

ECOLOGICAL ASSESSMENT

CIRCUS FIELD, ST MARY'S, ISLES OF SCILLY



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Executive Summary

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| Overview |
| <p>The Circus Field site was subject to a Preliminary Ecological Assessment (PEA) and Preliminary Bat Roost Assessment (PRA) in February 2024.</p> <p>This Ecological Assessment (EA) report outlines the results of the PEA and PRA as well as recommendations and proposed mitigation measures arising from the ecological baseline.</p> |
| Proposals |
| <p>The proposed works involve the temporary use of the field as a site compound associated with the development works to extend the existing St Mary's hospital.</p> |
| Ecological Assessment |
| <p>The proposals would result in the short-term conversion of the field to a storage and site compound for a period of approximately 12 months after which the land would be restored to grassland. A temporary access would be created in the Cornish Hedge in the north-western corner of the site – this too would be restored to its original condition after approximately 12 months. An access in the south-eastern corner may require removal of individual young pine tree(s) and short-term re-location of a shed used as an Honesty Stall.</p> <p>The proposals have the potential to impact upon bats and nesting birds, in the absence of measures to control this. There would be a short-term decrease in the availability of suitable nesting habitat for breeding birds during works – this would be restored after 12 months. The potential for roosting bats to make use of the Cornish Hedge is very low and can be controlled through an appropriate method of works without requirement for further surveys. There would be a short-term reduction in tree cover on site; however the young age of the trees means this can be restored in the medium-term.</p> |
| Recommendations |
| <p>Recommendations provided in this EA report will ensure that impacts to protected species are avoided and ecological impacts mitigated or compensated where appropriate. These include:</p> <ul style="list-style-type: none">• A pre-commencement nesting bird and rabbit burrow survey;• Measures to protect nesting birds including protection from disturbance of retained boundary habitats;• Measures to protect bats and other species during works to the Cornish Hedge;• Measures to protect retained habitats including boundary and onsite features such as the offsite tree line and onsite shed;• Avoidance or minimisation of external lighting – any lighting to be cowled or targeted to avoid light spill on boundary and offsite habitats to secure continued suitability of foraging resources for bats and invertebrates;• Development of a Habitat Restoration Plan to detail how the habitats will be restored to their original condition at the end of the project;• Measures to control or minimise the risk of non-native invasive species spreading within or outside of the site. |

Report Status

This EA report represents a comprehensive ecological baseline to support a Planning Application. The following documents will be submitted in the application and should be read alongside this report

- A **Site Layout Plan** demonstrating the 5m standoff between the compound and the retained Cornish Hedge;

The following additional documents would be required and should be submitted either as supplemental information prior to determination, or could be conditioned in any permission granted in order to secure the mitigation and enhancement measures. These include:

- A **Construction Ecological Management Plan (CEMP)**;
- A **Habitat Restoration Plan (HRP)** outlining how onsite habitats will be restored to their previous condition following decommissioning of the site.

Table of Contents

| | |
|--|----|
| Executive Summary | 2 |
| Table of Contents | 4 |
| 1. Introduction..... | 5 |
| 1.1. Project Overview | 5 |
| 2. Site Location and Description..... | 6 |
| 2.1. Site Location | 6 |
| 2.2. Site Description..... | 6 |
| 2.3. Local Landscape Setting | 6 |
| 2.4. Relevant Designations | 7 |
| 2.5. Planning Context..... | 8 |
| 3. Survey Methodology..... | 10 |
| 3.1. Desktop Survey | 10 |
| 3.2. Vegetation and Habitat Assessment..... | 10 |
| 3.3. Bats | 10 |
| 3.4. Birds..... | 11 |
| 3.5. Other Protected Species | 11 |
| 3.6. Surveyor Competence | 11 |
| 3.7. Survey Dates | 11 |
| 3.8. Zone of Influence | 11 |
| 3.9. Assessment of Ecological Value..... | 12 |
| 4. Results..... | 13 |
| 4.1. Background Data | 13 |
| 4.2. Habitats | 13 |
| 4.3. Bats | 17 |
| 4.4. Birds..... | 18 |
| 4.5. Other Ecological Receptors | 19 |
| 5. Evaluation | 20 |
| 5.1. Proposals | 20 |
| 5.2. Assessment of Ecological Impacts..... | 20 |
| 6. Recommendations..... | 23 |
| 6.1. Further Survey Requirements | 23 |
| 6.2. Lighting..... | 23 |
| 6.3. Boundary Walls | 23 |
| 6.4. Nesting Birds | 23 |
| 6.5. Biodiversity Net gain | 24 |
| 6.6. Habitat Restoration | 25 |
| 6.7. Rabbits | 25 |
| 6.8. Invasive Species..... | 26 |
| 6.9. Survey Validity and Update..... | 26 |
| 6.10. Application Documents or Planning Conditions | 26 |
| Appendix 1 – Relevant Legislation..... | 28 |

1. Introduction

1.1. Project Overview

The site comprises a field set to the south-east of the existing hospital on St Mary's, Isles of Scilly

The proposals relate to the temporary use of the field as a storage compound associated with the proposed hospital extension which is subject to a separate planning application.

The proposed works considered in this assessment were identified by the client.



Map 01 – Site location indicated by the red circle. Reproduced in accordance with Google's Fair Use Policy.

2. Site Location and Description

2.1. Site Location

The Site comprises the field known as Circus Field and a small adjacent field to the south. The National Grid Reference for the centre of the site is SV 90821 10303 (see Map 1).

2.2. Site Description

The site is approximately 0.5 hectares (ha) in size. The pasture field dominates the site with areas of undermanaged grassland gaining a tall ruderal sward to the west. The site is bounded for the majority of the perimeter by a Cornish Hedge with a post-and-wire fence present for the remainder. A small shed, used historically as a poultry enclosure, is present to the west of the site and a further wooden shed used as an Honesty Stall is present in the gateway in the south-eastern corner of the site. A line of young pines bisects the grassland separating a smaller field in the south from the main Circus Field in the north.

2.3. Local Landscape Setting

The site is on the south-eastern edge of Hugh Town with the last line of residential houses present to the north and the hospital to the west.

The main town is densely developed but the footprints of properties become larger and more spaced towards this field, including those bounding the field to the north and east. To the south and south-east, beyond the holiday cabins of Peninnis Farm, is open countryside characterised by small agricultural fields with evergreen windbreaks.

Beyond the hospital there is the green space of Buzza Hill situated to the north-east of the site with allotments to the south-west. The shoreline situated to the west is rocky at its closest point giving way to sandy beaches such as Porthcressa to the north and south.



Map 02 – Showing the landscape and habitats immediately surrounding the site. Reproduced in accordance with Google’s Fair Use Policy.

2.4. Relevant Designations

The Site itself is not subject to any statutory or non-statutory designations of relevance to the consideration of ecological value or impacts.

There are four statutory designated sites of conservation importance situated within a 1km radius of the site. Details of these designations are provided below:

- **Isles of Scilly SAC Complex** – Encompassing the coastline around St Mary’s and situated 260m to the south-west at its closest point, the SAC is designated for its nationally important numbers of Grey Seal and the nationally rare Shore Dock. Annex 1 habitats that are the primary reason for site selection include mudflats; inter-tidal sandflats; reefs and sub-tidal sandbanks.
- **Isles of Scilly SPA Complex** – Encompassing the coastline around St Mary’s and situated 180m to the south-west at its closest point, the SPA designated for its internationally important seabird assemblage of 13 species including internationally important numbers of lesser black-backed gull and nationally important numbers of European storm petrel and European shag.
- **Lower Moors SSSI** – Situated 310m north-east of the proposed development lies Lower Moors SSSI – this is a topogenous mire, whereby seasonal fluctuations of freshwater from rainfall cause the partial breakdown of plant material, which then turns to peat. The site has

several, small shallow open water areas which are known to be important feeding areas for passage and over-wintering migrants and waders.

- **Peninnis Head SSSI** – Situated 290m south of the proposed development lies Peninnis Head SSSI, designated primarily for its geology including prominent granite cliffs and tors but it also supports maritime heathland, maritime grassland and scrub habitats together with populations of rare plant and lichen species.

2.5. Planning Context

2.5.1. National Planning Context

The **National Planning Policy Framework (NPPF)**¹ sets out the Government's policies on conserving and enhancing habitats and biodiversity through the planning system in paragraphs 174 to 182. Whilst these policies are primarily expected to be incorporated into development planning documents at regional and local scales, they are also of material consideration for individual planning applications.

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.'*

Paragraph 180 states 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),*

¹ National Planning Policy Framework (Crown Copyright, 2023)

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*

In addition to the NPPF, the **Office of the Deputy Prime Minister (ODPM) circular 06/0511**² provides guidance on the application of law relating to planning and nature conservation. Paragraph 98 states “*the presence of a protected species is a material consideration when a planning authority is considering a development proposal, that if carried out, would be likely to result in harm to the species or its habitat.*” Whilst Paragraph 99 states “*it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted.*”

2.5.2. Local Planning Context

The following policies are most relevant to this assessment:

- **Core Policy 1** - Environmental Protection;
- **Policy OE2** - Biodiversity and Geodiversity.

The following planning guidance documents are also of relevance:

- The Isles of Scilly Local Development Framework Supplementary Planning Document: Biodiversity and Geological Conservation³.

² Office of the Deputy Prime Minister. (2005). Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System. ODPM Circular 06/2005

³ <https://www.scilly.gov.uk/sites/default/files/IslesofScillyBiodiversity&GeodiversitySPD.pdf>

3. Survey Methodology

3.1. Desktop Survey

A full desktop study was undertaken for the presence of bats based on the list of roosts and other records held by the Isles of Scilly Bat Group.

Background Data was sourced from the Environmental Records Centre for Cornwall and the Isles of Scilly (ERCCIS) within a 1km radius of the site.

The desk study also included accessing the Multi-Agency Geographic Information for the Countryside (MAGIC)⁴ database in order to establish the presence of statutory designated sites, including all internationally and nationally designated sites such as Special Protection Areas (SPAs), Special Areas of Conservation (SACs), RAMSAR sites and Sites of Special Scientific Interest (SSSIs) within 1km of the site.

Other resources used include aerial photography to identify the presence of habitats in close proximity to the site. This assists in the assessment of the potential of the site and its surrounding habitat to support protected species.

3.2. Vegetation and Habitat Assessment

An assessment was made of all areas of vegetation within the site based on the standardised Phase 1 survey methodology⁵. This involved a walkover survey to identify broad vegetation types, which were then classified against Phase 1 habitat types, where appropriate.

A list of characteristic plant species for each vegetation type was compiled and any invasive species encountered as an incidental result of the survey are noted.

3.3. Bats

The Preliminary Bat Roost Assessment (PRA) comprised a survey of onsite and adjacent structures and vegetation for bats, signs of bats and features potentially suitable for use by roosting bats, and an assessment of the surrounding habitat in terms of its suitability for commuting and foraging bats.

The survey was carried out in accordance with relevant Best Practice methodology⁶.

⁴ <http://defra.magic.gov.uk>

⁵ JNCC (2010). Handbook for Phase 1 Habitat Survey: A technique for environmental audit – Field manual

⁶ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London

3.4. Birds

The assessment of breeding and wintering birds on the site was based on the suitability of habitat present, evidence of nesting such as old or currently active nests and the presence of bird species that may potentially nest within the available habitat.

3.5. Other Protected Species

An assessment of potential and suitability for other protected species was made based on the habitats present both on- and offsite; the local status of these species; and the background records.

No further protected species survey methodologies were required to support a comprehensive EA at this site.

3.6. Surveyor Competence

The PEA and PRA surveys were undertaken by James Faulconbridge MRes MCIEEM trading as IOS Ecology. James is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM); he is a Licensed Bat Worker (Class Licence Level 2) and has over 15 years' experience undertaking a range of ecological surveys and assessing the factors that affect ecology in relation to construction and the built environment.

3.7. Survey Dates

The PRA and PEA surveys were both undertaken on 2nd February 2024. An update to include the small south-eastern field was completed on 29th February 2024.

3.8. Zone of Influence

The Zone of Influence (ZOI) is the area within which the ecological impacts arising from a proposed development are likely to be significant. Due to the nature of the proposed development the core ZOI is identified as the site and the habitats which immediately bound it.

The sensitivity and value of offsite statutory and non-statutory sites mean that the potential for impacts arising from the proposed development should be considered within a wider ZOI. Therefore, scoping for direct and indirect impacts to designated sites is conducted within a ZOI of 1km of the Survey Site.

3.9. Assessment of Ecological Value

The ecological values provided within this report are based around both the professional judgement of the author and current published relevant guidance, including “Guidelines for Ecological Impact Assessment in the United Kingdom.”⁷

⁷ CIEEM (2016). Guidelines for Ecological Impact Assessment in the UK and Ireland. 2nd Edition. Chartered Institute of Ecology and Environmental Management. Winchester.

4. Results

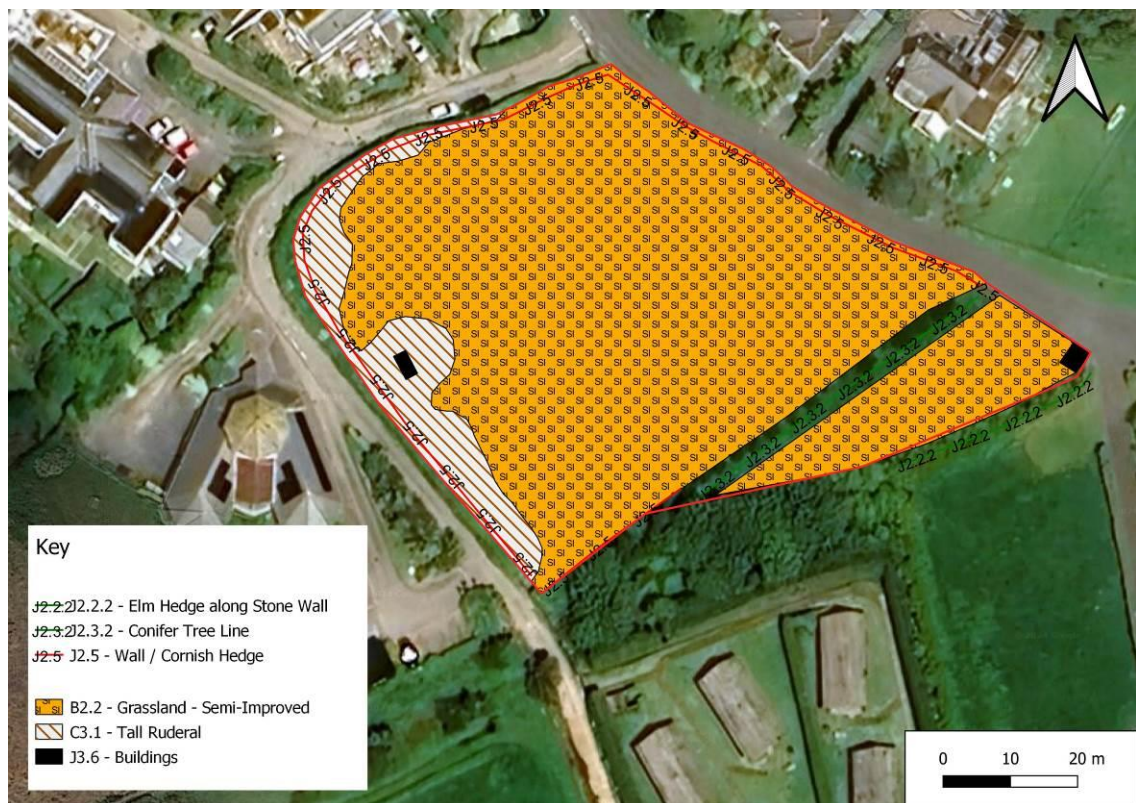
4.1. Background Data

The results of the background data search from ECCIS do not return any records of species or habitats of significance to the proposed development within the 500m search radius.

Records relating to bats are provided by the Isles of Scilly Bat Group and are discussed in the context of the survey results in Section 4.3.1 of this report.

4.2. Habitats

The habitats present onsite are illustrated in Map 03 and described below.



Map 03 – Showing the broad habitats identified within the site. Reproduced in accordance with Google’s Fair Use Policy.

4.2.1. Boundary Wall

There is a Cornish hedge running around the northern, eastern and western boundary of the site – it appears to be in good structural condition but ecological condition varies significantly with the species composition dominated by native species on the eastern boundary but largely non-native and invasive species on the northern and western boundaries. The structure is present for a portion of the southern boundary at the western edge, just beyond the gate, before giving way to a post-and-wire fence for the remainder of the southern boundary of Circus Field. Significant ivy (*Hedera helix*) growth is present in places along with

bramble (*Rubus fruticosus*) and occasional honeysuckle (*Lonicera periclymenum*) – this woody growth is managed in places by cutting.

The structure is raised above the surrounding land on the northern and western boundaries; however on the eastern boundary it is raised above the road to the east but acts as a retaining wall to the land on the west where the grassland sward is level with the top of the structure.

Native species growing within and upon the Cornish Hedge include sea spurrey (*Spergularia marina*), navelwort (*Umbilicus rupestris*), yarrow (*Achillea millifolium*), polypody ferns (*Polypodium sp.*), cat's ear (*Hypochaeris radicata*), ribwort plantain (*Plantago lanceolata*), bird's foot trefoil (*Lotus corniculatus*), pellitory of the wall (*Parietaria judaica*), cleavers (*Galium aparine*), common nettle (*Urtica dioica*), fumitory (*Fumitoria sp.*) and foxglove (*Digitalis purpurea*).

Invasive species include locally dominant three cornered-leek (*Allium triquetrum*), alexanders (*Smyrniololus atratum*) and Bermuda buttercup (*Oxalis pes-caprae*), cotoneaster (*Cotoneaster sp.*), dewplant (*Ruschia sp.*), house leek (*Aeonium sp.*), liquorice plant (*Helichrysum petiolare*), red valerian (*Centranthus ruber*) and nasturtium (*Tropaeolum majus*).

4.2.2. Semi-improved Grassland

The site is dominated by a semi-improved grassland field. The sward is often tussocky, but variable in composition and condition with more herb-rich patches occurring within an otherwise grass-dominated sward. The condition and quality of the grass overall indicates a degree of agricultural improvement in the past.

Grass species include cock's foot (*Dactylis glomerata*), Yorkshire fog (*Holcus lanatus*), common bent (*Agrostis capillaris*), red fescue (*Festuca rubra*), meadow grass (*Poa sp.*) and perennial rye-grass (*Lolium perenne*). Herbaceous species include yarrow, cat's ear, ribwort plantain, broadleaf dock (*Rumex obtusifolium*), daisy (*Bellis perennis*), dandelion (*Taraxacum officinale agg.*), creeping buttercup (*Ranunculus repens*), sticky mouse-ear (*Cerastium glomeratum*), nipplewort (*Lapsana communis*), lesser celandine (*Ranunculus ficaria*), dove's foot cranesbill (*Geranium molle*) and annual mercury (*Mercurialis annua*),

The sward on the western boundary is more rank, overgrown and undermanaged with bracken at the edges in places – this habitat is mapped as tall ruderal in the Phase 1 map provided (Map 01). Species such as nettle and bramble are more prevalent here but can be found to varying degrees within the wider sward as well, or in locations where historical disturbance has occurred. Rabbits are active in this area.

Three-cornered leek can be found close to the boundaries throughout. Other invasive and non-native species typical of the islands are found predominantly in the south-western corner, potentially indicating historical dumping of garden waste, with species including tree mallow (*Malva arborea*), madeira geranium

(*Geranium maderense*), nasturtium, daffodil (*Narcissus sp.*), alexanders, Italian lords and ladies (*Arum italicum*) and African daisy (*Osteospermum sp.*).

The small field to the south-east, separated from the main field by the pine line, is of the same broad composition but has a higher proportion of ruderal species and those indicating nutrient enhancement, such as hogweed and broadleaf dock, as well as a higher prevalence of three-cornered leek within the main sward as well as at the peripheries.

4.2.3. Pine Trees

There is an line of pine trees which bisects the two fields to the south and forms the western boundary to the larger Circus Field. The tree line follows a post-and-wire fence. Trees have a Diameter at Breast Height (DBH) of approximately 10-15cm with a height of 3-4m. The ground layer beneath is largely composed of ruderal species such as cleavers, bramble and common nettle as well as occasional species represented in the surrounding grassland sward.

4.2.4. Elm Line

The southern boundary of the smaller field is a drystone wall comprising granite blocks, with semi-mature elms (*Ulmus sp.*) on the offsite side. These are suckering resulting in a dense understorey of saplings on both sides of the wall. The ground layer beneath is drawn from the species composition of the adjacent semi-improved grassland sward.

4.2.5. Offsite Habitats

The offsite vegetation at the western end of the southern boundary is a dense karo (*Pittosporum crassifolium*) shelterbelt which overhangs the site in places with ivy growing through.

4.2.6. Wooden Sheds

There is a dilapidated single-skin wooden shelter on the western boundary of the field with a flat roof topped with roofing felt. There is mesh on the front and it appears to have been historically used as a poultry shed but is currently disused. There are remains of a pen and other artificial debris to the east including piled timber amongst abundant bramble mounds. There is also evidence of horticultural use with remnants of brassicas and other allotment crops, along with occasional karo saplings. There is a line of stones around the shed to the east which is indicative of an old building or wall from which the majority of the stones have been removed. There are abundant rabbit droppings in this location and there may be burrows within the shed itself.

A further wooden shed structure is present in the south-eastern tip of the site – this is in active use as an honesty stall at the time of survey. The rear portion of the shed is boarded off from the sales area at the front, and there is evidence of bird droppings viewed through a rear window. The structure is a typical single-

skin timber construction with a gently sloping mono-pitch felted roof secured with battens. It is open on the north-eastern aspect and stocked daily with farm produce.



Photo 01 – Showing the Cornish Hedge on the western boundary with abundant three-cornered leek



Photo 02 – Showing the eastern boundary where the Cornish Hedge is level with the Circus Field sward to the west (left) but rises above the offsite pavement to the east (right).



Photo 03 – Showing the pasture field; three-cornered leek prevalent around the boundaries.



Photo 04 – Showing the bramble mounds present in the undermanaged western boundary.



Photo 05 – Showing the wooden shed and surrounding bramble scrub.



Photo 06 – Showing the pine line separating the two fields.



Photo 07 – Showing the drystone wall and elm trees on the southern boundary.



Photo 08 – Showing the rear of the honesty stall in the south-eastern tip of the site with the pasture sward of the smaller field visible in the foreground.

4.3. Bats

4.3.1. Background Data

The desk study does not identify any records of bats previously roosting within the site.

A data search revealed information on five species of bat recorded on St Mary's. The species conclusively identified were common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and brown long-eared bat (*Plecotus auritus*). Leisler's bat (*Nyctalus leisleri*) and Nathusius pipistrelle (*Pipistrellus nathusii*) records are recorded during the summer period but these are thought to be itinerant or migratory individuals – no roost has been confirmed and the encounter frequencies do not suggest a breeding population.

There are three records of bat roosts within 500m of the site – all relate to common pipistrelle roosts utilising features such as hanging slates around dormer windows in Hugh Town to the north and north-east of the site. Details of the nature of the roost such as number of bats, season or conservation status, are not available.

4.3.2. PRA Results

There are no trees on site which might provide suitable habitat for roosting bats – the pine trees are not of an age, structure or condition to provide suitable roosting features.

The dilapidated shed described in 4.1.6 could potentially provide roosting opportunities for individual bats on a transient basis – however this is likely restricted to free-hanging from the timbers or occupying a small cavity between timbers. The condition, situation and structure of the shed indicate negligible potential.

The shed which is used as an honesty stall does not appear to provide any suitable roosting niches for bats and is considered to have negligible potential for these species.

4.3.3. PRA Results – Boundary Walls

There are limited examples of bats roosting in drystone walls and Cornish hedges in the UK but this has been recorded in several instances. The low number of records may reflect the considerable extent of these features and the infrequency of surveys or other opportunities to identify roosting bats.

The Cornish Hedge on the boundary of Circus Field appears to be too densely covered with soil and vegetation to provide suitable roosting opportunities; however this risk cannot be fully ruled out given the size and scale of the feature and occasional gaps may occur.

The drystone wall on the southern boundary of the smaller field has a wider range of cavities and, whilst the majority of these appear too open and exposed to provide suitable roosting opportunities, this cannot be ruled out due to the scale and complexity of the potential features available.

4.3.4. Foraging and Commuting Habitat

The site is likely to provide a foraging resource for local common pipistrelle populations as part of a wider landscape. The ecotone between the pasture field and the boundary features including the offsite vegetation to the south are likely to be used by common pipistrelle which favour 'edge' habitat.

The Cornish Hedge and the pine line may be used by commuting bats to navigate between roosts and foraging habitat in the wider landscape. However common pipistrelle bats are less strongly reliant on uninterrupted linear features to navigate the landscape, compared with some species found in the UK, and the connectivity provided by these feature is likely to be widely replicated within the local environs; in the case of the pine line there is the parallel linear feature of the elm line which provides a stronger landscape scale connectivity.

4.4. Birds

4.4.1. Nesting Habitat

The following onsite habitats are likely to support nesting birds during the breeding season:

- The onsite shed used historically as a poultry house;
- The rear portion of the shed used as an honesty stall;
- The tall ruderal and developing scrub habitats to the west of the field, including bramble and tussocky, undermanaged grassland;
- The pine tree line;

- The Cornish Hedge and drystone wall/elm trees.

These are likely to support a common assemblage of farmland and peri-urban bird species.

There is also a low risk that ground nesting birds such as skylark or yellow hammer might make use of the grassland within the proposed footprint of the site compound for nesting, depending on management and the presence of livestock in advance of clearance.

4.4.2. Foraging Habitat

All habitats on site are likely to provide foraging habitat for common bird species as part of a wider resource landscape.

4.5. Other Ecological Receptors

There is evidence of **rabbit burrows** in the following onsite habitats:

- The base of the Cornish Hedge;
- The westerly edge of the drystone wall on the southern boundary;
- The area of bramble scrub and tall ruderal vegetation on the western boundary including the shed.

The habitats onsite are likely to support a wide range of **invertebrates**, as well as common small mammal species such as **white-toothed shrew**.

The background data search does not identify any further species which would require consideration in order to support the current planning application.

5. Evaluation

5.1. Proposals

The proposed works were identified by the client and the impact assessment is based on the proposed layout submitted to support the application alongside this report.

The proposals involve the temporary use of the field as a storage compound associated with the hospital extension project.

The use of the field would be approximately 12 months from April 2024 to April 2025. The aim at the end of the works would be to restore the field and boundary structures to their original habitats and condition.

5.2. Assessment of Ecological Impacts

5.2.1. Statutory and non-statutory Sites

The proposed development would not impact directly or indirectly upon any offsite statutory sites.

5.2.2. Habitats

The proposals would lead to short term damage to the habitat where the site compound is to be situated. This is predominantly semi-improved grassland of a relatively species-poor sward, along with some areas of tall ruderal vegetation on the western boundary.

Provided appropriate remediation works are designed, there would be no long-term impact to this habitat resource.

The Cornish Hedge would be largely retained though there would be removal of a portion of the wall in the north-western corner for the duration of the site compound to provide access. This stretch of the structure is in a poorer ecological condition with the species present dominated by invasives and non-natives. The proposals would represent a short-term fragmentation of this linear feature and a short-term loss of habitat. Both of these could be restored with a high degree of confidence at the end of the works.

There would be no direct impact on the shed or retained grassland habitats provided measures are put in place to secure this.

The proposals may require the removal of individual pine tree(s) within the onsite pine line to facilitate access. This would result in the long term loss of these trees; however they are both young and non-native to the islands which reduces the significance of this impact and restoration with equivalent or more suitable trees would be easily achievable in the medium term.

There could be short-term damage to grassland habitats if used for access and movement of heavy machinery and equipment – if this led to compaction of the ground then longer-term damage could occur.

5.2.3. Bats

The proposals are highly unlikely to impact directly or indirectly on any habitat which could be used by roosting bats, provided measures are put in place to avoid indirect impacts or disturbance to the retained shed.

The Cornish Hedge is considered to have a negligible risk of use by roosting bats based on the balance of evidence available at the time of writing. The risk of disturbance impact arising from the potential presence of a roost in a retained feature would not rise to the level which would justify further surveys given the low likelihood of use. However the temporary removal of a portion of the Cornish Hedge in the north-western corner could result in killing/injuring of bats in the unlikely event of their presence, and this would justify the recommendation of measures to control risk.

The short-term loss of foraging habitat is considered to be negligible within the wider scope of foraging resource available to bats on the island. It is highly unlikely that the temporary removal of the portion of the Cornish Hedge in the north-western corner or the removal of individual pine tree(s) would have a significant impact on commuting routes or connectivity within the local landscape. Both habitat and connectivity would be restored after approximately 12 months.

Inappropriate lighting of the habitats associated with the storage compound have the potential to negatively impact the suitability of these features for use by foraging or commuting bats if measures are not taken to control this.

5.2.4. Birds

The site provides various habitats suitable for use by common nesting bird species.

If works affect the undermanaged grassland, tall ruderal vegetation, Cornish Hedge, pine line or honesty stall during the breeding season, they could result in the short-term disturbance, damage or destruction of nests and the potential killing of adults or chicks/eggs if measures are not taken to avoid this.

There is also a low risk for the grassland within the main field to be used by ground nesting birds – if these were present at the time of clearance, this could result in the short-term disturbance, damage or destruction of nests and the potential killing of adults or chicks/eggs if measures are not taken to avoid this.

The presence of the compound with associated noise, dust, machinery and contractor presence would have the potential to disturb nests associated with retained onsite and boundary habitats in the absence of measures to control this.

All habitats would be restored to their original condition at the end of works – therefore there would be no long-term loss of breeding habitat.

5.2.5. Other Species

Ground works and clearance could impact upon rabbits if their burrows are within or extend beneath the works area. This could lead to killing, injuring or entombment in the absence of an appropriate working methodology.

6. Recommendations

6.1. Further Survey Requirements

The ecological baseline presented in this report is considered to be sufficient to assess the impact of the proposals upon ecological receptors.

No further survey requirements are identified.

6.2. Lighting

Lighting of the compound should be avoided, or minimised to the extent compatible with site safety requirements.

The use of cowls or other mechanisms to control and constrain lighting to the target areas should be considered to minimise light pollution where lighting is required for security or safety purposes.

6.3. Boundary Walls

Where modifications to the Cornish Hedge are required to permit access, the removal of stones should be undertaken carefully and by hand where possible in order to minimise the risk of killing or injuring of bats, small mammals or other species present within the feature. This should also allow stones with abundant mosses and lichens to be set aside and restored to the exterior of a restored wall to facilitate the restoration of an ecologically functional feature.

The drystone wall and elm line to the south would not be directly impacted and should be protected from incidental damage where appropriate.

The site layout should aim to maintain a 5m buffer zone between the boundary features and the compound itself wherever practicable. The entrances themselves are an exception to this, as maintenance of the 5m buffer in this location would require a greater degree of removal than necessary which would represent an elevated impact. The 5m standoff would minimise the risk of disturbance to species and habitats associated with these features, including breeding birds and small mammals.

A Method Statement for the dismantling of the existing features and their subsequent restoration should be produced prior to works taking place and included within the CEMP – this could be conditioned in any approval granted at the discretion of the Planning Authority.

6.4. Nesting Birds

Measures should be put in place to ensure that nesting birds are not affected by the proposed works.

The onsite vegetation, Cornish Hedge, pine line and honesty stall offer suitable nesting habitat for breeding birds. In order to ensure legislative compliance, the contractors undertaking the works must ensure that nesting birds are not disturbed in accordance with requirements under the Wildlife and Countryside Act (1981)⁸.

6.4.1. Timing of Works - Avoidance

The potential for site clearance works to be completed outside of the breeding season is constrained by the timeframe of the application and availability of funding for the infrastructure project.

Following discussion and review within the design team, it has been determined that no appropriate mechanisms for avoidance of the nesting season are available; therefore the methodology outlined in Section 6.4.2 must be employed to control risk and ensure legislative compliance.

6.4.2. Works during the Breeding Season - Mitigation

Prior to site clearance and establishment works, a nesting bird survey must be carried out by a suitably qualified person. Careful observation of any potential nesting sites would be required to ensure that the parent birds are not visiting a nest and provisioning the young. Nests are only protected if they are active (i.e. being used to rear young) or in the process of being built.

- Where active nests are identified, works affecting these areas must be delayed until the chicks have fledged the nest.
- Once it is confirmed that nests are absent or no longer active, the relevant features should be dismantled carefully and by hand as a precaution.

6.4.3. Disturbance Impacts

Measures to protect retained habitats which might support nesting birds should be built into the CEMP to avoid disturbance to nests within adjacent or boundary habitats.

This may include barriers where required, and signs identifying areas where contractors should avoid including the retained shed. This should be advised by the ecologist, as required.

6.5. Biodiversity Net gain

Subject to an appropriate Habitat Restoration Plan (HRP) as outlined in Section 6.6, the project would restore the existing habitats post-development to ensure no net loss in a measurable manner consistent with policy OE2 of the Local Plan.

⁸ HMSO (1981). Wildlife and Countryside Act 1981 (as amended). HMSO, London.

6.6. Habitat Restoration

The grassland to be impacted by the temporary works should be restored to its previous condition by natural regeneration where possible. This could be facilitated by ground preparation works followed by spreading of green hay from a native, species-rich sward or similar.

If this is not appropriate, seed mixes should be locally sourced where possible, and tailored to the species native on the islands.

The Cornish Hedge should be restored structurally by an experienced and competent contractor who is familiar with the construction of these geographically specific features. Once restored structurally, the Hedge should be allowed to regenerate a natural botanical composition – there is an abundance of species within the retained portions of the structure to ensure an adequate seed source for this.

Planting of new tree(s) to replace those removed from the pine line should be undertaken to ensure long-term retention of this resource. In order to maintain the integrity of the single-species line, replacement with new pine trees may be most appropriate but consideration could be given to planting additional native species within the broader site to mitigate in the long-term for the short-term reduction in tree cover on the site.

6.7. Rabbits

Rabbits are covered under the Wild Mammals Act 1996⁹ which prevents causing unnecessary suffering. If works impact or block burrows, this could lead to killing, injuring or entombment which would contravene the legislation.

A pre-commencement survey should be undertaken to identify any active rabbit burrows which would be directly or indirectly impacted by the proposals. In the first instance, avoidance of impacts should then be targeted through re-arrangement of the compound layout.

If the burrows are active and cannot be avoided, rabbits should be evacuated from the burrows prior to works proceeding. Measures to achieve this in a humane manner include excavation with hand tools, or use of ferrets to flush the rabbits out. This should be undertaken between October and February when there will not be dependent kittens in the tunnels. Where there is uncertainty regarding the active use of a warren, trail cameras could be used to establish activity.

A Method Statement detailing the measures which would be put in place for this site clearance should be produced prior to works taking place and included within the CEMP – this could be conditioned in any approval granted at the discretion of the Planning Authority.

⁹ HMSO (1996) Wild Mammals (Protection) Act 1996. HMSO, London.

6.8. Invasive Species

Under the Wildlife and Countryside Act, 1981¹⁰, a number of alien plant species are listed in Schedule 9 Part II. These are species which have become naturalised in Britain, usually as garden escapees. Section 14 (2) of the Act states that an offence is committed “*if any person plants or otherwise causes to grow in the wild any plant*” in Schedule 9.

Three-cornered leek is listed on Schedule 9; however the species is ubiquitous across the islands and its low-level presence on the site is commonplace. Cotoneaster is present only in the north-eastern corner of the boundary wall and it is not anticipated that this area would be affected by the proposed works.

It is incumbent on a landowner to ensure that any actions of land management or development do not result in these plants being spread either within the existing site or elsewhere. Working practices associated with the use of the site as a temporary compound should be designed to ensure this.

6.9. Survey Validity and Update

The surveys were completed in February 2024. Many species are transient in their use of habitats, and apparently minor changes in condition or use of the site can affect suitability. However in the absence of significant changes in condition or use of the site, the nature and character of the site suggest that:

- The EA assessment including the PEA and PRA can be considered valid for a period of 12 months after the survey was completed, until February 2025.

If Planning Permission is not applied for by this date, the ecology surveys should be updated as required.

6.10. Application Documents or Planning Conditions

The following documents will be submitted in the application and should be read alongside this report

- A **Site Layout plan** showing the 5m standoff between the site compound and the retained Cornish Hedge, with the exception of the access in the north-western corner where such a standoff would necessitate further removal of the feature and would therefore not be ecologically desirable. The plan should also show retention and standoff from the dilapidated shed.

The following additional documents would be required and should be submitted either as supplemental information prior to determination, or could be conditioned

¹⁰ HMSO (1981, as amended). Wildlife and Countryside Act 1981. HMSO, London.

in any permission granted in order to secure the mitigation and enhancement measures. These include:

- A **Construction Ecological Management Plan** (CEMP) should be conditioned which includes the following measures:
 - A pre-commencement survey for nesting birds and rabbit burrows;
 - A two-stage cut of the grassland within the site footprint upon establishment, first with a high blade to remove the upper layers to create disturbance and encourage small mammals to leave the area. A period of several days should be left before a low cut to remove the remainder of the sward to ground level;
 - Measures to protect nesting birds in retained or boundary habitats during the creation and operation of the site compound;
 - Measures to protect bats and other species during works to the Cornish Hedge;
 - Measures to protect retained habitats including boundary and offsite features;
 - Measures to ensure that rabbits are not killed, injured or entombed;
 - Measures to protect the RPA of retained pine trees if damaging activities such as movement of heavy plant are proposed within this area;
 - Measures to address or minimise the risk of spreading invasive non-native species including three-cornered leek.
- A **Habitat Restoration Plan** detailing how the grassland field and Cornish Hedge would be restored to their original habitat and condition when the compound is decommissioned. It should also include tree planting proposals to mitigate any removal of young pine trees.

Appendix 1 – Relevant Legislation

The Habitat Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) or the 'Habitat Regulations 2017 (as amended)', ensures wild animals of a European Protected Species and their breeding sites or resting places are protected under Regulation 43. Such wild animals of a European Protected Species include great crested newts, otters, dormice and all species of bat. It is an offence to deliberately capture, injure or kill any such wild animal and in the case of great crested newts, deliberately take or destroy their eggs. It is also an offence to deliberately damage or destroy a breeding site or resting place of any such wild animal.

Wild animals of a European Protected Species are also protected from disturbance under Regulation 43. Disturbance of such wild animals includes in particular any disturbance which is likely:

(a) To impair their ability -

- *to survive, to breed or reproduce, or to rear or nurture their young; or*
- *in the case of animals of a hibernating or migratory species, to hibernate or migrate; or*

(b) To affect significantly the local distribution or abundance of the species to which they belong.

The Wildlife and Countryside Act (as amended) and Countryside and Right of Way Act (CRoW) Act 2000 (as amended)

The Wildlife and Countryside Act 1981 (as amended) and the CRoW Act 2000 (as amended) afford protection to wild birds in England and Wales under Part 1. It is an offence to intentionally kill, injure or take any wild bird. It is also an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or intentionally take or destroy their eggs. If the wild bird is included on the Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), it is additionally an offence to intentionally or recklessly disturb the wild bird whilst on the nest during the breeding season.

Certain species of animal, such as the water vole, are offered 'full protection' under the Wildlife and Countryside Act 1981 (as amended) and the CRoW Act 2000 (as amended) by being included in Schedule 5 in respect of certain offences under Section 9. Such offences include:

9(1) Intentional killing, injuring or taking of a Schedule 5 animal;

9(4a) Intentional or reckless damage to, destruction of or obstruction of any structure or place used by a Schedule 5 animal for shelter or protection;

9(4b) Intentional or reckless disturbance of a Schedule 5 animal occupying such a structure or place.

Widespread species of native reptiles occurring within England and Wales such as the adder or common lizard are protected against intentional killing and injuring under the Wildlife and Countryside Act 1981 (as amended) only. Animals of a European Protected Species are now only protected under offences 9(4a) and 9(4b) of Section 9, the main legislative tool covering such animals is under the 'Habitats Directive 2010 (as amended)'.

The Hedgerow Regulations 1997

Under the Hedgerow Regulations 1997, it is an offence to remove most hedgerows without the issuing of a Hedgerow Removal Notice from the Local Planning Authority. 'Important hedgerows' are those protected under the 1997 Regulations if they are over 30 years old and satisfy one of the criteria under Part II, Schedule 1, based on archaeology and history or wildlife and landscape.

In the case of 'Important' hedgerows, the Local Planning Authority will only issue a Hedgerow Removal Notice if there are sufficient circumstances to justify its removal. If sufficient circumstances do not exist then the Local Planning Authority will issue a Hedgerow Retention Notice and the 'Important' hedgerow will be protected under the 1997 Regulations. Unauthorised removal of the 'Important' hedgerow may result in a fine and/or a requirement for the hedgerow to be replaced.

Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities (NERC) Act came into force on 1st Oct 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.

The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under Section 41 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Fifty-six habitats of principal importance and 943 species of principal importance are included on the S41 list. The habitats and species on the S41 list are included within the UK Biodiversity Action Plan (UK BAP) as requiring conservation action. The requirement for action continues to be regarded as a conservation priority in the subsequent UK Post 2010 Biodiversity Framework. At a local level the actions and targets are still referred to as BAPs.