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By Liv Rickman at 5:45 pm, Jan 31, 2024

PRELIMINARY ECOLOGICAL ASSESSMENT and PRELIMINARY ROOSTING ASSESSMENT

ST MARY'S HOSPITAL, ST MARY'S, ISLES OF SCILLY



Client: Situ8 Planning Consultancy

Our reference: 23-12-1

Planning reference: Report produced in advance of submission

Report date: 25th January 2024

Revision: A

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Executive Summary

Overview

The St Mary's Hospital site was subject to a Preliminary Ecological Assessment (PEA) and Preliminary Bat Roost Assessment (PRA) in January 2024.

This report outlines the results of the PEA and PRA as well as recommendations and proposed mitigation measures arising from the ecological baseline.

Proposals

The proposed works involve the extension of the existing hospital across the current hospital garden and an adjacent pasture field.

Ecological Assessment

The proposals would result in the removal of a portion of the existing pasture field and the hospital gardens in order to construct the extension. The development would also necessitate the remodelling of the external space including new hardstanding and access areas, as well as new landscaping. Boundary walls and hedges would be retained.

The proposals have the potential to impact upon bats and nesting birds, in the absence of measures to control this. There would be a short-term decrease in the availability of suitable nesting habitat for breeding birds as the new landscaping establishes – this could be addressed through provision of habitat boxes. The potential for roosting bats to make use of onsite buildings is low; however further surveys to characterise this would be required to accord with Best Practice Guidance.

Recommendations

Recommendations provided in this EA report will ensure that impacts to protected species are avoided and ecological impacts mitigated or compensated where appropriate. These include:

- Measures to protect nesting birds including timing of works;
- Measures to protect bats and other species during works to walls or boundary features;
- Measures to protect retained habitats including boundary and onsite features;
- Bat surveys to be completed on relevant buildings, and development of measures necessary to ensure that any roost identified is protected and retained;
- Design of external lighting to minimise light-spill on retained habitats to provide dark corridors and continued suitability of foraging resources for bats and invertebrates;
- An assessment of Biodiversity Net Gain (BNG) to demonstrate how net gain will be achieved;
- Development of a Landscaping Plan to detail habitat creation and management measures which would secure the BNG in the long-term;
- Installation of bird, bat, solitary bee and hedgehog boxes within the final development;
- Measures to control or minimise the risk of non-native invasive species spreading within or outside of the site.

Report Status

This EA report represents a comprehensive ecological baseline to support a Planning Application, with the exception of bats. It is considered that in this situation, it could be appropriate to condition the bat survey on the basis that mitigation roosting habitat for the likely roost type has been built into the scheme as a form of enhancement.

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

- A **Lighting Plan** showing details of proposed external lighting and indicating retained dark corridors for bats;
- A **Biodiversity Net Gain** assessment demonstrating how a net gain will be achieved;
- A **Landscaping Plan** detailing habitat creation and management measures which would secure the BNG in the long-term;
- **Habitat Enhancement Plans** showing the specification and location of bird, bat, solitary bee and hedgehog boxes within the final development.

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

- A **Construction Ecological Management Plan (CEMP)** should be conditioned pending results of the bat survey to ensure it is comprehensive; incorporating a **Project Implementation and Construction Plan** to ensure that the measures detailed in the BNG assessment are secured;
- A **Bat Survey Report** and associated mitigation strategy, could be conditioned at the discretion of the LPA;
- A **Biodiversity Net Gain Management and Monitoring Plan** to allow the success of the BNG measures to be assessed.

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1. Introduction

1.1. Project Overview

The site comprises the existing Hospital site along with an adjacent pasture field on St Mary's, Isles of Scilly

The proposals relate to the extension of the existing hospital along with associated hard and soft landscaping, access and utilities.

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



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

2. Site Location and Description

2.1. Site Location

The Site comprises the existing St Mary's Hospital site along with a pasture field situated directly to the south-west. The National Grid Reference for the centre of the site is SV 90729 10326 (see Map 1).

2.2. Site Description

The site is approximately 0.45 hectares (ha) in size. The existing hospital building and associated hardstanding dominates the existing site to the north-east, with an established ornamental garden and shrubs forming the landscaping. Pasture grassland dominates the field to the south-west of the site with associated evergreen hedges.

2.3. Local Landscape Setting

The site is on the south-eastern edge of Hugh Town. The main town is densely developed but the footprints of properties become larger and more spaced towards the location where the hospital is situated. Residential dwellings with associated garden areas occupy the land use to the east, north and north-west of the site.

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

To the south and south-east are open countryside characterised by small agricultural fields with evergreen windbreaks.



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

2.4. Relevant Designations

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

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

- **Isles of Scilly SAC Complex** – Encompassing the coastline around St Mary’s and situated 250m to the south-west at its closest point, the SAC is designated for its nationally important numbers of Grey Seal and the nationally rare Shore Dock. Annex 1 habitats that are the primary reason for site selection include mudflats; inter-tidal sandflats; reefs and sub-tidal sandbanks.
- **Isles of Scilly SPA Complex** – Encompassing the coastline around St Mary’s and situated 170m to the south-west at its closest point, the SPA designated for its internationally important seabird assemblage of 13 species including internationally important numbers of lesser black-backed gull and nationally important numbers of European storm petrel and European shag.
- **Lower Moors SSSI** – Situated 300m north-east of the proposed development lies Lower Moors SSSI – this is a topogenous mire, whereby

seasonal fluctuations of freshwater from rainfall cause the partial breakdown of plant material, which then turns to peat. The site has several, small shallow open water areas which are known to be important feeding areas for passage and over-wintering migrants and waders.

- **Peninnis Head SSSI** – Situated 300m south of the proposed development lies Peninnis Head SSSI, designated primarily for its geology including prominent granite cliffs and tors but it also supports maritime heathland, maritime grassland and scrub habitats together with populations of rare plant and lichen species.

2.5. Planning Context

2.5.1. National Planning Context

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

Paragraph 174 states that:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

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

Paragraph 180 states that:

When determining planning applications, local planning authorities should apply the following principles:

¹ National Planning Policy Framework (Crown Copyright, 2023)

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*

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

2.5.2. Local Planning Context

The following policies are most relevant to this assessment:

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

The following planning guidance documents are also of relevance:

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

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

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

3. Survey Methodology

3.1. Desktop Survey

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

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

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

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

3.2. Vegetation and Habitat Assessment

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

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

3.3. Bats

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

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

⁴ <http://defra.magic.gov.uk>

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

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

3.4. Birds

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

3.5. Other Protected Species

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

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

3.6. Surveyor Competence

The PEA and PRA surveys were undertaken by James Faulconbridge MRes MCIEEM trading as IOS Ecology. James is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM); he is a Licensed Bat Worker (Class Licence Level 2) and has over 14 years' experience undertaking a range of ecological surveys and assessing the factors that affect ecology in relation to construction and the built environment.

3.7. Survey Dates

The PRA and PEA surveys were both undertaken on 4th January 2024.

3.8. Zone of Influence

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

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

3.9. Assessment of Ecological Value

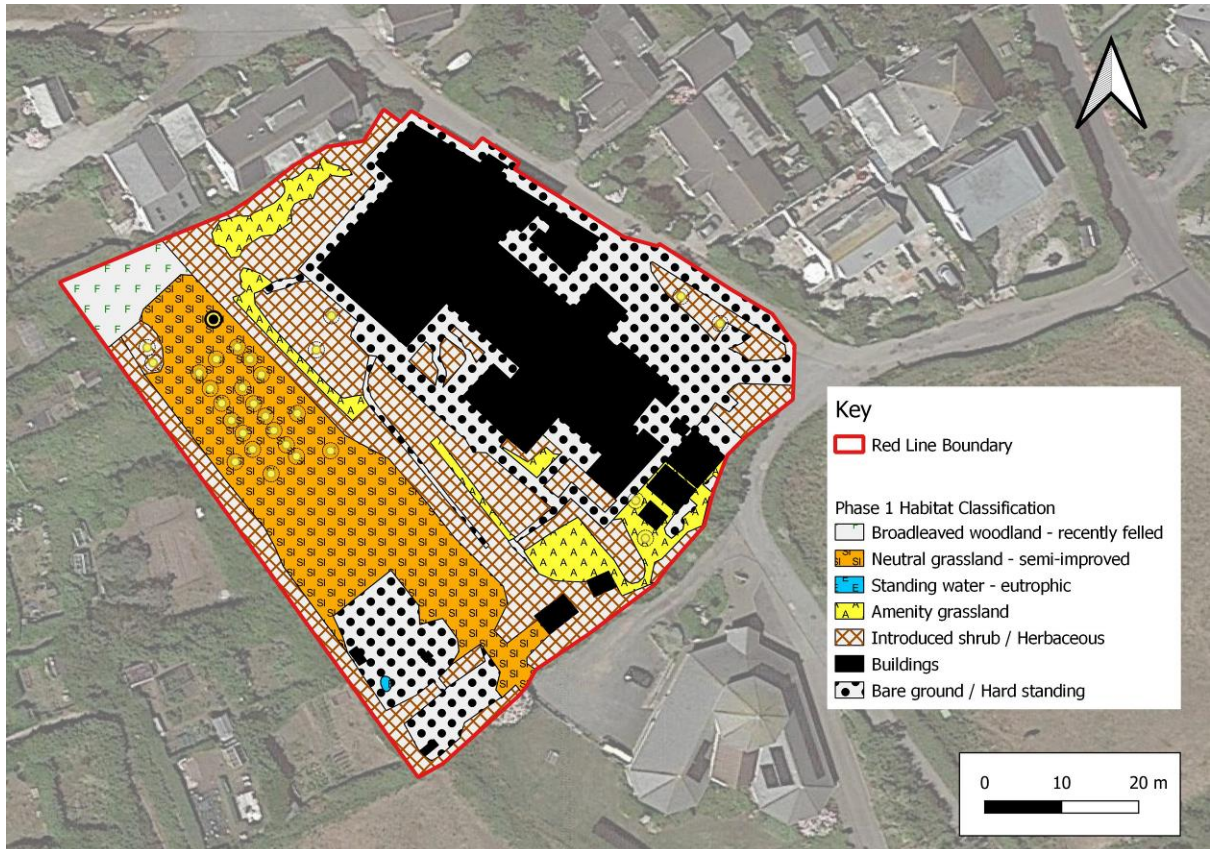
The ecological values provided within this report are based around both the professional judgement of the author and current published relevant guidance, including "Guidelines for Ecological Impact Assessment in the United Kingdom."⁷

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

4. Results

4.1. Habitats

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



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

4.1.1. Introduced Shrubs – Hospital Garden

The majority of the landscaping immediately surrounding the hospital comprises introduced shrubs and herbaceous plants in the form of formal landscaping features to the north-east and a garden area to the west.

Scattered trees are present within the landscaping including Cornish palm (*Cordyline australis*) and variegated holly (*Ilex aquifolium*) along with a lichen-encrusted cherry (*Prunus sp.*).

Shrubs include karo (*Pittosporum crassifolium*), hydrangea (*Hydrangea sp.*), yucca (*Yucca sp.*), Escallonia (*Escallonia macrantha*), Japanese spindle (*Euonymus japonicus*), hedge veronica (*Veronica x franciscana*), tree bedstraw (*Coprosma repens*), camellia (*Camellia sp.*), ornamental roses (*Rosa sp.*), bottle brush (*Callistemon sp.*), butterfly bush (*Buddleia davidii*), Chilean guava (*Ugni molinae*) rhodostachys (*Fascicularia bicolor*) and paperplant (*Fatsia japonica*).

In places within the garden, the shrubs are managed as small sections of hedge through pruning to uniform shapes; however these minor fragments of non-native species do not represent functional or connective hedge features and are not independently mapped. Shrubs are often well-established and well-managed within the main garden area to the south-west of the main hospital building and within the formal landscaped beds to the north-east of the building. Larger and more under-managed shrubs occur to the north-western and south-eastern edges of the garden as the boundaries are approached.

Herbaceous species amongst the shrubs include African lily (*Agapanthus africanus*), geranium (*Geranium sp.*), artichoke (*Cynara cardunculus*), aloe vera (*Aloe vera*), houseleek (*Aeonium sp.*), nasturtium (*Tropaeolum majus*), fennel (*Foeniculum vulgare*), African daisy (*Osteospermum sp.*) and tree echium (*Echium pininana*).

Non-planted species include fig-leaved balm (*Scrophularia scorodonia*) and fumitory (*Fumaria sp.*), along with ivy (*Hedera helix*) covering in places. Frequent throughout the garden is three cornered-leek (*Allium triquetrum*), alexanders (*Smyrniololus atrum*) and Bermuda buttercup (*Oxalis pes-caprae*).

Paths are occasionally lined with rocks, and there are sections of slightly elevated path composed of blockwork. Minor areas of stone wall and steps also occur in the lower parts of the garden with abundant mosses, lichens and occasional liverworts as well as typical wall species such as navelwort (*Umbilicus rupestris*) and frequent three-cornered leek.

Occasional informal compost piles are present with clippings and other vegetative arisings discreetly positioned behind shrubs or otherwise retained within the garden.

4.1.2. Introduced Shrubs – Pasture Field

A dense patch of liquorice plant (*Helichrysum petiolare*) occurs in the north-western corner of the pasture field with suckering elm saplings growing through.

4.1.3. Individual Conifer Trees

There are discreet and well-spaced lines of Norway spruce (*Picea abies*) of varying ages which are presumed to be for Christmas trees – evidence of both historic and recent removal of individual specimens is evident from the remaining stumps. These are young trees to a maximum of 3m in height.

A single young sycamore (*Acer platanoides*) tree is present associated with these.

4.1.4. Amenity Grassland

There is an area of lawn to the north-west of the main hospital building, as well as grassy paths through the gardens. Grass species include perennial rye grass (*Lolium perenne*), fescue (*Festuca sp.*) and meadow grass (*Poa sp.*) with a

relatively good herbaceous content of common grassland species including daisy (*Bellis perennis*), self-heal (*Prunella vulgaris*), clover (*Trifolium sp.*), dove's-foot cranesbill (*Geranium molle*), cat's-ear (*Hypochaeris radicata*), ribwort plantain (*Plantago lanceolata*), creeping buttercup (*Ranunculus repens*), chickweed (*Stellaria media*) and lesser celandine (*Ranunculus ficaria*). Occasional karo seedlings are present, along with frequent three-cornered leek and Bermuda buttercup.

The grassy sward comprising the paths through the garden is often more sparse and moss-rich due to the shading from surrounding evergreen shrubs.

The small enclave at the south-eastern edge of the hospital garden is likely to have been undermanaged and appears to be nutrient rich, perhaps indicating the previous location of a compost pile. Common nettle (*Urtica dioica*) is abundant along with three-cornered leek, nasturtium, fennel, annual mercury (*Mercurialis annua*), Italian lords and ladies (*Arum italicum*), musk storks-bill (*Erodium moschatum*), scented mayweed (*Matricaria chamomilla*), sweet violet (*Viola odorata*) and ivy in the ground layer. Occasional ornamental shrubs occur in this location.

4.1.5. Species-poor hedge

The hedge which separates the hospital garden from the pasture field to the south-west comprises typical Scillonian evergreen windbreak species including karo, escallonia, Japanese spindle and tree bedstraw. There is a wooden post and rail fence largely subsumed within the hedge, and abundant ivy growing through. It is cut to around 3m high and 3m wide.

There is a similar hedge with equivalent species parallel to the first on the south-western boundary of the pasture field. The management of this hedge is less strict resulting in a larger and less neatly cut feature with vegetation to 4m high and wide.

A final hedge is present within the south-eastern corner of the pasture field running north-east to south-west. It is similar in character and management to that which is found on the south-western boundary.

4.1.6. Semi-improved grassland

The pasture field which dominates the western portion of the site has a typical grassland sward including fescue (*Festuca sp.*), bent grass (*Agrostis sp.*), cock's foot (*Dactylis glomerata*) and Yorkshire fog (*Holcus lanatus*) along with herbaceous species including fennel, wild carrot (*Daucus carota*), cat's ear, dove's foot cranesbill, ribwort plantain, dandelion (*Taraxacum officinale*), common nettle, three-cornered leek, Bermuda buttercup, cleavers (*Galium aparine*), annual mercury, alexanders, agapanthus, Argentine fleabane (*Erigeron bonariensis*), creeping buttercup, ivy, bramble (*Rubus fruticosus*) and ox-eye daisy (*Leucanthemum vulgare*). The sward does not appear to have been recently grazed but the pattern of the sward does indicate management such as mowing

in places. There is a higher proportion of moss close to the hedge where the sward is shadier.

A portion of the sward to the south-west corner of the pasture field appears to have been undermanaged, potentially due to previous enclosure for livestock, and has frequent bramble which is likely to develop to dominance over time. The sward beneath is otherwise similar to the remainder of the field, with additional broadleaf dock (*Rumex obtusifolium*) and groundsel (*Senecio jacobaea*). There are areas of piled vegetation and arisings opposite this area.

4.1.7. Bare Gound

There are two enclosures in the south-western portion of the pasture field which are predominantly bare ground.

The more southerly of the two enclosures is largely bare ground with chickens and ducks present – it appears that these have access to both enclosures which are separated by the hedge described in Section 4.1.5.

The sward in the more northerly of the two enclosures is beginning to restore, comprising species mainly found within the pasture field, but is sparse and undeveloped at the time of survey. The enclosure is surrounded by a wire fence with dense bramble.

4.1.8. Eutrophic Pond

The more northerly of the two livestock enclosures houses a small pond, which is shallow, lined with exposed liner, heavily sedimented and highly-eutrophic. This pond is not considered to have an ecological function in this situation.

4.1.9. Stone Wall and Boundary Vegetation

A stone wall comprising granite rocks is present along the entirety of the south-eastern site boundary. There are areas where there is soil in the upper reaches indicating the potential that this had a more Cornish Hedge character in places historically, though in other places it is a straightforward drystone wall. The south-eastern wall is abundantly vegetated with a dense ivy covering, as well as bramble, three cornered-leek, navelwort, lichens and mosses. There are shrubs and small trees along this length as well, planted on both sides - predominantly the typical evergreen windbreak species recorded within the hedgerows. Occasional ornamentals and agapanthus are also recorded, as well as daffodils (*Narcissus sp.*) at the north-eastern edge.

There is a drystone wall running along the north-western boundary of the site – this appears to be a more straightforward drystone wall without the Cornish Hedge remnants, but access for comprehensive inspection was not possible due to the intervening dense vegetation. It is similarly vegetated including significant ivy cover as per the description for the south-eastern boundary feature, though appears to be more managed throughout.

4.1.10. Recently cleared trees

There is an area which was identified as an area of semi-mature elm (*Ulmus sp.*) in a previous ecological assessment in 2021; this has now been predominantly cleared, potentially for access to a telegraph pole which is situated adjacent to the habitat. The stumps remain along with brash – this appears to have been undertaken recently and establishing vegetation includes alexanders, hogweed (*Heracleum spondylium*), three-cornered leek, common nettle, Italian lords & ladies, cleavers, ivy and nasturtium.

A boundary line of semi-mature elm along with karo and occasional additional Scillonian windbreak species remains to partially separate the cleared area from the remainder of the pasture field. There are two Cornish palms present in this location also.



Photo 01 – Showing a typical section of garden with dense herbaceous and introduced shrub species. A small section of amenity grassland path is visible on the left hand side.



Photo 02 – Showing the more nutrient rich grassland present in the garden area where nettles and other ruderal species are present.



Photo 03 – Showing an area of amenity grassland lawn with dense ornamental shrubs and herbaceous species bounding the feature.



Photo 04 – Showing the boundary wall on the southern periphery with evergreen shrubs growing over.



Photo 05 - Showing the semi-improved grassland field.



Photo 06 - Showing the young Norway spruce present within the grassland field.



Photo 07 - Showing the area where elm trees have been recently cleared and the understorey vegetation is flourishing.



Photo 08 - Showing an example of the bare-ground enclosures within the field where poultry are kept.



Photo 09 - Showing an example of the more formal ornamental planting present at the front of the hospital on the northern edge of the site.



Photo 10 - Showing the undermanaged evergreen windbreak hedge on the south-western boundary of the site.

4.2. Bats

4.2.1. Background Data

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

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

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

4.2.2. PRA Results (Trees)

The trees present within the site do not appear to be of an age or condition to support roosting bats.

4.2.3. PRA Results – Overview

The individual buildings are discussed separately below – these are identified by name where appropriate but also by building reference as indicated in Plan 04.



Map 03 – Showing the individual buildings identified within the site. Reproduced in accordance with Google's Fair Use Policy.

4.2.4. PRA Results – Main Hospital Building (B6)

The main hospital building comprises a range of structures which connect in a cohesive unit. This includes single and two-storey elements; flat and pitched roofs; canopies and covered walkways.

The building is rendered throughout and in good condition with no gaps or crevices noted within the finish. Window and door frames are similarly well-fitted throughout with no gaps around the peripheries or associated with the sill. Boxed soffits throughout are in good condition and well sealed – where vents are present, they are sealed with grills which would preclude access by bats.

Flat roof sections are present predominantly to the north-west of the building structure, but occur in other locations also. These roof sections house various elements of plant and utilities as well as an array of roof lights and a chimney. All of these flat-roof elements appeared to be in good condition and no suitable roosting niches were identified associated with these. Similarly under-boarded porches and canopies to provide covered walkways did not appear to offer roosting opportunities.

The potential for use of the building by roosting bats is solely associated with the pitched and hipped roof elements. The roofs are dry-laid slate tiles with hanging tiles of the same character on gables. Tiles are lifted or have suffered minor damage in places which would potentially permit access by bats to roosting opportunities beneath the tiles. Ridge tiles appear well-sealed throughout the property.

Additional external roosting opportunities are associated with the lifted lead flashing at the apex of the hanging tiles on the northern and southern aspects; and minor lifted flashing around dormer windows where present.

Internal inspections of the sealed loft spaces identify that they are well under-felted and appear tightly sealed throughout. Inspection was not comprehensive however, due to access restrictions and some minor aspects of the smaller voids which could not be directly inspected at close quarters. This is taken into account in the outline of recommendations.

The interior of the loft spaces are generally clean with insulation between the joists. The roofs are constructed around a timber frame with ridge boards present. The underfelting is in good condition throughout. Occasional rodent droppings were identified along with bait stations. No evidence of bats was identified from an internal inspection. There is a roof-light in one pitch of the roof, but the majority of the voids were dark. Breeze-block gables occur in places and the pointing on these appeared to be in good condition.

Below the dormer windows are boxed eaves sections which could be viewed from a hatch; however the presence of pipework and the small size of the void precluded access to inspect fully. The structure appeared equivalent to the apex voids which were inspected, with underfelting in good condition.

The majority of the interior of the hospital is used routinely and would not be suitable to support roosting bats. Occasional rooms with a more 'outbuilding' nature are present within the complex, including a plant and boiler room – these were inspected but did not appear to offer suitable roosting opportunities for bats.

The complex has **low potential** for use by roosting bats with minor opportunities restricted to gaps beneath lifted flashing; and occasional gaps between lifted tiles and the underfelting beneath. These are likely to be suitable for day or transitional roosts only.

4.2.5. PRA Results – Emergency Generator Building (B9)

The Emergency Generator Building is an outbuilding situated to the south-east of the main hospital building. The building, including both walls and flat roof, is of concrete block/panel construction around a metal girder framework. The building houses the emergency generator along with other equipment.

The building offers a number of minor niches which may be suitable for use by individual bats including gaps and minor cavities between the roof and wall panels; and minor gaps in the fascia on the exterior of the building. Internal access for bats would be possible via a vent in the top of the building.

The building is considered to offer **low potential** for roosting by individual bats in discreet niches.

4.2.6. PRA Results – Outbuilding Store Room (B7)

Adjacent to the emergency generator building is a second outbuilding which is used for storage of hospital equipment. The building is rendered inside and out to a high standard – no gaps in the walls or rendering were noted. The interior of the building was dry and appeared well sealed – it is likely therefore that any roosting opportunities would be restricted to the exterior elements of the structure.

The pitched roof is constructed from widely corrugated sheet material, with capping extending down over the gable ends. These would permit access to potential roosting opportunities associated with the wall plate behind.

The building is considered to offer **low potential** for roosting by individual bats in discreet niches.

4.2.7. PRA Results – Garden Shed (B10)

A small garden shed is situated to the south-east of the main hospital building. It is of typical pre-fab wooden construction with a flat felted roof and windows. No evidence of use by bats was noted and the absence of suitable roosting niches would indicate **negligible potential** for use by bats.

4.2.8. PRA Results – Derelict Wooden Shed (B5)

There is a derelict garden shed situated in the south-western tip of the hospital garden. The shed is timber clad and densely surrounded by ivy and other vegetation. The roof has caved in and appears unstable and the floor is largely rotten – the interior of the shed was not therefore accessed due to structural concerns. The door has been removed in the past and therefore the interior is accessible. There are remnants of stored items remaining within the shed.

The shed has **low bat roosting potential** associated with the roof structure and other timber elements; however it is unlikely that there is a suitable niche for a more significant colony such as a maternity or hibernation feature.

4.2.9. PRA Results – Derelict Outbuilding (B4)

There is a derelict outbuilding within the dense scrub in the north-eastern edge of the pasture field – this comprises a pitched-roof shed with a lean-to mono-pitch element on the south-western side. The building is constructed of breeze-blocks – other areas are clad in corrugated sheet material, as is the roof. There is a door on the north-western aspect but this was locked at the time of survey, precluding access for inspection. Both roof sections are completely concealed by dense ivy cover which precludes inspection.

Gaps occur where the corrugated sheets overlap the gable, and where the fascia lines the apex of the lean-to wall. These could provide internal access for bats or provide roosting niches in their own right. The building is considered to provide **low potential** for use by roosting bats.

4.2.10. PRA Results – Shipping Container (B8)

A shipping container is positioned adjacent to the Emergency Generator Shed – this was well-sealed and in good condition and was considered to have **negligible potential** for use by roosting bats.

4.2.11. PRA Results – Livestock Shelters (B1-B3)

A number of small poultry shelters are present within the field in the south-western corner of the site. These do not appear to offer any suitable roosting opportunities for bats and are considered to have **negligible potential** for use by roosting bats.



Photo 11 - Showing the interior of a loft space within the main hospital building (B6) with a large void, timber frames and utilities/services running through.



Photo 12 - Showing an example of the minor lifted tiles present around the valley where roof pitches join on the hospital building (B6)



Photo 13 - Showing the flat roof components of the hospital building (B6) which are not considered to offer roosting opportunities for bats.



Photo 14 - Showing a closeup of the soffits which run around the hospital building (B6) - these are well sealed throughout.



Photo 15 - Showing the emergency generator shed (B9) with gaps around the fascia board which could potentially offer roosting opportunities.



Photo 16 - Showing the apex of the outdoor store room (B7) with gaps behind the gable capping which could potentially permit access to the building and the wall plate.



Photo 17 - Showing the garden shed (B10) which is considered to have negligible potential for roosting bats.



Photo 18 - Showing the shipping container (B8) which is considered to have negligible potential for roosting bats.



Photo 19 - Showing the derelict wooden shed (B5) which is overgrown with ivy and the roof inside has collapsed - the potential access for bats can be seen through the open door.



Photo 20 - Showing the derelict outbuilding (B4) which is overgrown with ivy.



Photo 21 - Showing the corrugated sheeting on the derelict outbuilding (B4) which could potentially provide access to roosting opportunities.

4.2.12. PRA Results – Boundary Walls

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

The drystone walls on the boundaries of the site may offer niches which are of a size and shape to provide Potential Roosting Features (PRF). These are too widespread to individually describe but may be present throughout the features.

4.2.13. Foraging and Commuting Habitat

The site is likely to provide a foraging resource for local common pipistrelle populations as part of a wider landscape. The ornamental garden areas and the ecotone between the pasture field and the hedges are likely to be used by common pipistrelle which favour 'edge' habitat.

The field boundaries and hedges, as well as potentially the perimeters of the buildings, are likely to be used by commuting bats to navigate between roosts and foraging habitat in the wider landscape.

4.3. Birds

4.3.1. Nesting Habitat

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

- Trees and shrubs associated with the ornamental garden and the non-native hedgerows;
- The Norway spruce trees within the grassland and cherry tree within the amenity grassland;
- The under-grazed and scrubby/ruderal areas of the grassland field;
- The majority of the buildings, including the derelict outbuildings for species such as blackbird and robin; and the hospital, potentially including gull species on flat roofed areas;
- The boundary stone walls.

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

4.3.2. Foraging Habitat

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

4.4. Other Ecological Receptors

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

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

5. Evaluation

5.1. Proposals

The proposed works were identified by the client.

The proposals include an extension to the existing hospital building on the south-western aspect. This will result in the loss of the majority of the garden area including herbaceous, shrub and amenity grassland areas; areas of evergreen windbreak hedges; and areas of the semi-improved grassland.

The scheme aims to retain established landscaping where present within the existing hospital grounds, whilst introducing ecological management to the remaining pasture field grassland and planting a range of trees and shrubs.

5.2. Assessment of Ecological Impacts

5.2.1. Statutory and non-statutory Sites

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

The proposals would increase the capacity of the hospital to cater for residents and visitors, but would not affect the population of the islands. The distance between the hospital and any statutory or non-statutory sites would not indicate any concomitant increase in recreational pressure by visitors or patients at the hospital.

5.2.2. Habitats

The proposals would lead to the long-term, irreversible loss of a portion of the pasture field through conversion to built development. The proposals do however have the scope to enhance the retained portion in the longer term.

The proposals would result the long-term, irreversible loss of a portion of the existing established garden through conversion to built development. This has both amenity and ecological impacts though the species are predominantly non-native and therefore of restricted value to native species.

The proposals would result in the removal of a number of small trees – almost exclusively non-native species. The project would however offer the opportunity to re-plant with native trees within the new landscaping thereby ensuring the continued presence of this ecological resource in the long term.

The perimeter walls and hedgerows would be largely retained.

5.2.3. Bats

The PRA surveys identified potential for roosting bats to make use of onsite buildings including the main hospital building (B6) as well as several ancillary buildings (B7 and B9) and derelict buildings within the grounds (B4 and B5).

The potential identified is low, and the features present are only appear suitable to support lower conservation-status roosts such as day roosts for individual common pipistrelle. The only other species known to be present and roosting on the island is brown long-eared bat – the population of this species is thought to be low and centred around Holy Vale and the Garrison, but there is a small chance of individual brown long-eared bats making use of roosting opportunities on the site.

If roosting bats are present within buildings to be modified (B6) or demolished (B4, B5, B7 and B9), uncontrolled works have the potential to kill or injure roosting bats as well as damage or destroy bat roosts.

The boundary walls are considered to have a very low risk of use by roosting bats based on the balance of evidence available at the time of writing. The risk of disturbance impact arising from the potential presence of a roost in a retained wall would not rise to the level which would justify further surveys given the low likelihood of use. However if small sections of wall were removed or modified, this could result in killing/injuring of bats present within the wall and this more serious impact would justify further measures to control risk.

The proposals would retain the boundary vegetation in the form of evergreen shelterbelt hedgerows – this would ensure that commuting routes and flight lines would be broadly retained. The minor reduction in suitable foraging habitat arising from the building extension is likely to be relatively minor given the scale of impact within the wider foraging context. Inappropriate lighting of the boundaries and new landscaped habitats have the potential to negatively impact the suitability of these features for use by foraging or commuting bats.

5.2.4. Birds

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

If works affect buildings and habitats during the breeding season, they would result in the short-term disturbance, damage or destruction of nests and the potential killing or adults or chicks/eggs if measures are not taken to avoid this.

In the long term, it is likely that the new landscaping would offer broadly equivalent nesting habitat, though this would take time to develop and the range of opportunities associated with derelict buildings and undermanaged areas are unlikely to be restored in a like-for-like manner.

The loss of the existing established garden area would result in a reduction in the availability of foraging habitat for common bird species - it is likely that the new landscaping would restore this resource in the longer term, though this would take time to develop.

5.2.5. Other Protected Species

The assessment did not identify the presence of, or suitable habitat for, other protected species. No further impact assessment is therefore provided.

6. Recommendations

6.1. Further Survey Requirements

6.1.1. Overview

The ecological baseline presented in this report is considered to be sufficient to assess the impact of the proposals upon ecological receptors, with the exception of the potential for roosting bats to make use of the buildings.

The presence, or otherwise, of protected species is a material consideration in the context of planning; however in this instance, the potential for use by roosting bats is low and a realistic worst-case scenario can be described allowing replacement roosting features have been designed into the scheme. The consequences of delaying application for the project are not proportional to the risk to roosting bats in this instance; it is therefore recommended that further surveys and the development of concomitant mitigation measures could be conditioned at the discretion of the LPA.

6.1.2. Bat Emergence Survey

It is recommended that one dusk emergence survey is carried out on the relevant aspects of:

- The main hospital building (B6) – pitched roof sections only;
- The outside storage building (B9);
- The emergency generator building (B8);
- The derelict wooden shed (B5);
- The derelict outbuilding (B4).

The survey should be carried out during the main bat activity season, in line with the specifications set out in the relevant Best Practice Guidance⁸.

It is recommended that a Planning Condition is attached to any permission granted which requires the submission of the results of the survey to the Planning Authority. A mitigation strategy to address any roosting bats identified should be submitted alongside the report and followed to ensure legislative compliance. This may include Precautionary Methods of Working (PMW) even where no roosting bats are identified but where a residual risk remains.

⁸ Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edition). The Bat Conservation Trust, London

6.2. Timing of Works

6.2.1. Nesting Birds

The buildings and onsite vegetation offers suitable nesting habitat for breeding birds. In order to ensure legislative compliance, the contractors undertaking the works must ensure that nesting birds are not disturbed in accordance with requirements under the Wildlife and Countryside Act (1981)⁹.

The most reliable means of ensuring nesting birds are not impacted by the works is for clearance and development works affecting relevant areas to be conducted outside the bird breeding season of March to September inclusive. Development works can be undertaken outside of the breeding season without constraints relating to breeding birds.

If works affecting suitable nesting areas are undertaken outside of the nesting season to a stage where the nesting habitat is removed, then breeding birds will find alternative offsite nesting opportunities. In this way, works begun during the winter can proceed into the spring/summer with a minimal risk of causing disturbance or damage. If this approach is taken, it is recommended that an ecologist assesses and confirms this is appropriate.

If works are scheduled to commence during the breeding season, a nesting bird survey would need to be carried out by a suitably qualified person prior to commencement. Careful observation of any potential nesting sites would be required to ensure that the parent birds are not visiting a nest and provisioning the young. Nests are only protected if they are active (i.e. being used to rear young) or in the process of being built.

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

Measures to protect retained habitats which might support nesting birds should be built into a Construction Ecological Management Plan (CEMP). This may include barriers where required, and signs identifying areas where contractors should avoid. This should be advised by the ecologist, as required.

6.2.2. Bats

Recommendations relating to timing of works would depend upon the results of the bat surveys.

Measures to ensure legislative requirements with regards to this species must then be incorporated into the CEMP.

⁹ HMSO (1981). Wildlife and Countryside Act 1981 (as amended). HMSO, London.

6.3. Lighting

The external lighting for the new development should aim to minimise the use of lighting to the extent compatible with public safety requirements.

The use of cowls or other mechanisms to control and constrain lighting to the target areas should be considered to minimise light pollution.

The retained onsite and offsite features, as well as new areas of landscaping, should remain as dark habitats and corridors wherever possible to ensure that the habitats are suitable for bats and invertebrates which are sensitive to light pollution.

6.4. Boundary Walls

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

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

6.5. Biodiversity Net gain

The project should secure a biodiversity Net Gain through appropriate landscaping and habitat creation within the redline of the development where possible. This is to ensure compliance with Local Plan policy OE2. This should be measured using the Biodiversity Metric published by DEFRA.

Landscaping should be designed in conjunction with ecological input in order to ensure that the proposals will result in deliverable, long-term habitat creation appropriate to the site and the local landscape setting.

The plan to secure Biodiversity Net Gain should be submitted alongside the application, or conditioned in any approval granted at the discretion of the Planning Authority.

6.6. Landscaping

The landscaping design for the scheme should focus on species native and endemic to the Isles of Scilly. This involves a restricted range of tree and shrub species compared with the diversity found in mainland UK.

It is recommended that vegetated boundary features are retained, but opportunities to remove non-native shrubs could be taken in order to allow native or ecologically valuable species.

Where practicable, semi-improved grassland areas should be retained within the site in order to allow the existing native sward to persist post-development. Where this cannot be achieved, for example where areas are irreparably damaged by storage works, the restoration of a native and endemic sward should be targeted. This could be achieved by spreading a green hay from a local or onsite sward over the ground to be restored. Generic seed mixes should be avoided in favour of endemic, locally sourced species.

A selection of trees should be planted within the new development – the species chosen should have due regard to the species native or established on the islands as well as the degree of exposure to wind and winter storms which will be associated with the location. Fruit trees including Scillonian varieties (such as Scilly Pearl) or south-western varieties (such as Cornish Aromatic, Cornish Pine or Devonshire Quarrendon) would provide a resource for wildlife as well as food for residents and could also be considered.

The following tree and shrub species are either native to the islands, or have been introduced elsewhere in the past eg. the Lower Moors Extension managed by the Wildlife Trust, such that they would not be a novel presence.

Table 02. Recommended species for a residential development

Species	Growth Form
Silver birch	Small tree
Crab apple	Small tree
Rowan	Small tree
Hawthorn	Shrub
Holly	Shrub
Hazel	Shrub
Wild privet	Shrub

Where practicable, a pond could be developed to provide an aquatic resource for wildlife – this could be considered in conjunction with swales or SUDS systems to manage runoff and water.

The habitats lost within the site include the hospital garden which has an amenity and wellbeing function for hospital patients and staff. It would therefore be appropriate for a degree of ornamental non-native planting to be incorporated into the new garden habitats, though ecologically valuable species should be prioritised.

6.7. Habitat Boxes

Habitat boxes should be installed within the new development – it is recommended that these are associated with the new building structure due to the paucity of suitable mature trees on which to install stand-alone boxes within the site.

6.7.1. Bird boxes

A minimum of **10 bird boxes** should be installed, with more included where appropriate. The locations would need to have due regard to public hygiene or public nuisance concerns, for example avoiding locations where droppings could impact upon staff or patients. It is recommended that stand-alone rather than integral bird boxes are installed to allow for cleaning.

The precise specification for enhancement should be developed in order to maximise the ecological provision whilst avoiding any material impact upon the aesthetics or character of the new buildings. The species targeted should be those which are confirmed to breed on the island and are present within the more developed location of the site. Suitable options are outlined below:

- House sparrows nest communally and nest boxes could accommodate this, either through the installation of a single purpose-built nest box comprising several individual chambers with separate entrances, or the installation of 3+ nest boxes in close proximity.
- Nest boxes suitable for hole-dwelling species such as blue tits, or open-fronted boxes for species such as blackbird and robin also have a good likelihood of occupation if they were positioned within the shelterbelt.

Boxes should be mounted on the south-eastern or south-western aspects of the building, facing onto vegetation in areas with minimal public or staff presence to reduce the risk of disturbance. Boxes should be mounted securely at a height of at least 3m above the ground to minimise the risk of predation.

There are many examples of integrated box designs to minimise the aesthetic impact and these could be considered where appropriate. A valuable resource is 'Designing for biodiversity: A technical guide for new and existing buildings'¹⁰ – this is published by the Bat Conservation Trust (BCT) in conjunction with RIBA and covers habitat box provision specifications for both bats and birds.

It is recommended that proposals for the installation of bird nesting boxes are either submitted as part of the application, or conditioned in any approval granted at the discretion of the Planning Authority.

6.7.2. Bat boxes

A total of **6 bat boxes** should be installed on the new buildings, with more included where appropriate. The locations would need to have due regard to resident nuisance concerns, for example avoiding locations where droppings could accumulate on window ledges. They would also need to be sited facing onto boundary or other vegetated features to maximise the chance of occupation. For this reason, it is recommended that they are all installed on the south-

¹⁰ 'Designing for biodiversity: A technical guide for new and existing buildings' (RIBA Publishing 2013, 2nd edition)

eastern aspect, with potential for boxes on the south-western aspect where necessary.

The boxes selected should be suitable for use by common pipistrelle bats – the dominant species found on St Mary’s. The boxes would be suitable for mitigation for individual day roosts for either common pipistrelle or brown long-eared bats if these were identified as a result of the recommended PAS survey.

It is recommended that integral boxes are used which fit discreetly within the construction of the buildings and would not represent an obtrusive presence. These would also represent a sealed unit with an external entrance only, thereby avoiding hygiene concerns associated with the use of the hospital. Stand-alone boxes could however be installed.

It is important that the boxes are not lit by external lights such as security lights.

It is recommended that proposals for the installation of bat roosting boxes are either submitted as part of the application, or conditioned in any approval granted at the discretion of the Planning Authority.

6.7.3. Solitary Bee Boxes

The presence within the hospital garden of suitable foraging resource for pollinators including solitary bees would suggest that incorporation of nest boxes would have a high probability of occupation if correctly sited. It is recommended that **3 solitary bee boxes** are installed within the new landscaping.

Solitary bees are very unlikely to sting and therefore do not represent a public safety concern; however to avoid any perception of risk, it is recommended that any boxes installed should be situated away from areas of high public presence. This could be achieved through height or by situating them away from the main accessible areas.

Boxes should be positioned close to areas of foraging resource such as pollinator-friendly planting, and facing either east or south in a sunny location at a height of between 1 – 4m above ground level.

6.7.4. Hedgehog Boxes

A hedgehog box could be installed within the new landscaping in order to provide a habitat resource for this species.

A specific box can be purchased for the purpose, and should be sited in a quiet area of the site away from routine disturbance by users of the site. The box should be positioned under shrubs and in a shady, sheltered location. Adding logs or brash retained from the site clearance works would improve the appeal of this feature for hedgehogs, but care must be taken to ensure that any branches are stable and do not block the entrance.

6.8. Invasive Species

Under the Wildlife and Countryside Act, 1981¹¹, a number of alien plant species are listed in Schedule 9 Part II. These are species which have become naturalised in Britain, usually as garden escapees. Section 14 (2) of the Act states that an offence is committed “*if any person plants or otherwise causes to grow in the wild any plant*” in Schedule 9.

Three-cornered leek is listed on Schedule 9; however the species is ubiquitous across the islands and its low-level presence on the site is commonplace.

It is incumbent on a landowner to ensure that any actions of land management or development do not result in the plant being spread either within the existing site or elsewhere. Working practises during demolition and construction should be designed to ensure this.

6.9. Survey Validity and Update

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

- The PEA assessment can be considered valid for a period of 12 months after the survey was completed, until January 2025.

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

6.10. Application Documents or Planning Conditions

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

- A **Lighting Plan** showing details of proposed external lighting which would minimise light-spill on retained habitats to provide dark corridors and continued suitability of foraging resources for bats;
- A **Biodiversity Net Gain** assessment demonstrating how a net gain will be achieved;
- A **Landscaping Plan** detailing habitat creation measures which would secure the BNG in the long-term;
- **Habitat Enhancement Plans** showing the specification and location of bird, bat, solitary bee and hedgehog boxes within the final development.

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

¹¹ HMSO (1981, as amended). Wildlife and Countryside Act 1981. HMSO, London.

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

- A **Construction Ecological Management Plan** (CEMP) should be conditioned pending results of the bat survey to ensure it is comprehensive; incorporating a **Project Implementation and Construction Plan** to ensure that the measures detailed in the BNG assessment are secured. It should specifically address:
 - Measures to protect nesting birds including timing of works;
 - Measures to protect bats and other species during works to the boundary walls;
 - Measures to protect retained habitats including boundary and offsite features;
 - Measures to address or minimise the risk of spreading invasive non-native species including three-cornered leek.
- A **Bat Survey Report** and associated mitigation strategy, could be conditioned at the discretion of the LPA;
- A **Biodiversity Net Gain Management and Monitoring Plan** to allow the success of the BNG measures to be assessed.

Appendix 1 – Relevant Legislation

The Habitat Regulations 2017 (as amended)

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

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

(a) To impair their ability -

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

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

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

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

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

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

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

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

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

The Hedgerow Regulations 1997

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

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

Natural Environment and Rural Communities Act 2006

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

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

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

