

# Helebridge Weir

## Preliminary Ecological Assessment

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WRT Reference 412

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Westcountry Rivers Trust is an environmental charity established in 1995 to restore, protect and improve the rivers, streams, and water environments in the region for the benefit of wildlife and people.

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# Executive Summary

## Baseline ecological condition

The desk study and site survey found that the survey area lies within a designated wildlife site and a number of protected habitats and species are present or potentially present: The site lies within the Exmoor National Park, River Exe Local Wildlife Site (LWS) and Rook Wood LWS and borders Bury Castle Field LWS.

- The site is located within a SSSI Impact Risk Zone within which proposed projects could affect the South Exmoor SSSI, located 1.8km away.
- The River Exe is a UK priority habitat and legally protected in the planning system.
- The mature trees and woodland provide valuable ecological habitat and enhance the diversity of the river corridor.
- Bats may use trees within the survey area for roosting and the river corridor provides an excellent foraging resource and commuting route for a range of bat species.
- No otter holts or couches were recorded but this species is likely to travel through the survey area while foraging and could rest up in areas of woodland.
- Dormouse is found in woodlands in the local area and this species could be present within the woodland and scrub on site.
- Fisheries habitat is of local importance and may support internationally important species.
- Birds are likely to nest in trees, scrub and along the river banks; the nests and eggs of all wild birds are legally protected.
- Other legally protected species which may be present in low numbers include hedgehogs and reptiles.
- Overall, the survey area is considered to be of **County** ecological value i.e. of importance within the context of Somerset.

## Potential impacts and legislative considerations

The proposal to remove the weir and create a series of 2-3 check weirs upstream will enhance fish passage and improve river habitat. However the works could have ecological impacts. Including:

- Disturbance to the river and adjacent habitats due to localised in-channel works, vegetation clearance, machinery access and the provision of an on-site storage area.
- Water contamination and increased sedimentation to the river during the construction works.
- Impacts to protected species from habitat loss and disturbance, including roosting, foraging and commuting bats, otter, dormouse, fish species, hedgehog, nesting birds and reptiles.
- If the construction works cannot avoid disturbance to bats, dormouse and otter, mitigation licences will be required from Natural England before the works can proceed.
- Spread of legally controlled invasive plants during the excavations.

## Recommendations for ecological mitigation

### Prior to construction

- A Construction Environmental Manage Plan will be prepared to outline methods and timings of construction works and the measures taken to avoid/reduce ecological impacts.
- An environmental permit will be obtained from the Environment Agency.
- Further surveys for bats will be carried out if any trees with potential roosts are affected.
- Pre-works checks for otters and non-native plants will also be conducted.

### During construction

- Ecological Watching Briefs will be carried out during vegetation removal to minimise the risk of killing or injuring dormice, reptiles and hedgehogs.
- If dewatering the channel is necessary, a fish rescue may be required.

### After construction

- Habitats along the river banks will be restored if necessary by replanting/seeding native and local species.

Providing appropriate mitigation and compensation outlined in this report is implemented, it is considered that there will be no significant negative residual impacts and the scheme will deliver a significant positive impact to the river habitat and fish populations.

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# Helebridge Weir, River Exe, Somerset

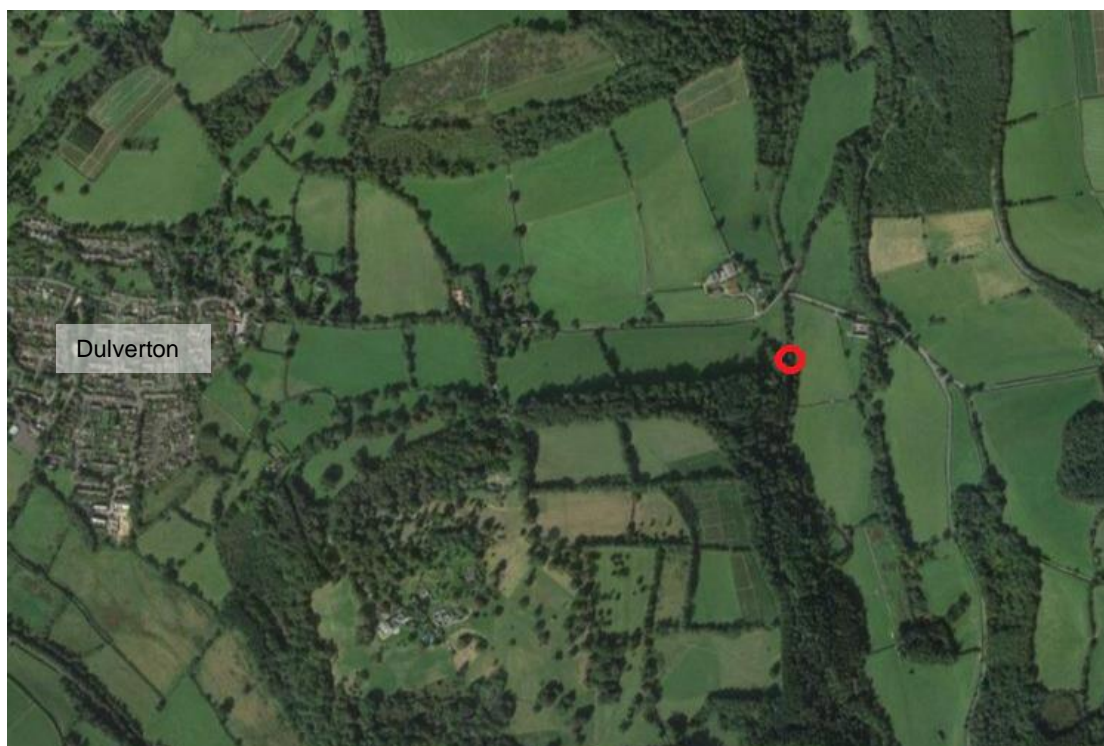
## 1. Introduction

### 1.1 Background

As part of the Strategic Exe Weirs project, works are proposed to enhance fish passage on the River Exe at Helebridge Weir, near Dulverton in Somerset (Figure 1). Proposals include the removal of the existing concrete weir structure and creation of a series of stone 'check weirs' to enable free fish migration and permit transportation of coarse sediments in a more natural manner.

A Preliminary Ecological Appraisal was undertaken by Westcountry Rivers Trust in October 2021 to survey the weir and adjacent land to identify any ecological constraints to the proposed works.

*Figure 1. Location*



### 1.2 Description of survey area

Helebridge Weir lies just south of the Grade II listed Hele Bridge on the B3222, approximately 1km east of Dulverton in Somerset (National Grid Reference SS9329 2769). The survey area comprised the weir, the stretch of river 125m north of the weir and both sides of bank, and the stretch 125m south of the weir with full access on the east bank and slightly restricted access within the woodland on the west bank. Habitats within the survey area comprise the River Exe, sheep grazed pasture and broad-leaved woodland. The site

is located within a rural setting on the southern edge of Exmoor National Park and surrounded by predominantly grazed pasture and wooded valleys.

### 1.3 Aims

A Preliminary Ecological Appraisal (PEA) is an initial assessment of the ecological baseline of the survey area in relation to proposed development (CIEEM, 2017). It aims to:

- Research desk study records for the survey area and its surroundings;
- Describe and evaluate of the ecological baseline of the survey area;
- Identify the potential ecological impacts of the development;
- Design mitigation and/or compensation measures to reduce adverse impacts; and
- Identify any requirements for further surveys to inform the development proposals.

## 2. Wildlife and planning policy

### 2.1 Planning policy

Local authorities have a statutory duty to consider wildlife sites, habitats and species of nature conservation value in planning decisions. Planning policies at national, regional and local levels are designed to safeguard the conservation status of these ecological features. Policies related to ecology and nature conservation are set out in the National Planning Policy Framework (Ministry for Housing, Communities and Local Government, 2021), the West Somerset Local Plan to 2032 (West Somerset Council, 2016) and the Exmoor National Park Local Plan to 2031 (Exmoor National Park, 2011).

These policy documents aim to maintain and enhance biodiversity in the planning process. Adverse impacts on important wildlife sites, habitats and species are to be avoided or appropriate mitigation and compensation must be implemented to reduce the scale of the impacts. In addition, development proposals should incorporate opportunities to enhance biodiversity as part of good design. Further information on ecological planning policies relevant to the application site is provided in Appendix 1.

### 2.2 Legislation

The legislative framework for the protection of habitats and wildlife within the UK is provided through Acts of Parliament, Regulations and guidance. Further information regarding this legislation is given in Appendix 2. The main Acts of Parliament relating to terrestrial and freshwater wildlife are:

- Environment Bill 2021
- Conservation of Habitats and Species Regulations 2017 (as amended), known as the 'Habitat Regulations' 2017
- Wildlife and Countryside (W&C) Act 1981 (as amended)
- Countryside and Rights of Way (CROW) Act 2000
- Natural Environment and Rural Communities (NERC) Act 2006
- Salmon and Freshwater Fisheries Act 1975
- The Eel (England and Wales) Regulations 2009

- Protection of Badgers Act 1992
- Hedgerow Regulations 1997.

## 3. Survey methodology

### 3.1 Desk study

Ecological records of designated wildlife sites and protected/priority species for Helebridge Weir and surrounding area were obtained from the Somerset Environmental Records Centre. The data search area included land within 2km of SS932276, the central point of the survey area (SERC, 2021).

Information on priority habitats for the weir and its immediate surrounds, such as ancient woodlands, was sought from the Multi Agency Geographic Information for the Countryside website which provides authoritative geographic information about the natural environment from across government departments (DEFRA et al, 2021).

Aerial photographs were used to provide supplementary information on land use and to put the site into context with its surroundings.

### 3.2 Site survey

#### 3.2.1 Phase 1 Habitat Survey

A Phase 1 habitat survey was carried out on 13<sup>th</sup> October 2021 by an experienced and qualified ecologist to standard survey guidance (JNCC, 2010). The survey included the river and land within 30m of the banks where access was permitted/possible.

Habitats were classified and mapped according to the standard Phase 1 categories and dominant plants within each habitat were recorded. The survey noted any signs of legally protected species and any habitats which had potential to support protected species. It also recorded any non-native invasive species which require legal control.

#### 3.2.2 Survey limitations

The survey in October 2021 represents a 'snapshot' of the biodiversity of the site. As such, the presence or absence of a species, particularly the more mobile faunal species, will vary on the site depending on season and weather conditions.

October is at the end of the season for many species, however the weather conditions were favourable at the time of survey and it is considered that the survey provides a good representation of the baseline ecological condition of the site.

Access to woodland on the west bank was restricted due to dense scrub and steep banks, but areas immediately adjacent to the weir most likely to be impacted by proposed works were surveyed.



### 3.3 Evaluation

Ecological features, such as designated wildlife sites, habitats and species, within the zone of influence of the proposed river works were evaluated according to the conservation and legal criteria given in Appendix 3.

Using these criteria, ecological features were assigned a value based on the geographical framework provided by the Chartered Institute for Ecology and Environmental Management shown in Table 1 (CIEEM, 2018). An overall value was then given for the whole site.

*Table 1. Ecological values*

Value	Geographical area
International	Europe
National	UK
Regional	South West England
County	Somerset
District	West Somerset
Local	Parish of Dulverton / Parish of Brompton Regis
Site	Survey area and its immediate surrounds
Negligible	-

### 3.4 Impact assessment

A PEA provides a preliminary assessment of the potential ecological impacts of a project, based on the findings of the desk study and site survey. It is not designed to characterise impacts or assess the significance of their effects on ecological features and does not constitute a detailed Ecological Impact Assessment.

The PEA impact assessment aimed to identify:

- The likely ecological constraints to the remedial works.
- The mitigation measures likely to be required.
- Any protected species surveys that may be required to inform the proposed river works and/or an Ecological Impact Assessment.
- Opportunities for ecological enhancement.

## 4. Desk study results

### 4.1 Designated wildlife sites

Several designated wildlife sites are located within a 2km radius of the site, including Exmoor National Park, a Site of Special Scientific Interest and a number of Local Wildlife Sites (LWS) (Table 2).

Helebridge Weir lies within the Exmoor National Park, River Exe LWS and Rook Wood LWS and borders Bury Castle Field LWS. It is also located in a SSSI Impact Risk Zone within which projects could affect local SSSIs nearby.

Table 2. Designated wildlife sites within 2km

Site	Reason for designation	Distance from site (km)
<b>National Sites</b>		
Exmoor National Park	Exmoor supports a rich diversity of habitats including oak woodland, heathland, streams and the coastline. These support a vast array of species, including red deer, otters and some of the UK's rarest butterflies and bats. Almost 1/3 of the National Park is protected under UK and European law.	Site lies within the National Park
South Exmoor Site of Special Scientific Interest	The SSSI contains extensive areas of heathland communities only found in South West England and South Wales. Transitions between these communities and upland heathland, semi-natural scrub and woodland, are not well represented in the South West outside Exmoor. Other important components are acidic and more mesotrophic mires, and wet heath communities found only rarely on Exmoor. There is a diverse assemblage of breeding birds and one large colony of the nationally rare Heath Fritillary butterfly.	Site lies 1.8km from the SSSI but within the Impact Risk Zone
<b>County Sites</b>		
River Exe LWS	River with key species indicating high biological quality	Site lies within LWS
Pixton Park Complex LWS	Part ancient woodland site with important lichen communities.	0.9km
Nr Bury Castle Field LWS	Part ancient broadleaved woodland, predominantly oak and ash, with rich lichen flora.	South-east boundary of site borders LWS
Rook Wood LWS	Ancient woodland site with lichen interest.	Site lies within LWS
Helebridge Wood and Plantation LWS	Ancient semi-natural broadleaved woodland with area of conifer plantation.	0.4km
Barlynch Wood LWS	Ancient semi-natural broadleaved coppice woodland, with small conifer plantation.	0.4km
Lyncombe Wood Complex LWS	Ancient semi-natural broadleaved woodland, with small area of conifer plantation.	0.8km
North Side Pixton Park LWS	Broadleaved plantation and parkland.	0.6km
Central Pixton Park LWS	Ancient woodland pasture with outstanding lichen interest.	0.6km
Bury Wood LWS	Ancient woodland site, part recently planted conifer plantation, some semi-natural broadleaved woodland.	0.2km
Exe Cleave Complex LWS	Ancient semi-natural broadleaved woodland.	0.7km

## 4.2 Legally protected and priority habitats

The desk study found that the River Exe is a UK priority habitat (Natural England 2017) and as such is legally protected by the Natural Environment and Rural Communities Act 2006. Under this Act, local authorities have a legal duty to consider the conservation of priority habitats and species in the planning process.

The River Exe and adjacent land lies within a National Habitat Network which aims to protect and build habitat corridors in England (Natural England, 2020; DEFRA et al, 2021). The Network has no legal status but is also a consideration in the planning process.

Water quality and quantity in all rivers and streams is protected by several laws, including the Environmental Permitting (England and Wales) Regulations 2016 which relate to water discharge activities.

## 4.3 Legally protected and priority species

The desk study data found numerous records of protected and priority species within a 2km radius around the site.

### 4.3.1 Mammals

Otter, dormouse and several bat species have been recorded within 2km of the site. These mammals have declining populations in a European context and have a high level of legal protection under the Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act (WCA) 1981. All these species are safeguarded from killing and injury and their places of shelter are protected from loss and disturbance.

Otter, dormouse and bats, together with hedgehog and brown hare which also occur locally, are protected under the NERC Act 2006 and local authorities have a legal duty to consider their conservation in planning decisions. There are also local records of badger; this mammal and its setts are safeguarded under the Protection of Badgers Act 1992.

### 4.3.2 Birds

A number of notable birds have been recorded in the local area. Grey wagtail and dipper occur along the river corridor and a range of species are likely to nest in trees and shrubs along the banks. Kingfisher, a species which nests in river banks, has been recorded along the River Exe and River Haddeo.

All wild birds are protected from killing and injury and their nests and eggs are also protected under the WCA 1981. Birds which have declining populations nationally, such as kingfisher, are included on Schedule 1 of the WCA 1981 and have special protection when nesting. Wild bird habitats are safeguarded under the Conservation of Habitats and Species Regulations 2017. Many bird species are also UK priority species and protected in the planning system under the NERC Act 2006.

### 4.3.3 Fish

Atlantic salmon have historically been recorded in the River Exe. These are a UK priority species and protected by the NERC Act 2006.

#### 4.3.4 Reptiles

Slow worm has been recorded locally. All reptiles are UK priority species and protected by the NERC Act 2006 and the WCA 1981 protects all reptiles from killing and injury.

#### 4.3.5 Amphibians

Amphibians which have been found in the local area include common toad, a UK priority NERC Act 2006 species. There are no local records of the legally protected great crested newt.

#### 4.3.6 Invertebrates

Several UK priority NERC Act 2006 species of beetles, butterflies and moths occur locally, with many associated with the ancient woodlands along the river valley.

#### 4.3.7 Plants

A number of notable plant records are present, the majority from the moorland on Haddon Hill.

### 4.4 Legally controlled species

Non-native, invasive species which are a threat to our native flora and fauna are included on Schedule 9 of the WCA 1981. This legislation makes it an offence to release or allow these species to spread in the countryside.

There are no records of any legally controlled species within the desk study area. However, the non-native and highly invasive plant, Himalayan balsam, was observed at the time of survey.

## 5. Phase 1 Habitat Survey results

This chapter describes the habitats and species within the site. Figure 2 shows the distribution of habitat types and records specific ecological features as numbered target notes (TN1 – TN7).

### 5.1 Habitats

#### 5.1.1 Improved grassland

The field to the east of the weir comprises semi-improved sheep grazed grassland. The field is dominated by perennial rye grass, with occasional docks, creeping buttercup and patches of locally frequent soft rush. A post and wire fence forms the boundary with the river, and the ungrazed margins contain a greater mix of species including common nettle, docks, bramble, meadowsweet and occasional non-native invasive Himalayan balsam.

The north-west bank of the river also comprises sheep grazed pasture. This field is more steeply sloping than the eastern field, but also contains very limited species diversity, with patches of soft rush in wetter areas.

#### 5.1.2 Scattered trees

Numerous trees occur along the banks of the river and scattered in the pasture to the west of the river.

A small number of the more mature trees have features which could be used by roosting bats and all woody cover may be used by nesting birds (see sections 5.2.1 and 5.2.5).

### 5.1.3 Woodland

Woodland is present on a steep slope on the right hand bank adjacent to and downstream of the weir. The woodland is dominated by deciduous species adjacent to the weir, grading into coniferous plantation downstream. Adjacent to the weir, the woodland is dominated by beech with occasional ash and alder. A scattered understorey of hazel and holly is present, with ground flora including dog's-mercury, ivy, hedge woundwort, nipplewort, hart's-tongue fern, pendulous sedge, and bramble, which forms very dense patches in places. The river banks are shallow in this area. Part of a dry leat channel leads from the woodland towards the weir, becoming wet just before it meets the river.

### 5.1.4 River

A detailed survey of in-river habitat is outside the scope of this survey but upstream of the weir the river bed was notably silty with cobbles also present. Flow conditions were moderate with clear non-turbid water comprising glide habitat. No aquatic macrophytes were noted during the survey. Tree root structures within the earth banks provide some shelter for wildlife. The banks upstream of the weir comprise shallow earth banks topped with small trees, scrub and ruderals in a narrow strip that is protected by a post and rail fence.

Adjacent to the weir the banks are reveted with stone. Below the weir less silt was visible on the bed and cobbles and stones are present. The banks are more shallow with occasionally 'beach' areas. Scattered trees and shrubs are present along the bank-top but these had been recently flailed at the time of survey and no dense cover is present on the left-hand bank. On the right-hand bank broadleaved woodland grades into coniferous plantation downstream. The more shaded areas here have less bankside vegetation and comprise a mix of earth and stone banks with some ferns and occasional overhanging alder and sycamore.

### 5.1.5 Built structures

The weir spans the river and appears to be of stone construction, which is deteriorating in places. No notable vegetation is present on the weir, but an ash on the adjacent left hand bank has ivy cover and provides low potential for roosting bats (See 5.2.1). A leat runs alongside the right hand bank downstream of the weir but this was dry at the time of the survey.

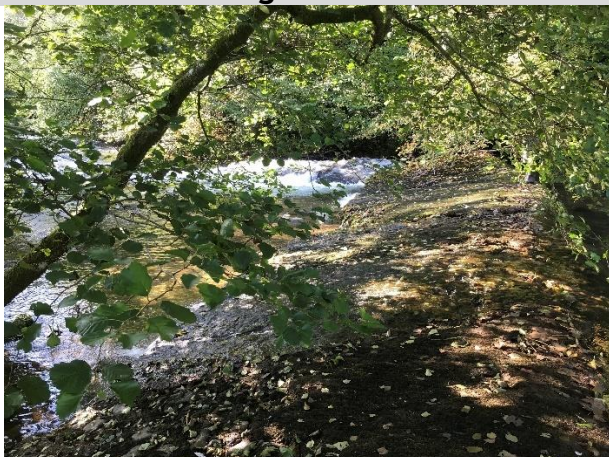
Hele Bridge is a Grade II listed structure and spans the river, forming the northern boundary of the site. Access was not possible to fully inspect the bridge but it appeared in a good state of repair with no obvious features or potential for roosting bats, and the low arches and proximity to the river limit suitability.

### 5.1.6 Wet ditch

A wet ditch forms the southern boundary of the sheep grazed pasture on the left hand bank. The ditch provides a minor inflow into the river. The banks are steep and approximately 2m high, with grass and bracken cover (recently cut). A hedge is present on the southern bank.



**Plate 1 - View along weir**



**Plate 2 - Sheep grazed pasture on LHB**



**Plate 3 - Sheep grazed pasture on RHB**



**Plate 4 - Leat feature**



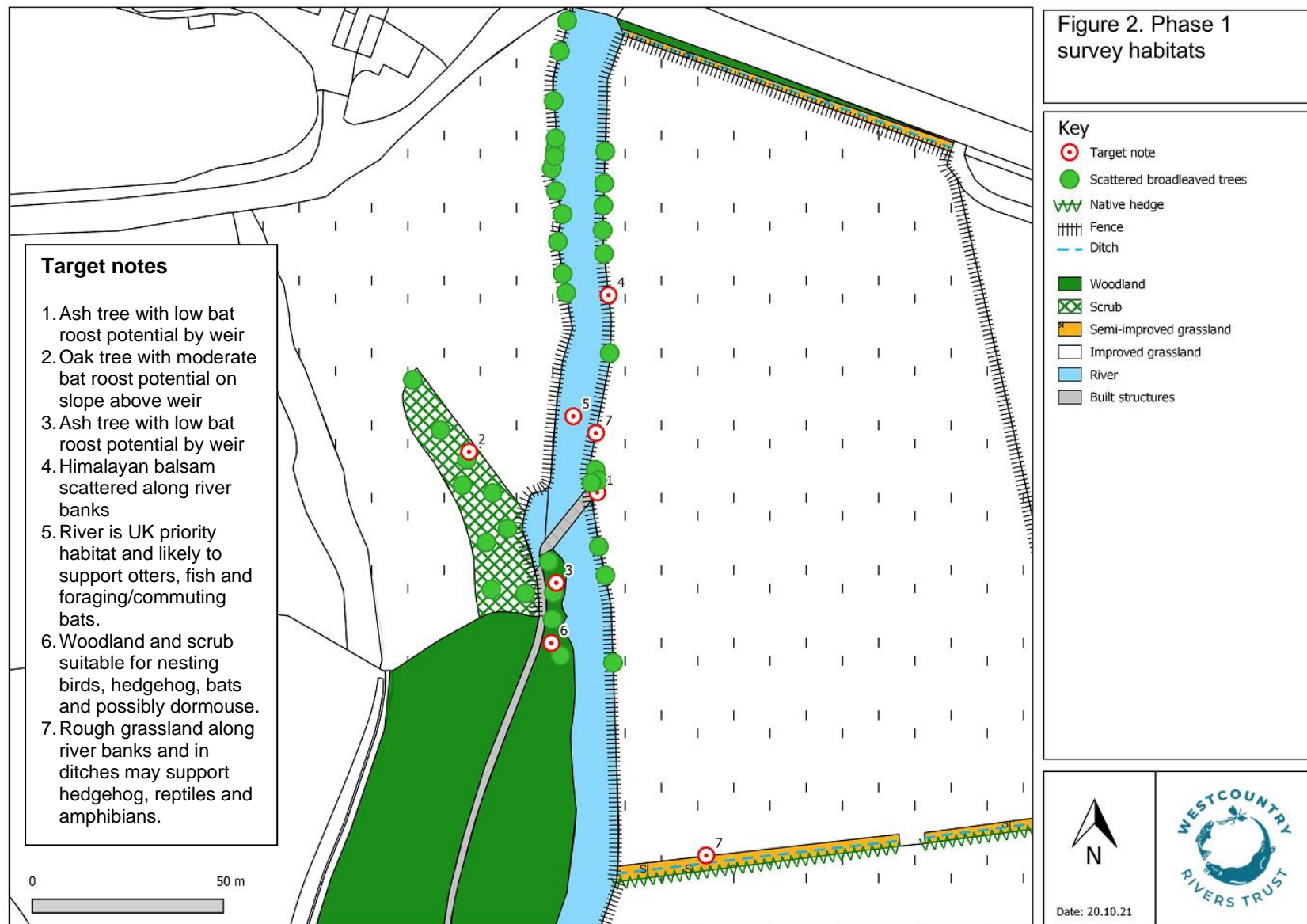
**Plate 5 - View upstream of weir**



**Plate 6 - view downstream of weir**







## 5.2 Legally protected and priority species

The survey recorded evidence and potential habitats for several legally protected species.

### 5.2.1 Mammals

#### Bats

A diversity of bat species has been recorded locally and habitats within the survey area could potentially be used for roosting, foraging and commuting bats.

There are several mature trees along the river banks and on the islands below the weir which have potential roost features, such as thick ivy stems and loose bark:

- Ash with ivy cover adjacent to weir on the left-hand bank had low roost potential (TN1)
- Large oak on slope above river on right-hand bank with ivy cover and dead limbs – moderate roost potential (TN2)
- Declining ash with ivy cover just downstream of the weir on the right-hand bank had low roost potential (TN3)
- Some dead and dying ash within woodland have low-moderate bat potential; these were not individually mapped.

The weir structure and bridge were not considered suitable to provide roost habitat for bats.

Habitats along the river offer excellent foraging habitat for bats and the river corridor provided a well-connected linear feature which is likely to be used as a navigational route by bats commuting between their roosts and feeding grounds.

#### Otter

No evidence of otter was recorded during the survey. A fallen tree adjacent to the weir with an upturned root structure may provide some shelter for otter, but no signs of use was noted. Footprints in the surrounding mud are attributable to rat.

Otter is likely to use the watercourse for foraging and accessing its wider territory. The woodland below the weir provides abundant cover for resting up.

#### Dormouse

The woodland provides some suitable habitat for dormice, however there is a limited understory for nesting. The coniferous plantation is much less suitable for this species. The scrub habitat along the banks is generally flailed and is not considered to provide significant habitat for this species.

#### Water vole

No evidence of water vole was found during the survey and there are no records in the local area. The stone revetments adjacent to the weir preclude burrowing in this area and the banks downstream of the weir are largely unsuitable, being shallow and poached in places on the left hand bank, and shaded and with limited vegetation cover adjacent to the conifer plantation. Banks upstream of the weir provide more suitable habitat for water vole but no signs of burrows or other evidence was noted and a lack of local records indicates that this species is unlikely to be present.

### Hedgehog

There is some limited habitat for hedgehog in the form of scrub along the river banks. Significant habitat is present within the wider area in the woodland and grassland.

### Badger

No evidence of badgers was found within the site but the grassland and woodland provide suitable habitat for this species.

## 5.2.2 Birds

Trees along the banks of the river and within the woodland provide potential nesting habitat for a range of common birds. UK priority species which occur locally and could potentially breed in these habitats include house sparrow, dunnock and bullfinch.

Kingfisher, a Schedule 1 species which has special legal protection while nesting, could use the wider river for feeding, but the banks within the survey area are unsuitable for nesting. Other species likely to be present along the river are grey wagtail and dipper which have no legal protection but are species of amber conservation concern (RSPB et al, 2021). Habitats in the river corridor provide a source of fish, invertebrates, seeds and fruit for foraging birds throughout the year.

## 5.2.3 Fish

Brown trout were noted in the river during the time of the survey. The habitat present is suitable for a range of species including Atlantic salmon, brown/sea trout, bullhead, stone loach, European eel, lamprey, minnow and grayling. The tree roots along the banks provide shade and shelter for fish.

## 5.2.4 Reptiles

The sheep grazed pasture is considered unsuitable for significant numbers of reptiles, but the narrow field margins and woodland provide some habitat. The river may provide some foraging habitat for grass snake.

## 5.2.5 Amphibians

No obvious areas of standing water were noted on site to provide potential amphibian breeding sites, but it is possible that backwaters or areas along the wet ditch may provide suitable habitat, although this is considered likely to be ephemeral. Trees, scrub and grassland along the river corridor provide suitable foraging and shelter for frogs and toads. No suitable habitat for the protected great crested newt was recorded.

## 5.2.6 Invertebrates

The site is likely to provide good habitat for a range of aquatic and terrestrial invertebrates. The mature trees and woodland will support a diversity of terrestrial invertebrates, possibly including notable species. The lack of in-river macrophytes may limit habitat for aquatic invertebrates.

There are no local records for non-native signal crayfish on the River Exe. Some suitable habitat is present on site, however no signs of burrows were recorded during the survey.

## 5.2.7 Plants

No notable higher plants were found during the survey, and although the October survey may have missed spring and summer species, the improved sheep grazed pasture is considered unlikely to any notable plants.

Himalayan balsam, a legally controlled non-native invasive species, was recorded in a few locations along the river margins (TN4).

## 6. Evaluation

Designated wildlife sites, habitats and species in the zone of influence of the proposed weir works are evaluated in a geographical context, based on the findings of the desk study and site survey (Table 3).

In summary:

- The site lies within the Exmoor National Park, River Exe LWS and Rook Wood LWS and borders Bury Castle Field LWS.
- The site is located within a SSSI Impact Risk Zone within which developments could affect the South Exmoor SSSI, located 1.8km away.
- The River Exe is a UK priority habitat and legally protected in the planning system.
- The mature trees and woodland provide valuable ecological habitat and enhance the diversity of the river corridor.
- Bats may use trees within the survey area for roosting and the river corridor provides an excellent foraging resource and commuting route for a range of bat species.
- No otter holts or couches were recorded but this species is likely to travel through the survey area while foraging and could rest in areas of woodland.
- Dormouse is found in woodlands in the local area and this species could be present within the woodland on site.
- Fisheries habitat is currently of local importance and can support internationally important species.
- Birds are likely to nest in trees, scrub and along the river banks; the nests and eggs of all wild birds are legally protected.
- Other legally protected species which may be present in low numbers include hedgehogs and reptiles.
- Overall, the survey area is considered to be of **County** ecological value i.e. of importance within the context of Somerset.

*Table 3. Ecological evaluation of the zone of influence*

Feature	Value	Rationale
<b>Designated sites</b>		
<b>National sites</b> SSSI Impact Risk Zone	National	The site lies within the zone of influence of the South Exmoor SSSI
<b>County sites</b>	County	The site lies within a County Wildlife Site.
<b>Habitats</b>		
Semi-improved grassland	Site	The grassland on site is species-poor and of limited structural diversity but it provides some habitat for local wildlife.



Feature	Value	Rationale
Scattered trees	Local	Scattered trees along the river banks provide shade, structure and habitat along the river corridor for a range of local wildlife.
Woodland	County	The woodland forms part of a local county wildlife site and is likely to support a range of local wildlife.
Running water	County	The river is a UK priority habitat, provides an important corridor through the landscape and habitat for a range of local wildlife.
Built structures	Negligible	The historical bridge and weir structure have limited ecological value.
Wet ditch	Negligible	The ditch is likely to be seasonally wet and provides limited habitat value.
<b>Species</b>		
Bats	Local	The river corridor is likely to be used by a diversity of bat species for foraging and commuting. Some of the trees have moderate or low potential roost features.  No bat surveys have been undertaken but it is assumed that the range of species and numbers are likely to be of at least Local value i.e. of importance within the context of parish.
Dormouse	Local	The woodland provides suitable habitat.
Otter	Local	No evidence of otter was recorded but frequent records are present in the local area and the site is likely to form part of a more extensive foraging territory along the River Exe. No holts or resting up places were found, but the woodland provides suitable habitat.
Water vole	Site	No evidence or local records of this species. Habitats in the immediate vicinity of the weir are sub-optimal.
Hedgehog	Site	Small areas of scrub and the woodland provide some potential habitat.
Birds	Local	The trees and scrub provide good nesting habitat and are likely to support breeding pairs of several UK priority birds. Habitats provide shelter and a source of invertebrates, fish, seeds and berries for birds all year around.
Fish	Local / County	The diverse in river habitat is likely to support a diverse species range for all life stages of native fish populations. The trees present along the banks also provide root refuge for many species.
Reptiles	Site	Some reptiles may use the woodland for foraging and shelter but the grassland has little suitability.
Amphibians	Site	Species such as common toad and common frog are likely to use habitats within the river corridor.

Feature	Value	Rationale
Invertebrates	Local	The river and associated habitats provide good habitat for a range of terrestrial and aquatic invertebrates. No evidence of crayfish was recorded.
Plants	Site	No notable plants were recorded on the site. Small patches of Himalayan balsam, a non-native, invasive plant which requires legal control were recorded.

## 7. Proposed works

As part of the Strategic Exe Weirs project, works are proposed to improve fish passage on the River Exe at Helebridge Weir. Proposals include the removal of the existing concrete weir structure and creation of a series of stone 'check weirs' to enable free fish migration and permit transportation of coarse sediments in a more natural manner.

Access to the weir during construction will be via the sheep grazed fields, and there would be no direct impacts to the adjacent woodland. A temporary storage area for machinery and materials will be located in the field if necessary, located an appropriate distance from the channel to avoid the risk of water contamination from accidental spills.

Some limited vegetation clearance may be required around the weir to access the structure. In-channel works are likely to cause temporary disturbance to sediments and water flow patterns.

There will be temporary disturbance from increased human activity, noise, vibration and dust during construction. The works will be carried out in daylight hours and no artificial lighting will be required.

## 8. Impact assessment

A preliminary ecological impact assessment, based on the findings of the desk study and Extended Phase 1 habitat survey, is given in Table 4. This identifies the potential effects of the proposed weir works on designated sites and legally protected/ notable habitats and species which have been assessed as Site value or above. The table also highlights where further surveys are needed to inform the works to avoid any breach of wildlife legislation.

Table 4 identifies a range of measures to avoid, mitigate and compensate for any potentially significant impacts. In line with national and local planning policies, the proposals should ensure that there is no net loss in biodiversity and aim to deliver positive measures to enhance biodiversity where possible.

Table 4. Preliminary ecological impact assessment

FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
<b>1. Designated sites</b>			
<b>National sites</b>  SSSI Impact Risk Zone	<b>Construction phase</b>  The nearest SSSI lies 1.8km away from the site and there will be no direct impacts.  However, the site lies within a SSSI Impact Risk Zone for South Exmoor SSSI. Natural England must be consulted over ' <i>all planning applications which are outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures</i> ' (DEFRA <i>et al</i> , 2021).	<b>Construction phase</b>  Natural England to be consulted.	<b>Construction phase</b>  It is not considered that the scope of the proposals outlined would have any significant negative impacts on the SSSI.  A Construction Environmental Management Plan (CEMP) will be prepared prior to site works to describe the measures that will be taken to protect designated sites, habitats and species. These will include actions to minimise noise, vibration, compaction, pollution and dust.
	<b>Operational phase</b>  Once the weir works have been completed, there will be no potential impacts on South Exmoor SSSI.	<b>Operational phase</b>  None required	<b>Operational phase</b>  None required
<b>County sites</b>  River Exe LWS and Nr Bury Castle Field LWS	<b>Construction phase</b>  Construction works within the site are located within the River Exe LWS and adjacent to Rook Woods LWS and Nr Bury Castle Field LWS. They could affect habitats and species through water contamination and increased sedimentation, noise, dust and human disturbance.	<b>Construction phase</b>  See surveys for protected species below.	<b>Construction phase</b>  In-river work must be conducted within June to September (inclusive) permissible work season. The River Exe is classified as a 'Main River' and therefore the work must obtain an environmental permit from the Environment Agency. The work falls under a bespoke permit and as such will require a Risk Assessment, Construction Method Statement, Management System.

FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
			PPG5 (Pollution Prevention Guidance) for working in or near watercourses should be followed.  A Construction Environmental Management Plan (CEMP) will be prepared prior to site works to describe the measures that will be taken to protect designated sites, habitats and species. These will include actions to minimise noise, vibration, compaction, pollution and dust.
	<b>Operational phase</b>  Once the works have been completed, there will be a positive impact to the LWS due to the reintroduction of more natural river processes and easier passage for fish.	<b>Operational phase</b>  No impacts predicted.	<b>Operational phase</b>  None required.
<b>2. Habitats</b>			
Scattered trees	<b>Construction phase</b>  The works are likely to have limited impacts to mature trees along the river bank but some trees and underlying shrubs may be trimmed or removed to allow access for construction works.	<b>Construction phase</b>  Dependent on the extent and scope of tree loss, bat surveys may be required (see <b>Bats</b> surveys below)	<b>Construction phase</b>  The CEMP will demonstrate the measures taken to minimise impacts to mature trees.  The current plans do not indicate significant tree loss, however if this is the case then consideration would need to be given to replacement planting of native and local trees and shrubs to maintain the integrity of the river corridor.
	<b>Operational phase</b>	<b>Operational phase</b>  None required	<b>Operational phase</b>  None

FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
	Once the works have been completed, there will be no further impacts to scattered trees.		
Semi-improved grassland	<b>Construction phase</b> There may be temporary loss of a small area of species-poor semi-improved grassland to allow for access and storage. The site is likely to be impacted by soil compaction and disturbance in the short-term.	<b>Construction phase</b> None required	<b>Construction phase</b> Where possible works should be scheduled for dry periods to minimise impacts to the grassland. It is anticipated that impacts to grassland will be small scale and short-term and no further mitigation is required.
	<b>Operational phase</b> Once the works have been completed, there will be no further impacts to this habitat.	<b>Operational phase</b> None	<b>Operational phase</b> None
Woodland	<b>Construction phase</b> It is not anticipated that there will be any direct impacts to the woodland habitat. Indirect impacts such as disturbance may affect protected species within woodland (see <b>Otter</b> , <b>Dormouse</b> and <b>Birds</b> below).	<b>Construction phase</b> (See <b>Otter</b> , <b>Dormouse</b> and <b>Birds</b> surveys below)	<b>Construction phase</b> The CEMP will demonstrate the measures taken to minimise impacts to the woodland habitat and species.
	<b>Operational phase</b> None	<b>Operational phase</b> None required	<b>Operational phase</b> None
River	<b>Construction phase</b> Water flows will be impacted by impoundment and weir works.	<b>Construction phase</b> (See <b>Otter</b> and <b>Fish</b> surveys)	<b>Construction phase</b> The River Exe is a Main River and an environmental permit from the Environment Agency will be required to carry out the works.



FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
	Habitat disturbance could affect protected species which use the watercourses (See <b>Otter</b> and <b>Fish</b> below).		The CEMP will demonstrate the measures taken to minimise the risk of water contamination and disturbance to aquatic habitats, based on the guidance found in <i>PPG Works in, near or over watercourses: prevent pollution</i> (EA, 2007).  Any habitats on the riverbanks, such as trees, shrubs and rough grassland, which are affected by the works will be restored afterwards by replanting and/or seeding with native and local species.
	<b>Operational phase</b> None	<b>Operational phase</b> (see <b>Fish</b> )	<b>Operational phase</b> (see mitigation for <b>Fish</b> )
<b>3. Species</b>			
Bats	<p><b>Construction phase</b></p> <p>A small number of trees have bat roost potential in the form of ivy cover or dead branches. Dependent on the proposals for the site works, removal of these trees could impact bat roosts.</p> <p>Construction works will cause a short-term, localised increase in noise and activity but these are unlikely to cause disturbance to bat roosts.</p> <p>Vegetation clearance will result in the loss of a small area of bat foraging habitat. This is unlikely to impact on local bat populations.</p> <p>Without mitigation, any temporary artificial lighting in the required during the construction phase will</p>	<p><b>Construction phase</b></p> <p>Dependent on the proposals for the site, additional surveys may be required to assess the presence/absence of bat roosts within the trees to be felled or trimmed back. These surveys would need to be undertaken prior to any planning application.</p>	<p><b>Construction phase</b></p> <p>The CEMP will outline mitigation measures to avoid impacts to bats during construction. This will include protection of trees with potential bat roosts and lighting restrictions.</p> <ul style="list-style-type: none"> <li>Where possible works to trees with potential for bat roosts would be avoided. Where this is not possible additional surveys would be undertaken to assess the presence/absence of any roosts and to outline suitable mitigation measures and any requirements for licencing.</li> <li>Works will follow the arboricultural recommendations to minimise impacts to RPAs of</li> </ul>

FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
	affect foraging and commuting areas and cause disturbance to potential tree roost sites.		retained trees. <ul style="list-style-type: none"> <li>Construction times will be limited to between 8am – 6pm and temporary lighting will only be required during the winter months or for exceptional circumstances to minimise disturbance to bats. There will be no directional lighting onto trees, hedges or the watercourses during the construction phase.</li> </ul>
	<b>Operational phase</b> Once the works have been completed, there will be no further impacts to bats.	<b>Operational phase</b> No impact predicted.	<b>Operational phase</b> No mitigation required
Dormouse	<b>Construction phase</b> The main suitable habitat for dormice is the woodland, and this is not expected to be directly impacted by works. Habitats along the river corridor are mainly sub-optimal, but dormouse may be present in small patches of scrub. Any removal of these habitats could cause injury or disturbance to this species. Dormice and their places of shelter are legally protected.	<b>Construction phase</b> An Ecological Watching Brief will be required to supervise clearance of any scrub. A visual search for any signs of dormouse will be undertaken as vegetation removal progresses. Visual searches are acceptable for establishing dormouse presence/likely absence where only a small amount of habitat will be lost in hedge gaps and	<b>Construction phase</b> The CEMP will outline the timing and methods of removing small areas of dormouse habitat if necessary, including the provision of an Ecological Watching Brief.  If any dormice signs are found during the Ecological Watching Brief, works cease immediately and a dormouse mitigation licence will be required from Natural England for vegetation removal to proceed. The construction phase schedule should factor in this potential delay as a contingency measure.  Mitigation and compensation for loss and disturbance to suitable dormouse habitat will be provided within the restoration scheme (see <b>Habitats</b> above).

FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
		bramble patches (Natural England, 2015).	
	<b>Operational phase</b> Once the works have been completed, there will be no further impacts to dormouse.	<b>Operational phase</b> None required.	<b>Operational phase</b> No mitigation required
Otter	<b>Construction phase</b> Otter is likely to be present within the river corridor and works on or near the watercourse may cause injury or disturbance to this species. The main habitat likely to provide shelter for otter is the woodland, and this is not anticipated to be directly impacted. Otter and their places of shelter are legally protected.  There will be a temporary increase in noise and activity during the construction phase which is likely to temporarily discourage otter from using the site.	<b>Construction phase</b> An inspection of the proposed works areas for any evidence of otters will be conducted prior to commencement to ensure there are no resting up sites.	<b>Construction phase</b> The CEMP will outline measures to minimise any impacts to otter, including appropriate timings of works, no construction lighting, and ensuring that the works do not obstruct movement of animals along the river corridor.
	<b>Operational phase</b> Once the works have been completed, there will be no further impacts to otter.	<b>Operational phase</b> No surveys required.	<b>Operational phase</b> No mitigation required
Hedgehog	<b>Construction phase</b> The proposals are likely to have minimal impact on suitable hedgehog habitat but small patches of scrub may be affected.	<b>Construction phase</b> An Ecological Watching Brief will be required to supervise clearance of any scrub to minimise the risk of injuring	<b>Construction phase</b> The CEMP will outline the timing and methods of removing hedgehog habitat, including the provision of an Ecological Watching Brief.

FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
	Increased noise disturbance and human activity during the construction phase are likely to deter hedgehogs from using the site.	hedgehogs within the vegetation.	If any hedgehogs are found during the Ecological Watching Brief, they will be captured and moved to suitable habitat nearby.
	<b>Operational phase</b> Once the works have been completed, there will be no further impacts to hedgehog.	<b>Operational phase</b> None required.	<b>Operational phase</b> No mitigation required
Breeding birds	<b>Construction phase</b> Removal of trees and scrub during the main nesting season (March – August inclusive) is likely to cause damage to or destruction of birds' nests which is a legal offence.  This would also result in a small reduction in bird nesting and foraging habitat, although it is unlikely to have a significant impact on local breeding populations.  Breeding birds are likely to be deterred from using the site temporarily during construction due to noise disturbance and human activity.	<b>Construction phase</b> Removal of trees and scrub will be carried out between March – August inclusive. If this is not feasible, an Ecological Watching Brief will be required to oversee habitat removal and minimise the risk of disturbance to occupied nests.	<b>Construction phase</b> The CEMP will outline the timing and methods of removing bird nesting habitat within the breeding season, including the provision of an Ecological Watching Brief.  If any nesting birds are found during the Ecological Watching Brief, the nests will need to be left undisturbed until the fledglings have left. The construction schedule should factor in potential delays to vegetation clearance.  Mitigation and compensation for loss and disturbance of bird nesting habitat through habitat restoration (see <b>Habitats</b> above).
	<b>Operational phase</b> Once the works have been completed, there will be no further impacts to nesting birds.	<b>Operational phase</b> None required.	<b>Operational phase</b> No mitigation required
Fish	<b>Construction phase</b>	<b>Construction phase</b> A fish rescue/removal undertaking may be	<b>Construction phase</b>

FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
	<p>Fish populations could be affected by increased sedimentation and potential water contamination from machinery.</p> <p>Fish movement will be impeded if any part of the channel has to be dewatered to carry out dry works or high risk in river activities.</p>	required if dewatering is required.	<p>The CEMP will outline working methods within and close to the watercourse to minimise the risk to water quality (see <b>River</b> above).</p> <p>In river works will be undertaken between June and September (inclusive) to minimise risks to fish.</p>
	<p><b>Operational phase</b></p> <p>Once the works have been completed, this scheme will positively benefit fish.</p>	<p><b>Operational phase</b></p> <p>No surveys required.</p>	<p><b>Operational phase</b></p> <p>No mitigation required.</p>
Reptiles	<p><b>Construction phase</b></p> <p>There is limited habitat for reptiles but low numbers may be present in scrub margins. The extent of habitat loss is very small but clearance may cause injury to reptiles which is an illegal offence.</p> <p>Increased noise and disturbance during the construction phase is likely to deter reptiles from using the site temporarily.</p>	<p><b>Construction phase</b></p> <p>Any removal of rough grassland and scrub will require an Ecological Watching Brief. This will oversee habitat removal to minimise the risk of killing/injuring reptiles.</p>	<p><b>Construction phase</b></p> <p>The CEMP will outline the timing and methods of removing reptile habitat, including the provision of an Ecological Watching Brief.</p> <p>If any reptiles are found during the Ecological Watching Brief, they will be captured and moved to suitable habitat nearby.</p> <p>Mitigation and compensation for loss of reptile habitats will be provided within through habitat restoration (see <b>Habitats</b> above).</p>
	<p><b>Operational phase</b></p> <p>Once the works have been completed, there will be no further impacts to reptiles.</p>	<p><b>Operational phase</b></p> <p>None required.</p>	<p><b>Operational phase</b></p> <p>No mitigation required</p>



FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
Amphibians	<b>Construction phase</b> Disturbance of wetland habitats during the breeding season (January – March for toad and frog; March – June for newts) could affect local populations.  Outside the breeding season, amphibians may be present in rough grassland and scrub margins. However, the extent of potential habitat loss is small and unlikely to significantly affect amphibian numbers.	<b>Construction phase</b> Although common amphibian species do not have legal protection against killing/injury, the Ecological Watching Brief for reptiles will cover similar habitat and so will also include amphibian protection.	<b>Construction phase</b> The CEMP will outline the timing and methods of removing amphibian habitat, including the provision of an Ecological Watching Brief.  If any amphibians or spawn are found during the Ecological Watching Brief, they will be captured and moved to suitable habitat nearby.
	<b>Operational phase</b> Once the river works are completed there will be no further impacts.	<b>Operational phase</b> None required.	<b>Operational phase</b> No mitigation required
Invertebrates	<b>Construction phase</b> Invertebrates may be impacted by increased noise, vibration, dust and lighting during construction.  Habitat clearance will result in the reduction of invertebrate habitat but the scale of habitat loss is unlikely to have a significant effect on local populations.	<b>Construction phase</b> No surveys required	<b>Construction phase</b> The CEMP will describe the measures taken to reduce dust, noise and vibration and avoid construction lighting.  Mitigation and compensation for loss and disturbance of invertebrate habitat will be provided within the restoration scheme (see <b>Habitats</b> above).
	<b>Operational phase</b> Once the river works are completed there will be no further impacts.	<b>Operational phase</b> None required.	<b>Operational phase</b> No mitigation required

FEATURE	POTENTIAL IMPACTS	FURTHER SURVEYS REQUIRED	MITIGATION AND COMPENSATION MEASURES
Plants	<b>Construction phase</b> Excavations may cause the spread of non-native invasive plants, both within the construction site and off-site, which would be a legal offence.	<b>Construction phase</b> Prior to construction works, mark up locations of legally controlled plants ready for eradication.	<b>Construction phase</b> The CEMP will include measures to eradicate non-native invasive plants close to working areas prior to site works. Control methods will follow government guidance (Natural England & DEFRA, 2019).
	<b>Operational phase</b> None	<b>Operational phase</b> None required.	<b>Operational phase</b> None

## 9. Conclusion

The Preliminary Ecological Appraisal completed a baseline desk study and site survey and a preliminary assessment of the potential impacts of works to Hele Weir. These included impacts to designated sites, habitats and legally protected/priority species. A range of compensation and mitigation measures were identified to avoid or reduce ecological impacts, as follows:

### Prior to construction

- A Construction Environmental Manage Plan will be prepared to outline methods and timings of construction works and the measures taken to avoid/reduce ecological impacts.
- An environmental permit will be obtained from the Environment Agency.
- Further surveys for bats will be carried out if any trees with potential roosts are affected.
- Pre-works checks for otters and non-native plants will also be conducted.

### During construction

- Ecological Watching Briefs will be carried out during vegetation removal to minimise risk of killing or injuring dormice, reptiles, amphibians and hedgehogs.
- If dewatering the channel is necessary, a fish rescue may be required.

### After construction

- Habitats along the river banks will be restored if necessary by replanting/seeding native and local species.

Providing appropriate mitigation and compensation outlined in this report is implemented, it is considered that there will be no significant negative residual impacts and the scheme will deliver a significant positive impact to the river habitat and fish.

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## Appendix 1. Wildlife planning policy

### National Planning Policy

Ministry for Housing, Communities and Local Government (2021) National Planning Policy Framework.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

### Local Policy

#### Adopted West Somerset Local Plan to 2032 (2016)

<https://www.somersetwestandtaunton.gov.uk/media/1074/adopted-west-somerset-council-local-plan-to-2032-document.pdf>

#### **Policy NH6: Nature Conservation and the Protection and Enhancement of Biodiversity.**

Planning permission for development will be granted subject to the application demonstrating that:

- the proposed development will not generate unacceptable adverse impacts on biodiversity;
- measures will be taken to protect or mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity. Measures shall ensure a net gain in biodiversity where possible. The Somerset 'habitat evaluation procedure' will be used in calculating the value of a site to species affected by a proposal as appropriate. Where habitat is replaceable, mitigation techniques need to be proven;
- the local planning process will be used to protect, enhance and restore the ecological network within West Somerset. The weight of protection afforded to a site that contributes to the district's biodiversity will reflect its role in maintaining connectivity and resilience of the local ecological network; and
- a 'Habitat Regulations Assessment' will be required for development proposed which directly affects European and internationally designated sites and for areas that ecologically support the integrity of these sites.

#### **Policy NH11: Bat Consultation Zone**

Planning applications for development on sites within the West Somerset bat consultation zone, as shown on the Policies Map, may require a 'test of significance' under the habitat regulations to be carried out. Applicants must provide all necessary information to enable such a test to be conducted, including any necessary survey work, reports and avoidance/mitigation measures with the application.

#### **Policy NH13: Securing High Standards of Design**

New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development (excluding small domestic applications and changes of use) should demonstrate that where appropriate:

- An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context;
- The proposal makes a positive contribution to the local environment and creates a place with a distinctive character;
- The public realm has been designed to ensure that it is attractive, safe, accessible and well connected to its surroundings, including walking and cycling routes to and within the development, to encourage their use in the interests of public health;
- The landscape proposals have been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity;
- Measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change form an integral part of the design solutions.

#### **Policy NH14: Nationally Designated Landscape Areas**

Major development proposals within the Quantock Hills Area of Outstanding Natural Beauty will be determined in accordance with national planning policy. Where development is likely to affect the Quantock Hills AONB or Exmoor National Park, regard will be had to their statutory purposes. Applications for development should have regard to location, siting, orientation and landscaping to achieve high quality design and to ensure that the proposals conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB or the National Park and their settings. Development which would conflict with the achievement of the statutory purposes of the AONB or the National Park, or their settings or which would adversely affect the understanding or enjoyment of the national park's special qualities, will not be permitted.

### **Exmoor National Park. Local Plan 2011-2031**

[https://www.exmoor-nationalpark.gov.uk/\\_data/assets/pdf\\_file/0030/257763/Local-Plan-2011-2031-for-web.pdf](https://www.exmoor-nationalpark.gov.uk/_data/assets/pdf_file/0030/257763/Local-Plan-2011-2031-for-web.pdf)

#### **CE-S3 Biodiversity and Green Infrastructure**

1. The conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight.
2. Development delivery, management agreements and positive initiatives will conserve, restore and re-create priority habitats and conserve and increase priority species identified for Exmoor in the Exmoor Wildlife Research and Monitoring Framework (or successor publication).
3. Sites designated for their international, national or local importance, priority habitats, priority or protected species, ancient woodland and veteran trees will be protected from development likely to have direct or indirect adverse effects including on their conservation objectives. Protection will be commensurate with their status, giving appropriate weight to their importance, in accordance with the following principles:
  - a) Development likely to have a significant effect on any internationally designated site either directly or indirectly, including on features outside the designated site which support the ecological functioning of cited habitats and species, will not be permitted unless it can be ascertained that the development will not have an adverse effect on the integrity of the site.



- b) Development likely to have an adverse impact on the notified special interest features of nationally designated sites will not be permitted. An exception will be made only where the benefits of the development, at that site, clearly outweigh both the impacts it is likely to have on the special interest features of the designated site and any broader impacts on the network of nationally designated sites.
  - c) Development likely to cause harm to legally protected species, or lead to the loss of or damage to their habitats, will not be permitted unless this can be mitigated or then offset so that local populations are at least maintained.
  - d) Development likely to adversely affect local sites designated for their wildlife will not be permitted, unless it can be demonstrated that the need for, and benefits of, the development clearly outweigh the loss of biodiversity.
  - e) Development likely to adversely affect priority species and habitats must be avoided wherever possible (subject to the legal tests afforded to them) unless the need for, and the benefits of the development are exceptional and clearly outweigh the loss of biodiversity.
  - f) Development resulting in the loss or deterioration of irreplaceable ancient woodland (including ancient semi-natural woodland and plantations on ancient woodland sites) and veteran trees, will not be permitted unless the need for and the benefits of the development are wholly exceptional and clearly outweigh the loss of biodiversity.
- 4. Regionally important geological sites (RIGS) will be safeguarded for their geological and geomorphological interest.
  - 5. Where, in exceptional circumstances and following an assessment against clauses 1, 2, 3 (b)-(f) and/or 4 above where required, the need for and benefits of the development are considered to outweigh the harm to habitats, species or the geological interest of sites, measures will be required to first avoid such impacts, and if they cannot be avoided, to mitigate harm or, as a last resort, to provide appropriate compensatory measures.
  - 6. The enhancement of biodiversity and creation of multi-functional green infrastructure networks at a variety of spatial scales, including cross-boundary connectivity to areas adjacent to the National Park, that help support ecosystem services will be encouraged.
  - 7. Opportunities will be promoted for habitat management, restoration, expansion that strengthens the resilience of the ecological network, and enables habitats and species adapt to climate change or to mitigate the effects of climate change.
  - 8. Green infrastructure that incorporates measures to enhance biodiversity, including dispersal areas identified within the ecological network, should be provided as an integral part of new development.

#### **CE-S1 Landscape and Seascape Character**

- 1. The high quality, diverse and distinct landscapes and seascapes of Exmoor National Park will be conserved and enhanced.
- 2. Development should be informed by and complement the distinctive characteristics of the:
  - a) landscape character types and areas identified in the Exmoor National Park Landscape Character Assessment; and

- b) seascape character areas and types identified in the North Devon and Exmoor Seascape Character Assessment.
- 3. Development proposals should also have regard to, and be appropriate in terms of impact with, the conservation of significant landscape and seascape attributes including:
  - a) Section 3 Land;
  - b) Heritage Coast;
  - c) Landscape setting of Exmoor's settlements;
  - d) Historic field patterns and boundary features;
  - e) Important trees, tree groups and orchards.
- 4. Opportunities to conserve, enhance and restore important landscapes, seascapes and their characteristics, including minimising existing visual detractors, will be encouraged.

#### **CE-D1 Protecting Exmoor's Landscapes And Seascapes**

- 1. Development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor's landscapes and seascapes through ensuring that:
  - a) the visual impact of the development in its immediate and wider setting is minimised through high quality design that reflects local landscape character with particular regard to scale, siting, materials, and colour; and
  - b) the cumulative and/or sequential landscape and visual effects of development do not detract from the natural beauty of the National Park and the experience of tranquillity.
- 2. Within Exmoor's Heritage Coast development should be appropriate to the coastal location and conserve the undeveloped nature of the coast consistent with Heritage Coast purposes.
- 3. Landscaping schemes should reinforce local landscape or seascape character and where these are required, conditions will be attached to protect important landscape characteristics and elements and whether appropriate replacement or additional landscape elements will be required.
- 4. Proposals which are significant in terms of scale and/or impact should provide a Landscape and Visual Impact Assessment as part of the application submission.

#### **CE-D2 Green Infrastructure Provision**

- 1. Development proposals should include measures that will enhance green infrastructure provision and create opportunities for wildlife in the National Park commensurate with the scale of the proposal and intensity of activity expected.
- 2. Green infrastructure proposals should:
  - a) protect and enhance existing natural and historic environments;
  - b) strengthen connectivity and resilience of ecological networks;
  - c) be locally distinctive through reflecting and enhancing landscape character;
  - d) maximise opportunities to mitigate and adapt to climate change; or
  - e) improve quality of life through provision of benefits for health and well-being, including opportunities to access open space and enjoyment of the National Park and its special qualities.
- 3. Proposals will be encouraged where a range of green infrastructure benefits can be achieved.

## Appendix 2. Wildlife Legislation in England and Wales

### **The Environment Act 2021**

The Environment Act aims to improve air quality and natural habitats, increase biodiversity, reduce waste and make better use of resources. It will halt the decline in species by 2030, require new developments to improve or create habitats for nature, and tackle deforestation overseas.

The Act will assist a transition to a more circular economy, incentivising recycling, encouraging businesses to create sustainable packaging, making household recycling easier and stopping the export of polluting plastic waste to developing countries. The Act will ensure water companies secure a progressive reduction in the adverse impacts of discharges from storm overflows. New duties will also require the government to publish a plan to reduce sewage discharges from storm overflows by September 2022 and report to Parliament on the progress towards implementing the plan.

These changes will be driven by new legally binding environmental targets, and enforced by a new, independent Office for Environmental Protection (OEP) which will hold government and public bodies to account on their environmental obligations.

### **The Conservation of Habitats and Species Regulations 2017**

These 2017 Regulations, also referred to as the 'Habitat Regulations', were designed to implement the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (92/43/EEC) and the EC Directive on the Conservation of Wild Birds (79/409/EEC) and protect habitats and species of European importance. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 amend the legislation so that functions are transferred from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The Regulations provide for the designation and protection of 'European Sites' under a National Site Network within England and Wales and their inshore waters up to 12 nautical miles. They convey a statutory requirement for local planning authorities to undertake an 'Appropriate Assessment' of the potential impacts of plans and projects, including development proposals, on European Sites.

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

This Act is the principal wildlife legislation in Great Britain. It includes provisions for important habitats to be designated and protected as Sites of Special Scientific Interest (SSSIs). Notable species, and the places that they use for shelter and protection, are protected under the Act. All birds, their nests and eggs, are also protected. The Act also makes provision for the control of invasive non-native species.

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

Referred to as the CROW Act, this legislation increases the protection of SSSIs and strengthens wildlife enforcement action. The Act also strengthens the protection of protected species through the introduction of a new offence of 'reckless disturbance'.

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

Section 40 of the NERC Act places a duty on all public bodies and statutory undertakers to have due regard to the conservation of biodiversity in all their functions. Section 41 of the Act requires the publication of a list of habitats and species of primary importance for the conservation of the biodiversity in England, in consultation with Natural England. The Section 41 (S41) list, includes all Priority Habitats and Species in the UK Biodiversity Action Plan (BAP). The Cornwall BAP details all Priority Habitats and Species that occur in Cornwall in order to guide local conservation work to meet the national UK BAP targets.

## **Salmon and Freshwater Fisheries Act 1975**

An Act to consolidate the Salmon and Freshwater Fisheries Act 1923 and certain other enactments relating to salmon and freshwater fisheries, and to repeal certain obsolete enactments relating to such fisheries.

Section 9 to 15 of the SAFFA, places a duty of the waterway owner that when constructing or maintaining dams, screens or sluices to provide and maintain a facilitating fish pass for migrating salmon or trout. These must remain undisturbed and unfished by everyone. Fish passes must be altered by any way the regulatory authority wishes.

## **The Eel (England and Wales) Regulations 2009**

The Eels (England Wales) Regulations 2009 came into force in 2010 and apply to England and Wales. Regulation 12(4) applies to any person who constructs, alters or maintains a dam or structure, the regulatory authority (the Environment Agency) must be notified. Alterations or maintenance made to an existing dam are likely to affect the passage of eels around, over or through the dam. Therefore, under Regulation 14, the EA can require a responsible person to construct an eel pass, make alterations to an existing eel or fish pass, operate an existing eel pass in accordance with any conditions stated in the notice, remove an obstruction, or take any other action specified in the notice.

## **Protection of Badgers Act 1992**

This Act was introduced primarily for animal welfare reasons rather than species conservation. It provides protection for badgers and their setts.

## **Hedgerow Regulations 1997**

These Regulations include provisions for the protection of hedgerows and make it an offence to remove 'important' hedgerows without consent from the local planning authority. Hedges are assessed according to their historical and ecological condition according to eight Regulations criteria. Where planning permission is granted for a development proposal, the removal of 'important' hedgerows is deemed to be permitted.

## **Weeds Act 1959**

This Act allows the Secretary of State to enforce occupiers to control injurious weeds on their land. The five species identified in the Act are common ragwort, creeping thistle, spear thistle, broad leaved dock and curled dock.

## Appendix 3. Criteria for ecological assessment

### 1. WILDLIFE SITES

Geographical Scale of importance	Example of Feature
International	<ul style="list-style-type: none"> <li>• Special Area of Conservation (SAC)</li> <li>• Special Protection Area (SPA)</li> <li>• Ramsar sites</li> <li>• World Heritage Site (if designated for its biodiversity)</li> </ul>
National	<ul style="list-style-type: none"> <li>• Sites of Special Scientific Interest (SSSIs)</li> <li>• National Nature Reserves (NNRs).</li> </ul>
Regional	<ul style="list-style-type: none"> <li>• Designated wildlife sites supporting a regionally significant area of a UK priority habitat; or large population of species in the UKBAP or of national nature conservation concern protected species level.</li> </ul>
County	<ul style="list-style-type: none"> <li>• Non statutory sites designated at county level – County Wildlife site or County Geology Site.</li> <li>• Ancient woodlands, large areas of priority BAP habitat offering a significant wildlife resource at county level.</li> <li>• Large populations of a legally protected species or species included in the UK or Local BAP or other species considered to be threatened at a national level.</li> </ul>
District	<ul style="list-style-type: none"> <li>• Non statutory sites designated at district level</li> <li>• Local Nature Reserves (LNRs)</li> <li>• Moderately sized examples of priority BAP habitats.</li> </ul>
Local	<ul style="list-style-type: none"> <li>• Old hedges, woodlands, ponds, significant areas of species rich grassland or other habitat, small scale examples of priority BAP habitat</li> <li>• Areas supporting small populations of protected species, species included in the UK or Local BAP or other species considered to be threatened at a national level.</li> </ul>
Site or zone of influence of the scheme	<ul style="list-style-type: none"> <li>• Woodland plantations, structure planting, small areas of species rich grassland</li> <li>• Other species rich habitat that is not included in the UK or Local BAP</li> </ul>

### 2. HABITATS

Geographical Scale of importance	Example of Feature
International	<ul style="list-style-type: none"> <li>• EC Habitats Directive – habitat type is listed on Annex 1</li> <li>• Habitat meets selection criteria for the designation of an internationally important site</li> </ul>
National	<ul style="list-style-type: none"> <li>• UK Biodiversity Action Plan Priority Habitat</li> <li>• Habitat meets selection criteria for the designation of an nationally important site</li> </ul>
Regional	<ul style="list-style-type: none"> <li>• Regional Biodiversity Action Plan – Priority Habitat</li> <li>• Habitat meets selection criteria for the designation of a nationally important site</li> </ul>
County	<ul style="list-style-type: none"> <li>• County Biodiversity Action Plan – Priority Habitat</li> <li>• Habitat meets selection criteria for the designation of a site of county importance</li> </ul>
District	<ul style="list-style-type: none"> <li>• Moderately sized examples of priority BAP habitats.</li> </ul>

<b>Local</b>	<ul style="list-style-type: none"> <li>Old hedges, woodlands, ponds, significant areas of species rich grassland or other habitat, small scale examples of priority BAP habitat</li> </ul>
<b>Site or zone of influence of the scheme</b>	<ul style="list-style-type: none"> <li>Woodland plantations, structure planting, small areas of species rich grassland or other species rich habitat that is not included in the UK or Local BAP.</li> </ul>

### 3. SPECIES

<b>Geographical Scale of importance</b>	<b>Example of Feature</b>
<b>International</b>	<ul style="list-style-type: none"> <li>Berne Convention – Appendices 1 and 2</li> <li>Bonne Convention – Appendices 1 and 2</li> <li>EC Birds Directive – Annex 1</li> <li>EC Habitats Directive – Annex 2</li> <li>International Union for the Conservation of Nature Red list of threatened species</li> <li>A species which regularly occurs in internationally or nationally important numbers.</li> </ul>
<b>National</b>	<ul style="list-style-type: none"> <li>Species of principal importance for the conservation of biodiversity</li> <li>British Red Data Books</li> <li>Nationally rare, notable and scarce species</li> <li>Wildlife and Countryside Act 1991 – Schedules 1, 5 and 8</li> <li>Conservation Regulations 2017 – Schedules 2 and 4</li> <li>Royal Society for the Protection of Birds Red and Amber lists</li> <li>Species which regularly occurs in nationally or regionally important numbers</li> <li>A nationally important assemblage of species.</li> </ul>
<b>Regional</b>	<ul style="list-style-type: none"> <li>South West Biodiversity Action Plan Priority species</li> <li>Species which regularly occur in regionally important numbers.</li> <li>Sustainable populations of species that are rare or scarce within a region.</li> </ul>
<b>County</b>	<ul style="list-style-type: none"> <li>Local Biodiversity Action Plan Priority species</li> <li>Species which regularly occurs in county important numbers.</li> <li>Sustainable populations of species that are rare or scarce within a county, or listed in a county BAP.</li> </ul>
<b>District</b>	<ul style="list-style-type: none"> <li>Species listed as priority in the UK BAP, which are not covered above, and are rare in the locality or in the relevant Natural Area profile.</li> <li>Species present in numbers just short of county importance</li> <li>Sustainable populations of species that are rare or scarce within the locality.</li> </ul>
<b>Local</b>	<ul style="list-style-type: none"> <li>Other species of conservation interest (which are not covered above) regularly occurring in locally sustainable populations</li> </ul>
<b>Site or zone of influence of the scheme</b>	<ul style="list-style-type: none"> <li>All other common and widespread species.</li> </ul>