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FALMOUTH DOCKS DEVELOPMENT ECOLOGICAL IMPACT ASSESSMENT (TERRESTRIAL)

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1. INTRODUCTION

1.1 Background

- 1.1.1 Ramboll UK Limited (Ramboll) has been appointed by Falmouth Docks and Engineering Company (FDEC), to provide a terrestrial Ecological Impact Assessment (EcIA) for the proposed development at Falmouth Docks, Cornwall (the "site"). The proposed development would redevelop and modernise the existing facilities at Falmouth Docks to reinstate full alongside berth capability and increase berth capacity. The objectives of the proposed development are to repair and update the currently poor condition port infrastructure in order to maintain existing business and future proof the port with respect to cruise capacity, cargo capacity and renewable floating offshore wind (FLOW) (supporting the offshore wind market). The site and the works proposed are considered to be in the jurisdiction of Cornwall Council (CC) and the Marine Management Organisation (MMO). The site is centred at Ordnance Survey Grid Reference SW 81765 32796, as shown within Figure 1 (Technical Appendix 1).
- 1.1.2 This EcIA is based on the findings of an extended UK Habitat (UKHab)¹ classification survey undertaken in September 2023 and Preliminary Roost Assessments (PRAs) of five buildings on site identified as having bat roosting potential, undertaken in February 2024. The extended UKHab survey was also updated during the PRA site visit.

1.2 Objectives

- 1.2.1 The aim of this report is to provide an EcIA in relation to the site and the zone of influence (ZOI) of the proposed development (CIEEM, 2019²). The EcIA comprises a description of the existing on-site ecological conditions, as well as the ecological context of the site and its ZOI; an appraisal of the site's ecological importance; and an assessment of likely impacts in relation to the proposed development and its associated activities, taking into account the mitigation and enhancement measures incorporated into the proposed development. The structure and content of the report is based on current ecological report writing guidance (CIEEM, 2017³ and BSI Standards Institution, 2013⁴). The content of this report is based on the findings of:
- a desk study;
 - an extended UKHab habitat survey including a Daytime Bat Walkover (DBW); and
 - a Preliminary Roost Assessment (PRA), making use of endoscopes.
- 1.2.2 The objectives of this report are to:
- identify designated nature conservation sites located either within the site or the ZOI of the proposed development;
 - assess the potential for the site and the ZOI of the proposed development to support populations of protected species or species of nature conservation importance⁵;
 - record the main habitats and features of ecological interest on the site;
 - assess the ecological importance of the site;
 - describe the proposed mitigation measures; and
 - assess the potential impacts and likely residual effects of the proposed development.

¹ UKHab (2018) The UK Habitat Classification System v1.1. Accessed from: <https://ukhab.org/>

² Chartered Institute of Ecology and Environmental Management (CIEEM), 2019. Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal and Marine. Chartered Institute of Ecology and Environmental Management, London.

³ CIEEM (2017) Guidelines for Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

⁴ BSI Standards Institution, 2013. BS 42020:2013. Biodiversity – Code of Practice for Planning and Development. BSI Standards Limited, London.

⁵ The following species are considered to be of nature conservation importance i) listed as a national priority for conservation (such as those listed as habitats and species of principal importance for the conservation of biodiversity under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006; ii) listed as a local priority for conservation, for example in the relevant local Biodiversity Action Plan (BAP); iii) assessed as a threatened or near-threatened species according to International Union for the Conservation of Nature (IUCN) red list criteria; iv) Red or Amber Listed species in national Species of Conservation Concern assessments; v) listed as a Nationally Rare or Nationally Scarce species (e.g. in one of the Species Status Project reviews) or a Nationally Notable species where a more recent assessment of the taxonomic group has not yet been undertaken; and/or vi) endemic to a country or geographic location (including endemic sub-species, phenotypes, or cultural behaviours of a population that are unique to a particular place).

1.2.3 The report is supported by the following appendices:

- Appendix 1: Figures;
 - Figure 1: Site Location Plan;
 - Figure 2: UKHab Map;
 - Figure 3: Building Numbers and Target Notes; and
 - Figure 4: Proposed Development General Arrangement
- Appendix 2: Legislation and Policy Context;
- Appendix 3: Site Photographs; and
- Appendix 4: Preliminary Roost Assessment Summary Table.

1.3 Proposed Development

- 1.3.1 The proposed development is to redevelop and modernise the existing facilities at Falmouth Docks to reinstate full alongside-berth capability and increase berth capacity. The objectives of the proposed development are to repair and update the currently poor condition port infrastructure in order to maintain existing business and future proof the port with respect to cruise capacity, cargo capacity and renewable floating offshore wind (FLOW) (supporting the offshore wind market).
- 1.3.2 The proposed development would include both terrestrial and marine components. Proposed marine redevelopment activities include dredging, seabed skimming, and installation of marine infrastructure. These activities are not covered in this EcIA, which considers only impacts on terrestrial habitats and ecology. For impacts on marine ecology refer to the Environmental Statement (Ramboll 2024) Chapter 8.
- 1.3.3 The planning application and marine licence application (MLA) would comprise the following redevelopment activities, with activities specifically relevant to this report highlighted in **bold**:
- Pocket dredge of berth areas to achieve required underkeel clearance for larger cruise vessels (up to Excellence class) and the FLOW renewable energy device underkeel requirements (considered to be -10.5 m Chart Datum (CD));
 - Removal of foul ground within areas of the former Kings and Empire Wharfs;
 - Surface skim of seabed on eastern side of the site to maintain -5.5 m (CD);
 - **Demolition of the remaining existing Western Wharf timber piles and above surface infrastructure;**
 - **Construction of a new Western Wharf suspended deck structure;**
 - **Demolition of the Northern Arm concrete structure and substructure to below seabed level and removal of the gang walkway and old timber piles that are located west of this structure;**
 - Construction of a suspended deck structure (Northern Wharf) in the existing 90 m gap between Queen's Wharf and the Northern Arm to create a longer functional wharf length;
 - **Upgrades to the existing Queen's Wharf structure;**
 - Extension of the Queen's Wharf suspended deck structure 50 m westward;
 - **Installation of a 290 m deck (the 'FLOW Deck') to facilitate a FLOW device;**
 - Upgrades to the existing Duchy Wharf structure to facilitate a FLOW device;
 - Potential strengthening works to Duchy and County Wharf piles; and
 - **Demolition of on-site buildings and re-configuration of Falmouth Dock activities.**

1.4 Legislation and Policy Framework

- 1.4.1 Various legislation and planning policies refer to the protection of wildlife. These are summarised in Appendix 2 but should not be regarded as a definitive legal opinion. When dealing with individual cases, the full texts of the relevant documents should be consulted and legal advice obtained if necessary.

2. METHODOLOGY

2.1 Desk Study

- 2.1.1 The purpose of the desk study was to collect existing baseline data about the site and the ZOI such as the location of designated sites or other natural features of potential ecological value such as woodland and ponds.
- 2.1.2 The following ZOI has been considered:
- Statutory designated sites up to 2 km from the site, including Special Areas of Conservation (SAC), Special Protection Areas (SPA), National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), Local Nature Reserves (LNR) and Ramsar sites;
 - Non-statutory designated sites, including Sites of Importance for Nature Conservation (SINCs) and Local Wildlife Sites (LWS), up to 2 km from the site;
 - International and national statutory designated sites with bats as a qualifying feature for designation, up to 10 km from the site; and
 - Records of protected and notable species up to 2 km from the site.
- 2.1.3 The Environmental Record Centre for Cornwall and the Isles of Scilly (ERCCIS) was contacted to provide details of designated sites and protected species within 2 km of the site. Due to data ownership restrictions in the reproduction of this report it is not appended to this EcIA, but the information provided is summarised in the relevant sections.
- 2.1.4 In addition, the Multi Agency Geographic Information for the Countryside (MAGIC) website⁶ was searched for supplementary information on statutory sites. This included a search for European Protected Species (EPS) licences issued within 2 km of the site.
- 2.1.5 Supplementary information on the site and its surroundings were obtained from aerial images available from Google™ Earth Pro.

2.2 UK Habitat Classification Survey

- 2.2.1 An extended UK Habitat Classification (UKHab) survey of the terrestrial components of the site was undertaken by Matt Neale and James Cunningham of Ramboll on 12 September 2023. The weather during the UKHab survey was breezy, overcast and dry.
- 2.2.2 Matt is a Chartered Ecologist (CEcol) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM), holds a BSc in Environmental Science and an MSc in Coastal Conservation Management and has worked professionally as an ecological consultant since 2004. He holds Natural England survey licenses for bats, dormouse *Muscardinus avellanarius* and great crested newt *Triturus cristatus*.
- 2.2.3 James is a Qualifying member of CIEEM, holds a BSc in Environmental Science and an MSc in Environmental Consultancy and has worked professionally as an ecological consultant since 2021.
- 2.2.4 The extended UKHab surveys involved a site walkover and preliminary assessment of key habitats, land use and ecological features. The main habitats present were recorded using standard UKHab methodology described in the UK Habitat Classification User Manual (Version 1.1)⁷ and identified the habitats present via the prescribed UK Habitat Classification Field Key (Version 2.1)⁸ and UK Habitat

⁶ Department for Environment, Food & Rural Affairs (2024) Multi Agency Geographic Information Centre (MAGIC). Available at: magic.defra.gov.uk (Accessed August 2024).

⁷ Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2020). The UK Habitat Classification User Manual Version 1.1. Available at: <http://www.ukhab.org>

⁸ Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2020). UK Habitat Classification – Field Key V2.1. Available at: <http://www.ukhab.org>

Classification Habitat Definitions (Version 2.0)⁹. Target notes were used to record habitats and features of particular interest. In addition to general habitat classification, a list was compiled of observed plant species (using the nomenclature of Stace, 2019¹⁰, with common and Latin names referred to in the first instance after which only the common names are used).

- 2.2.5 The site was assessed for its potential to support protected and notable species such as invertebrates, reptiles, bats, badgers *Meles meles* and hedgehogs *Erinaceus europaeus*.
- 2.2.6 The site was also inspected for signs of any invasive plant species subject to legal controls. This extended part of the survey allows identification of potential ecological constraints (and to guide recommendations for further survey requirements for these species) and opportunities for enhancement.

2.3 Bats

Daytime Bat Walkover

- 2.3.1 A daytime bat walkover (DBW) of the site was completed concurrently by Matt Neale and James Cunningham during the extended UKHab survey on the 12th September 2023.
- 2.3.2 The exterior elevations of any on-site buildings and structures were visually inspected for field evidence of roosting bats including droppings, urine staining, feeding remains and potential roosting points and, in accordance with the guidance outlined in Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th Edition (Collins, 2023¹¹), each building/structure was assessed for its potential to support bats. An internal inspection was not undertaken.
- 2.3.3 The following building types and features are considered to be of particular suitability to support roosting bats:
- Buildings of pre-20th or early 20th century construction;
 - Agricultural buildings of brick, stone or timber construction;
 - Large and complicated roof void(s) with unobstructed flying spaces;
 - Large (>20 cm) roof timbers with mortise joints, cracks and holes;
 - Entrances into buildings for bats to fly through;
 - Poorly maintained buildings such that they provide access points for bats into roofs, walls, bridges, but without being too cool and draughty;
 - Roof warmed by the sun (e.g. south facing);
 - Weatherboarding and/or hanging tiles with gaps;
 - Undisturbed building roofs and structures;
 - Buildings and built structures in proximity to each other providing a variety of roosting opportunities throughout the year; and
 - Buildings and built structures close to good foraging habitat (e.g. mature trees, parkland, woodland or wetland).
- 2.3.4 Each building identified in the initial survey has been classified into a category dependent on the presence of features suitable to support bat roosts. Potential categories comprise High Potential, Moderate Potential, Low Potential, Negligible Potential and None. Table 2.2 below provides criteria for each of these categories.

⁹ UKHab Ltd (2023). UK Habitat Classification – Habitat Definitions V2.0. Available at: <http://www.ukhab.org>

¹⁰ Stace, C. (2019). New Flora of the British Isles 4th Edition. Cambridge University Press

¹¹ Collins, J. (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). Bat Conservation Trust (BCT)

Table 2.1: Building Bat Roost Potential Categories

Roost Potential	Description
High	A building or structure with one or more potential roost site that is obviously suitable for use by larger numbers of bats on a regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts.
Moderate	A building or structure with one or more potential roost site that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status.
Low	A building or structure with one or more potential roost site that could be used by individual bats opportunistically at any time of year. However, these potential roost sites do not provide enough space, shelter, protection and / or suitable surrounding habitat to be used on a regular basis or by a large number of bats (i.e. unlikely to be suitable for hibernation or maternity).
Negligible	No obvious habitat features likely to be used by roosting bats; however, a small element of uncertainty remains, as bats can use small and apparently unsuitable features on occasion.
None	No habitat features likely to be used by any roosting bats at any time of the year.

Notes: Category descriptions drawn from Collins (2023)

- 2.3.5 In addition, an initial assessment of the suitability of the site as a whole for foraging and commuting bats was undertaken.

Preliminary Roost Assessments

- 2.3.6 All buildings identified as having Low bat roost potential or higher were assessed by Tom Davies MCIEEM of HT Ecology (licence number 2015-11992-CLS-CLS Level 2) and James Cunningham on 26 February 2024.
- 2.3.7 This included detailed inspections of the exteriors and interiors of structures to look for suitable entry/exit features and signs of bats, such as bat droppings, urine splashes, fur-oil staining, feeding remains, squeaking noises and dead or live specimens, in accordance with the methodology outlined in Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th Edition (Collins, 2023¹²). The aim of this survey was to determine the physical presence of bat roosts, or the necessity of further surveys or mitigation for bats. Crevices were inspected using torches and endoscopes where possible.

2.4 Importance Criteria

- 2.4.1 The importance of ecological features (i.e. designated sites, habitats and species), identified within the zone of influence has been assessed using a scale that classifies ecological features within a defined geographic context in accordance with CIEEM guidelines¹³. The following frame of reference has been used for the site:
- International Importance;
 - National Importance (England);
 - Regional Importance (South West);
 - County Importance (Cornwall);
 - Local Importance (Falmouth);
 - Site Importance (limited to the site boundary); and
 - Negligible Importance.

¹² Collins, J. (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). Bat Conservation Trust (BCT)

¹³ Chartered Institute of Ecology and Environmental Management (2022) *Guidelines for Ecological Impact Assessment in the UK and Ireland*. Available at: <https://cieem.net/wp-content/uploads/2018/08/ECIA-Guidelines-2018-Terrestrial-Freshwater-Coastal-and-Marine-V1.2-April-22-Compressed.pdf> (Accessed: March 2024).

2.4.2 Various characteristics contribute to the importance of ecological features. These include recognised and published criteria (e.g. Ratcliffe, 1977¹⁴, Wray et al. 2010¹⁵) where the ecological features are assessed in relation to their size, diversity, naturalness, rarity, fragility, typicalness, connectivity with surroundings, intrinsic value, recorded history and potential importance.

2.4.3 A wide range of sources can be used to assign importance to ecological features, including legislation and policy. In the case of designated sites, their importance reflects the geographic context of the designation. For example, sites designated as SACs are recognised as being of importance at an International level. Ecological features not included in legislation and policy may also be assigned importance, due to, for example, local rarity or decline, or provision of a functional role for other ecological features. Professional judgement is used to assign such importance.

2.5 Method of Assessment

2.5.1 The EcIA has been undertaken by means of existing best practice tools and techniques as recommended by CIEEM. As such, potential impacts and effects on ecological features (as defined by baseline conditions) have been assessed taking into consideration mitigation measures integral to the proposed development; consideration has been given to the need for additional mitigation to reduce or off-set potential significant effects, and finally all residual effects have been assessed as either significant or not significant at the relevant geographic level. As part of this, consideration was given to the avoidance, mitigation, restoration, compensation and enhancement measures (the 'mitigation hierarchy') integral to the proposed development.

2.6 Significance

2.6.1 The potential impacts and likely effects on ecological features were considered in relation to the proposed development at the site. The assessment was made by reference to the pre-development baseline conditions from the original Site Location Plan. The impacts and effects have been characterised according to the following variables:

- Magnitude and extent - quantitative size of an impact (e.g. area of habitat/number of individuals);
- Timing - when the impact may occur;
- Duration and reversibility - timescale of effect (days/weeks/months/years) until recovery. Permanent impacts are described as such, and likelihood of recovery is detailed where appropriate;
- Frequency - frequency of effect (if appropriate; described as low to high and quantified where possible);
- Complexity - whether the effect would directly or indirectly affect the feature; and
- Negative/positive - if the effect would be beneficial or detrimental to the feature.

2.6.2 The assessment only describes those characteristics relevant to the ecological effect and determining the significance. For example, timing of when a habitat is destroyed may not be relevant in relation to the assessment of the effect on the habitat. However, it may be relevant to assessing the impact to the species that occur within the habitat (e.g. roosting bats).

2.6.3 In accordance with CIEEM guidance, each impact has been assessed as having a significant effect or not having a significant effect upon each ecological feature qualified with reference to the appropriate geographic scale. The importance level of the ecological feature concerned may be a determinant of the geographical level at which the effect is significant. For example, a significant effect to a Site of Special Scientific Interest (SSSI), is likely to be significant at a national level.

¹⁴ Ratcliffe D A (Ed), 1977. A Nature Conservation Review. 2 vols. Cambridge University Press.

¹⁵ Wray S, Wells D, Long E, Mitchell-Jones T, 2010. Valuing Bats in Ecological Impact Assessment, CIEEM In-Practice. 23-25.

- 2.6.4 However, it may be the case that the effect could be considered significant at a lower or higher geographical level than that at which the feature is important, depending on the magnitude of the effect. A significant effect is an effect that either enhances or undermines the conservation objectives of an ecological feature. Conservation objectives may be specific (e.g. for a designated site), or broad (e.g. national conservation policy).

2.7 Limitations

- 2.7.1 It should be noted that availability and quality of the data obtained during desk studies is reliant on third party responses. This varies from region to region and for different species groups. Furthermore, the comprehensiveness of data often depends on the level of coverage, the expertise and experience of the recorder and the submission of records to the local recorder. Accordingly, the conclusions in this report are valid only to the extent that the information provided to Ramboll was accurate, complete and available to Ramboll within the reporting schedule.
- 2.7.2 The extended UKHab surveys provide a snapshot of ecological conditions and do not record plants or animals that may be present at the site at different times of the year. However, the extended UKHab survey was undertaken during the optimum April to September habitat survey period when plants are generally visible.
- 2.7.3 It should be noted that this EcIA only relates to the effects of the development proposals on the terrestrial components of the site, as identified in Section 1.3. An assessment of the effects on marine and intertidal receptors is not considered in this report.
- 2.7.4 Access into the mixed scrub habitat in the south-west of the site was limited due to the presence of a fence, limiting the accuracy of the species list for this habitat. This habitat is not anticipated to be affected by the development proposals.
- 2.7.5 Ramboll is satisfied that this report represents a robust appraisal of the site. If any action or development has not taken place on this land within 12 months of the date of this report, the findings of this survey should be reviewed by a suitably qualified ecologist and may need to be updated in line with CIEEM's 'Advice Note on the Lifespan of Ecological Reports and Surveys' (2019)¹⁶.

¹⁶ Chartered Institute of Ecology and Environmental Management (CIEEM), 2019. Advice Note on the Lifespan of Ecological Reports and Surveys. CIEEM, Winchester. Available online: <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf> [Accessed 04/09/2019]

3. BASELINE CONDITIONS

3.1 Desk Study

Landscape Context

- 3.1.1 The site is located on the northern shore of Pendennis Point on the eastern edge of Falmouth, Cornwall, UK, in a predominantly urban area. The immediate area surrounding the site comprises the following:
- North: the north of the site is surrounded by the Carrick Roads channel which lies immediately, leading to the English Channel. The Flushing headland lies approximately 500 m to the north.
 - East: the A&P dry docks lie immediately to the east of the site, followed by the Pendennis Shipyard. The Eastern Breakwater is located approximately 430 m further east. Pendennis Castle lies approximately 1 km south-east.
 - South: the Falmouth Docks operational buildings lie to the south of the site alongside the local road network and Falmouth Docks train station connecting Falmouth Docks to the wider town.
 - West: immediately to the west lies the National Maritime Museum Cornwall and a number of private marinas such as Port Pendennis Marina. A number of visitor moorings are also present adjacent to the site within Carrick Roads/Falmouth Bay area. The St Mawes-Falmouth ferry service runs adjacent to the site along the west and north. Falmouth town and residential area lies further west of the site.

Designated Sites

Statutory Sites

- 3.1.2 According to a MAGIC search, the reclaimed land in the north of the site, and the marine waters beyond, fall within the Fal and Helford SAC. Annex I habitats that are a primary reason for selection of this site include: sandbanks which are slightly covered by sea water all the time; mudflats and sandflats not covered by seawater at low tide; large shallow inlets and bays; and Atlantic salt meadows *Glauco-Puccinellietalia maritima*. Other Annex I habitats that are not a primary reason for selection of this site include estuaries and reef. A primary reason for the designation of the site is also due to the presence of the Annex II species shore dock *Rumex rupestris*.
- 3.1.3 The Falmouth Bay to St Austell Bay marine SPA is located to the east of the site. The SPA is located 210 m from the terrestrial components of the proposed development at its closest point. The SPA covers a large marine area as well as shallow sandy bays, an estuarine area and part of a tidal river (Carrick Roads, Outer Carrick Roads and the Helford Estuary). Qualifying interests for the site include wintering populations for black-throated diver *Gavia arctica*, great northern diver *Gavia immer* and Slavonian grebe *Podiceps auritus*.
- 3.1.4 The Lower Fal and Helford Intertidal SSSI is located 425 m to north of the site at its closest point. The SSSI falls entirely within the Fal and Helford SAC and encompasses sections of the shores of the Fal Estuary, most of the Percuil Estuary and most of the tidal portion of the Helford River. Sections of the Fal and the outer part of the Helford River provide excellent examples of a range of rocky shore types. A range of wave exposures, variations in geology, tidal streams and aspect gives variety to the shore communities which occur. These grade from robust limpet and barnacle dominated rock surfaces on many headlands, to dense brown algal cover in the more sheltered sections. Sediments vary from open shore coarse mixed mud and sands to fine soft muds which are typical of upper estuarine conditions. Within this range of sediment types, rich communities of burrowing polychaete worms, bivalve molluscs and echinoderms are present, varying according to sediment grade and salinity.
- 3.1.5 Swanpool SSSI and LNR is situated 1.6 km south-west from the site. Swanpool is a brackish lagoon. The semi-natural habitats fringing the pool, and in the lower catchment of the Swanvale represent successional stages from the former freshwater lake. Swanpool is of particular importance for two

reasons, one as an example of a brackish lagoon, a rare habitat, covering only 770 ha in Britain, and secondly as the only British location for the rare Bryozoan, the trembling sea-mat *Victorella pavidia*.

- 3.1.6 There are no SACs designated for bats are present within 10 km of the site.

Non-Statutory Sites

- 3.1.7 ERCCIS identified one County Wildlife Site (CWS), one Cornwall Wildlife Trust (CWT) Reserve, one area of Ancient Woodland and one biological Cornwall Road Verge Inventory (CRVI) site within 2 km of the site. These are listed in Table 3.1. No non-statutory sites are located within the site boundary itself. ERCCIS also identified 18 Tree Protection Orders (TPOs) within 2 km of the site, though none of these are within the site boundary.

Table 3.1: Sites of Local Importance for Nature Conservation within 2 km of the Site

Name	Type	Central OSGR	Approx. direction and distance from Site (km)	Description
BS 172	CRVI Bio	SW 817 322	0.15 km S of the site (at nearest point)	Prostrate toadflax <i>Linaria supina</i> , a nationally scarce species, is present on this site. The site appears to occupy a section of railway leading to Falmouth Docks railway station.
Flushing Beach (CK13.14)	CWS	SW 821 339	0.50 km N of the site (at nearest point), across the Fal estuary	Comprises a narrow shingle beach along with inland areas of broadleaved woodland plantation, scrub, maritime grassland, neutral grassland and cliff communities, the latter of which supports nationally important species.
AW14	Ancient Woodland	SW 814 338	0.75 km N of the site (at nearest point), across the Fal estuary	No description available.
Swan Vale (50)	CWT Reserve	SW 799 317	1.65 km SW of the site (at nearest point)	A 1 ha willow carr woodland that provides shelter for many small birds and mammals. Located adjacent to Swanpool SSSI.

- 3.1.8 According to MAGIC, the reclaimed land in the north of the site, and the marine waters surrounding the terrestrial areas of the site, including the entirety of Falmouth Bay, fall within the Fal and Helford Important Plant Area (IPA). Plantlife¹⁷ identifies areas for inclusion as IPAs based on the presence of threatened species, exceptional botanical richness and threatened habitats. Fal and Helford is noted for assemblages of vascular plants, marine algae and the presence of important habitat. The IPA supports nationally rare and nationally scarce plant species, including internationally important populations of shore dock, a European endemic threatened throughout its world range, and the moss *Weissia multcapsularis*, another extremely rare European endemic species. Other notable species include the nationally scarce hairy bird's-foot-trefoil *Lotus subbiflorus* and Babington's leek *Allium ampeloprasum* var. *babingtonii*.
- 3.1.9 In addition, the site is located within the South Cornwall Coast Important Bird Area (IBA), which comprises a 40 km stretch of coastline, incorporating the estuary complexes of the Fal and Helford, and extending 6 km out to sea. The nearshore area supports important numbers of divers and grebes.

Ancient Woodland

- 3.1.10 There is no ancient woodland present on or directly adjacent to the site. There is one area of ancient woodland within 2 km of the site.

Priority Habitats

- 3.1.11 According to Magic, there are several areas of UK Priority Habitats/Habitats of Principal Importance (HPI) present within 2 km of the site including Mudflats 380 m west, Deciduous Woodland 450 m east and Maritime Cliffs and Slopes 450 m south.

¹⁷ Plantlife (unknown date) *Factsheet for Fal & Helford IPA*. Available at: <https://www.plantlifeipa.org/site/factsheet/967> (Accessed: August 2024).

3.2 Habitats

- 3.2.1 The following descriptions of habitats should be read in conjunction with Figure 2: UKHab Map (Appendix 1), Figure 3: Building Numbers and Target Notes (TNs) and the photographs in Appendix 3.

General Site Description

- 3.2.2 The site features a number of buildings, spanning a range of ages and include modern prefabricated to older brick and stone built buildings. Most of the site is hard surfaced, with only small areas of vegetation present beside access roads, and in disused areas of the site, such as beside older buildings or above the boulders stacked between the sea and the reclaimed land in the north of the site. The southern portion of the site contains an access road connecting to the local road network, though this area was not surveyed during the UKHab survey visit and it is understood it will not be developed upon and is not considered further in this report. No habitats on site were found to be suitable for shore dock and no evidence of this species was identified on site. Shore dock requires a freshwater source which was not present on the site. Prostate toadflax was also found not to be present on the site at time of survey.
- 3.2.3 The habitat descriptions below describe survey data collected from the extended UKHab survey conducted at the site.

Buildings (u1b5)

- 3.2.4 Numerous distinct buildings are present throughout the site. These are marked B1, B2 and so forth on Figure 3, Appendix 1. These are also listed in Table 3.2, Section 3.3.5.

Developed land, sealed surface (u1b)

- 3.2.5 Most of the site is comprised of concrete or tarmac sealed hardstanding. This takes the form of various paths, roads and open areas between buildings (Photos 3 and 4). Small patches of vegetation grow through cracks throughout this area, though overall vegetation cover is very sparse, and it is predominantly individual plants. Species present are variable between areas but include black nightshade *Solanum nigrum*, annual meadow grass *Poa annua*, scarlet pimpernel *Lysimachia arvensis*, navelwort *Umbilicus rupestris*, butterfly bush *Buddleja davidii*, broadleaf willowherb *Epilobium montanum*, smooth sowthistle *Sonchus oleraceus*, common groundsel *Senecio vulgaris*, redshank *Persicaria maculosa*, *Sedum* sp., mosses and knotgrass *Polygonum aviculare*.

Artificial unvegetated, unsealed surface (u1c)

- 3.2.6 The north area of the site is occupied primarily by gravel and dirt which is used for storage, parking and machine movement. A very small number of ephemeral plants were observed, including scarlet pimpernel and scentless mayweed, although vegetation is mainly absent.

Sparsely vegetated urban land with ephemeral species (u1f 81)

- 3.2.7 A thin soil has developed on an area of land around Buildings 3, 4 and 5, which supports a denser and more diverse flora than the pioneer species present in cracks in the hardstanding (Photos 1 and 2). No species are dominant in this area, though common ramping-fumitory *Fumaria muralis* and pellitory-of-the-wall *Parietaria judaica* are abundant. An unidentified thalloid liverwort species appeared frequently. Scentless mayweed *Tripleurospermum inodorum*, black horehound *Ballota nigra*, common groundsel, knotgrass and annual meadow grass are occasional species in this habitat.

- 3.2.8 A further area of sparsely vegetated urban land with ephemeral species with a similar species composition is present along the western edge of the causeway (Photo 8).

Sparsely vegetated urban land with scattered scrub (u1f 10)

- 3.2.9 Sparsely vegetated habitat on unsealed dirt and gravel surfaces occupies the northern, eastern and southern edges of the north dock area, with scattered butterfly bush scrub also present (Photos 11

and 12). This habitat forms a narrow border between the estuarine rocky habitats and the artificially unvegetated unsealed surface which occupies most of this area of the site. No species are dominant or abundant. Butterfly bush, cleavers *Galium aparine*, bristly oxtongue, Mexican fleabane *Erigeron karvinskianus* and petty spurge *Euphorbia peplus* are frequent. There is occasional western gorse *Ulex gallii* and scentless mayweed, and rarely pampas grass.

Other developed land (u1b6)

- 3.2.10 A large area along the eastern edge of the causeway to the northern dock is comprised of exposed wooden struts, poles and boards which may have previously served to widen the area (Photos 5 and 13). The exposed wood is mostly unvegetated, however there is a small, vegetated area in the south-east with species including frequent ribwort plantain *Plantago lanceolata* and red fescue *Festuca rubra* and occasional red valerian *Centranthus ruber*, Yorkshire fog *Holcus lanatus* and pellitory-of-the-wall. Another small sparsely vegetated area of planks is located on the west side of the causeway, with common polypody *Polypodium vulgare* and bramble *Rubus fruticosus* both observed.

Other littoral rock (t1f)

- 3.2.11 A man-made habitat of stacked angular rocks surrounds the northern peninsula of the docks on all sides, forming a sloped artificial rocky shore, extending from the supralittoral zone down to the sublittoral (Photo 13). A very small area of littoral rock is present in the south-western corner of this site (Photos 15 and 16), however due to limited access it was not possible to assess whether this habitat was naturally formed or artificial. Access onto the rocks for detailed survey and plant identification was limited for safety reasons, however communities of seaweed including bladder wrack *Fucus vesiculosus* were observed on the lower sections. Lichens were not observed on the supralittoral rock. Intertidal habitats are considered further in the separate marine assessment.

Modified grassland with tall forbs on vacant or derelict land (g4 16 82)

- 3.2.12 Along the causeway there is an area of rank grassland growing amongst discarded machinery, wood piles and scrap metal (Photos 6 and 7). A tall herb community is established within the grassland. This area is fenced off from the main road, reducing disturbance. This grassland has a varied sward height and around six species per square meter. In future this habitat could succeed to priority habitat Open Mosaic Habitat (OMH)¹⁸ if left untouched.

- 3.2.13 This habitat has no dominant species, but couch grass *Cynodon dactylon*, cock's-foot *Dactylus glomerata* and ribbed melilot *Melilotus officinalis* are abundant. Frequently appearing species included red fescue, ribwort plantain, black medick *Medicago lupulina*, Canadian fleabane *Erigeron canadensis*. Occasionally observed species included scentless mayweed, butterfly bush, white clover *Trifolium repens*, purple toadflax *Linaria purpurea*, yellow-wort *Blackstonia perfoliata* and bristly oxtongue *Helminthotheca echinoides*. Nettles *Urtica dioica*, ragwort *Senecio jacobaea*, pampas grass *Cortaderia selloana*, broadleaf willowherb, sycamore *Acer pseudoplatanus* saplings and goat willow *Salix caprea* were rarely observed.

Modified grassland with scattered scrub (g4 10)

- 3.2.14 Another area of grassland is present along the western edge of the northern dock area, interspersed with occasional scrub (Photos 9 and 10). This grassland forms a boundary between the estuarine artificial rocky habitats and the sealed surface of the road. Cock's-foot is dominant and red fescue and ribwort plantain are abundant. Herb-robert *Geranium robertianum* appears frequently. Occasionally appearing species include butterfly bush, red valerian, purple toadflax, common vetch and Mexican fleabane. Rarely appearing species include hart's-tongue fern *Asplenium scolopendrium*,

¹⁸ Joint Nature Conservation Committee (2010) *UK Biodiversity Action Plan Priority Habitat Descriptions – Open Mosaic Habitats on Previously Developed Land*. Available at: <https://data.jncc.gov.uk/data/a81bf2a7-b637-4497-a8be-03bd50d4290d/UKBAP-BAPHabitats-40-OMH-2010.pdf> (Accessed: August 2024).

pampas grass, scentless mayweed, wild carrot *Daucus carota*, meadow thistle *Cirsium scariosum*, bristly oxtongue, sea beet *Beta vulgaris subsp. maritima*, spear thistle *Cirsium vulgare* and creeping cinquefoil *Potentilla repens*.

Mixed scrub (h3h)

- 3.2.15 A small area of mixed scrub is present in the south-western corner of the site adjacent to an area of estuarine rocky habitat (Photo 14). Access to this area was limited due to fencing, however species which were observable included butterfly bush, goat willow, ribwort plantain, bramble and sea beet.

Invasive Species

- 3.2.16 ERCCIS returned records of 13 Invasive Non-Native Species (INNS) of plants within 2 km of the site, including Japanese knotweed *Fallopia japonica*, wall cotoneaster *Cotoneaster horizontalis* and three-cornered garlic *Allium triquetrum*.
- 3.2.17 No INNS listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded on site during the UKHab survey.

3.3 Species

- 3.3.1 The following species section makes reference to target notes (TNs) depicted in Figure 3: Building Numbers and Target Notes (Appendix 1).

Invertebrates

- 3.3.2 ERCCIS returned records for 56 invertebrate species within 2 km of the site. NERC Act 2006 Section 41 species returned included black oil-beetle *Meloe proscarabaeus*, wall *Lasiommata megera*, buff ermine *Spilosoma lutea*, cinnabar *Tyria jacobaeae*, dot moth *Melanchra persicariae*, dusky brocade *Apamea remissa*, rustic *Hoplodrina blanda*, small phoenix *Ecliptopera silaceata* and white ermine *Spilosoma lubricipeda*.
- 3.3.3 The site is generally considered to be of low value for invertebrates given the domination by buildings and hardstanding. Modified grassland, mixed scrub and sparsely vegetated habitats on site offer nectar sources and some suitability, but are small in extent, so are only likely to support a common invertebrate population. The area of modified grassland along the causeway meets is perhaps of higher suitability for invertebrates, although again its small size and exposed setting limits its overall suitability.
- 3.3.4 The site is considered to be of Site level importance for invertebrates.

Amphibians

- 3.3.5 ERCCIS returned 260 records of amphibians from within 2 km of the site, including 169 records of common toad *Bufo bufo*, 74 records of palmate newt *Lissotriton helveticus* and 17 records of common frog *Rana temporaria*. ERCCIS returned no records of great crested newt from within 2 km of the site.
- 3.3.6 A MAGIC search returned no EPS license returns for great crested newt from within 2 km of the site because the site is outside of the known range of great crested newts in England, with the closest EPS license return located 105 km east of the site.
- 3.3.7 Whilst the areas of modified grassland on site hold a small amount of suitability as terrestrial habitat for common amphibians, they are isolated from suitable habitat in the wider area by extensive hardstanding which an amphibian would be exceedingly unlikely to successfully cross.
- 3.3.8 The site is considered to be of **Negligible** importance for amphibians.

Reptiles

- 3.3.9 ERCCIS returned 69 records of protected reptiles within 2 km radius of the site, including 59 records of slow-worm *Anguis fragilis*, eight records of common lizard *Zootoca vivipara* and two records of leathery turtle *Dermochelys coriacea*. Additionally, ERCCIS returned two records of non-native

reptiles from within 2 km of the site, including red-eared terrapin *Trachemys scripta* and European pond terrapin *Emys orbicularis*.

- 3.3.10 Modified grassland and mixed scrub habitats on site offer a small amount of suitability for reptiles, though they are isolated from suitable habitat in the wider area. The site is located in a highly urbanised and disturbed environment and does not form connectivity with any suitable reptile habitats in the wider landscape. Reptiles are therefore considered unlikely to be present on the site.
- 3.3.11 The site is considered to be of **Negligible** importance for reptiles.

Birds

- 3.3.12 ERCCIS returned 24433 records of birds from within a 2 km radius of the site. Records of Schedule 1 species which could make use of nesting habitats on site include barn owl *Tyto alba* and black redstart *Phoenicurus ochruros*.
- 3.3.13 There are five statutory designated sites within 10 km of the site which mention birds in their citations, including Falmouth Bay to St Austell Bay SPA, Gerrans Bay to Camels Cove SSSI, Swanpool SSSI, Upper Fal Estuary and Woods SSSI and Malpas Estuary SSSI. Falmouth Bay to St Austell Bay SPA is designated for its wintering populations of black-throated diver *Gavia arctica*, great northern diver *Gavia immer* and Slavonian grebe *Podiceps auritus*. All three of these species were recorded in the ERCCIS data search.
- 3.3.14 The vegetative habitats on site are unlikely to support nesting birds due to their small size, overall lack of trees and level of disturbance, though there is some potential in the small area of mixed scrub in the south-west of the site. The buildings on site could provide habitat for nesting birds such as herring gull *Larus argentatus*. A disused bird nest was found inside the gable of B4 during the bat PRA. The combination of old buildings, hardstanding, disused machinery, bare rock and sparsely vegetated land provide potentially suitable habitat for black redstart, however this site is far from the known breeding range for this species in the east of the country, so it is unlikely to be present.
- 3.3.15 The site is considered to be of Site level importance for breeding birds.
- 3.3.16 The suitability of the site for wintering birds and marine birds, for which the Falmouth Bay to St Austell Bay SPA has been assessed in a separate Habitat Regulations Assessment (HRA) (Ramboll 2024).

Bats

- 3.3.17 Using MAGIC, a 2 km search found two records of granted EPS licences, with the closest record being approximately 1.7 km west of the site. This was to allow destruction of a resting place for brown long eared bats *Plecotus auritus* (ref: 2019-41620-EPS-MIT).
- 3.3.18 There are no SSSIs or SACs designated for bats within a 10 km radius of the site.
- 3.3.19 ERCCIS returned numerous records of bats from within 2 km of the site, including records of 22 lesser horseshoe bats *Rhinolophus hipposideros*, 34 common pipistrelles *Pipistrellus pipistrellus*, eight soprano pipistrelles *Pipistrellus pygmaeus*, two Nathusius's pipistrelles *Pipistrellus nathusii*, four unidentified pipistrelles, one noctule *Nyctalus noctula*, three brown long-eared bats *Plecotus auritus*, one whiskered bat *Myotis mystacinus* and one unidentified bat.
- 3.3.20 There is very limited foraging habitat for bats as the habitat areas are small, isolated and exposes. Connectivity to suitable habitat in the wider area is limited. Furthermore, the site is also illuminated at night, further discouraging bat activity.

Daytime Bat Walkover

- 3.3.21 During the daytime bat walkover no trees were identified within the site boundary with suitability for roosting bats.

3.3.22 In September 2023, several buildings on site were found to have Low potential for roosting bats (when considered in isolation, without taking into account the poor-quality foraging habitat around them), with the most common features being deep cracks in masonry, namely B3 and B4 (see Figure 3, Appendix 1).

Table 3.2: Buildings

Building No.	Description	Roosting Bat Potential
B2	A tent, no potential for bats.	None
B3	Brick-built double height building, no cavity walls, asbestos and plastic pitched roof. Cracks and wooden panelling present with low potential for crevice-dwelling bats.	Low (downgraded to Negligible after PRA)
B4	Brick-built building pitched corrugated metal roof, no cavity walls. Used as a substation. Openings with low potential for bats are present on the gable ends.	Low (downgraded to Negligible after PRA)
B6	Temporary structure, no potential for roosting bats.	None
B7	Flat roofed metal temporary building. No potential for roosting bats.	None
B8	Cluster of temporary structures and storage containers, no potential for roosting bats.	None
B15	Corrugated metal structure similar to B13, open on two sides and connected to B17. No potential for roosting bats.	None
B16	Small single height rendered building with a flat roof, no roosting bat potential.	None
B17	Taller rendered building with corrugated roof panelling, negligible roosting bat potential.	Negligible
B19	Metal structure similar to B13, no roosting bat potential.	None
B20	Metal office structure, negligible roosting bat potential.	Negligible
B21	Temporary flat roofed office building, no potential for roosting bats.	None
B22	Metal cargo crates. No roosting bat potential.	None
B23	Cluster of temporary offices, cargo crates and portacabins. No roosting bat potential.	None
B24	Double height brick-built building, no cavity wall, corrugated roof. Single height extension also present. Negligible roosting bat potential.	Negligible
B25	Single height brick-built building, no cavity wall, corrugated metal roof. Negligible roosting bat potential.	Negligible
B26	Single skinned metal building, open on western side.	Negligible

Preliminary Roost Assessment

3.3.23 PRAs were carried out on buildings with Low potential, namely B3 and B4, by Tom Davies of HT Ecology with support from James Cunningham of Ramboll. The PRA findings are found in Appendix 4 and summarised below. At the time of the site visit B3 was a small portion of a very large brick-built building with primarily gently-pitched roofs covered in corrugated asbestos and clear plastic, the majority of which has now been demolished. Several sections of flat roof were present, mainly on extensions and lean-tos. No roof voids or cavity walls were found to be present. Cracks were identified near the top of the western elevation. No evidence of roosting bats was recorded during the survey.

3.3.24 B4 is a small rectangular brick-built substation building with a pitched corrugated metal roof. There is metal boxing at each gable end with potential bat access. There is no cavity wall. Due to the health and safety risks involved, internal access was not possible. No evidence of bats was recorded on the exterior of the building.

3.3.25 On the basis of the internal inspection, the buildings formerly identified as have low bat roost potential were downgraded to Negligible potential for roosting bats as no bat evidence was found and due to the lighting conditions, high levels of disturbance across the site and the lack of connectivity to suitable foraging habitat in the wider area.

3.3.26 The site is considered to be of **Negligible** importance for bats.

Badger

- 3.3.27 ERCCIS returned 12 records of badger *Meles meles* from within 2 km of the site. Badger records are confidential; therefore, the exact location of previous badger records is not disclosed.
- 3.3.28 Badgers are considered unlikely to be present on site due to the site's isolation from suitable habitat in the wider area and that the site is occupied primarily by hardstanding, which is unsuitable for sett creation. No evidence of badgers was observed during the extended UKHab survey.
- 3.3.29 The site is considered to be of **Negligible** importance for badgers.

Hedgehog

- 3.3.30 ERCCIS returned 129 records of hedgehogs *Erinaceus europaeus* from within 2 km of the site, recorded between 1981 and 2023.
- 3.3.31 Modified grassland habitats on site have potential to support a small population of hedgehogs, however the site is very isolated from suitable habitat in the wider area and the likelihood of hedgehogs being present is very low.
- 3.3.32 The site is considered to be of **Negligible** importance for hedgehogs.

3.4 Ecological Importance

- 3.4.1 Table 3.2 presents the ecological importance of habitats and species present on the site for the original site plans, in accordance with CIEEM guidance. Features assessed as being unlikely to be present on the site or of Negligible importance are not considered further in this assessment beyond this table. Statutory and non-statutory designations for which there is no potential impact pathway from the proposed works are also not considered further in the report beyond this table.

Table 3.2: Ecological Importance of Features Present on the Site and in the ZOI

Feature	Ecological Importance	Rationale
Statutory Designations	County to International level	Fal and Helford SAC is located within the site. The Falmouth Bay to St Austell Bay SPA (International level importance) is outside the site boundary but located within 2 km of the site. Lower Fal and Helford Intertidal SSSI (National level importance) overlaps with Fal and Helford SAC. Swanpool SSSI (National level importance) and Swanpool LNR (County level importance) are located 1.6 km south-west of the site. No evidence of shore dock was identified on site and no habitats on site were found to be suitable for this species.
Non-Statutory Designations	County level	Four non-statutory sites were identified within 2 km, including one CWS, one CWT reserve, one area of ancient woodland and one CRVI.
Buildings	Negligible	The buildings on site are suitable for use by breeding birds and hold some suitability for roosting bats, but hold minimal value as a habitat in themselves.
Developed land, sealed surface	Negligible	The hardstanding across the site holds negligible ecological value. A small range and number of flowering plants slightly improve the overall suitability of the site for invertebrates.
Artificial unvegetated, unsealed surface	Negligible	The unsealed car park area in the north of the site holds negligible ecological value. A small range and number of flowering plants slightly improve the overall suitability of the site for invertebrates.
Sparsely vegetated urban land	Site level	Ephemeral vegetation and small numbers of scattered buddleia and gorse plants provide value to invertebrates.
Other developed land	Negligible	The exposed wooden struts, boards and posts hold some suitability for roosting birds and may be used by wood-boring invertebrates.
Other littoral rock	Negligible	The man-made intertidal rock habitats were largely unvegetated and of low value overall to terrestrial animals.
Modified grassland	Site level	Area of rank grassland are growing amongst discarded machinery, wood piles and scrap metal. Grassland is considered to be in moderate condition due to a varied sward height and around six species present per square metre. Grassland in the north-west of the site is considered to be in good condition due to a range of species and varied sward height, despite signs of human management such as mowing.

Table 3.2: Ecological Importance of Features Present on the Site and in the ZOI

Feature	Ecological Importance	Rationale
Mixed scrub	Site level	The mixed scrub in the south-west of the site holds some suitability for reptiles but is isolated from suitable habitat in the wider area. Flowering plants such as butterfly bush provide a nectar source for invertebrates and there is suitability for nesting birds.
Invertebrates	Site level	There is some suitable habitat across the site and a range of nectar sources, but the habitats present are unlikely to support an invertebrate population of greater than Site level significance.
Amphibians	Negligible	The site is outside of the known great crested newt range in the UK. The modified grassland areas hold some suitability as terrestrial habitat for common amphibians but are highly isolated from suitable habitat and ponds in the wider area.
Reptiles	Negligible	Modified grassland and mixed scrub on site hold some suitability for reptiles but are separated from suitability habitat in the wider area by extensive hardstanding, therefore reptiles are considered highly unlikely to be present.
Breeding birds	Site level	Mixed scrub and buildings across the site hold suitability for birds during the bird nesting season. Foraging habitat for birds is limited. The site is suitable for black redstart but is thought to be outside of the black redstart breeding range in the UK.
Wintering birds	Not assessed	The importance of the site for wintering birds will be assessed in the HRA.
Bats	Negligible	The site is lit at night and is isolated from suitable foraging habitat in the wider area, and therefore holds minimal suitability for foraging bats. Buildings B3 and B4 hold limited potential for roosting bats but will not be removed as part of the proposed development. Their usage is also considered unlikely as no evidence was recorded, and due to the lighting and the distance from the site to suitable roosting and foraging habitat in the wider area.
Badgers	Negligible	Habitats on site are unsuitable for badger sett creation. The lighting and activity levels across the site and isolation from suitable habitats in the wider area reduce the suitability for foraging and commuting badgers.
Hedgehog	Negligible	The lighting and activity levels across the site and isolation from suitable habitats in the wider area reduce the suitability for hedgehogs.

4. ASSESSMENT OF POTENTIAL EFFECTS, MITIGATION MEASURES AND RESIDUAL EFFECTS

- 4.1.1 This section describes potential impacts to terrestrial receptors, that could arise from the proposed development, taking into consideration embedded mitigation, and outlines additional mitigation measures to avoid significant impacts on ecological features and maximise biodiversity enhancement. Impacts arising in connection with the demolition and construction and operational stages have been considered.
- 4.1.2 This section refers to the proposed development general arrangement as shown in Figure 4.
- 4.1.3 It is understood that several buildings within the red line boundary will be lost to the proposed development, namely B15, B17, B19 and B26 (none of which were identified as having low or greater bat roost potential). The proposed development will also lead to the permanent loss of all habitats present along the causeway and within the highlighted areas in the General Arrangement Layout.

4.2 Embedded Mitigation

- 4.2.1 The proposed development will be subject to a Construction Environmental Management Plan (CEMP), which will include measures to reduce run-off, noise, lighting and dust impacts caused during the demolition and construction period, to avoid impacts on surrounding habitats and species. A CEMP would be secured by means of a suitably worded planning condition and would be prepared in advance of the demolition and construction works. An outline CEMP (Ramboll 2024) has been produced and submitted as part of the planning application package.
- 4.2.2 The CEMP would comprise a combination of standard best practice measures and site-specific measures. Whilst robust ecological surveys have been undertaken on site, the result of which are presented in section 4.2, standard best practice measures will be included in the CEMP for identified and unidentified species, as a precautionary approach in the unlikely event that unidentified species are present on site.
- 4.2.3 The CEMP would include the following:
- Adherence to best practice construction methods which would be maintained for the duration of the construction and demolition stage;
 - Specifications for the appropriate timing of works. For example, demolition and vegetation clearance works would be undertaken between September and February, outside of the bird nesting period, unless subject to prior ecological inspection;
 - Appointment of an Ecological Clerk of Works (ECoW) to oversee works in any ecologically-sensitive areas;
 - During site clearance/demolition and construction activities, habitat around the site undergoing, and yet to undergo, construction works would be maintained in unfavourable condition to discourage nesting birds from nesting on the site. Where waste materials with potential suitability for nesting birds are stored on-site, they would be banded or suitably covered;
 - Pollution prevention measures to prevent work causing run-off, pollution or hydrological changes to habitats;
 - Measures to ensure exposed excavations would be secured (with appropriate fencing), or provided with mammal ladders and capping of pipework and services, at night-time to prevent animals becoming trapped;
 - Selection of demolition plant to minimise noise and dust production;
 - Implementation of measures to reduce construction impacts on bats, such as minimising light spill onto off-site habitats;

- Treatment/control of invasive plants, if identified, and adherence to standard biosecurity protocol during site clearance and demolition/construction; and
- Appointment of responsible personnel to carry out inspections, to implement and manage the CEMP.

4.2.4 To comply with National and local planning policy¹⁹ to aid in achieving a 10 % net gain where possible, a biodiversity net gain will be achieved primarily through off-site mitigation measures, with some on site planting of trees in planters where practical. This is due to the nature of the site as an active dock where landside space is required for operational purposes, therefore achieving a biodiversity net gain through creation of new on-site habitats only is not considered to be a viable strategy.

4.3 Potential Effects and Additional Mitigation

Statutory Sites

- 4.3.1 Fal and Helford SAC is located within the site and Falmouth Bay to St Austell Bay SPA (International level importance) is located within 2 km of the site. These sites will be assessed separately in the HRA and are not considered further in this report. Lower Fal and Helford Intertidal SSSI overlaps with Fal and Helford SAC.
- 4.3.2 Swanpool SSSI (National level importance) and Swanpool LNR (County level importance) are located 1.6 km south-west of the site. There is no clear hydrological connectivity to the site, therefore there is no potential impact pathway from the proposed development to these sites and they are not considered further within this report. Therefore, **No significant effects** on Swanpool SSSI (National level importance) and Swanpool LNR are anticipated.

Non Statutory Sites

- 4.3.3 Four non-statutory sites were identified within 2 km of the site, including one CWS, one CWT reserve, one area of ancient woodland and one CRVI. None of these areas fall within the site boundary and there is no impact pathway anticipated from the *terrestrial* components of the proposed work on these sites. Therefore, **No significant effects** on non-statutory sites are anticipated to arise.

Habitats

- 4.3.4 In the short-term, demolition and construction activities would lead to the loss of several buildings across the site and changes to the majority of habitats present on site, with the exception of the mixed scrub and other littoral rock in the south-west corner of the site and unaffected areas of hardstanding and buildings. This includes the loss of all habitats within the causeway area (sparsely vegetated urban land, modified grassland, other developed land and developed land, sealed surface) and all habitats within the northern area of the site (other littoral rock, modified grassland, sparsely vegetated urban land, artificial unvegetated unsealed surface and developed land, sealed surface). Vehicle and worker movement during demolition works are also likely to necessitate the loss of the sparsely vegetated urban land within the mainland area of the site. The mixed scrub and estuarine rocky habitats in the south-west of the site are not anticipated to be affected by the proposed development.
- 4.3.5 The sparsely vegetated urban land, mixed scrub and modified grassland habitats are assessed as being of ecological importance at the Site level only, whilst all other habitats on site are assessed as being of Negligible ecological importance. The removal of habitats will result in an adverse impact on a feature of Site level importance; resulting in a **Negative effect significant at the Site level**.
- 4.3.6 A separate Biodiversity Net Gain (BNG) assessment has been produced by Ramboll for the proposed development, which provides the results of the BNG in relation to the site and the associated construction works and landscape proposals for the proposed development. Intertidal elements of the site will be included within the BNG assessment. A net gain will be achieved primarily through off-site

¹⁹ Department for Communities and Local Government, 2024. National Planning Policy Framework (NPPF). London. HMSO

habitat provision, although some contribution to site biodiversity will also be made with the provision of new individual trees in planters. The Applicant will explore options for off-site BNG within Cornwall.

- 4.3.7 During the completed development stage, there is unlikely to be increased pressure on retained habitats given that the wider site is already subject to high levels of disturbance and worker activity. With the implementation of a 10% biodiversity net gain off-site, a **Positive effect significant at the Local level** is predicted to arise for habitats, albeit off-site.

4.3.8 Invasive Species

- 4.3.9 Allowing the spread of invasive plants into the wild is an offence under the Wildlife and Countryside Act 1981, and INNS containing material is a controlled waste; not disposing of it properly is an offence. If left untreated, invasive plants could spread to the wider environment and potentially damage nearby native habitats and vegetation.

- 4.3.10 The CEMP would detail measures to ensure that invasive plants would not be introduced to the site or spread to adjacent land on- or off-site if identified on-site in the future.

Species

4.3.11 Invertebrates

- 4.3.12 During the demolition and construction stage, the loss of modified grassland and, to a lesser extent, other developed land and sparsely vegetated urban land is likely to have a negative residual effect on invertebrate assemblages, by reducing populations of common species, which would slightly reduce the amount of prey available to higher taxonomic orders. An unavoidable negative impact is predicted during demolition and construction, on a feature of Site level importance; resulting in a **Negative effect significant at the Site Level**. Impacts on aquatic invertebrates are addressed in the EIA.

- 4.3.13 As permanent landscape planting cannot be incorporated into the proposed development, at the completed development stage there would still be a **Negative effect significant at the Site level** on invertebrates.

Breeding Birds

- 4.3.14 During the demolition and construction stage, removal of habitats where birds can forage and demolition of several buildings potentially used by nesting birds may result in adverse impacts of low-to-medium magnitude if undertaken at a time of year when birds are likely to be nesting (e.g. between March and the end of August), due to direct damage or destruction of bird nests, or abandonment of nests due to disturbance. This would be contrary to the Wildlife and Countryside Act 1981 (as amended). To avoid a negative effect, buildings should be demolished between September and March, which is outside of the bird breeding season. If construction works and demolition works are required during the nesting bird season between March and the end of August, this will be managed as follows, as secured through inclusion within the CEMP as part of embedded mitigation:

- Building demolition between March and the end of August (the breeding bird season) will be preceded by a check for nesting birds by an experienced ecologist; and
- Buildings with nesting birds would be retained in situ with a suitable undisturbed buffer (typically 10 to 20 m from the nest), until chicks have fledged, and the nest becomes inactive, which may take up to three weeks. This would result in a delay to the demolition of the buildings.

- 4.3.15 An unavoidable, negative effect on birds due to a reduction in the availability of nesting habitat is predicted during demolition and construction due to the loss of several buildings on site. However, there are numerous buildings of similar suitability for nesting birds on site and in the surrounding area which make the overall roosting habitat loss insignificant. With the implementation of embedded mitigation to avoid work during the nesting bird season, **No significant effects** on common nesting birds would arise during the demolition and construction stage.

4.3.16 During the completed development stage, **No significant effects** on nesting birds are anticipated to arise.

4.3.17 As an enhancement, a variety of bird nest box types would be provided at suitable locations on the site, attached to buildings and other infrastructure, to mitigate for the loss of habitat and as additional enhancement. The exact type, number (expected to be a minimum of five) and location of bird boxes will be agreed following consultation with an ecologist prior to the build stage.

Bats

4.3.18 No buildings identified as having low bat roost potential are planned to be demolished as part of the proposed development. Bats are considered highly unlikely to make use of buildings on site due to the lighting conditions, high levels of disturbance across the site and the lack of connectivity to suitable foraging habitat in the wider area. Additionally, no evidence of bats was found during the PRA. On this basis, **a Negligible effect** on roosting bats is anticipated.

4.3.19 There remains a very low risk of disturbing bats in the future should conditions at the site change. All features on these buildings should be re-inspected prior to demolition by a suitably qualified ecologist. If bats are found at any time, all works shall cease immediately and actions to ensure welfare of the bats will be prescribed by the on-site ecologist, including a Natural England licence.

4.3.20 Removal of habitats across the site is unlikely to have a significant negative effect on foraging bats during the demolition and construction stage as the current use of the site by foraging and commuting bats is likely to be highly limited. On this basis, **No significant effects** on foraging/commuting bats on the site are anticipated.

4.3.21 During the completed development stage artificial lighting is expected to stay at a similar level, resulting in **No further significant effects** on foraging/commuting bats.

4.3.22 As the site is already well lit at night and this is expected to continue post-development, a sensitive lighting strategy for bats is not necessary. Lighting should however avoid spillage onto previously unaffected off-site habitats in the wider area.

4.4 Residual Effects

Habitats

4.4.1 Off-site enhancement will be carried out within Cornwall county to achieve a net gain for biodiversity of at least 10%, with some new planting on site in the form of trees in planters. Whilst there will be a loss of habitat on site and an overall negative effect on the site itself, as a result of the off-site enhancement a **Positive Residual effect at the Local level** would arise on habitats.

Species

Invertebrates

4.4.2 Due to the loss of moderately suitable habitats and lack of new habitat creation on-site, there would be a **Negative Residual effect at the Site level** on invertebrates.

Breeding Birds

4.4.3 Taking account of embedded mitigation (including sensitive building demolition timings or ecological supervision) and additional mitigation/enhancement by providing bird boxes, the proposed development of the site would result in **No significant Residual effects** on breeding birds.

Bats

4.4.4 Taking account of additional precautionary mitigation (pre-demolition roosting bat checks), the proposed development of the site would result in **No significant Residual effects** on both roosting and foraging/commuting bats.

4.5 Summary

4.5.1 Table 4.1 contains a summary of the potential effects pre-mitigation, and likely residual effect post-mitigation.

Table 4.1: Ecological Importance of Features Present on the Site

Feature	Ecological Importance	Potential Effect Without Mitigation	Proposed Mitigation	Significance of Residual Effect
National site network sites	International level	Covered in the Habitat Regulations Assessment		
Other statutory designations	County to National Level	No significant effect	n/a	No significant residual effect
Non-statutory Designations	County level	Unlikely to result in a significant effect	n/a	No significant residual effect
Habitats	Site level	Negative effect significant at the Site level (short-term) Positive effect significant at the Local level (long-term)	Provision of new habitats off-site (biodiversity offsetting); protection of retained habitats e.g. mixed scrub (CEMP).	Positive Residual effect at the Local level
Invertebrates	Site level	Negative effect significant at the Site level	n/a	Negative Residual effect at the Site level
Breeding birds	Site level	Unlikely to result in a significant effect (short-term and long-term)	Demolition carried out outside of the nesting bird season or under ecological supervision, provision of bird boxes on retained buildings.	No significant residual effect
Bats	Negligible	Negligible, although there is a very low risk of disturbing bats in the future should conditions at the site change. Foraging bats would be unaffected by the changes in conditions as the site is already unsuitable.	As a precaution, features on buildings to be demolished should be re-inspected prior to demolition by a suitably qualified ecologist. If bats are found a Natural England licence would be obtained. Lighting during construction and the completed development should aim to avoid light spill onto previously unaffected habitats.	No significant residual effect

APPENDIX 1

FIGURES

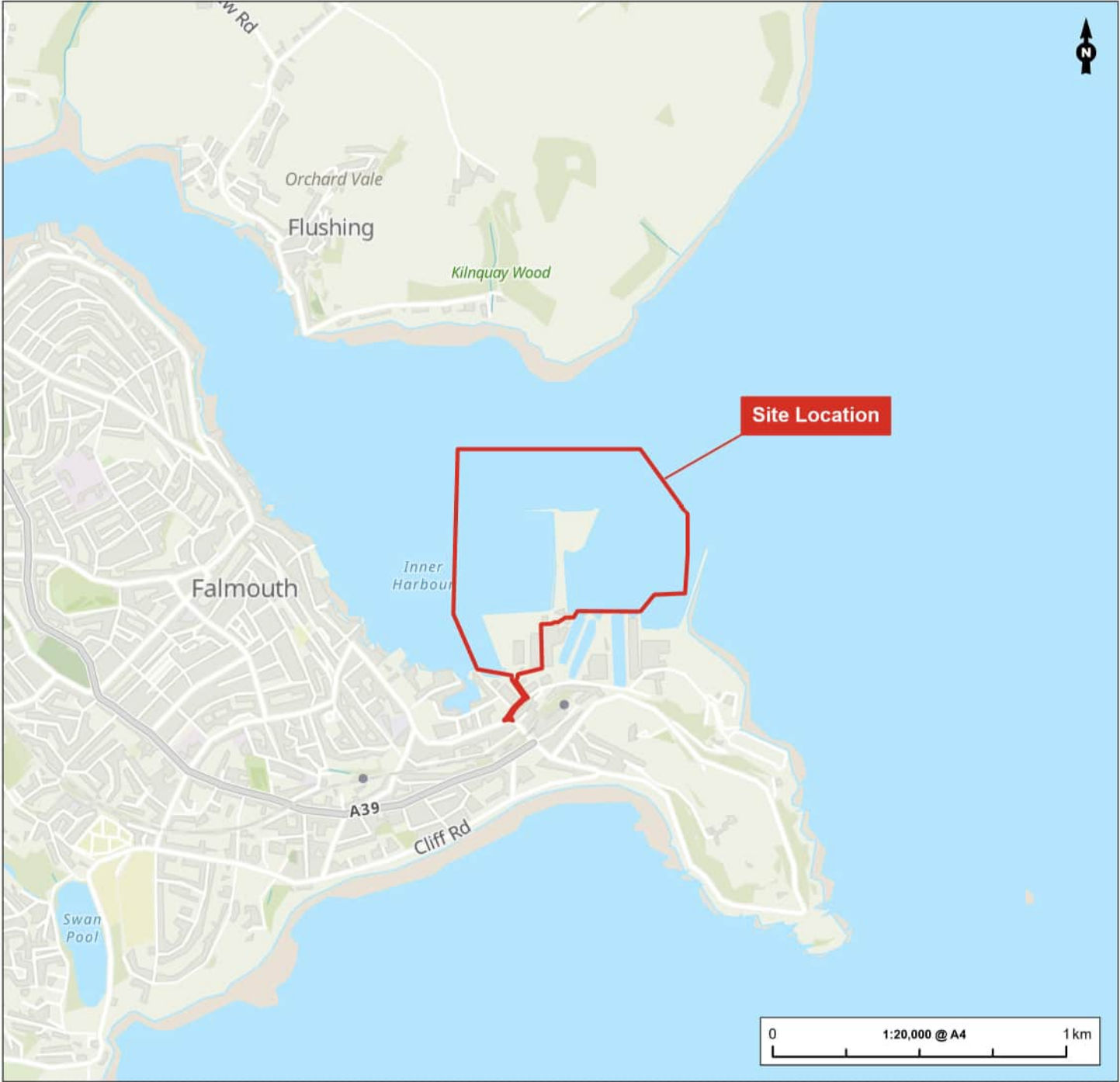
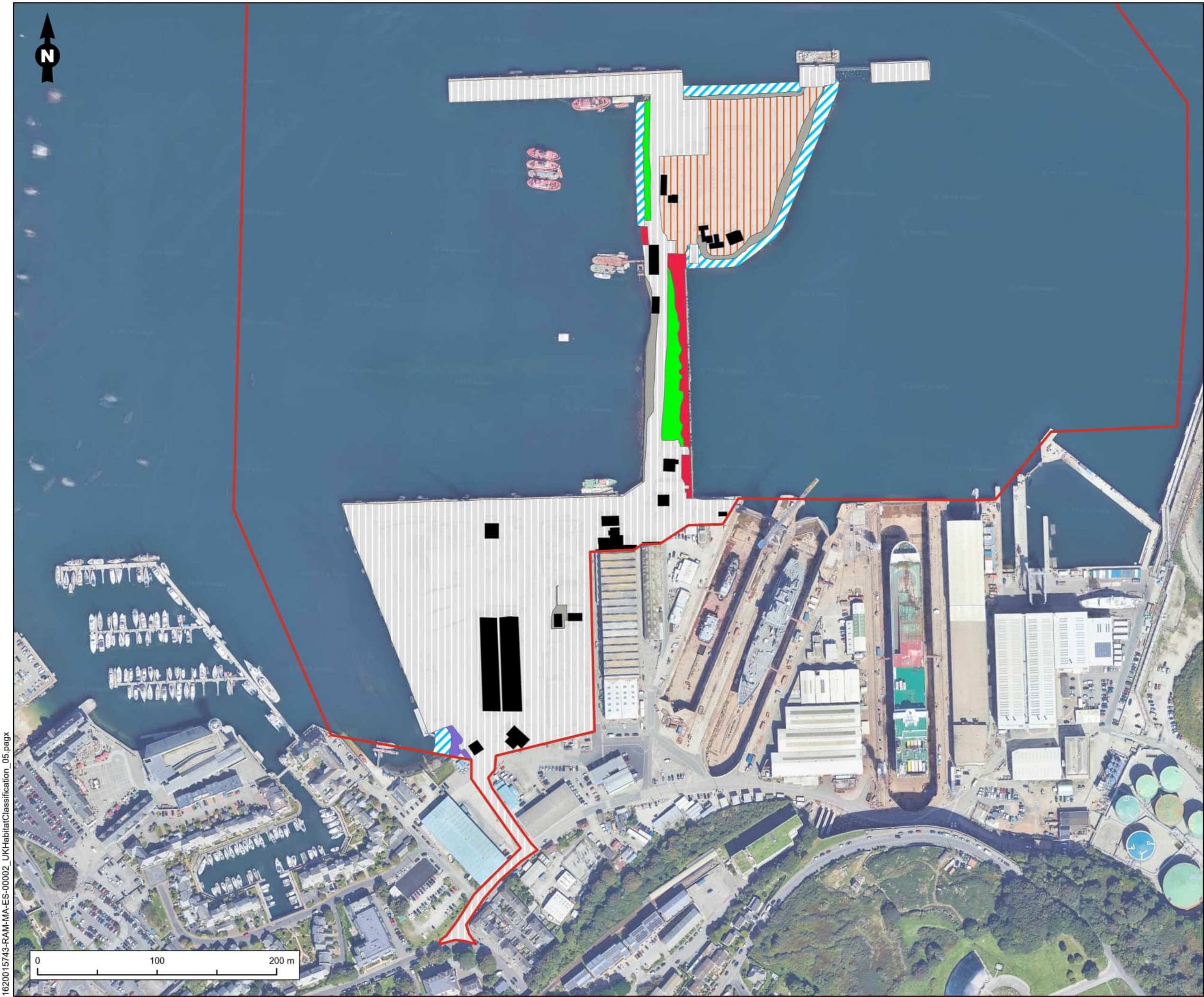


	Figure Title Site Location	Project Name Falmouth Docks Development	Date August 2024	
	Client Falmouth Docks & Engineering Company	Project No./File ID 1620015743 / RUK2023N00104	Prepared By BE	Figure No. 1
			Scale As Shown	Revision 1.0



Legend

Site Boundary

UKHab Classification

g4 - Modified grassland

h3h - Mixed scrub

t1f - Other littoral rock

u1b - Developed land, sealed surface

u1b5 - Buildings

u1b6 - Other developed land

u1c - Artificial unvegetated unsealed surface

u1f - Sparsely vegetated urban land

Figure Title

UK Habitat Classification

Project Name

Falmouth Docks Development

Project No./Fily ID

1620015743 / RUK2023N00104

Date	Figure No.	Revision
August 2024	2	1.0
Prepared By	Scale	
MP / BE	1:3,000 @A3	
Client		

RAMBOLL



Legend

- Site Boundary
- u1b5 - Buildings
- Target note

Figure Title
Building Numbers and Target Notes

Project Name
Falmouth Docks Development

Project No./File ID
1620015743 / RUK2023N00104

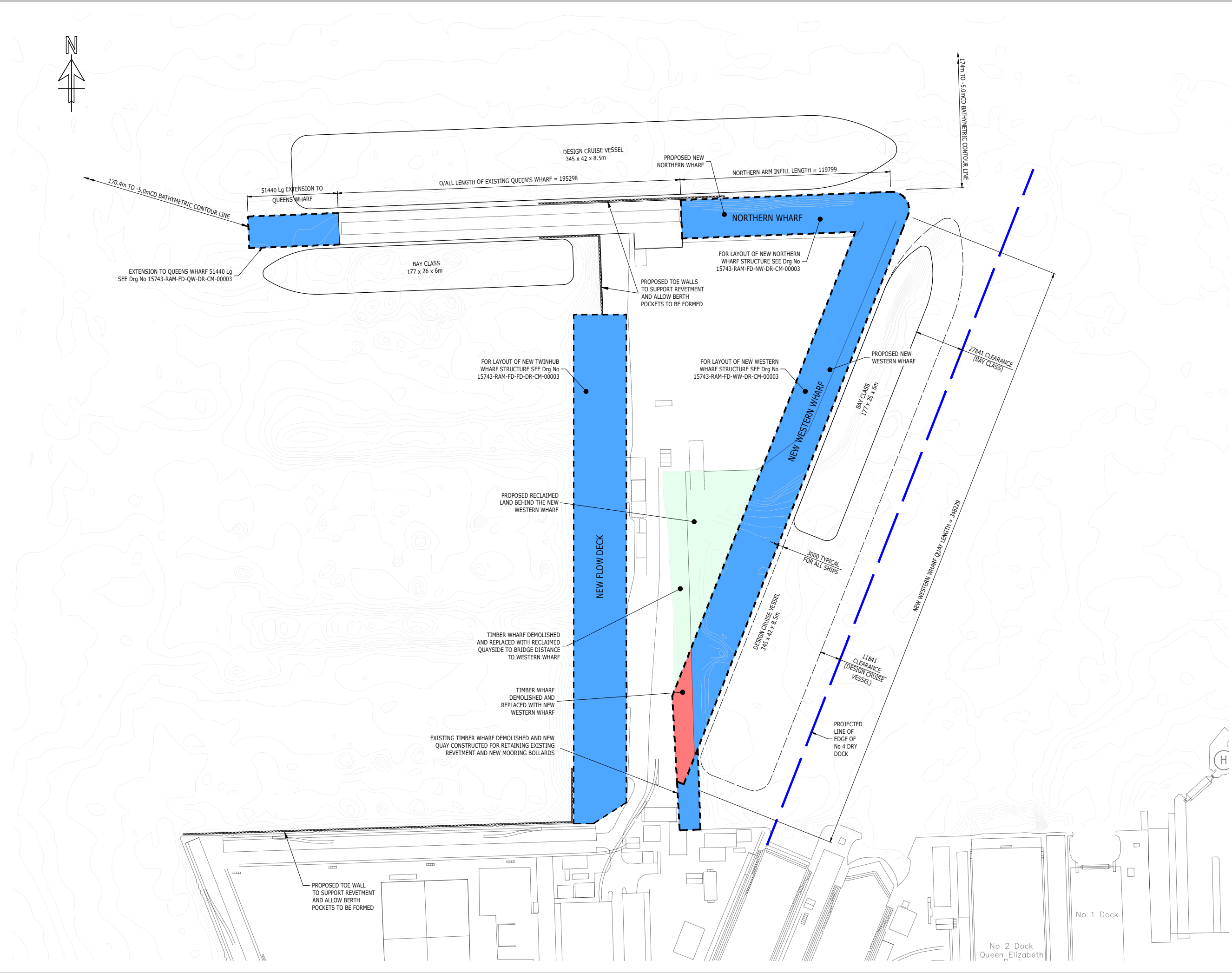
Date September 2024	Figure No. 3	Revision 1.0
Prepared By BE	Scale 1:2,500 @A3	

Client

Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 Google.

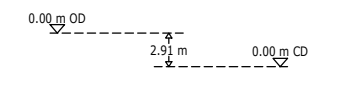
Coordinate System: British National Grid. Projection: Transverse Mercator. Datum: OSGB 1936.

1620015743-RAM-MA-ES-00003_BuildingsAndNotes_03.pagx



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- Notes
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 - ALL DIMENSIONS ARE IN MILLIMETRES U.N.O.
 - ALL CO-ORDINATES ARE IN METERS U.N.O.
 - ALL LEVELS ARE IN METRES ABOVE CHART DATUM U.N.O.
 - FOR THE RELATIONSHIP BETWEEN THE CHART DATUM AND ORDNANCE DATUM REFER TO THE DIAGRAM BELOW:



TIDAL LEVELS		
TIDAL LEVEL DESCRIPTION	ABBREVIATION	LEVEL
HIGHEST ASTRONOMICAL TIDE	HAT	+5.70m C.D.
MEAN HIGH WATER SPRINGS	MHWS	+5.10m C.D.
MEAN HIGH WATER NEAPS	MHWN	+4.10m C.D.
MEAN SEA LEVEL	MSL	+3.00m C.D.
MEAN LOW WATER NEAPS	MLWN	+1.80m C.D.
MEAN LOW WATER SPRINGS	MLWS	+0.50m C.D.
LOWEST ASTRONOMICAL TIDE	LAT	-0.20m C.D.

KEY :-

PROPOSED NEW WHARF STRUCTURE

S1-03	DEMOLISHED STRUCTURES REMOVED	28.03.2024	SPF	GW
S1-02	PRELIMINARY	24.11.2023	IDF	GW
S1-01	PRELIMINARY ISSUE	25.09.2023	SPF	GW
Rev	Description	Date	By	App
			CHK	

PRELIMINARY

FALMOUTH DOCKS REDEVELOPMENT

RAMBOLL

tel 023 8081 7500 southampton@ramboll.co.uk
www.ramboll.co.uk

CONCEPT DESIGN
PROPOSED
GENERAL ARRANGEMENT
BERTH LAYOUT

Project No:	Scale (0A1):	Drawn:	Date:
1620015743	1:1000	SPF	SEPT 2023
Drawing No:	Rev:		
15743-RAM-FD-SW-DR-CM-00003	S1-03		

APPENDIX 2

RELEVANT LEGISLATION AND POLICY

Relevant Legislation and Policy

Ecological features are protected under various United Kingdom (UK) and European legislative instruments. These are described below. European legislation is not included as it is incorporated in UK legislation by domestic provisions.

Legislation

The Conservation of Habitats and Species Regulations 2017

The Habitats Directive (Council Directive 92/43/EEC)²⁰ came into force in 1992 and provides for the creation of a network of protected wildlife areas across the European Union (EU), known as 'Natura 2000'. The Natura 2000 network consists of Special Areas of Conservation (SAC) designated under the Habitats Directive and Special Protection Areas (SPA) designated under the Birds Directive (Council Directive 79/409/EEC)²¹. These sites are part of a range of measures aimed at conserving important or threatened habitats and species.

The Conservation of Habitats and Species Regulations 2017²² (commonly known as the 'Habitats Regulations') transposes the Habitats Directive into national law and set out the provisions for the protection and management of species and habitats of European importance, including Natura 2000 sites. The 2017 bill consolidated all previous versions of the regulations and subsequent amendments since initial transposition, bringing them all under the single heading, and made some minor amendments. It extends to England and Wales, and to a limited extent Scotland and Northern Ireland. Further amendments were made via The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018²³ to ensure they reflect recent European case law (C-323/17 People Over Wind and Sweetman v Coillte Teoranta) in relation to the assessment of plans and projects on sites protected under Council Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora (the 'Habitats Directive'). In Scotland, the Habitats Directive is transposed through a combination of the Habitats Regulations 2010 (in relation to reserved matters) and the Conservation (Natural Habitats &c.) Regulations 1994. The Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 (as amended) transposes the Habitats Directive in relation to Northern Ireland.

In addition to providing for the designation and protection of Natura 2000 sites, the Habitats Regulations provide strict protection for plant and animal species as European Protected Species. Derogations from prohibitions are transposed into the Habitats Regulations by way of a licensing regime that allows an otherwise unlawful act to be carried out lawfully for specified reasons and providing certain conditions are met. Under the Habitats Regulations, competent authorities have a general duty, in the exercise of any of their functions, to have regard to the Habitats Directive and Wild Birds Directive including in the granting of consents or authorisations. They may not authorise a plan or project that may adversely affect the integrity of a European site, with certain exceptions (considerations of overriding public interest).

The Conservation of Habitats and Species Regulations 2017, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, require the Secretary of State and Welsh Ministers to secure compliance with the requirements of the Nature Directives. Any new powers in the 2019 Regulations must be exercised in line with the Directives and retained EU case law up to 1 January 2021.

²⁰ European Commission, 1992. Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

²¹ European Commission, 1979. Council Directive 79/409/EEC on the conservation of wild birds.

²² Her Majesty's Stationery Officer (HMSO), 2017. The Conservation of Habitats and Species Regulations 2017. HMSO.

²³ Her Majesty's Stationery Officer (HMSO), 2018. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. HMSO.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019²⁴

SACs and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 have created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes:

- existing SACs and SPAs; and
- new SACs and SPAs designated under these Regulations.

Any references to Natura 2000 in The Conservation of Habitats and Species Regulations 2017, as amended and in guidance now refers to the new national site network. Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to:

- fulfil the commitment made by government to maintain environmental protections
- continue to meet our international legal obligations, such as the Bern Convention, the Oslo and Paris Conventions (OSPAR), Bonn and Ramsar Conventions

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the national site network. Many Ramsar sites overlap with SACs and SPAs, and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 establish management objectives for the national site network. These are called the network objectives. The UK Government and devolved administrations (in Wales, Northern Ireland and Scotland) will cooperate to manage, and where necessary, adapt the network to contribute towards meeting the network objectives.

Any references in the 2017 Regulations to meeting the 'requirements of the Directives' includes achieving the network objectives.

The appropriate authorities may publish guidance relating to these requirements. The appropriate authorities are the Secretary of State for Environment, Food and Rural Affairs in England and the Welsh Ministers in Wales.

The network objectives are to:

- maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS)
- contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive

The appropriate authorities must also have regard to the:

- importance of protected sites
- coherence of the national site network
- threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their FCS within the UK.

²⁴ Secretary of State (2019) The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Her Majesty's Stationery Office (HMSO)

The Countryside and Rights of Way Act 2000

The Countryside and Rights of Way Act 2000²⁵ primarily extends to England and Wales. It provides a new statutory right of access to the countryside and modernises the rights of way system, bringing into force stronger protection for both wildlife and the countryside.

The Act is divided into five distinct sections, Part III is of relevance to ecology:

- Part III – Nature Conservation and Wildlife Protection: The Act details measures to promote and enhance wildlife conservation. These measures include improving protection for Sites of Special Scientific Interest (SSSI) and increasing penalties for deliberate damage to SSSIs. Furthermore, the Act affords statutory protection to Ramsar Sites which are wetlands designated under the International Convention on Wetlands²⁶.

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended)²⁷ forms the basis of much of the statutory wildlife protection in the UK. Part I deals with the protection of plants, birds and other animals and Part II deals with the designation of SSSIs.

This Act covers the following broad areas:

- Wildlife – listing endangered or rare species in need of protection and creating offences for killing, disturbing or injuring such species. Additionally, the disturbance of any nesting bird during breeding season is also noted as an offence, with further protection for species listed on Schedule 1. Measures for preventing the establishment of non-native plant and animal species as listed on Schedule 9 are also provided;
- Nature Conservation – protecting those sites which are National Nature Reserves (NNR) and SSSIs;
- Public Rights of Way – placing a duty on the local authority (to maintain a definitive map of footpaths and rights of way. It also requires that landowners ensure that footpaths and rights of way are continually accessible; and
- Miscellaneous General Provisions.

The Act is enforced by local authorities.

Natural Environment and Rural Communities Act 2006

Under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006²⁸, public authorities must show regard for conserving biodiversity in all their actions. Public authorities should consider how wildlife or land may be affected in all the decisions that they make. The commitment to the biodiversity duty must be measured by public authorities.

Section 41 also requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England.

Protection of Badgers Act 1992

The Protection of Badgers Act 1992²⁹ consolidated previous legislation relating specifically to badgers. The Act makes it an offence to kill, injure or take a badger, or to damage or interfere with a sett unless a licence is obtained from a statutory authority (i.e. Natural England).

²⁵ Her Majesty's Stationery Officer (HMSO), 2000. The Countryside and Rights of Way Act 2000. HMSO.

²⁶ United Nations Educational, Scientific and Cultural Organization (UNESCO), 1971. Convention on Wetlands of International Importance especially as Waterfowl Habitat, as amended in 1982 and 1987. Ramsar, Iran Published in Paris, 1994.

²⁷ Her Majesty's Stationery Office (HMSO), 1981. The Wildlife and Countryside Act 1981 [as amended in Quinquennial Review and by the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006]. HMSO.

²⁸ Her Majesty's Stationery Office (HMSO), Natural Environment and Rural Communities Act 2006. HMSO.

²⁹ Her Majesty's Stationery Office (HMSO), 1992. Protection of Badgers Act 1992. HMSO.

Wild Mammals (Protection) Act 1996

The Wild Mammals (Protection) Act 1996³⁰ makes it an offence for any person to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering. There are certain exemptions including acts of mercy and acts made lawful by means of hunting, shooting, coursing or pest control activities

Species Legislation

Reptiles

Native widespread reptile species (common or viviparous lizard *Zootoca vivipara*, adder *Vipera berus*, grass snake *Natrix helvetica* and slow worm *Anguis fragilis*) are partially protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This includes protection from killing and injury.

Due to their rarity, sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* are protected from killing, injury and disturbance and their places of rest or shelter (occupied habitat) protected from damage or destruction under the Conservation of Habitats and Species Regulations 2017 (as amended)

All reptile species are also listed as SPI in accordance with Section 41 of the NERC Act 2006. Public bodies have an obligation under Section 40 to have regard for these species when carrying out their functions.

Breeding Birds

Under the Wildlife and Countryside Act 1981 (as amended), all wild birds are protected from killing and injury, and their nests and eggs protected from taking, damage and destruction whilst in use.

Schedule 1 Birds

A number of bird species are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) with respect to disturbance of individuals occupying places of rest or shelter and obstruction to access to these, particularly whilst it is building a nest or is in, on or near a nest containing eggs or young. Activities that would otherwise constitute an offence under this legislation may be licenced by Natural England for these purposes.

Bats

All species of bats recorded within the UK are protected from killing, injury and disturbance and their roosts protected from damage or destruction under the Conservation of Habitats and Species Regulations 2017 (as amended). Protection is also afforded under the Wildlife and Countryside Act 1981 (as amended) with respect to disturbance of individuals occupying places of rest or shelter and obstruction of access to these. Activities that would otherwise constitute an offence under this legislation may be licenced by Natural England for certain purposes.

Certain species of bats, including Bechstein's bat *Myotis bechsteinii*, greater horseshoe *Rhinolophus ferrumequinum* and lesser horseshoe *Rhinolophus hipposideros* bats, noctule *Nyctalus noctula*, brown long-eared bat *Plecotus auritus* and soprano pipistrelle *Pipistrellus pygmaeus* are also listed as SPIs for the conservation of biodiversity in England in accordance with Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Public bodies have an obligation under Section 40 to have regard for these species when carrying out their functions.

Otter

Otters are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitat and Species Regulations 2017 (as amended). Otters are protected from capture, killing, disturbance or injury (intentionally or through negligence), damage and destruction to breeding or resting places, obstructing access to resting or sheltering places, and possession, selling, control or transport of live or dead otters, or parts of otters.

³⁰ Her Majesty's Stationary Office (HMSO), Wild Mammals (Protection) Act 1996. HMSO.

Badger

The Protection of Badgers Act 1992 makes it illegal to wilfully kill, injure or take any badger *Meles meles*, or attempt to do so. It also makes it an offence to intentionally or recklessly damage, destroy or obstruct access to any part of a badger sett. Activities that would otherwise constitute an offence under this legislation may be licenced by Natural England for certain purposes.

Invasive Non-native Species

Invasive Non-native Species (INNS) listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), such as Japanese knotweed *Reynoutria japonica*, Himalayan balsam *Impatiens glandulifera* and rhododendron *Rhododendron ponticum*, are prohibited from release into the wild (the Act prohibits planting or causing to grow in the wild of any of the plant species listed under Schedule 9).

Policy

Biodiversity in the Planning Process

Administrative and policy guidance on the application of some of these statutory obligations is provided through relevant government policy guidance and advice. In England, this includes National Planning Policy Framework 2012, National Planning Practice Guidance, Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, Biodiversity 2020 and Natural Environment White Paper The natural choice: securing the value of nature.

Administrative and policy guidance on the application of some of these statutory obligations is provided through relevant Government policy guidance and advice. In England, this includes National Planning Policy Framework 2019, national Planning Practice Guidance, Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, Biodiversity 2020 and Natural Environment White Paper 'The natural choice: securing the value of nature'.

National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF)³¹ sets out the Government's planning policies for England and how these are expected to be applied. Objective 15 - Conserving and enhancing the natural environment' states that the planning system should contribute to and enhance the natural and local environment by:

- "...protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services; and
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."

It furthermore advises local planning authorities to conserve and enhance biodiversity when considering planning applications, by applying principles aimed at protecting and enhancing biodiversity and designated sites and incorporating biodiversity in and around developments.

Planning Practice Guidance (2019)

The Planning Practice Guidance³² is a web-based resource launched in June 2019 (last updated 1 October 2019). This guidance is divided into sections, of which Natural Environment: Biodiversity,

³¹ Ministry of Housing, Communities and Local Government, 2024. National Planning Policy Framework (NPPF), last updated December 2024. London: HMSO.

³² Ministry of Housing, Communities & Local Government, 2019. Planning Practice Guidance [online]. Available at: <http://planningguidance.planningportal.gov.uk/>

Ecosystems and Green Infrastructure provides information on biodiversity issues within planning and guidance on where to find further information on biodiversity issues.

Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

This circular³³ provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the NPPF and PPG.

Natural Environment White Paper. The Natural Choice: Securing the Value of Nature

The Natural Environment White Paper³⁴ outlines the Government's vision for the natural environment over the next 50 years, shifting the emphasis to an integrated landscape-scale approach. It describes the actions that will be taken to deliver that goal.

Biodiversity 2020

The Biodiversity 2020³⁵ strategy for England builds on the Natural Environment White Paper and provides a comprehensive picture of how England is implementing its international and EU commitments. It sets out the strategic direction for biodiversity policy on land (including rivers and lakes) and at sea.

The mission for this strategy is to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.

It is anticipated that this will be delivered through:

- a more integrated large-scale approach to conservation on land and at sea;
- putting people at the heart of biodiversity policy;
- reducing environmental pressures; and
- improving our knowledge.

Biodiversity Action Plans (BAP)

In 1994, the Government produced the UK Biodiversity Action Plan (BAP)³⁶, a national strategy for the conservation of biodiversity. This led to the creation of the UK Biodiversity Steering Group, which has listed 1,150 Species Action Plans (SAPs) and 65 Habitat Action Plans (HAPs). Regional and District/Borough BAPs apply the UK BAP at a local level.

From July 2012, the 'UK Post-2010 Biodiversity Framework'³⁷ succeeds the UK BAP. This is a result of a change in strategic thinking following the publication of the 'Convention on Biological Diversity's Strategic Plan for Biodiversity 2011-2020'³⁸ and its 20 'Aichi targets'³⁹, at Nagoya, Japan in October 2010, and the launch of the new EU Biodiversity Strategy (EUBS) in May 2011. The UK Post-2010 Biodiversity Framework constitutes the UK's response to these new 'Aichi' strategic goals and associated targets. The Framework recognises that most work which was previously carried out under the UK BAP is now focussed on the individual countries of the UK (and Northern Ireland) and delivered through each countries' own strategies.

³³ Office of the Deputy Prime Minister, 2005. Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System. Available at: <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

³⁴ Department for Environment, Food and Rural Affairs (Defra), 2011. Natural Environment White Paper. The natural choice: securing the value of nature. Available at: <https://www.gov.uk/government/publications/the-natural-choice-securing-the-value-of-nature>

³⁵ Department for Environment, Food and Rural Affairs (Defra), 2011. Biodiversity 2020. Available at: <https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services>

³⁶ Her Majesty's Stationery Office (HMSO), 1994. Biodiversity: The UK Action Plan. HMSO.

³⁷ JNCC and Defra (on behalf of the Four Countries' Biodiversity Group), 2012. UK Post-2010 Biodiversity Framework. July 2012. jncc.defra.gov.uk/pdf/UK_Post2010_Bio-Fwork.pdf

³⁸ <https://www.cbd.int/sp/>

³⁹ <https://www.cbd.int/sp/targets/>

Following the publication of the new Framework, the UK BAP partnership no longer operates. However, many of the tools and resources originally developed under the UK BAP remain of use. The UK list of priority species has been used to help draw up statutory lists of priorities in England, Scotland, Wales and Northern Ireland. For England, this is in line with Section 41 of NERC.

Local Policy

The Cornwall Local Plan (2016)

- 4.5.2 The Cornwall Local Plan⁴⁰ was adopted by Cornwall Council in 2016 and provides a planning policy framework for Cornwall up to 2030. It contains a number of policies, with those most relevant to ecology and biodiversity listed below:
- 4.5.3 Policy 1 – Presumption in favour of sustainable development: When considering development proposals, Cornwall Council will take a positive approach in favour of sustainable development.
- 4.5.4 Policy 22 – European protected sites - mitigation of recreational impacts from development: For residential development and accommodation for students and tourists, mitigation measures will be put in place to reduce adverse effects on European sites where recreational pressure is listed as a threat to the site.
- 4.5.5 Policy 23 - Natural environment: Development proposals will need to sustain local distinctiveness and character, protect and enhance Cornwall's natural environment, protect European, national and local sites, avoid adverse impacts on priority species and habitats and avoid loss or deterioration of ancient woodland.

Cornwall Planning for Biodiversity Guide (2023)

- 4.5.6 The Cornwall Planning for Biodiversity Guide⁴¹ supplements policies 22 and 23 of the Cornwall Local Plan. The guide summarises the Local Plan and national planning policy requirements, provides guiding principles for developers such as viewing biodiversity as an opportunity rather than a constraint, provides information on timing requirements of ecological surveys, provides examples of biodiversity enhancements, requirements for details included within management plans and details on environmental legislation.

⁴⁰ <https://www.cornwall.gov.uk/planning-and-building-control/planning-policy/adopted-plans/>

⁴¹ <https://www.cornwall.gov.uk/media/v1roqk0x/planning-for-biodiversity-v15.pdf>

APPENDIX 3

SITE PHOTOGRAPHS



Photo 1. Sparsely vegetated urban land with ephemeral vegetation in the southwest of the site. Photograph taken from the west of the building (B4), facing north.



Photo 2. Sparsely vegetated urban land with ephemeral vegetation in the southwest of the site. Photograph taken from the west of the building (B4), facing south.

Title: Site Photographs	Client: Falmouth Docks and Engineering Company
Site: Falmouth Docks Development	Date: March 2024



Photo 3. Developed land, sealed surface. Photograph taken from the Duchy Wharf, facing north-west.



Photo 4. Developed land, sealed surface at the southern end of the causeway. Photograph taken from outside the site boundary (east of building B11), facing north.

Title: Site Photographs	Client: Falmouth Docks and Engineering Company
Site: Falmouth Docks Development	Date: March 2024



Photo 5. View of the causeway with timber deck/other developed land visible. Photograph taken south-east of the causeway, facing north-west.



Photo 6. Modified grassland on the causeway. Photograph taken from the causeway, facing north-east.

Title: Site Photographs	Client: Falmouth Docks and Engineering Company
Site: Falmouth Docks Development	Date: March 2024



Photo 7. Modified grassland on the causeway. Photograph taken from the causeway, facing east.



Photo 8. Sparsely vegetated land on the causeway. Photograph taken from the causeway, facing north-west.

Title: Site Photographs	Client: Falmouth Docks and Engineering Company
Site: Falmouth Docks Development	Date: March 2024

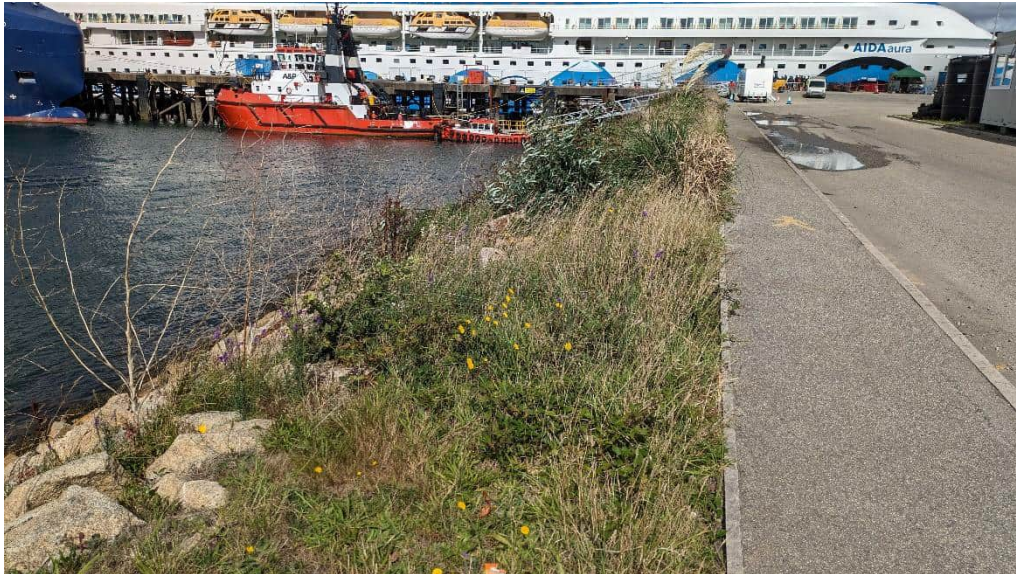


Photo 9. View of the modified grassland with scattered scrub in the north-west of the site. Photograph taken facing north.



Photo 10. View of the modified grassland with scattered scrub in the north-west of the site. Photograph taken facing north.

Title: Site Photographs	Client: Falmouth Docks and Engineering Company
Site: Falmouth Docks Development	Date: March 2024



Photo 11. View of the sparsely vegetated land with scattered scrub in the north-east of the site. Photograph taken facing north.



Photo 12. View of the sparsely vegetated land with scattered scrub in the north-east of the site. Photograph taken facing south.

Title: Site Photographs	Client: Falmouth Docks and Engineering Company
Site: Falmouth Docks Development	Date: March 2024



Photo 13. View of the causeway with timber deck/other developed land and intertidal other littoral rock habitat visible. Photograph taken from the north-eastern end of the causeway facing south-west.



Photo 14. Mixed scrub and intertidal other littoral rock habitat in the south-west corner of the site. Photograph taken facing south-west.

Title: Site Photographs	Client: Falmouth Docks and Engineering Company
Site: Falmouth Docks Development	Date: March 2024



Photo 15. Intertidal other littoral rock habitat in the south-west corner of the site.
Photograph taken facing west.

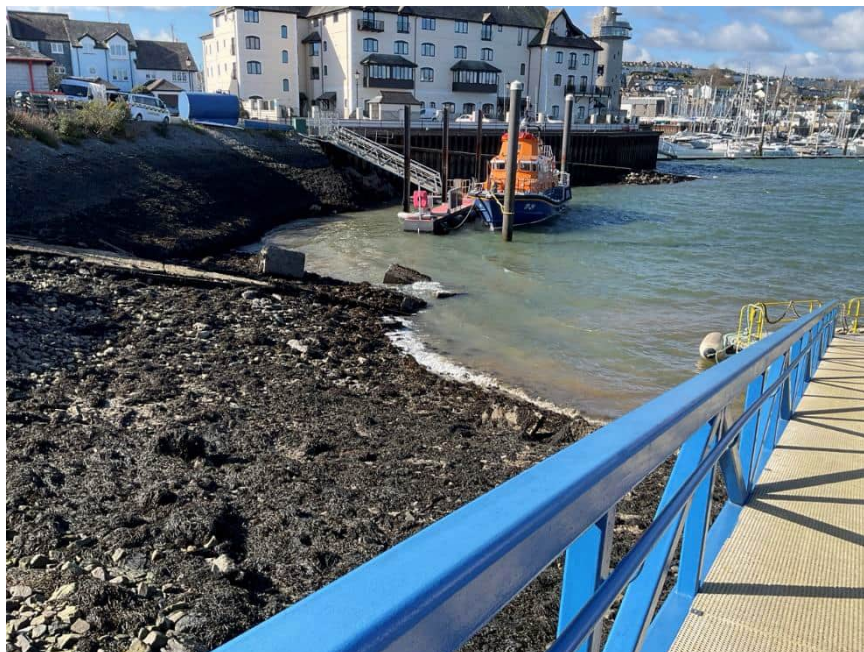


Photo 16. Intertidal other littoral rock habitat in the south-west corner of the site.
Photograph taken facing north-west.

Title: Site Photographs	Client: Falmouth Docks and Engineering Company
Site: Falmouth Docks Development	Date: March 2024

APPENDIX 4
PRELIMINARY ROOST ASSESSMENT SUMMARY TABLE

Building	Photographs	Description/Features/Bat potential
B3		• 'Low' bat roost suitability downgraded to 'Negligible' following PRA; • Large brick-built building with mainly gently-pitched roofs covered in corrugated asbestos and clear plastic. Several sections of flat roof also present; • Internally, no roof voids were found to be present. Large warehouse/workshop rooms with metal frame roofing. Smaller rooms were also present and used for storage/disused; • Cracks at top of western elevation at northern end suitable for crevice dwelling bats but isolated from commuting and foraging habitat in the wider area; • Most roofs were suitable for nesting gull species (refer to Photograph 6). Internal roof structure suitable for nesting pigeons (refer to Photograph 5).
B4		• 'Low' bat roost suitability downgraded to 'Negligible' following PRA; • Small brick-built building with a pitched corrugated metal roof. Metal boxing located at each gable end; • No internal access possible during survey; • Potential bat access via metal boxing at either end (refer to Photograph 7) but isolated from bat commuting and foraging habitat in the wider area; • Old bird's nest seen in metal boxing at northern end.