BoCC Red, WCA Sch 1 Part 1, UK BAP
White-billed Diver <i>Gavia adamsii</i>	WCA Sch 1 Part 1
Wren <i>Troglodytes troglodytes</i>	BoCC Amber
Yellow wagtail <i>Motacilla flava</i>	BoCC Red, UK BAP

## Appendix F Site Survey Photographs

Site Survey Photographs



View of the Site entrance from the main road



View of the Site looking from north to south with the woodland on the right



Area of bare ground and chicken grazing in the centre of the Site



Overhanging limbs from Monterey pine trees and karo understorey



Modified grassland field with frequent dock



English elm hedgerow in the form of a line of trees and stone wall