

INTRODUCTION

This section identifies the key features and benefits of the revised application with reference to the planning application submitted on 20 November 2009 for a foodstore on the site at Hayle, Cornwall. This application was withdrawn in February 2010 to enable the applicant to consider consultation responses principally relating to retail policy and ecology as well as 3rd party objections.

WITHDRAWN APPLICATION

The withdrawn application (ref 09-1273-P registered on 3 December 2009) proposed the following works:

- Foodstore (3,042 sq m net; 4,983 sq m gross and 325 customer car parking spaces)
- Petrol filling station (6 pump islands and 137 sq m gross kiosk)
- Improvements to Marsh Lane, including a new roundabout access serving the foodstore and petrol filling station, road widening, a new signalised pedestrian crossing, enhancements to the roundabout serving the West Cornwall Shopping Park and a new bus lay-by serving the foodstore and the Shopping Park
- Improvements to the A30 Loggans Roundabout comprising part-signalisation, widening, re-alignment and at grade pedestrian/cyclist crossing facilities
- A new bus service between the foodstore and Hayle
- Ecology mitigation including new water features, comprehensive planting and a boardwalk network

RESPONSE TO CONSULTATION

The key issues raised by consultees (Cornwall Council, Cornwall Wildlife Trust, Environment Agency and Natural England) in connection with this application are set out below with a discussion of how these have been addressed.

1. Insufficient survey data for European and UK protected species was provided to determine the impacts of the proposed development on ecology

Bat activity surveys were conducted on two occasions in May 2009 which is within the recommended period for bat activity surveys. In line with Bat Conservation Trust guidelines¹, this included dusk and dawn surveys. As the site is away from any known roost and only low numbers of bats were recorded during these survey visits, the survey effort was considered appropriate. Whilst we feel that the bat surveys conducted in 2009 were sufficient, to address the concerns of the consultees, Anabat remote monitors have been placed on the site to record all bat activity during the mid-summer months in 2010. The results of this additional survey will be set out in a further statement to be submitted in due course.

An otter survey was conducted on the site which followed, as far as possible, the methods of Chanin (2003)². The method involves searching stretches of river bank for signs of otters, which is the methodology used in the National Otter Survey. Section 2.4.1 of this document provides a survey standard (which recommends searching 600m of river bank for spraints and other signs), but it also states that the method can be adapted for different habitat types as appropriate; because there was no river present on site, a search for signs of otters was made around waterbodies and throughout the wetland habitats.

¹ Bat Conservation Trust (2007) *Bat Surveys Good Practice Guidelines*.

² Chanin, P. (2003) *Monitoring the Otter*. English Nature.

A badger survey was undertaken in 2009. The survey followed the methodologies set out in Harris, Cresswell and Jefferies (1989)³, i.e. the site and a 30m buffer were systematically searched for signs of badgers, including setts, holes, latrines, signs of foraging, tracks, paths and hair on fencing. The badger survey was undertaken in May 2009 when the badgers would have been active above ground and so signs would have been apparent. The optimum time for badger surveys is spring coinciding with a peak in territorial activity and a period when vegetation cover is at a minimum, thereby enhancing the probability of detection of field signs.

A presence/ absence survey for reptiles was conducted using methods set out in Gent and Gibson (2003)⁴. One hundred and twenty-five mats, made from black roofing felt, were placed within suitable habitats on the site in May 2009. The site was visited on seven separate occasions when weather conditions were suitable and the artificial refugia were checked for the presence of reptiles.

A survey for breeding birds was undertaken using the British Trust for Ornithology Common Bird Census methodology. Three visits were made to the site during May 2009 to map the territories of all birds breeding on the site.

Details of the surveys for the European and UK protected species listed above, including maps showing the locations of any positive records were presented with the planning application in the WYG report *Protected Species Survey for Land at Hayle, Cornwall* (2009).

A dormouse survey was scoped but not undertaken because the habitats on the site are considered unsuitable for dormice i.e.the hedges are species-poor, comprising almost entirely hawthorn. Furthermore, the hedgerows are not connected to any off-site habitats suitable for dormice. Finally, the Environmental Records Centre for Cornwall and the Isles of Scilly hold no records of dormouse for the site or its immediate surrounds.

In response to the consultee comments, a winter bird survey was conducted during February and March 2010. A point count methodology was adopted as recommended by Bibby, C.J., Burgess, N.D., Hill, D.A. & Mustow, S.H (2007)⁵. This involved selecting seven vantage points around the site which between them allowed the maximum area of the site to be observed. A fifteen minute observation was conducted at each vantage point on each of two survey visits. During this time all birds seen or heard were recorded on a 1:10,000 scale map of the site.

It is acknowledged that the land to the north of the railway embankment was not surveyed for protected species because it was outside of the original site boundary, the habitats here will be retained within the development proposal and therefore no detrimental impact is anticipated. Rather it is suggested that these habitats could be enhanced by management if the current proposals are approved. We would recommend that protected species surveys be undertaken in this area to inform a habitat management plan should planning permission be granted.

We consider therefore that the extent of the surveys undertaken as well as the methodology adopted in each case is entirely appropriate for the development being proposed.

2. Reduction in the size of the County Wildlife Site and impact on high value habitats

It should be noted that whilst part of the application site has been designated as a County Wildlife Site (CWS) for its matrix of wetland habitats, it has never been actively managed and there is no statutory requirement to do so and consequently many of the habitats are reverting to scrub. Furthermore, undesirable species such as Japanese knotweed and bracken are encroaching and fly-tipping is also degrading the remaining habitats.

Whilst there will be a loss of 1.74ha of the County Wildlife Site, it is proposed to bring 2.3ha of adjacent land into conservation management. This land will comprise a mix of semi-improved

³ Harris S., Cresswell, P. and Jefferies, D. (1989) *Surveying Badgers*. The Mammal Society 9

⁴ Gent, T. & Gibson, S. (1998) *Herpetofauna Worker Manual*. JNCC, Peterborough

⁵ Bibby, C.J., Burgess, N.D., Hill, D.A. & Mustow, S.H. (2007) *Bird Census Techniques*. Second Edition. Academic Press. Oxford.

grassland, hedgerows and a wildflower meadow mix with orchard trees. Furthermore, the area of wet woodland, which is the only Biodiversity Action Plan Priority Habitat within the site, will be increased by 4.4%. The new area of land that has been included in the application will complement the existing habitats on the site and could be used to increase the area of the County Wildlife Site.

It is proposed to offer to dedicate most of the improved CWS (being that land in the applicant's control extending to about 10.46 ha / 25.85 acres) to Cornwall Council together with funds for future management so that it can be protected in perpetuity and managed for the benefit of wildlife and the local community. It is therefore considered that the scheme would promote biodiversity gain in the long-term. Furthermore, it is anticipated that the new boardwalk, bird hide and interpretation boards will promote access to the site and increase its value to people. This would directly contribute to rural renewal which is a key principle of PPS9. In this way the amendments to the submitted application seek to address directly concerns expressed about the quantitative reduction in the size of the CWS.

3. Classification of habitats in the technical reports

All habitat mapping was undertaken in line with JNCC guidelines⁶. The dominant habitat types were mapped during a survey visit in April 2009 along with their approximate areas. Where habitats differed from those set out in the Phase 1 handbook, or where habitats overlapped, the report attempts to describe this.

The evaluation of habitats was based on widely used criteria set out by Ratcliffe (1977)⁷ and IEEM (2006)⁸, for example Biodiversity Action Plan Priority Habitats were valued more highly. Evaluation of other habitats took into account the following criteria; size, diversity, naturalness, fragility, typicalness, recorded history, permanence, lack of modification, rarity, position in ecological unit, potential value and intrinsic appeal. The criteria above tends to give lower value to those habitats that are relatively new, artificial/ modified, disturbed or transient which accounts for the low value given to some of the habitats on this site.

We therefore maintain that our classification of existing and proposed habitats is based on appropriate and accepted guidelines.

4. Impact of the foodstore site being drained on the remainder of the CWS

The topography of the CWS is such that levels fall to the south-west away from the Angarrack Stream (north of the disused railway embankment) and fall to the north-west (on land south of the railway embankment). With the exception of one breach, the railway embankment forms a physical barrier that would prevent the majority of overland flow arising on the foodstore site from reaching the CWS north of the embankment.

In hydrological terms, the CWS should be considered to consist of two hydraulically separate water catchments, one to the north and one to the south of the embankment. This is because the site is a 'valley' with the lowest levels occurring immediately to the north of the embankment progressing from east to west. The lowest levels on the CWS are located around the Marsh Lane culverts at the site's western boundary.

In terms of hydrogeology, the same catchment definitions as set out in the preceding paragraph apply, in that the individual surface water catchments would essentially recharge the underlying groundwater independently. This is borne out by the fact that site investigation on the foodstore site shows a groundwater gradient to the north-west, i.e. following land topography, with shallowest groundwater being located close to the embankment. Whilst no ground investigation has been undertaken north of the embankment, the topography would suggest that the groundwater gradient would be to the south-west with shallowest groundwater again being found around the embankment

⁶ Joint Nature Conservation Committee (2004). *Handbook for Phase I Habitat Survey: A Technique for Environmental Audit*. JNCC, Peterborough

⁷ Ratcliffe, D., A. (1977) *Nature Conservation Review*. Cambridge University Press, Cambridge

⁸ Institute for Ecology and Environmental management (2006) *Guidelines for Ecological Impact Assessment in the United Kingdom*.

and Marsh Lane culverts. Therefore, groundwater levels on the foodstore site would be above the level of the water table at the embankment and would therefore not significantly affect the natural water table level on areas to the north of the embankment, provided that surface water runoff on the foodstore is managed appropriately.

It is important that all surface water management designs aim to mimic existing land drainage in order to maintain aquifer recharge rates and/or baseflow to rivers. The proposed drainage strategy for the foodstore site has adopted this approach. The existing topography of the foodstore site would route surface runoff to the north-west, much of which would be collected in the carrier drain located along the site's south-western boundary; this would channel runoff to the Marsh Lane culverts and away from the site. The surface water management proposals for the foodstore site involve attenuating surface runoff to greenfield rates under the car park which would discharge to an ecology pond located adjacent to the breach in the embankment prior to overflow to the carrier channel leading to the Marsh Lane culverts. This drainage arrangement would closely mimic the existing situation and, as the pond would not be lined, it would provide some recharge of the underlying groundwater south of the embankment.

Furthermore, the proposed ecology ponds in the eastern part of the site (north of the embankment) are to be fed by a new off-take from the Angarrack Stream. Due to the fact that the Angarrack Stream is perched in this area, it would not be possible for outflows from the ecology ponds to be returned to the stream by gravity. Therefore, a new open channel will need to be created which would route the overflow from the ponds to the Marsh Lane culverts north of the embankment. This new channel would further ensure that no adverse impacts on the hydrology of the wetland areas of the CWS north of embankment occur (and could be designed to significantly enhance the quality of the wetland).