Ecological Impact Assessment (EcIA)

Site:

Carn Thomas, St Mary's, Isles of Scilly

Grid Reference: SV 90693 10650

18th April 2024; version 2

Plan for Ecology Ltd
Tremough Innovation Centre
Tremough Campus, Penryn, Cornwall, TR10 9TA
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Document Control:

Site Name:	Carn Thomas, St Mary's, Isles of Scilly
OS Grid Reference:	SV 90693 10650
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Document Approved By:	Dr Kim Jelbert BSc (Hons) MSc PhD MCIEEM
Client:	Westco Properties Ltd
Report Reference Number:	P4E3352
Version:	02
Date:	18th April 2024

Declaration:

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

Lucy Wright	[redacted]	
Kim Jelbert		

Report Lifespan:

Ecological features can change over time, particularly if site management/ use changes. Typically, Ecological Impact Assessment reports are considered to be valid for 12 months (until end of February 2025), unless stated otherwise.

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1.0 Non-Technical Summary

Plan for Ecology Ltd was commissioned by Kirkham Board, on behalf of their client Westco Properties Ltd, to update the Ecological Impact Assessment (EcIA) of land at Carn Thomas, Hugh Town, St Mary's, Isles of Scilly (OS Grid Ref: SV 90693 10650) in late January 2024. The client proposes to redevelop the *c.* 0.6 ha site for housing. Plan for Ecology Ltd previously undertook a Preliminary Ecological Appraisal of the site in 2015 (Plan for Ecology, 2015) and an Ecological Impact Assessment of the site in 2022 (Plan for Ecology Ltd, 2022). The Environment Partnership (TEP) undertook a Preliminary Ecological Appraisal of the site in 2019 (TEP, 2019).

The Ecological Impact Assessment (EcIA) comprised a desk study and a Phase 1 survey, including a UK Habitat Classification Survey and an assessment of the potential of the site to support protected species. This EcIA report describes and evaluates the results of the desk study and survey and assesses the impacts of the proposed development in accordance with the CIEEM Guidelines for Ecological Impact Assessment (CIEEM, 2018).

The application site, measuring *c.* 0.6 ha, comprises land within the orange boundary shown on Map 1 below. The site is located within Hugh Town, St Mary's, Isles of Scilly. St Mary's is located *c.* 43km south-west of the mainland at Land's End, Cornwall. The site formerly supported a secondary school, which was demolished some years ago, and the site now comprises sparsely vegetated disused ground associated with the footprints of the former buildings in the north of the site, with extensive areas of dense scrub and introduced shrub to the south and east. There is an area of hardstanding associated with a former tennis court, and small areas of neutral grassland that have been encroached upon by scrub and introduced shrub. Stone-faced, earth banks partially enclose the site on the east and west site boundaries. There are multiple statutory designated sites of conservation significance within 1km of the site; these are shown at Appendix 1.

Ecological constraints and opportunities are detailed on the accompanying 'Ecological Constraints and Opportunities Plan' (ECOP) shown on Map 1 below. Table 1 summarises the assessment of impact of the proposed development on ecological features.

Table 1: Summary assessment of impact of the proposed development on features of ecological importance before and after mitigation.

Feature	Effect without mitigation	Mitigation Summary	Significance of effect of residual impact after mitigation
Designated sites	No potential impacts identified.	Consult with Natural England at an early stage	Neutral
Stone-faced bank	Degradation from construction and operational activities.	Stone-faced banks to be retained and protected with appropriate development-free buffers (minimum 2m wide).	Neutral – opportunity for enhancement
Scattered trees	Loss of *c.* 10 immature trees	Replacement planting of *c.* 27 small trees throughout the site.	Neutral
Dense mixed scrub	Loss and degradation from construction activities	Retention and enhancement of c. 0.05ha of dense mixed scrub. Creation of c. 0.06ha new native mixed scrub habitat.	Neutral – opportunity for enhancement
Hedgehog	Small loss of foraging habitat but this is unlikely to	Precautionary measures to be implemented to protect	Neutral – positive

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Feature	Effect without mitigation	Mitigation Summary	Significance of effect of residual impact after mitigation
	impact populations. Potential injury during construction.	individual animals from harm during construction.	
Bats (foraging, commuting)	Small loss of foraging habitat but this is unlikely to impact populations. Artificial lighting when the site is operational that could impact foraging and commuting activity.	Suitable habitat to be retained and enhanced or newly created within the site. A sensitive lighting scheme to be implemented that minimises artificial lighting and retains dark corridors.	Neutral
Birds	Small loss of nesting and foraging habitat but this is unlikely to impact populations. Disturbance to active nests from construction and operational activities.	Suitable habitat to be retained and enhanced or newly created within the site. Precautionary measures to be implemented to protect individual animals and active nests from harm.	Neutral – opportunity for enhancement
Amphibians	Small loss of habitat but this is unlikely to impact populations. Potential injury during construction.	Suitable habitat to be retained and enhanced or newly created within the site. Precautionary measures to be implemented to protect individual animals from harm during construction.	Neutral – opportunity for enhancement
Invertebrates	Small loss of foraging habitat and shelter but this is unlikely to impact populations.	Suitable habitat to be retained and enhanced or newly created within the site. Follow recommendations for habitats.	Neutral – opportunity for enhancement
Vascular plants	Reduction in plant diversity from habitat loss and degradation. Spread of non-native invasive species.	Follow recommendations for habitats. Proposed habitat enhancements will increase plant diversity. Works to be undertaken under an Invasive Plant Method Statement, to include a pre-construction, post-planning walkover survey for invasive plants.	Neutral – opportunity for enhancement
Non-vascular plants	Reduction in plant diversity from habitat loss and degradation.	Proposed habitat enhancements will increase plant diversity.	Neutral – opportunity for enhancement

Further surveys and assessments: No further surveys are required to inform the planning application.

A post-planning, pre-construction survey will be required for invasive plant species. An ecological watching brief will be required if trees or shrubs are to be cleared in the bird nesting season (March – August/September).

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A Biodiversity Metric and BNG report will supplement this EcIA. Indicative Biodiversity Net Gain (BNG) calculations show that the development will result in a 24.67% net gain in habitat units.

Table 2: The baseline statement of predicted change (habitat losses and gains)

Ecological Receptor	Ecological Value	Loss (approximate)	Gain (approximate)
Other neutral grassland (g3c 10 12)	Within the Zone of Influence	0.01ha	0.03ha enhanced. 0.03 created.
Stone-faced bank (h 113)	Local	0m	0m
Dense mixed scrub (h3h)	Local	0.14ha	0.05ha enhanced. 0.06ha created.
Scattered trees (h 32)	Local	10 immature small trees	27 small trees
Urban – Introduced shrub (u1 847)	Within the Zone of Influence	0.09ha	0.02
Urban - sparsely vegetated urban land (u1f 81 82)	Within the Zone of Influence	0.17ha	None
Urban, developed land, sealed surface – (u1b5)	Negligible	0.001ha	0.10ha
Urban, developed land, sealed surface – (u1b)	Negligible	0.02ha	0.10ha
Urban, built linear feature (u1e)	Within the Zone of Influence	Unknown	Unknown

The residual impact of the proposed development is predicted to have a neutral impact, at a local scale on the ecology of the site, subject to the successful implementation of the mitigation outlined in this report. In compliance with the Environment Act (2021), **the proposed development will achieve a minimum 10% BNG in habitat units on-site.**

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2.0 Ecological Constraints and Opportunities Plan (ECOP)

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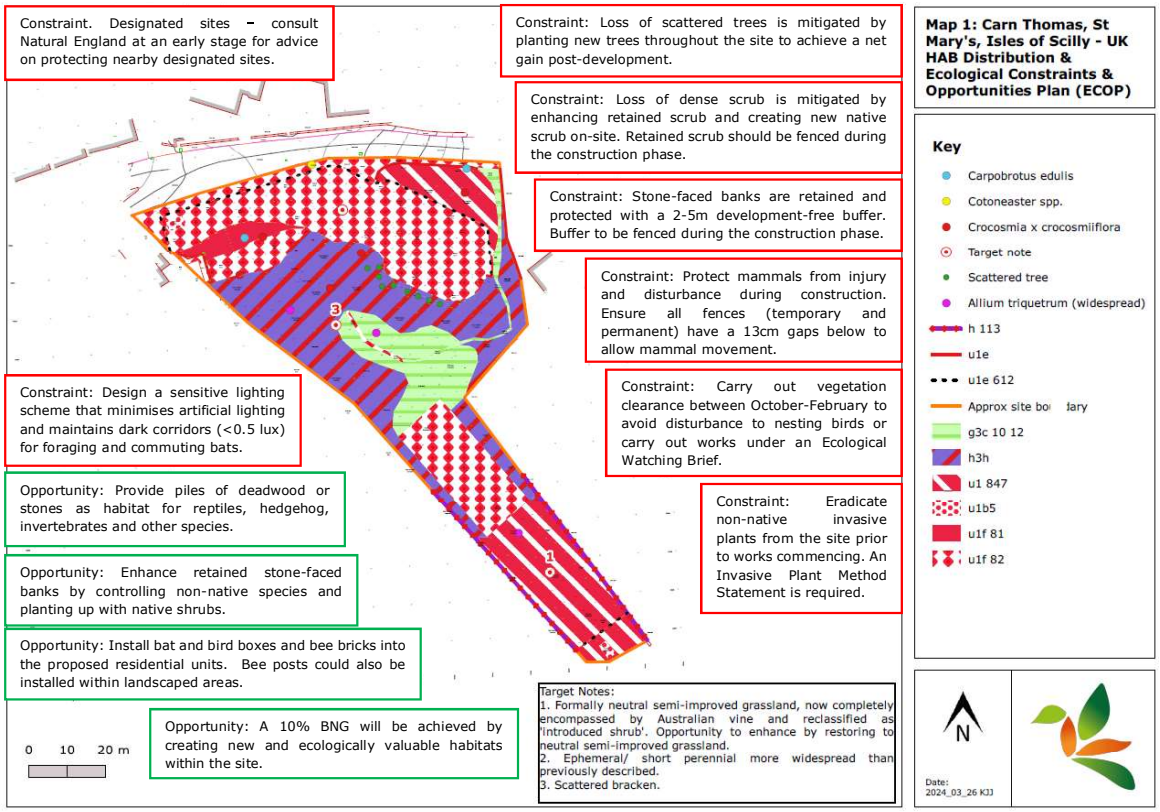

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3.0 Introduction

3.1 Background & Purpose of Survey

Kirkham Board, on behalf of their client Westco Properties Ltd, commissioned Plan for Ecology Ltd to update the Ecological Impact Assessment (EcIA) of land at Carn Thomas, Hugh Town, St Mary's, Isles of Scilly (OS Grid Ref: SV 90693 10650) in late January 2024. The client proposes to redevelop the *c*. 0.6 ha site for housing. The proposed site layout is provided in Figure 1, below. The UK Habitat Classification (UKHab Ltd, 2023) distribution is shown on Map 1 above. A location plan showing the designated sites of nature conservation importance within a 1km radius of the site is provided at Appendix 1. Plan for Ecology Ltd previously undertook a Preliminary Ecological Appraisal of the site in 2015 (Plan for Ecology, 2015) and an Ecological Impact Assessment of the site in 2022 (Plan for Ecology Ltd, 2022). The Environment Partnership (TEP) undertook a Preliminary Ecological Appraisal of the site in 2019 (TEP, 2019).

3.2 Site Location & Description

The site, measuring *c*. 0.6 ha, is located within Hugh Town, in the west of the island of St Mary's, Isles of Scilly. St Mary's is located *c.* 43km south-west of the mainland at Land's End, Cornwall. The site formerly supported a secondary school comprising two buildings with associated gardens and amenity areas (Plan for Ecology, 2015). The buildings have since been demolished and the site is currently disused. The site now comprises sparsely vegetated disused ground associated with the footprints of the former buildings in the north of the site, with extensive areas of dense scrub and introduced shrub to the south and east. There is an area of hardstanding associated with a former tennis court, and small areas of other neutral grassland that have been encroached upon by scrub and introduced shrub. Stone-faced, earth banks partially enclose the site on the east and west site boundaries. Beyond the site boundary, residential development associated with Hugh Town adjoins the site on all sides. Habitats in the wider area include coastal habitats, mixed farmland enclosed with hedges, heathland and wetland habitats, and small settlements.

3.3 Proposed Site Plans

The applicant proposes to develop the site for housing, to include a small area of public open space and a solar array; an indicative site layout is provided in Figure 1, below.

3.1 Project Administration

Site Name:	Carn Thomas, St Mary's, Isles of Scilly
OS Grid Reference:	SV 90693 10650
Client:	Westco Properties Ltd
Planning Authority:	Council of the Isles of Scilly
Report Reference Number:	P4E3352
Site proposals:	Residential housing and associated infrastructure, including a ground mounted solar array
Survey Dates:	12/09/2022 – update Extended Phase 1 Habitat Survey 29/02/2024 (Update Phase 1 survey; UK HAB Classification Survey and Statutory Metric Condition Assessment)
Surveyor & Licence Numbers:	Dr Kim Jelbert BSc. (Hons) MSc. PhD. MCIEEM; bat licence no. 2015-10444-CLS-CLS (CL18) Level 2; RC 224 (CL21); BER0205 WML-CL47 (Annex A & B); barn owl licence no. CL29/00037; dormouse license no: 2016-22394-CLS-CLS

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Lucy Wright BSc (Hons) MSc PhD MCIEEM (Bat licence no. 2024-11908-CL18-BAT) (29/02/2024)

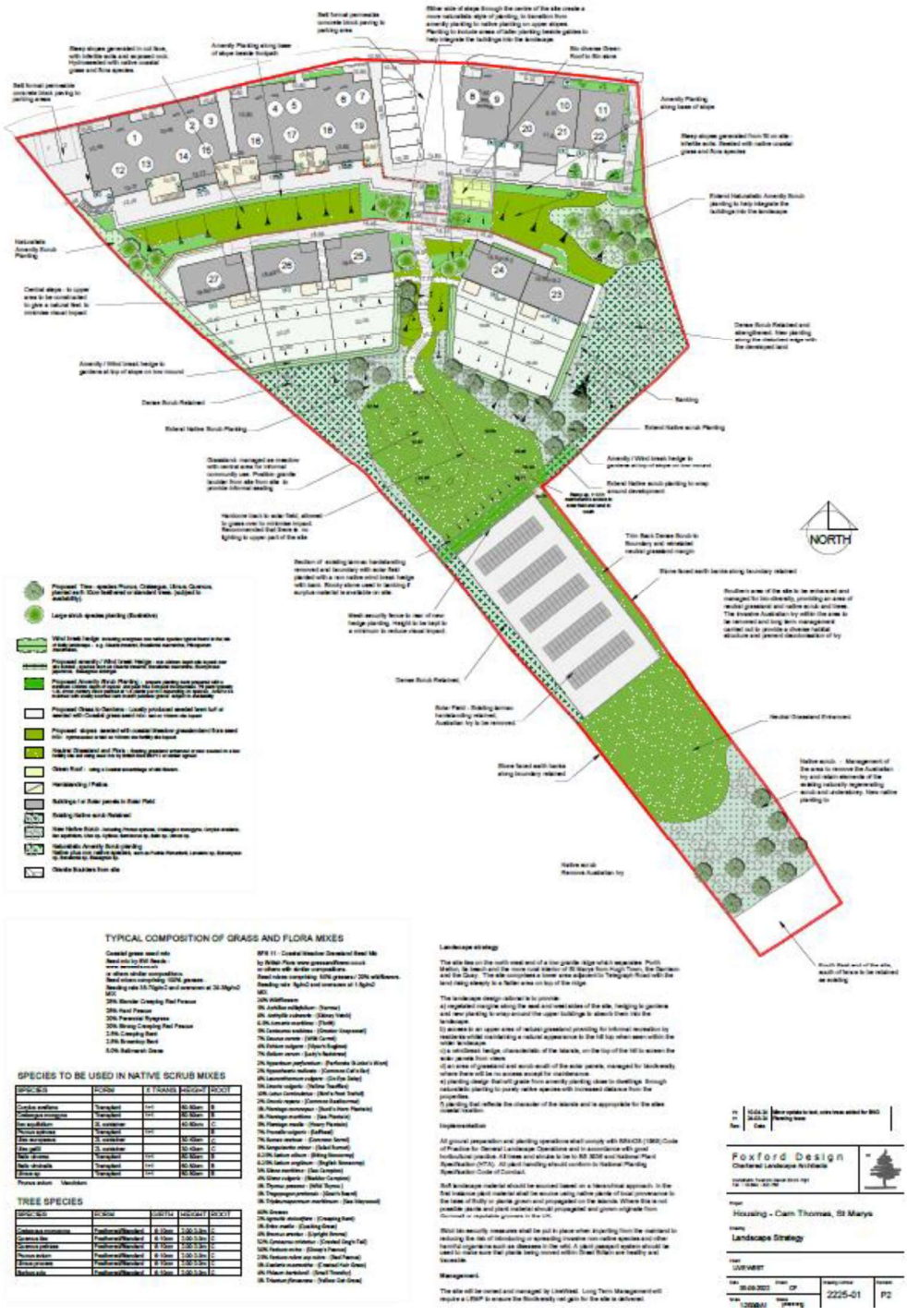

Figure 1. Proposed site layout.

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4.0 Methodology

This assessment has been carried out in accordance with the 'Guidelines for Preliminary Ecological Appraisal' produced by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017); BS42020-2013 Biodiversity – Code of Practice for Planning & Development, as adopted by local planning authorities (British Standard, 2013); and the CIEEM Guidelines for Ecological Impact Assessment (CIEEM, 2018).

4.1 Desk Study

The desk study is a search of all ecological records and site designations held by the Environmental Records Centre for Cornwall and the Isles of Scilly (ERCCIS, to 2022) within a 1km radius of the site. The distance between the site boundary and nearby European sites was measured using MAGIC http://www.magic.gov.uk to determine if the site falls within a European site Zone of Influence.

4.2 Site Survey

The update site survey, undertaken on 29th February 2024, comprised a UK HAB Classification Survey (UKHab Ltd, 2023) and Statutory Metric Condition Assessment (DEFRA, 2024) of land within the planning application boundary, referred to as the 'site' (Fig 1; Map 1). The survey identified the habitats present according to UK Habitat Classification system (UKHab Ltd, 2023) and their associated plant species, and assessed the potential of the site to support protected species and species of conservation concern. The surveyor noted down the presence of invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and species listed as injurious (harmful) under the Weeds Act 1959 within the site and within *c*.7m of the site boundary (where access was available). Survey data was digitised using QGIS.

4.3 Ecological Evaluation

The methods and standards for site evaluation within the British Isles are defined in 'A Nature Conservation Review' (Ratcliffe, 2009). They are broadly used across the United Kingdom to rank sites, so priorities for nature conservation can be attained. The criteria are size, diversity, naturalness, rarity and fragility, with secondary criteria of typicalness, potential value, intrinsic appeal, recorded history and the position within the ecological / geographical units.

The assessment judges features within the site in relation to other sites because a number of habitats may be of nature conservation importance when combined.

The legislative and planning policy context are important and have been given full consideration in this assessment.

There are also a number of other important considerations as follows:

- Designated Sites and Features e.g. Special Protection Areas (SPA), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI); ecologically important hedgerows etc.);
- Biodiversity Value (use of Biodiversity Action Plans and local development plans);
- Potential Value;
- Secondary or Supporting Value;
- Social or Economic Value; and
- Legal Designation.

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Based on the criteria above and professional judgement, the likely value of ecological features is determined within a geographical context in accordance with the CIEEM Guidelines for Ecological Impact Assessment (CIEEM, 2018). Value is assigned in decreasing order of importance as follows: International (Europe), National (UK), Regional (Southwest), County, District, Parish, Local, Zone of Influence and Negligible.

This evaluation method identifies 'important ecological features' (considered to be of Local value and above) which could potentially be affected by the proposed development.

4.4 Impact Assessment

Where the impact of the proposed scheme on an ecological receptor(s) can be determined without further survey or design information, an ecological impact assessment is undertaken within the Preliminary Ecological Appraisal (PEA) report. Where the impact of the scheme on an ecological receptor(s) cannot be determined, then this is clearly stated.

Where an impact (positive or negative) on the integrity of a defined feature (habitat, species or ecosystem) was identified, the impact significance has been described in the following terms: major, moderate, minor and negligible.

The likelihood of the impact occurring was described as: certain / near certain (probability estimated at 95% chance or higher), probable (probability estimated above 50% but below 95%), unlikely (probability estimated above 5% but below 50%) and extremely unlikely (probability estimated below 5%).

Reference has also been made to the extent and magnitude of impact (i.e., area affected) and duration (short-term impacts associated with construction and long-term impacts associated with the operational phase of the development).

The impact significance of the proposed development on the integrity of the site as a whole has been determined using the framework described above. A significant effect is an effect that either supports or undermines biodiversity conservation objectives for 'important ecological features' or for biodiversity in general (CIEEM, 2018).

Site integrity has been defined as follows: 'The integrity of a site is the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified (CIEEM, 2018). Site integrity is dependent on the extent, magnitude and duration of impacts upon each ecological feature (habitats or species). The accumulative impact, across all features, is therefore used to determine overall impact significance on the integrity of the site, and in EIA terms. Available guidance and information, such as the distribution and status of the species or features, and professional judgment have been used to determine impact significance.

4.5 Mitigation Recommendations

Recommendations are provided using the Mitigation Hierarchy (British Standard, 2013; CIEEM, 2018). The Mitigation Hierarchy seeks to avoid impacts, then to mitigate unavoidable impacts, and, as a last resort, to compensate for residual impacts that remain after implementation of avoidance and mitigation measures.

Where an identified adverse impact cannot be fully mitigated, the residual impact remains. This residual impact in combination with similar impacts locally could constitute a cumulative impact. Due to the small scale and nature of the proposed development, only cumulative impact arising from potential development of adjoining land is considered within this assessment.

4.6 Biodiversity Net Gain

This report identifies biodiversity enhancements which are included within the proposed development scheme, and which will contribute to a Biodiversity Net Gain (BNG).

4.7 Limitations

It is possible to undertake Phase 1 surveys at any time of year, with the optimal period between April – September. Many plant species remain visible all year round and can be readily identified from their vegetative characteristics. It is usually possible to classify habitats, notably hedgerow, scrub and urban habitats, year-round due to the nature of the vegetation present.

The 2022 update Phase 1 Habitat survey was undertaken in September, which is within the optimal period. The UK Hab classification survey and Statutory Metric Condition Assessment was undertaken in very late February 2024; late February is a sub-optimal time of year to undertake more detailed vegetation surveys, including invasive plant surveys and BNG baseline habitat condition assessments; this is because some species will not be visible (remaining quiescent below ground), and few will be in flower or with seed capsules present (important species identification features). Most of the habitats recorded at Carn Thomas are modified and the timing of the survey was not considered to be a significant limitation. It should also be noted that the warm climate on the Isles of Scilly results in earlier flowering periods for some plant species.

The far south of the site was largely inaccessible due to the presence of dense vegetation and was viewed from the southern end of the former tennis court. A small, dilapidated building in the far south of the site was not accessible.

Weather conditions during the survey were in line with seasonal norms. There are no limitations to the survey associated with weather conditions.

Ecological features can change over time, particularly if site management/ use changes. Typically, habitat surveys are valid for 12 Months (until end of February 2025). A search for Tree Preservation Orders (TPO's) or Conservation Area status does not form part of this assessment.

4.8 Technical Competence

The update UKHab Classification Survey, Statutory Biodiversity Metric Condition Assessment, update reporting and revised mitigation recommendations have been undertaken by Lucy Wright BSc (Hons) MSc PhD MCIEEM. The update Phase 1 Habitat survey in 2022 was undertaken by Kim Jelbert BSc (Hons) MSc PhD MCIEEM. All mapping has been undertaken by Kim Jelbert BSc (Hons) MSc PhD MCIEEM.

Lucy Wright holds the following protected species licences: Bat licence no: 2024-11908-CL18-BAT. Lucy has >7 years of experience as an ecological consultant, is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM), has a BSc in Zoology, an MSc in Biodiversity and Conservation, and a PhD in Biosciences (molecular ecology of marine turtles).

Kim Jelbert holds a BSc (Hons) in Animal Science, an MSc in Biodiversity & Conservation and a PhD in Biosciences (demography of invasive plants). Kim is a full member of CIEEM and has worked as a consultant ecologist since 2003. Kim also holds the following protected species licences: dormouse licence (CL10a) (2016-22394-CLS-CLS), bat licence (CL18) (2015-10444-CLS-CLS), CL21 Registered Consultant (bats), BER0205 WML-CL47 (Annex A & B) (bats), (RC224), barn owl licence (LR29) (CL29/00037) and has held many Natural England badger and bat project specific licence(s).

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5.0 Assessment Results

5.1 Designated Sites and Local Conservation Initiatives

The site is not located within a designated site of nature conservation importance. There are six statutory designated sites of nature conservation importance within a 1km radius of the site; these sites are described below, and their locations are shown on the designated sites plan at Appendix 1.

- The Isles of Scilly Complex Special Area of Conservation (SAC) is a coastal designation encompassing marine and intertidal habitats surrounding the island of St Mary's, and is located approximately 96m north of site boundary at its nearest point. The Isles of Scilly Complex SAC is of European conservation significance and is designated for the presence of Annex I habitats: Sandbanks which are slightly covered by sea water all the time; Mudflats and sandflats not covered by seawater at low tide; and Reefs. This SAC also supports the Annex II species shore dock (*Rumex rupestris*) and grey seal (*Halichoerus grypus*).
- The Isles of Scilly Special Protection Area (SPA) is a coastal designation encompassing marine and intertidal habitats surrounding the island of St Mary's, and is located approximately 32m north of site boundary at its nearest point. The Isles of Scilly Complex SPA is of European conservation significance and is designated for the presence of important breeding populations of the Annex II species European storm-petrel (*Hydrobates pelagicus*) and lesser black-backed gull (*Larus fuscus*), and for its Important Bird Assemblage, which includes European shag (*Phalacrocorax aristotelis)* and great black-backed gull (*Larus marinus*) in addition to the above species.
- Peninnis to Dry Ledge Marine Conservation Zone (MCZ) is located *c*. 600m south of the proposed development site at its nearest point at Old Town Bay. This MCZ is designated due to the presence of a range of inshore sandy and rocky shore habitats, as well as the presence of the stalked jellyfish (*Calvadosia cruxmelitensis* and *Haliclystus* species) and spiny lobster (*Palinurus elephas*). Marine Conservation Zones are of national conservation significance.
- Lower Moors Site of Special Scientific Interest (SSSI) is located approximately 220m south-east of the proposed development site boundary. This site is designated as a SSSI due to the mosaic of wetland habitats presence, and their importance as feeding grounds for passage and wintering birds including snipe (*Gallinago gallinago*) and water rail (*Rallus aquaticus*). The site is also an RSPB reserve.
- Peninnis Head SSSI is located approximately 565m south of the southernmost boundary of the proposed development site. This SSSI is designated for notable headland cliffs and presence of maritime heathland, grassland and scrub, and associated populations of rare plant and lichen species.
- Porthloo SSSI is located approximately 755m north-east of the proposed development site at its nearest point. This SSSI is designated for its geological value.

The proposed development lies within the SSSI Impact Risk Zones of the above designated sites, within which certain types of development could present a risk to designated areas (DEFRA *et al,* 2024). Although the proposed development site is within close proximity of the Isles of Scilly Complex SAC and Isles of Scilly SPA, the proposed development is considered to be of a sufficiently small scale that the proposed construction activities and operational use of the site are unlikely to impact the interest features of the designated sites described above. The proposed development site is not linked hydrologically to any of the designated sites described above, and no other impact pathways have been identified. The European sites listed above are not currently considered to be

vulnerable to recreational impacts. Nonetheless, Natural England will likely be consulted by the Local Planning Authority as part of the planning process.

The site falls also within the 'Zone of Influence' of the Isles of Scilly Ramsar site.

- The Isles of Scilly Ramsar site is located *c*. 2.5km south-west of the proposed development site at its closest point. The site is designated for its important breeding populations of European storm-petrel and lesser black-backed gull. It also supports a notable breeding population of European shag.

Ramsar sites are wetland sites of international conservation importance, protected under the Ramsar Convention on Wetlands (1971). In the UK, Ramsar sites are typically also SPAs (or SACs) and underpinned by SSSIs; as such, they are protected under the Conservation Regulations 2017 (as amended) and Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019) and Wildlife and Countryside Act (WCA) 1981 (as amended).

The proposed development is unlikely to impact the interest features of the Ramsar site due to the separation distance and small scale of the development. Mitigation not required**.**

5.2 Strategic Significance

No Local Nature Recovery Strategy is currently available for the Isles of Scilly to guide categorization of strategic significance (Net Gain Zones) of existing or proposed habitats within the site. It is well recognized that the Isles of Scilly have a distinctive character and support a range of valuable habitats and species; the entire island group is encompassed within the Isle of Scilly Area of Outstanding Natural Beauty, and the islands support numerous designated sites of nature conservation importance. However, the proposed development site itself does not sit within or adjacent to a designated site of nature conservation importance. In the absence of a Local Nature Recovery Strategy, the site is classified as 'area/ compensation not ecologically desirable/ in local strategy'**.**

The proposed development will result in the loss of mixed scrub, introduced shrub and sparsely vegetated land but, elsewhere, will retain and enhance grassland and scrub habitats. Lighting will be kept to a minimum (see 5.5 Bats below). Small-scale and localised impacts are considered unlikely to affect the strategic significance of the site or compromise the integrity of the existing networks of protected sites.

In the absence of mitigation, the nature of the identified impacts on the Nature Network are considered to be **negligible.** Mitigation not required.

5.3 UK Habitat Classification

A total of nine UK Habitat Classification (UKHab) habitat types (inclusive of notable secondary codes) were recorded within the site during the update site visit. These are listed below, and their distribution is shown on Map 1 above:

- Other neutral grassland, essential secondary codes scattered scrub, scattered bracken (g3c 10 12);
- Mixed scrub (h3h);
- Urban – Buildings (u1b5);
- Urban – Sparsely vegetated urban land, essential secondary codes ruderal or ephemeral, vacant or derelict land (u1f 81 82);
- Urban - Built linear feature (u1e);

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- Urban – Introduced shrub (u1 847)
- Urban – Developed land – sealed surface (u1b)
- Stone-faced bank (h 113)
- Scattered trees (h 32)

The habitats present are largely as previously described (Plan for Ecology Ltd, 2022) although there has been some further encroachment of scrub and introduced shrub vegetation into grassland and over the stone-faced banks, and the extent of ephemeral vegetation within the disused footprint of the former buildings has increased slightly.

Of the habitats on-site, mixed dense scrub, scattered trees, and stone-faced bank are considered to be of significant ecological value and are described further in 5.4 Notable habitats. Other neutral grassland and habitats associated with previously developed land (classified as urban habitats) are considered to be of low ecological value and are briefly described below:

Other neutral grassland; scattered scrub, scattered bracken (g3c 10 12)

A small area of other neutral grassland persists to the north of the former tennis court, which is being encroached upon by scattered scrub, introduced shrub and scattered bracken (Fig. 2). An area to the south of the tennis court that formerly supported other neutral grassland (Plan for Ecology, 2015; TEP 2019) has now been completely engulfed by dense scrub and introduced shrub vegetation (predominantly Australian ivy (*Muehlenbeckia complexa*)) and is now best described as introduced shrub. Remnants of other neutral grassland persist only at the very edge of this area bordering the former tennis court (Map 1, target note 1).

Other neutral grassland sward is typified by abundant creeping bent, cock's-foot and red fescue grasses; frequent hogweed; locally abundant Australian ivy and alexanders; locally frequent yarrow, field bindweed, wild carrot, ivy, Yorkshire fog, common bird's-foot-trefoil and blackberry/bramble; occasional false-brome, black mustard, perennial ryegrass, ribwort plantain, bracken, creeping buttercup, dandelion, white clover, European gorse and elm; with hawk's-beard species, stinking iris, lily (ornamental species), rush species and winter heliotrope occurring rarely within this habitat type. Three-cornered leek (Schedule 9 (WCA, 1981) invasive non-native species) was also recorded frequently within this habitat during the update site survey in February 2024.

Other neutral grassland increases the structure and diversity of vegetation on-site, and provides potential habitat for small mammals, hedgehog, invertebrates, and foraging and commuting bats. The extent of this habitat within the site is now, however, very small and encroached upon by scrub, bracken and non-native species, which limits its overall biodiversity value. Other neutral grassland on-site is considered to be of value '**within the Zone of Influence'.**

Urban –introduced shrub (u1 847)

The far south of the site is dominated by introduced shrub habitat. This area previously supported neutral grassland (Plan for Ecology, 2015; TEP 2019) but has now been completely overgrown by a mosaic of introduced shrub, dominated by Australian ivy (an invasive introduced species, not listed on Schedule 9, WCA, 1981), and dense scrub vegetation (Fig. 3); remnants of other neutral grassland were visible only where this habitat borders the former tennis court. This area was largely inaccessible due to the dense nature of the vegetation. Introduced shrub habitat is also present in the north-east corner of the site in an area planted with predominantly ornamental species (Fig. 4).

Plant species recorded within introduced shrub habitat comprise locally dominant Australian ivy; locally abundant bromeliad species; frequent aeonium species and agapanthus; locally frequent

cabbage palm and pittosporum species; occasional buddleja, echium, euphorbia species, lily species (ornamental), and lesser periwinkle; with hottentot fig (Schedule 9, WCA, 1981 invasive plant) and New Zealand flax occurring rarely here. NB: Australian ivy is the dominant vegetation type within introduced shrub in the south of the site. Three-cornered leek (Schedule 9 (WCA, 1981) invasive non-native species) was also recorded within this habitat during the update site survey in February 2024.

Introduced shrub habitat provides some shelter and foraging habitat for faunal species and possible nest sites for birds but is of no greater value for biodiversity than **'within the Zone of Influence'**.

Urban – Sparsely vegetated urban land; ruderal or ephemeral; vacant or derelict land (u1f 81 82)

Sparsely vegetated urban land is associated with an area of hardcore within the footprint of the demolished former buildings in the north of the site (Fig. 5). This area is vacant land that has been colonised in places with sparse ephemeral/ short perennial vegetation comprising abundant buck's-horn plantain; frequent red fescue and creeping bent; locally frequent Yorkshire fog, common bird's-foot-trefoil, procumbent pearlwort and hop trefoil; occasional echium, euphorbia species, hogweed, sedge species, mallow species, buddleja, wild carrot, yarrow, ribwort plantain, creeping buttercup, dandelion, white clover, hawk's-beard species, winter heliotrope, stonecrop species, rock samphire, bristly oxtongue, willowherb species, scarlet pimpernel, common poppy, and perennial sow-thistle; European gorse, ivy, aeonium species, hottentot fig (Schedule 9, Wildlife and Countryside Act (WCA) (1981) invasive plant species), cock's-foot, red valerian, groundsel, common sow-thistle, goat willow, and broadleaf plantain occur rarely within this habitat.

This habitat supports a diversity of native and introduced flowering plant species and is likely to be used by invertebrate species and foraging bats but, overall, offers limited ecological opportunities for biodiversity. Sparsely vegetated urban land on-site is considered to be of value '**within the Zone of Influence'.**

Urban – developed land; sealed surface (u1b and u1b5)

The site includes a metal container that is stored in the north-west corner of the site (Fig. 5), and a small, dilapidated building in the far south of the site. The metal storage container is considered to be of **negligible** ecological value and has negligible potential to support roosting bats or nesting birds. There was no access to the building in the south of the site; this area appears to be in use by a neighbouring property. An area of hardstanding is also present, associated with a former tennis court in the centre of the site; dense scrub and introduced shrub vegetation is encroaching around the edges of the hardstanding (Fig. 6). Urban, developed land, sealed surface habitat is considered to be of **negligible** ecological value.

Urban -Built linear feature (u1e)

Bulit linear features within the site include sections of fence and wall on the site boundaries (Fig. 7), and remnant sections of block walls in the north of the site. Built linear features are sparsely vegetated with encroaching scrub, introduced shrub or ephemeral vegetation in places, including hottentot fig (Schedule 9, WCA, 1981), but are of no greater value for biodiversity than '**within the Zone of Influence'**.

The assemblage of plant species associated with each habitat including Latin names is provided in the table at Appendix 2. A description of notable habitats and species is provided below.

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Figure 2: Other neutral grassland with dense mixed scrub beyond; view west.

Figure 3. Urban – Introduced shrub habitat in the south off the site, dominated by non-native Australian ivy; view south.

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Figure 4. Urban – Introduced shrub habitat and wall in the north of the site bordering the road.

Figure 5: Sparsely vegetated urban land in the north of the site; view north-west. The stored shipping container can be seen in the north-west corner of the site.

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Figure 6: Developed land, sealed surface associated with a former tennis court; view north-west. Scrub and introduced shrub vegetation is encroaching around the edges.

Figure 7: Entrance to the site from the road on the north site boundary.

5.4 Notable Habitats

Dense mixed scrub (h3h)

The central parts of the site are dominated by dense scrub habitat, best described as mixed scrub (h3h) (Figs. 8-9). Species present comprise dominant to abundant blackberry/ bramble; abundant elm; frequent field bindweed, pittosporum species, alexanders and European gorse; locally abundant agapanthus, ivy, Australian ivy and bracken; locally frequent wild cherry, dyer's rocket and lesser periwinkle; occasional montbretia and three-cornered leek (both Schedule 9, WCA 1981), sedge species, echium, euphorbia species, hogweed, mallow species, blackthorn and cabbage palm; with privet species and hawthorn occurring rarely. Dense scrub provides potential

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habitat for nesting birds, invertebrate species, and commuting and foraging bat species; however, the presence of Schedule 9 (WCA, 1981) invasive plant species and invasive Australian ivy reduce its ecological value. Dense mixed scrub habitat on-site is considered to be of up to '**Local Value'** for biodiversity.

Although some dense scrub habitat on-site will be lost to allow for the proposed development, the proposed design has sought to retain this habitat wherever possible and significant areas will be retained and enhanced. An area of native dense scrub habitat will also be created in the far south of the site and will be managed to maximise its biodiversity value. Operational use of the site has potential to result in degradation of retained scrub habitat, although proposed increased management and control of invasive non-native species will more likely enhance its value overall. In the absence of mitigation, loss and degradation of dense scrub is considered likely to have a **long-term negative impact of likely occurrence, of minor significance on a local scale.** Mitigation measures are provided in section 6.2 below.

Stone-faced bank (h 113)

Earth-centred, stone-faced banks occur on parts of the east and west site boundaries in the south of the site. These stone-faced banks have a negligible woody component and have been almost entirely smothered by dense Australian ivy (Fig. 10). Abundant blackberry/ bramble was also recorded within this habitat, but no other species were visible. It is likely that remnants of other herbaceous species are present but obscured by the Australian ivy. Stone-faced banks on-site do not meet the definition of a hedgerow according to UK Habitat Classification system (UKHab Ltd, 2023) due to the lack of a native woody component, but do enhance connectivity across the site and provide potential habitat for nesting birds, invertebrate species, and commuting and foraging bat species. Although lacking woody cover and currently dominated by a single non-native species, the stone-faced banks have the potential to be enhanced or restored to native hedgerows and are considered to be of **'Local Value'**.

The proposed site layout fully retains the stone-faced banks; there is potential to enhance this habitat with native species planting and reduction/ control of non-native species. Construction activities and operational use of the site have potential to result in the degradation of stone-faced banks through vehicle movements and storage of plant and materials during construction and increased human disturbance and lighting post-development. In the absence of mitigation, the proposed development is predicted to have a **long-term negative impact of unlikely occurrence, of minor significance on a local scale**. Mitigation measures are provided in section 6.2 below.

Scattered trees (h 32):

The site supports a small number of immature scattered trees within dense scrub habitat in the centre of the site (Fig. 11). Species present comprise abundant elm and occasional pittosporum species. Scattered trees provide potential habitat for nesting birds, invertebrate species, and commuting and foraging bat species, and are considered to be of up to '**Local Value'** for biodiversity. The proposed development is likely to require the loss of the majority of scattered trees from the site; however, the proposed layout incorporates replacement planting of trees throughout landscaped areas (Fig. 1). The proposed development has potential to result in the degradation of any retained scattered trees as a result of construction activities within the root protection zones and operational use of the site. In the absence of mitigation, loss and degradation of scattered trees is considered likely to have a **long-term negative impact of likely occurrence, of minor significance on a local scale.** Mitigation measures are provided in section 6.2.

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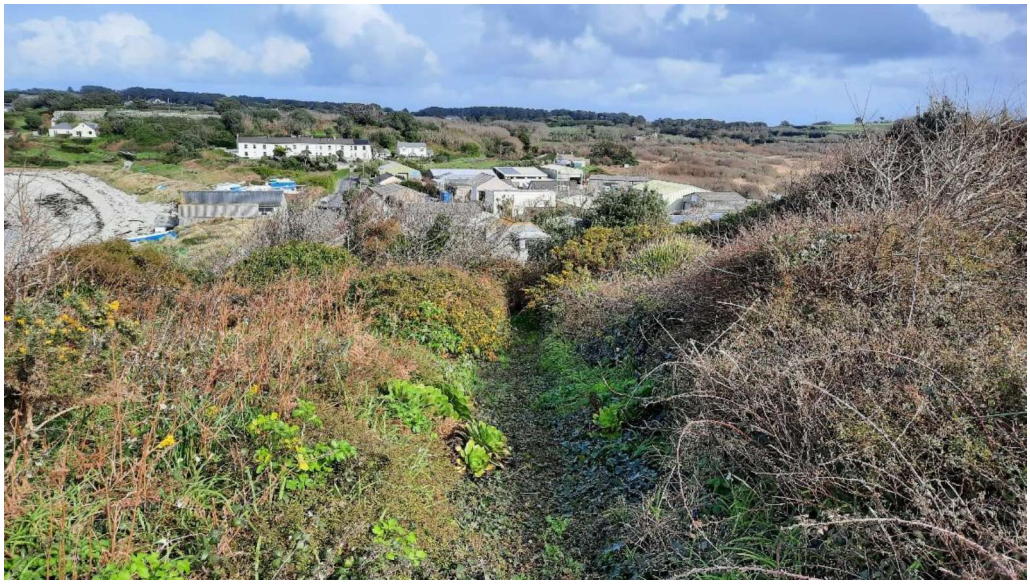

Figure 8. Dense mixed scrub in the east of the site; view north-east.

Figure 9. Dense mixed scrub bordering the former tennis court.

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Figure 10. Stone-faced bank on the east site boundary, smothered by non-native Australian ivy.

Figure 11. Scattered immature trees within dense scrub habitat; view north-west.

5.5 Notable Species

Notable species and species groups with potential to use the site are described below. Further information about wildlife legislation is provided at Appendix 3.

Bats (Commuting and Foraging and Roosting)

Two bat species (fifty-one records) have been recorded within a 1km radius of the site (ERCCIS, 2022); these comprise forty-five records for common pipistrelle bat (*Pipistrellus pipistrellus*) (European Protected Species, EPS), two records for soprano pipistrelle bat (*P. pygmaeus*) (EPS; Section 41 NERC Act (2006)) and four records for pipistrelle species (*Pipistrellus sp.*) (EPS). In

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accordance with the Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2023) the site is assessed as being of 'low suitability' for bats. Detailed surveys for foraging and commuting bats were undertaken in 2015 (Plan for Ecology, 2015); the survey results indicated low usage of the site by a small number of bat species (two species). Updated surveys are not considered to be necessary due to the small size of the site, the small scale of the proposed development that will be largely situated within the previously developed parts of the site, and because no buildings with potential to support bat roosts are now present on-site. The site is considered to be of no greater importance than **'within the Zone of Influence'** for foraging and commuting bats.

All bat species are European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (as amended), Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Schedule 5 of the WCA 1981 (as amended). Some bat species are also identified as UK BAP priority species and protected under Section 41 of the NERC Act 2006.

The proposed development will result in the loss of some dense scrub and introduced shrub habitat but, elsewhere, the stone-faced banks are retained, significant areas of scrub are retained and enhanced, and there will be an overall gain in other neutral grassland within the site; these habitats features, along with proposed new gardens and tree planting throughout the site, will provide continued foraging and commuting habitat for bats, subject to implementation of a sensitive lighting scheme. These small-scale habitat changes are unlikely to affect local populations of foraging and commuting bats. There is likely to be an increase in artificial light levels when the site is occupied and, unless designed carefully, lighting could potentially disturb foraging bats and sever bat commuting routes. In the absence of mitigation, the nature of the impacts on bat activity is considered likely to be **long-term in duration, of likely occurrence, negative and of minor significance within the Zone of Influence.** See Section 6.3 below for mitigation measures.

The site does not have any potential habitats for roosting bats; the buildings on-site (where accessed) have no potential roost features, and none of the trees have any holes, cracks, crevices or dense ivy that could be occupied by bats. The site is considered to be of '**negligible value**' for roosting bats. NB. The dilapidated building in the far south of the site was not accessed but this building will be retained under the proposed scheme.

Hedgehog

The ERCCIS desk study revealed nineteen records for hedgehog (*Erinaceus europaeus*) (UK BAP priority species/ Section 41 NERC Act (2006) species of principal importance) within 1km of the site (ERCCIS 2022). Dense scrub, sparsely vegetated urban land and other neutral grassland on-site provide potentially suitable foraging and sheltering habitat for hedgehog, as do the gardens of nearby properties located off-site. The site is considered to be of no greater importance for hedgehog than '**within the Zone of Influence'** (if present).

Development of the site is unlikely to negatively impact hedgehog; proposed new gardens, scrub and other neutral grassland and landscaped areas within the site are likely to provide continued habitat for this species post-development. Individuals could, however, be injured during vegetation clearance. In the absence of mitigation, the nature of the identified impacts on hedgehog is predicted to have a **short-term negative impact, of unlikely occurrence and minor significance within the Zone of Influence.** Some precautionary measures are recommended to prevent harm to individual animals; see Section 6.3 for mitigation.

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Lesser white-toothed shrew

There are five records for lesser white-toothed shrew (*Crocidura suaveolens*) (Red data book for Cornwall and Isles of Scilly, CRDB) within 1km of the site (ERCCIS 2022). A dead lesser white-toothed shrew was found on-site during the 2015 site survey (Plan for Ecology, 2015). Dense scrub, introduced shrub, other neutral grassland and stone-face bank habitats on-site provide suitable foraging and sheltering habitat for lesser white-toothed shrew. The site is considered to be of no greater importance for lesser white-toothed shrew than '**within the Zone of Influence'** (if present).

Development of the site is unlikely to negatively impact this species; the proposed gardens, grassland, scrub and landscaped areas are likely to provide continued habitat for this species post-development. In the absence of mitigation, the nature of the identified impacts on lesser white-toothed shrew is **predicted to have a short-term negative impact, of unlikely occurrence and negligible significance within the Zone of Influence.** Some precautionary measures are recommended to prevent harm to individual animals; see section 6.3 for mitigation.

Amphibians

The ERCCIS desk study revealed five records for amphibian species within a 1km radius of the site (ERCCIS, 2022). These comprised four records for common frog (*Rana temporaria*), and one record for palmate newt (*Lissotriton helveticus*). The site provides suitable foraging habitat and shelter for amphibians during their terrestrial life phase but lacks standing water with potential to support breeding populations.

The site is considered to be of no greater value for amphibians than **'within the Zone of Influence'**. Development of the site is unlikely to impact the local amphibian populations, but construction activities have potential to disturb and/ or harm individual animals (if present). In the absence of mitigation, the nature of the identified impacts on amphibian species is considered to be **short-term in duration, of unlikely occurrence, negative within the Zone of Influence, and of minor significance.** Follow mitigation for habitats (section 6.2).

Birds

A large number of bird species (236 species) have been recorded within a 1km radius of the site (ERCCIS, 2022), including many seabirds and waders associated with surrounding marine and coastal habitats. On-site, suitable bird nesting habitat is present in the introduced shrub, scattered trees and dense scrub. Species of conservation significance recorded within a 1km radius of the site, and with potential to breed within habitat on-site, are as follows: song thrush (*Turdus philomelos*), yellowhammer (*Emberiza citronella*), linnet (*Carduelis cannabina*), house sparrow (*Passer domesticus)* (RSPB Red List; Section 41 NERC Act (2006)), hedge sparrow (*Prunella modularis*) (RSPB Amber List; Section 41 NERC Act (2006) species of principal importance), bullfinch (*Pyrrhula pyrrhula*), whitethroat (*Curruca communis)* and wren (*Troglodytes troglodytes)* (RSPB Amber List). All birds are legally protected whilst nesting under the Wildlife & Countryside Act (1981, as amended).

Whilst the site has potential to support breeding bird species of conservation significance, the site is small and suitable bird nesting habitat is confined to the introduced shrub, immature trees and dense scrub. Overall, the site is considered unlikely to be of significant conservation importance for breeding birds, and the proposed site plans are unlikely to significantly impact the local breeding bird population. The site also provides a small area of foraging habitat for birds year-round, with the introduced shrub, scrub and grassland offering a source of berries, fruit and invertebrates. Habitat size and quality indicate that the site is likely to be of value for birds '**within the Zone of Influence'**.

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The proposed development will result in the loss of some dense scrub and introduced shrub habitat but, elsewhere, the stone-faced banks are retained, significant areas of scrub are retained and enhanced, and there will be an overall gain in other neutral grassland within the site; these habitats features, along with proposed new gardens and tree planting throughout the site, will provide continued habitat for breeding and foraging birds post-development. Breeding birds could be disturbed during the construction phase if vegetation clearance is carried out during the nesting season (March – August/ September). In the absence of mitigation, the nature of the identified impacts on bird species is considered to be **long-term, negative, of likely occurrence, and of minor significance within the Zone of Influence.** See section 6.3 below for mitigation measures.

Invertebrates

The ERCCIS desk study revealed a large number of invertebrate species of conservation significance within a 1km radius of the site, including many marine and intertidal species (see species list at Appendix 5). Sparsely vegetated urban land, introduced shrub, dense scrub and grassland within the site have potential to support a range of common and widespread invertebrate species. The site, however, lacks those features typically associated with the most diverse invertebrate fauna (heathland, wetland, standing water and significant areas of bare ground). Given the small size of the site (0.6 ha) and sub-optimal habitat present, detailed surveys for invertebrate species are not considered necessary. NB. During the 2015 site assessment (Plan for Ecology, 2015), detailed surveys of the site were undertaken for mole cricket (*Gryllotalpa gryllotalpa*), based on the ERCCIS desk study at that time returning a historical record for this species within 1km of the site. The mole cricket is a Species of Principle Importance (Section 41 NERC Act, 2006), is listed as Critically Endangered on the red data list for Great Britain (based on pre-2001 IUCN guidelines) (JNCC, 2022), is included in schedule 5 WCA (1981), and is listed in the Red Data Book for Cornwall and the Isles of Scilly (CISFBR, 2009), where it is described as 'likely to be extinct in Cornwall'. The detailed surveys in 2015 found no evidence of this species within the site and it was considered likely to be absent from the site (Plan for Ecology, 2015). The ERCCIS desk study undertaken in 2022 (ERCCIS, 2022) returned no records for mole cricket within 1km of the site. The site is not currently considered to have potential to support this species.

The site is considered to be of no greater biodiversity value for invertebrates than '**within the Zone of Influence'**. Habitats within the wider area (wetland, heathland, coastal habitats and woodland), notably within the nearby designated sites of conservation importance, are likely to be of significantly greater value for invertebrate species than the habitats present on-site.

The proposed development will result in the loss of sparsely vegetated urban land, scattered trees and some dense scrub and introduced shrub habitats but, elsewhere, significant areas of scrub are retained and enhanced, and there will be an overall gain in other neutral grassland within the site. The proposed site plans are unlikely to significantly impact the local invertebrate populations, but construction activities could harm or disturb individuals in the short-term. In the absence of mitigation, the nature of the identified impacts on invertebrate species is predicted to have a **short-term negative impact, of unlikely occurrence and of minor significance within the Zone of Influence.** Follow mitigation for habitats (Section 6.2).

Vascular Plants

A total of seventy vascular plant species were recorded on-site during the combined site surveys in 2022 and 2024 (see Appendix 3). This is in line with the number of species that would be expected at a site of this size and character. Sparsely vegetated urban land is floristically the most diverse

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habitat on-site. No species of conservation significance were recorded on-site during the update Phase 1 surveys.

The ERCCIS desk study revealed records for a large number of species of conservation significance within 1km of the site (ERCCIS, 2022) (see Appendix 5); those with some potential to occur on-site are as follows: purple ramping-fumitory (*Fumaria purpurea*), chamomile (*Chamaemelum nobile*) (Section 41 NERC Act, 2006; Nationally Scarce, Red List (EN) -Vulnerable), smaller tree-mallow (*Lavatera cretica*), four-leaved allseed (*Polycarpon tetraphyllum*) (Nationally Rare; CRDB), western ramping-fumitory (*Fumaria occidentalis),* hairy bird's-foot-trefoil (*Lotus subbiflorus*), toothed medick (*Medicago polymorpha*), early meadow-grass (*Poa infirma*), balm-leaved figwort (*Scrophularia scorodonia*), clustered clover (*Trifolium glomeratum*), suffocated clover (*Trifolium suffocatum*) (CRDB; Nationally Scarce), lesser quaking-grass (*Briza minor*), *Calystegia sepium subsp. roseata*, sea carrot (*Daucus carota subsp. gummifer*), sticky stork's-bill (*Erodium lebelii*), annual beard-grass (*Polypogon monspeliensis*) (Nationally Scarce), *Arum italicum subsp. neglectum* (CRDB; Nationally Scarce; Red List (GB)- Near Threatened), nettle-leaved goosefoot (*Chenopodium murale*) (CRDB; Red List (GB) – Endangered), ragged-robin (*Silene flos-cuculi*) (Red List (GB) - Least Concern), common cudweed (*Filago vulgaris*), field woundwort (*Stachys arvensis*), wild pansy (*Viola tricolor*), allseed (*Radiola linoides*), *Viola canina subsp. canina* (CRDB; Red List (GB) -Near Threatened), corn marigold (*Glebionis segetum*), weasel's-snout (*Misopates orontium*) (CRDB; Red List (GB) -Vulnerable), bluebell (Schedule 8, WCA 1981), and musk stork's-bill (*Erodium moschatum*) (CRDB). The site is considered to be up to **Local Value** for vascular plant species.

The proposed development will result in the loss of sparsely vegetated urban land, scattered trees and some dense scrub and introduced shrub habitats but, elsewhere, significant areas of scrub are retained and enhanced, and there will be an overall gain in other neutral grassland within the site. Construction activities and operational use of the site have potential to impact notable plant species as a result of habitat loss, disturbance and dust generation, but are unlikely to significantly impact the local vascular plant populations. In the absence of mitigation, the nature of the identified impacts on plant species is **predicted to have a long-term negative impact, of likely occurrence and of minor significance on a local scale.** Follow mitigation for habitats in Section 6.2 below.

Invasive Plants

In the UK, a number of non-native invasive plant species are listed on Schedule 9 of the WCA 1981 (as amended) or Schedule 2 of the Invasive Alien Species (Enforcement and Permitting) Order 2019, making it an offence to cause them to spread to the wild.

The desk study revealed multiple records for invasive plant species within a 1km radius that could potentially be present within the site (ERCCIS, 2024); these are listed in Table 3 below. Two Schedule 9 (WCA, 1981) invasive plant species were observed during the update site survey in February 2024: hottentot fig, and three-cornered leek. Montbretia and cotoneaster species (assumed to be a Schedule 9 WCA 1981 species) were recorded in September 2022 (Plan for Ecology Ltd, 2022). Two additional non-native species that are considered to be invasive but are not listed on Schedule 9 WCA (1981) were also recorded on-site: winter heliotrope and Australian ivy. The control/ eradication of these species would enhance the biodiversity value of the site and help to protect other semi-natural habitats within the vicinity.

Development of the site has potential to cause invasive non-native plant species to spread. See section 6.3 for mitigation recommendations.

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Table 3. Invasive plant species listed on Schedule 9 WCA 1981 or Schedule 2 IASO 2019 recorded within a 1km radius which could potentially be present within the site. Those shaded orange are confirmed to be present on-site.

Species Scientific	Species Venacular	International & National Designation	National & Local Status
Fallopia japonica	Japanese Knotweed	WCA Sch 9 Pt 2	
Cotoneaster simonsii	Himalayan Cotoneaster	WCA Sch 9 Pt 2	
Cotoneaster integrifolius	Entire-leaved Cotoneaster	WCA Sch 9 Pt 2	
Cotoneaster horizontalis	Wall Cotoneaster	WCA Sch 9 Pt 2	
Crocosmia pottsii x aurea = C. x crocosmiiflora	Montbretia	WCA Sch 9 Pt 2	
Allium triquetrum	Three-cornered Garlic	WCA Sch 9 Pt 2	
Carpobrotus edulis	Hottentot-fig	WCA Sch 9 Pt 2	
Disphyma crassifolium	Purple dewplant	WCA Sch 9 Pt 2	

Key:

WCA Sch 9 Pt 2	Wildlife and Countryside Act 1981 – Schedule 9

Non-Vascular Plants and Fungi

A specialised survey for non-vascular plants, bryophytes and lichens, was outside the scope of this study. The ERCCIS desk study revealed a large number of records for lower plant species of conservation importance within a 1km radius of the site (ERCCIS 2022); see Appendix 5 for a list of records.

Whilst the site could support some notable lower plant species associated with previously developed land or scrub habitats, it lacks those features such as metalliferous mining waste, woodland, mature trees, or coastal habitats with potential to support the most diverse assemblages of lower plant species of conservation significance. Overall, the site is unlikely to be of significant conservation importance for lower plants. The site is considered to be of no greater value for non-vascular plants than '**within the Zone of Influence'.**

Vegetation clearance and increased dust during the construction phase of the development could impact any lower plants present within the site. In the absence of mitigation, the nature of the identified impacts on lower plant species is **predicted to have a long-term negative impact, of unlikely occurrence and of minor significance within the Zone of Influence.** Follow mitigation recommendations for habitats (see section 6.2).

6.0 Mitigation Recommendations

Recommendations are provided using the Mitigation Hierarchy in accordance with BS42020-2013 (British Standard, 2013) and BS 8683-2021 (British Standard, 2021). The Mitigation Hierarchy seeks to avoid impacts, then to mitigate unavoidable impacts, and, as a last resort, to compensate for residual impacts that remain after implementation of avoidance and mitigation measures. The mitigation measures listed below should be secured through appropriate planning conditions.

6.1 Designated Sites

The proposed development is considered to be sufficiently distant and/or of a sufficiently small scale that the nearby designated sites, the Isles of Scilly Complex SAC, Isles of Scilly SPA, Peninnis

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to Dry Ledge MCZ, Lower Moors SSSI, Peninnis Head SSSI and Porthloo SSSI will not be impacted. Nonetheless, the SAC and SPA are within close proximity to the proposed development site; therefore, liaison with Natural England is advised.

1. Due to the close proximity of European designated sites to the proposed development site, Natural England should be consulted at an early stage for their advice on safeguarding the interest features of the designated sites; this will likely be initiated by the Local Planning Authority as part of the planning process. It is recommended that a Construction Environmental Management Plan (CEMP) is prepared and implemented. This will demonstrate the measures taken to minimise ecological impacts, both onsite and offsite, during construction. The plan should include methods and timing of works to avoid and reduce impacts to habitats and species, actions to minimise disturbance from noise, vibration and dust, and compensatory habitat restoration and creation. The CEMP is likely to be made a planning condition.

6.2 Habitats

Habitats losses are summarised in Table 2 in the Non-Technical Summary. Of the habitats within the site, dense mixed scrub (h3h), stone-faced bank (h 113), and scattered trees (h 32) are of local value and mitigation recommendations for habitat loss and disturbance are provided below. Mitigation for low value habitats, such as other neutral grassland and sparsely vegetated land is only required where these habitats are important for protected species (see 6.3 below).

2. **Dense mixed scrub (loss and degradation):** Development of the site will require extensive scrub clearance; however, the proposed site layout has sought to minimise loss of dense scrub habitat and significant areas of scrub are retained and enhanced. An additional area of native dense scrub will be created in the south of the site and managed to maximise its ecological value. Retained dense scrub will be enhanced by planting a mixture of small native shrubs within existing scrub and/or around the periphery, by eradicating invasive non-native species listed on Schedule 9 WCA (1981) and controlling the predominance of other non-native species, notably Australian ivy.

3. Retained areas of dense scrub should be fenced during the construction phase to prevent degradation associated with construction activities and storage of materials.

4. **Stone-faced bank (degradation):** All stone-faced banks are retained and no development is proposed within 2-5m of the banks, except for installation of the solar array within existing hard standing (Figure 1). Retained stone-faced banks will be enhanced by controlling the predominance of Australian ivy, which is currently smothering the banks, and could potentially be uplifted to become native hedgerows by planting up with native shrub species.

5. If it becomes necessary to remove any stone-faced banks, then this loss should be mitigated by 1) translocating the bank to a new part of the site (if feasible); or 2) by constructing a new stone-faced bank elsewhere on-site to achieve a net gain post-development. Any new sections of stone-faced bank could be topped with native trees and shrubs to form native Cornish hedgerows, and should be bordered by a 2 - 5m development-free buffer seeded with a native wildflower/ grass seed mix or native shrubs; positioned to maximise connectivity across the site; and must be of the same construction type and width as the bank that will be lost.

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6. Development-free buffers adjacent to retained stone-faced banks must be fenced during the construction period to protect them from degradation arising from construction. Stone-faced banks must remain unlit post-development (<0.5 lux).

7. **Scattered trees (loss and degradation):** The proposed site layout indicates that 10 immature trees will be lost to allow the development (Figure 1). This loss is fully mitigated by proposed planting of *c.* 27 new small trees throughout landscaped areas, and within proposed dense scrub in the far south of the site.

8. Any retained scattered trees should be protected by following the principles of BS5837: 2012 Trees in relation to design, demolition and construction (BSI, 2012) to protect tree root protection zones within the development design. Install tree protection fencing around any retained trees prior to construction activities commencing.

6.3 Species

The site proposals have potential to impact: bats (foraging and commuting), hedgehog, amphibians, breeding birds, invertebrates and vascular and non-vascular plants. Impacts on these species/ species groups will be avoided and/or mitigated by following the recommendations detailed below.

9. **Hedgehog and other mammals:** All excavated pits associated with the proposed development must be covered overnight and all trenches must have sloping planks (no greater than 45° angle) placed in them as a means of escape so that animals will not become trapped.

10. All fences (temporary and permanent) must have a minimum 13cm x 13cm gap below to permit movement of faunal species (notably hedgehog).

11. **Birds and hedgehog:** Suitable bird nesting habitat is retained/ incorporated within the proposed layout. However, development of the site will require extensive clearance of scrub/ introduced shrub vegetation and immature trees, and ground works. To prevent injury and disturbance to nesting birds and hedgehog, vegetation should be removed in two phases: 1) vegetation will be cut to 200mm above ground level during the winter months (October – February inclusive) to avoid the period when birds might be nesting; followed by 2) removal of any stone-faced, earth centred banks (if required) or large tree roots between April and October inclusive to avoid the winter period when hedgehogs may be hibernating. If the works cannot be timed as described above, then an ecologist must search the vegetation by hand, immediately before clearance, and oversee ground works.

12. **Birds:** Pruning/ felling of any of trees should be carried out in the autumn/ winter (October to February inclusive) when birds will not be nesting or, alternatively, precede vegetation clearance with a thorough search for nesting birds (to be undertaken by an ecologist). If an active bird nest is uncovered, then vegetation within 5m of the nest must stop until nesting activity has ceased. Works are most likely to be delayed between April and July.

13. **Bats (foraging and commuting):** In accordance with the Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2023) the site is assessed as being of 'low suitability' for foraging and commuting bats. Further surveys for bats are not recommended due to the small size of the site and the small-scale habitat loss and disturbance that is unlikely to affect local bat populations. The proposed site layout retains existing stone-faced banks and retains / incorporates new areas of scrub and grassland

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within the site, along with new gardens and tree planting; these features will provide continued suitable foraging and commuting habitat for bats post-development, subject to a sensitive lighting scheme.

14. Bat activity could be impacted by artificial lighting A sensitive lighting scheme must be incorporated that retains site boundaries and semi-natural areas unlit. Artificial light spill will be minimised by using a combination of the following in accordance with the ILP (2023): dark buffers and concentric zonation; use of luminaires without the UV element, without metal halide compact fluorescent sources and with negligible or zero upward light spill; use of LED luminaires with a warm white light source (2700Kelvin or lower) and peak wavelengths higher than 550nm; use of recessed internal light fixtures as opposed to pendent types to reduce light spill from windows; use of waymarking inground marks with low light output and no upward light spill; careful consideration of column heights and number; use of horizontally mounted luminaires, with no light output above 90° and/or no upward tilt; use of motion sensors and/or automated timed lighting schedules; and use of baffles, hoods or louvres to reduce light spill and direct it to where it is needed. Lighting should be confined to the northern parts of the site, away from site perimeters and retained and newly created scrub and grassland in the centre and south of the site. A lux level of no greater than 0.5 lux is recommended along retained stone-faced banks, proposed hedgerows and areas of scrub; the purpose being to retain dark commuting routes and foraging habitat post-development. We recommend that security / garden lighting is avoided/ minimised where possible.

15. **Amphibians, invertebrates, vascular, non-vascular plants and fungi**: Follow recommendations for habitats (Section 6.2).

16. **Invasive plants:** Hottentot fig, montbretia, three-cornered leek and cotoneaster species are present on-site. These species are listed on Schedule 9 of the WCA (1981) making it an offence to cause them to spread to the wild. **NB.** Additional Schedule 9 (WCA, 1981) invasive species may be present but not visible at the time of the update survey. Works must be undertaken under an Invasive Plant Method Statement.

17. Invasive species can spread and new species can colonise the site in the time elapsed between the February 2024 survey and the start of construction. Therefore, a post-planning, preconstruction survey for plant species listed under Schedule 9 WCA 1981 will be required to ensure compliance with wildlife legislation.

18. Winter heliotrope and Australian ivy are present within the site; whilst not currently listed on Schedule 9 (WCA, 1981), these non-native species do behave invasively. Australian ivy, in particular, currently dominates the stone-faced banks on-site, and has significantly encroached upon scrub and grassland habitats, reducing their biodiversity value. Measures should be taken to eradicate/ manage these species within the site.

6.4 Biodiversity Enhancements

Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. BNG is described as a measurable target(s) for development projects where impacts on biodiversity are outweighed by the mitigation hierarchy approach to first avoid, and then minimise, impact including through restoration and/ or compensation (Baker *et al.,* 2019).

BNG in England is a mandatory requirement introduced by the Environment Act 2021 and became law on 12th February 2024. The Environment Act 2021 requires all developments to achieve a

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minimum 10% BNG. Habitat losses and gains resulting from development are measured using the Biodiversity Metric (Natural England, 2021, 2022, 2023; DEFRA, 2024) to achieve a minimum 10% BNG.

The proposed scheme is classed as a major development because it comprises a development of >9 residential units. Indicative BNG calculations show that the development will result in a 24.67% net gain in habitat units (Plan for Ecology Ltd, in prep.); a full biodiversity net gain assessment including the Statutory Metric calculations will accompany this EcIA.

The biodiversity value of the site could potentially be enhanced by successfully implementing the following recommendations:

19. There is opportunity to enhance the site for roosting bats by installing bat tubes within the proposed residential units. We recommend that tubes/ boxes are incorporated into the fabric of the buildings where feasible. Bat boxes/ tubes should be located on a south or west facing elevation at least 4m above ground. Suitable products for bats include 1FR & 2FR Schwegler bat tubes, Green and Blue Ltd Bat Block and 1FF Schwegler bat box.

20. There is opportunity to enhance the site for nesting birds by installing bird boxes/ bricks within the proposed residential units. We recommend that bricks/ boxes are incorporated into the fabric of the building where feasible. Bird boxes should be located on a north or east facing elevation at least 2m above ground. Suitable products include the Green and Blue Ltd Bird Block, 1SP Schwegler sparrow terrace, WoodStone swift nest box, and 1MR Schwegler Avianex.

21. There is opportunity to enhance the site for invertebrate species by installing bee bricks within the proposed residential units. Additional bee posts could be installed within landscaped areas to improve the site for pollinators. Suitable products are available at https://www.greenandblue.co.uk

22. There is opportunity to enhance the existing stone-faced banks by controlling the growth of non-native Australian ivy and planting the top with a range of native shrubs.

23. Maximize the value of the site for invertebrates, amphibians, hedgehog and non-vascular plants by providing piles of deadwood and stones in landscaped areas post-development.

24. The successful eradication of invasive non-native plant species will enhance the biodiversity value of the site and help to protect semi-natural habitats within the wider area.

6.5 Further surveys and assessment

On the basis of the indicative proposals at Figure 1, no further pre-planning surveys are required to inform the planning application, providing that the mitigation recommended in this report is implemented.

A post-planning, pre-construction survey will be required for invasive non-native plant species. An ecological watching brief will be required if trees or shrubs are to be cleared in the bird nesting season (March – August/September).

6.6 Monitoring

Ecological monitoring of the site post-development may be required to satisfy any planning conditions. Ecological monitoring of the site post-development is likely to be required to ensure that

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the adopted mitigation measures, including any new habitat creation, are successfully implemented. It is recommended that a Construction Environmental Management Plan (CEMP) is prepared and implemented. This will demonstrate the measures taken to minimise ecological impacts, both onsite and offsite, during construction. The plan should include methods and timing of works to avoid and reduce impacts to habitats and species, actions to minimise disturbance from noise, vibration and dust, and compensatory habitat restoration and creation. The CEMP is likely to be made a planning condition.

6.7 Habitat Loss/ Gain Summary

A habitat loss/ gain summary balance table is provide within the Non-technical Summary (Table 2). This outlines the baseline statement of predicted change resulting from the proposed development.

7.0 Impact Assessment

Table 4: Assessment of Impact of the proposed development on features of ecological importance before and after mitigation.

Feature	Characterisation of unmitigated impact	Effect without mitigation	Mitigation (Points 1 – 32 Sections 6.0 – 6.4)	Significance of effect of residual impact after mitigation
Designated sites	None anticipated	None anticipated	1	Neutral
Dense scrub	Loss and degradation from construction activities.	Long-term negative impact of likely occurrence, of minor significance on a local scale.	2-3	Neutral – opportunity for enhancement
Stone-faced banks	Degradation of stone-faced banks from construction activities.	Long-term negative impact of unlikely occurrence, of minor significance on a local scale.	4-6, 22	Neutral – opportunity for enhancement
Scattered trees	Habitat loss	Long-term negative impact of likely occurrence, of minor significance on a local scale	7-8	Neutral
Hedgehog	Small loss of foraging habitat but this is unlikely to impact populations. Potential injury during construction.	Short-term, negative of unlikely occurrence and of minor significance within the Zone of Influence	9-11, 23	Neutral – opportunity for enhancement
Birds	Loss of nesting and foraging habitat but this is unlikely to impact populations. Disturbance to active nests from construction activities.	Long-term, negative, of likely occurrence, and of minor significance on a local level.	11-12, 20	Neutral - opportunity for enhancement
Bats (foraging, and commuting)	Small loss of foraging habitat but this is unlikely to impact populations. Artificial lighting could impact	Long-term, negative, of likely occurrence, of minor significance within the Zone of Influence.	13-14, 19	Neutral - opportunity for enhancement

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Feature	Characterisation of unmitigated impact	Effect without mitigation	Mitigation (Points 1 – 32 Sections 6.0 – 6.4)	Significance of effect of residual impact after mitigation
	foraging and commuting activity.			
Amphibians	Small loss of foraging habitat and shelter but this is unlikely to impact populations. Potential injury during construction.	Short-term, negative, of unlikely occurrence, and of minor significance within the Zone of Influence	15, 23	Neutral – opportunity for enhancement
Invertebrates	Small loss of foraging habitat and shelter but this is unlikely to impact populations.	Short-term, negative, of unlikely occurrence, and of minor significance within the Zone of Influence	15, 21, 23	Neutral - opportunity for enhancement
Vascular plants	Reduction in plant diversity from habitat loss and degradation. Spread of non-native invasive species.	Long-term in duration, of likely occurrence, and of minor significance on a local level.	15-18, 24	Neutral - opportunity for enhancement
Non-vascular plants	Reduction in plant diversity from habitat loss and degradation.	Short-term, negative, of unlikely occurrence, and of minor significance within the Zone of Influence	15, 23	Neutral - opportunity for enhancement

7.1 Residual Impacts

The residual impact of the proposed development is predicted to have a neutral impact, at a local scale on the ecology of the site, subject to the successful implementation of the mitigation outlined in this report. In compliance with the Environment Act (2021), the proposed development will achieve a minimum 10% BNG in habitat units on-site.

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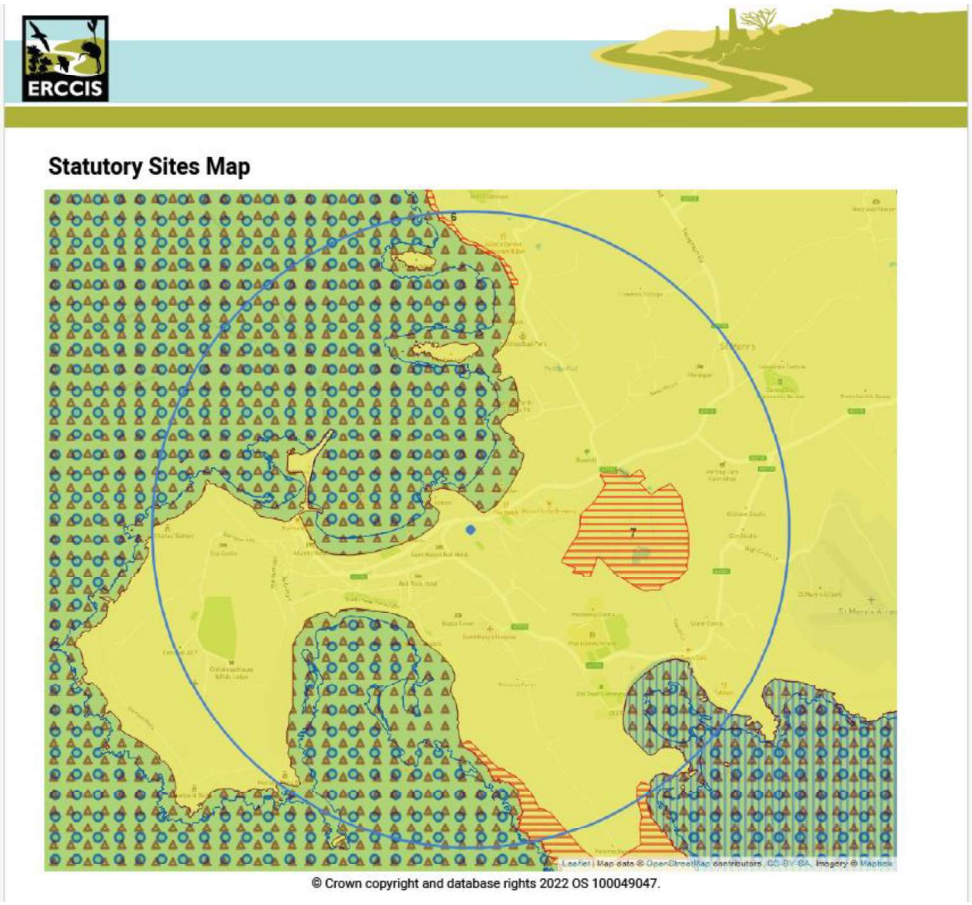
9.0 Appendix 1: Location of Site & Designated Sites



Location	Site Code	Site Type	Site Name	Colour
1	17	AONB	Isles Of Scilly	
2	UKMCZ0008-08	MCZ	Isles of Scilly Sites - Peninnis to Dry Ledge	
3	UK0013694	SAC	Isles of Scilly Complex	
4	UK0013694	SAC (Marine)	Isles of Scilly Complex	
5	UK9020288	SPA	Isles of Scilly Complex	
6	1000963	SSSI	Porthloo	
7	1001231	SSSI	Lower Moors (St. Mary's)	

8	1001236	SSSI	Peninnis Head (St. Mary's)	

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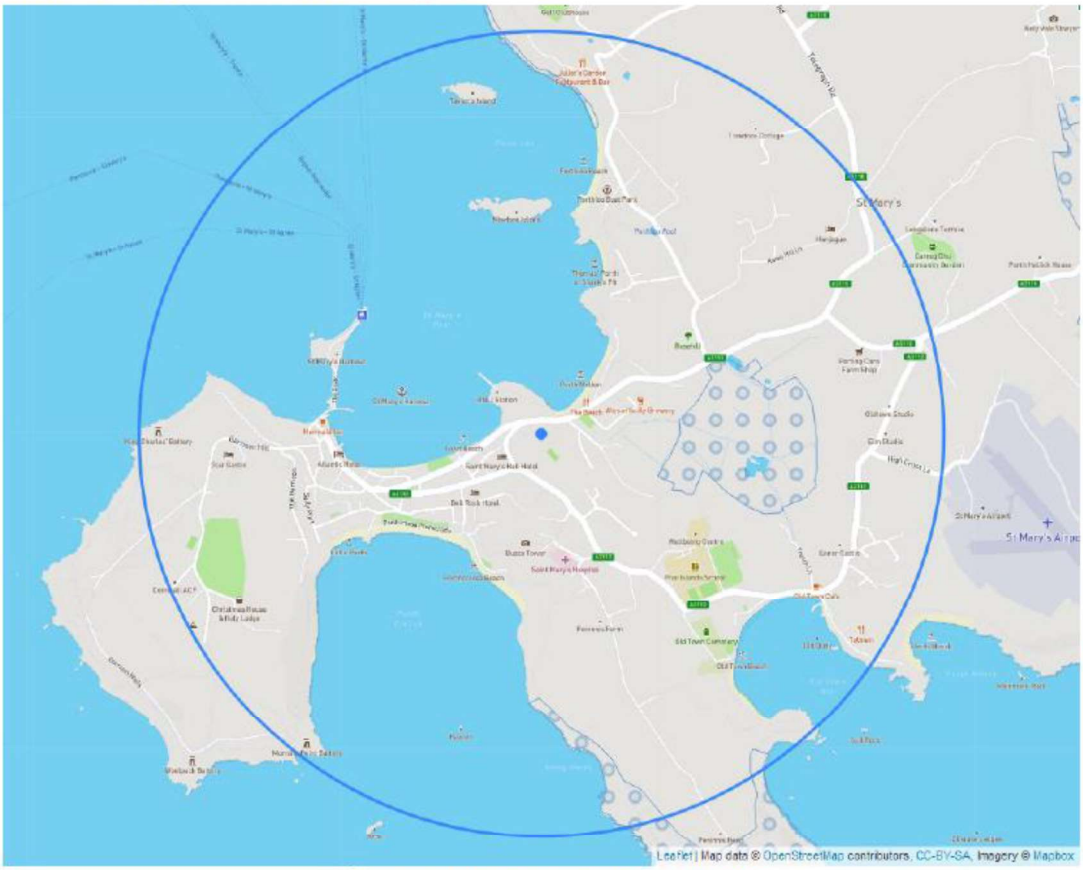
Non-Statutory Sites & Reserves Map



Location	Site Code	Site Type	Site Name	Colour
1	960140	RSPB Reserve	ISLES OF SCILLY COASTAL HABITATS	

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10.0 Appendix 2: UKHab Vascular Plant List

Latin Name	Common Name	Mixed scrub (h3h)	Scattered trees (h 32)	Sparsely vegetated urban land (u1f 81 82)	Urban - introduced Shrub (u1 847)	Other neutral grassland (g3c 10 12)	Stone-faced bank (h 113)	Built linear feature (u1e)
Achillea millefolium	Yarrow			O		LF		
Aeonium sp.	Aeonium species			R	F			R
Agapanthus sp.	Agapanthus	LA			F			
Agrostis stolonifera	Creeping bent			F		A		O
Allium triquetrum	Thre-cornered leek	O			LF	F		
Anagallis arvensis	Scarlet pimpernel			O				
Brachypodium sylvaticum	False-brome					O		R
Brassica nigra	Black mustard					O		
Buddleja davidii	Buddleja			O	O			R
Carex sp.	Sedge species	O		O				
Carpobrotus edulis	Hottentot fig			R	R			R
Centranthus ruber	Red valerian			R				R
Convolvulus arvensis	Field bindweed	F				LF		
Cordyline australis	Cabbage palm	O			LF			
Crataegus monogyna	Hawthorn	R						
Crepis sp.	Hawk's-beard species			O		R		R
Crithmum maritimum	Rock samphire			O				R
Crocosmia x crocosmiiflora	Montbretia	O						
Dactylis glomerata	Cock's-foot			R		A		
Daucus carota	Wild carrot			O		LF		
Echium sp.	Echium	O		O	O			R
Epilobium sp.	Willowherb species			O				
Eschscholzia californica	California poppy				O			
Euphorbia sp.	Euphorbia	O		O	O			
Festuca rubra	Red fescue			F		A		LF
Ficaria sp.	Celandine species	O						
Foeniculum vulgare	Common fennel			O	R	O		
Hedera helix	Ivy	LA		R		LF		
Helminthotheca echioides	Bristly oxtongue			O				
Heracleum sphondylium	Hogweed	O		O		F		
Holcus lanatus	Yorkshire fog			LF		LF		
Hyacinthoides hispanica	Spanish bluebell					R		
Iris foetidissima	Stinking iris					R		
Lavatera sp.	Mallow species	O		O				
Ligustrum sp.	Privet species	R						
Lilium sp.	Lily (ornamental)				O	R		
Lolium perenne	Perennial ryegrass					O		
Lotus corniculatus	Common bird's-foot-trefoil			LF		LF		
Luzula sp.	Rush sp.					R		
Muehlenbeckia complexa	Australian ivy/ Maidenhair vine	LA			LF	LA	D	
Papaver rhoeas	Common poppy			O				
Petasites fragrans	Winter heliotrope			LF		R		
Phormium sp.	New Zealand flax				R			
Pinus sp.	Pine							
Pittosporum sp.	Pittosporum species	F	O		LF			
Plantago coronopus	Buck's-horn plantain			A				

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Latin Name	Common Name	Mixed scrub (h3h)	Scattered trees (h 32)	Sparsely vegetated urban land (u1f 81 82)	Urban - introduced Shrub (u1 847)	Other neutral grassland (g3c 10 12)	Stone-faced bank (h 113)	Built linear feature (u1e)
Plantago lanceolata	Ribwort plantain			O		O		R
Plantago major	Broadleaf plantain			R				
Polypodium sp.	Polypodium species							R
Prunus avium	Wild cherry	LF						
Prunus spinosa	Blackthorn	O						R
Pteridium aquilinum	Bracken	LA				O		
Ranunculus repens	Creeping buttercup			O		O		
Reseda luteola	Dyer's Rocket	LF						
Rubus fruticosus agg.	Blackberry/bramble	D-A		R	O	LF	A	
Sagina procumbens	Procumbent pearlwort			LF				
Salix caprea	Goat willow			R				
Sedum sp.	Stonecrop species			O				R
Senecio vulgaris	Groundsel			R				
Smyrnium olusatrum	Alexanders	F				LA		
Sonchus arvensis	Perennial sow-thistle			O				
Sonchus oleraceus	Common sow-thistle			R				
Taraxacum officinale	Dandelion			O		O		
Trifolium campestre	Hop trefoil			LF				
Trifolium repens	White clover			O		O		
Ulex europaeus	European gorse	F		R		O		
Ulmus procera	Elm	A	A			O		
Urtica dioica	Common nettle	O						
Vinca minor	Lesser periwinkle	LF			O			
	Bromeliad species				LA			

DAFOR is a nominative scale where D = Dominant, A = Abundant, F = Frequent, O = Occasional and R = Rare. L = Locally; or combination of.

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11.0 Appendix 3: Legislation and Planning Policy

Protected Habitats, Species and Designated Sites

- **The Conservation of Habitats and Species Regulations (HM Government, 2017) (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (HM Government, 2019))**, referred to here after as the '**Habitat Regulations**', encompasses Special Areas of Conservation (SACs) and provides additional protection for Special Protected Areas (SPA's), RAMSAR Sites and European Protected Species (EPS). Protection is afforded from direct and indirect impacts, particularly where mobile wildlife populations for which the SAC is designated may be significantly affected. A Habitats Regulations Assessment/Appropriate Assessment must be completed by the competent authority, based on sufficient information provided by the applicant, to meet Regulation 63 of the Habitats Regulations. The Waddenzee judgement ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site. A decision can only be reached "where no reasonable scientific doubt remains as to the absence of such effects". Competent authorities must be "convinced" that there will not be an adverse effect. Where doubt remains as to the absence of adverse effects, the plan or project must not be authorised, subject to the procedure outlined in the Habitats Regulations regarding imperative reasons of overriding public interest.
- **The Countryside and Rights of Way (CRoW) Act (HM Government, 2000, as amended)** The CROW Act places a statutory duty on Statutory Nature Conservation Organisations (SNCO) to have regard to biodiversity conservation and to promote conservation action by others. Section 74 of the Act requires the preparation and maintenance of lists of priority species and habitats. It also places a statutory duty on public bodies to conserve SSSIs and enhance their value, and provides SNCOs with the power to impose Management Schemes on owners of SSSIs. The CROW Act strengthens the legal protection for threatened species with regard to killing, injuring, disturbing or destroying places used for shelter and protection.
- **The Hedgerows Regulations (1997)** The Hedgerow Regulations 1997 were made under Section 97 of the Environment Act 1995 (HM Government, 1995) and took effect on 1 June 1997. They introduced arrangement for local planning authorities (LPAs) to protect important countryside hedgerows through a system of notification. Such hedgerows are frequently valuable because of their historical, ecological and landscape characteristics.

  Under the Hedgerow Regulations 1997, an offence occurs when:

  - A person intentionally or recklessly removes, or causes or permits another person to remove, a hedgerow in contravention of regulation 5(1) or (9); and when
  - A person contravenes or fails to comply with regulation 6(2).
  - A hedgerow is a boundary line of shrubs or trees and is 'important', and protected, under the Hedgerow Regulations 1997 if it meets a specific criterion (see Table 1 and Appendix 1). Cornish hedgerows do not necessarily meet the criteria of the Hedgerow Regulations 1997 but are typically of great historic, landscape and biodiversity value. The Hedge (and wall) Importance Test (HIT), developed by the Guild of Cornish Hedgers, is an alternative measure of value and is required to inform planning decisions impacting hedgerows in Cornwall (Cornwall Council, 2018).
- **The Natural Environment and Rural Communities (NERC) Act (HM Government, 2006)** bestows a legal duty on public authorities to conserve biodiversity. The Section 40

duty requires Local Authorities to have regard to the purpose of conserving biodiversity. This particularly relates to Section 41 Habitats and Species of Principal Importance (sometimes called 'priority habitats' or 'priority species'.

- **The Protection of Badgers Act (1992)** protects badgers as specified below.
- **The Wildlife and Countryside Act (HM Government 1981, as amended)** encompasses the protection of wildlife (fauna and flora), SSSIs, SPAs, National Nature Reserves (NNRs) and RAMSAR Sites.

Badgers: Badgers are legally protected under the Protection of Badgers Act 1992. As a result of this statutory legislation it is an offence to:

- Purposely kill, injure or take a badger;
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett;
- Disturb a badger when occupying a sett.

Birds: In Britain the nests (whilst in use or being built) and eggs of wild birds are protected against taking, damage and destruction under the Wildlife and Countryside Act 1981 (as amended) (HM Government, 1981).

Some species (i.e. barn owl) are also listed on Schedule 1 of the Wildlife and Countryside Act (HM Government, 1981 as amended); it is an offence to:

- Intentionally capture, injure or kill a Schedule 1 listed species;
- Intentionally or recklessly disturb a Schedule 1 listed species whilst nesting;
- Intentionally or recklessly disturb a dependent young Schedule 1 listed species.

European Protected Species (EPS) (Bat, dormouse, otter, water vole, sand lizard, smooth snake & great crested newt): EPS are listed on Annex IV(a) of the European Communities Habitats Directive.

In Britain protection of EPS is achieved through their inclusion on Schedule 2 of the Conservation and Habitats Regulations 2019 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (HM Government, 2019)), Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 12 of the Countryside and Rights of Way Act 2000 (HM Government, 1981, 2000 & 2010).

As a result of this statutory legislation, it is an offence to:

- Deliberately capture, injure or kill an EPS;
- Intentionally or recklessly disturb an EPS in its place of rest/ breeding Site;
- Intentionally or recklessly damage, destroy or obstruct access to a EPS place of rest/ breeding Site (even if the EPS is not occupying the resting / breeding place at the time);
- Possess or sell or exchange an EPS (dead or alive) or part of an EPS.

Reptiles (adder, common lizard, slow worm and grass snake): reptiles are protected under Schedule 5 (section 9(1) and 9(5)) of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to kill and/ or injure reptiles, and sell or transport for the purpose of sale. Sand lizard and smooth snake are also EPS (see above legal protection of EPS).

Invasive plants: The WCA 1981 states that if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence. Anyone convicted of an offence under Section 14 of the WCA 1981 may face a fine of £5,000 and/or 6

months imprisonment, or 2 years and/or unlimited fine or indictment. The following legislation is relevant to invasive plants:

Control of Pesticides Regulations (CoPR) 1986: CoPR 1986 require any person who uses a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water. For application of pesticides in or near water, approval from the Environment Agency should be sought before use.

Environmental Protection Act 1990 (EPA 1990): EPA 1990 contains a number of legal provisions concerning 'controlled waste', which is set out in Part II. Material containing the propagules of species listed on Schedule 9 is classified as controlled waste and must be safely disposed of at an appropriately licensed landfill site in accordance with the Environmental Protection Act 1990 (Duty of Care) Regulations 1991. Section 33 (1a) and (1b) create offences to do with the deposit, treating, keeping or disposing of controlled waste without a license. Exemptions from licensing are available in some circumstances, and are set out in Schedule 3 to the Waste Management Licensing Regulations 1994 as amended, which makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health. Anyone convicted is subject to a maximum fine of £20,000 and/or 6 months imprisonment and if prosecuted under the Crown court, this escalates to an unlimited fine and/or a maximum of two years imprisonment. Section 34 places duties on any person who imports, produces, carries, keeps, treats or disposes of controlled waste. Waste must be handled responsibly and in accordance with the law at all stages between its production and final recovery or disposal. Waste must be transferred to an authorized person i.e. either a registered carrier or exempted from registration by the Controlled Waste (Registration of Carriers and Seizure of Vehicle Regulations 1991). A waste transfer note must be completed and signed giving a written description of the waste, which is sufficient to enable the receiver of the waste to handle it in accordance with his or her own duty of care. The provisions concerning waste transfer notes are set out in the Environmental Protection (Duty of Care) Regulations 1991(as amended). Failure to comply with these provisions is an offence, with a penalty of a fine not exceeding £5000 up to an unlimited fine in Crown court.

Hazardous Waste Regulations 2005 (HWR 2005): HWR 2005 contains provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred, which include details about the hazardous properties and any special handling requirements. If a consignment note is completed, a waste transfer note is not necessary. Material containing knotweed that has been treated with herbicide may be classified as hazardous waste.

Waste Management Licensing Regulations (WMLR 1994): WMLR state that failure to use a licensed operative could leave you liable to prosecution. The 'waste relevant objectives' are described in paragraph 4 of Schedule 4. These objectives require that waste is recovered or disposed of "without endangering human health and without using processes or methods which could harm the environment and in particular without risk to water, air, soil, plants or animals; or causing nuisance through noise or odours; or diversely affecting the countryside or places of special interest".

Statutory Designated Sites

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are of International nature conservation importance.

Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) are of National importance. Development proposals with potential to affect a SAC, SSSI or NNR require permission from Natural England.

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Local Nature Reserves (LNRs) are protected from development; the Local authority is responsible for LNRs.

Non-Statutory Designations

Non-statutory Sites include **County Wildlife Sites (CWS)**, **Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC), County Geology Sites (CGS)**, **Roadside Verge Audit Biological Sites** and **Ancient Woodlands**. CWSs, SNCI, SINC and CGSs are of at least county importance for wildlife/geology; all are given increased protection through the planning process.

Biodiversity Action Plans (BAPs): BAPs distinguish National and County level priority habitats and species for conservation. The list of habitats and species of principal importance under Section 41 NERC Act (2006) in England includes 56 habitats and 943 species first identified as priority habitats and species. The Local Authority has a duty to conserve habitats and species of principal importance; these habitats and species were previously identified as UK BAP priority habitats and species under Section 74 of the CRoW Act (2000).

Red Data Books & Lists: detail the status of species in relation to threat.

Planning Context

The local planning authority has a statutory obligation to consider impacts upon protected species resulting from development. Paragraph 99 ODPM Circular 06/2005 states: '*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted*'.

National Policy: The National Planning Policy Framework (NPPF) was revised on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

Chapter 15 of the NPPF (2021) 'conserving and enhancing the natural environment' sets out how the planning system 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;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Of note are the following paragraphs:

NPPF Paragraph 175 states that 'Plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries'.

NPPF Paragraph 179 states that 'To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters. For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system. Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them'.

NPPF 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), 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,

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especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.

NPPF Paragraph 181 states that 'The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites'.

NPPF Paragraph 182 states that 'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'.

Local Policy

See https://www.scilly.gov.uk/sites/default/files/document/planning/Adopted%20Local%20Plan%202015-2030%20Website%20Version.pdf for policies relevant to the environment and biodiversity.

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12.0 Appendix 4: ERCCIS desk study – Notable species recorded within 1km of the site.

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