

AN ECOLOGICAL SURVEY
of
LAND AT WOODBERRY DOWN,
LYME REGIS
[LYME01]

for
Dorset Council
November 2021

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Version control			
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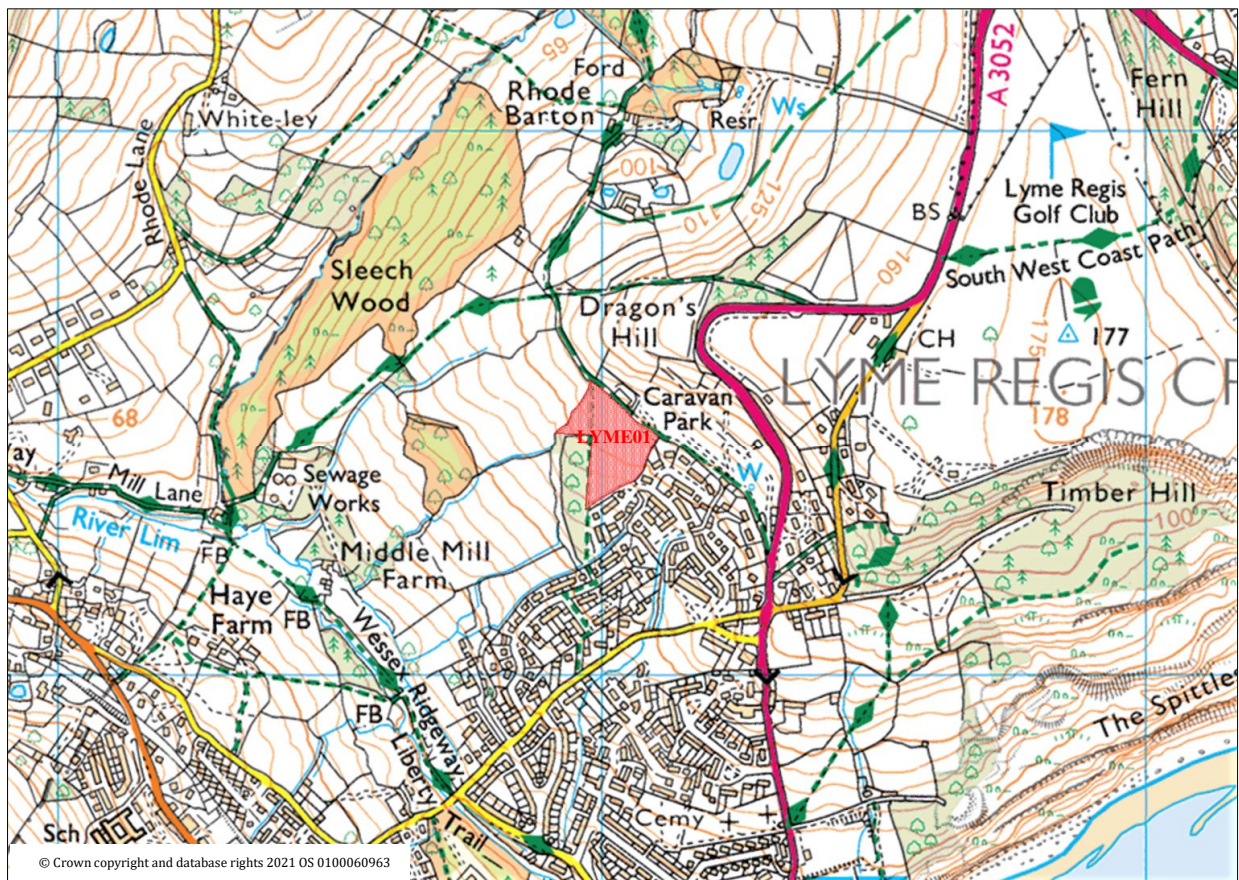
SUMMARY

- This report forms part of a suite of ecological surveys commissioned by Dorset Council's Strategic Planning and Natural Environment Teams. Together the survey reports form part of the evidence base for the Local Plan, containing extended Phase 1 survey information for the potential allocated sites, highlighting important habitats and the likelihood of protected species being present.
- The grassland is semi-improved and species-poor and is currently considered to be of **Low Ecological Vale**.
- There are 402 metres of hedgerow that are diverse with a good range of woody species and qualify as hedgerows **Priority Habitat** and **Section 41 (NERC Act 2006) habitat of Principal Importance**. The overgrown, wide hedgerow along the eastern boundary with the adjacent band of Bramble scrub acts as an important ecological corridor, for example supporting foraging habitat and acting as a flight line for bats.

1.0 INTRODUCTION

This report forms part of a suite of ecological surveys commissioned by Dorset Council's Strategic Planning and Natural Environment Teams. Together the survey reports form part of the evidence base for the Local Plan, containing extended Phase 1 survey information for the potential allocated sites, highlighting important habitats and the likelihood of protected species being present. The surveys have been carried out by Dorset Environmental Records Centre who are working with Dorset Council to ensure that ecological data for the Local Plan process is as up-to-date as possible.

MAP 1. Location of site



2.0 METHODS

The survey was undertaken on the 7th October 2021 in fine but overcast weather. The area was walked and a plant species list compiled with frequencies assigned to each species using the DAFOR scale¹. Particular attention was paid to the presence of any Section 41 or Red Listed species, and any that are on the Dorset Environmental Records Centre (DERC) lists of Dorset Notable species (DERC, 2012). Habitats present were assessed for their potential to support protected species (see Section 6.1), and visible signs for Badger such as setts, latrines and paths were looked for. Each habitat type present and any species or features of particular note were described using target notes (see Section 5.2.2).

A habitat map was produced in the field by drawing boundaries of the different vegetation types over a print out of the latest aerial photograph. This was then digitized using DERCs Integrated Habitat System (IHS) mapping process.

The sites are assessed for their ecological interest at the time of the survey (see Section 6.0). Those sites assessed as being of **Low Ecological Interest** have very little interest and are generally improved grasslands or arable fields. Those of **Moderate Ecological Interest** may support some interest such as one or more Dorset Notable plant species, but do not qualify as a Site of Nature Conservation Interest (SNCI). Those of **High Ecological Interest** are of SNCI quality and are therefore an important wildlife site within a county context.

Nomenclature for plants follows Stace (2019).

The DAFOR scale records species according their abundance as follows:

D = Dominant; **A** = Abundant; **F** = Frequent; **O** = Occasional; **R** = Rare; **L** = Local (e.g. **LF** = Locally Frequent)

3.0 LEGISLATION & POLICY

3.1 LEGISLATION

The following legislation may be of relevance to the proposed works. Full details of statutory obligations with respect to biodiversity and the planning system can be found in DCLG Circular 06/2005.

- **The Conservation of Habitats and Species (Amendments) (EU Exit) Regulations 2019:**

This transposes the EU Habitats Directive (Council Directive 92/43/EEC) into domestic law and ensures that the habitat and species protection and standards will continue to apply upon the UK's exit from the EU. The Regulations provide protection for a number of species including:

- All species of bat
- Dormouse (*Muscardinus avellanarius*)
- Great crested newt (*Triturus cristatus*).

This legislation makes it an offence to deliberately capture, kill or injure individuals of these species listed on Schedule 2 and damage or destroy their breeding site or place of shelter. It is also illegal to deliberately disturb these species in such a way as to be likely to significantly affect: (i) the ability of any significant group of the species to survive, breed or rear or nurture their young; or (ii) the local distribution or abundance of the species.

This legal protection means that where development has the potential to impact on bats, or other species of national interest, the results of a protected species survey must be submitted with a planning application.

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are also protected under this legislation. These are a network of sites designated for supporting habitats or species of high nature conservation importance in the European context. Any activity that has a detrimental effect on these European sites³ is made an offence under the Regulations. Where a development is likely to have a significant impact on a European site, the Regulations require a rigorous assessment of the impacts, known as an Appropriate Assessment.

- **The Wildlife and Countryside Act 1981 (and amendments):**

Protected fauna and flora are listed under Schedules 1, 5 & 8 of the Act. Species likely to be of relevance include:

- All species of **bat**. It is an offence to intentionally or recklessly disturb any bat whilst it is occupying a roost or to intentionally or recklessly obstruct access to a bat roost
- All species of **British reptile** (in particular grass snake (*Natrix helvetica*), common lizard (*Zootoca vivipara*), adder (*Vipera berus*) and slow-worm (*Anguis fragilis*)). It is illegal to kill or injure these species
- **Great crested newt**. It is illegal to obstruct access to any structure or place which great crested newts use for shelter or protection or to disturb any great crested newt while it is using such a place.

This Act also makes it an offence to intentionally kill, injure or take any wild bird or to take, damage or destroy their eggs and nests (whilst in use or being built). In addition, it is an offence to disturb any nesting bird listed on Schedule 1 or their young.

Schedule 9 of the Act lists those species for which it is an offence to plant or cause their spread. Species listed under Schedule 9 that are most likely to be encountered are Japanese knotweed (*Fallopia japonica*) and giant hogweed (*Heracleum mantegazzianum*).

Sites of Special Scientific Interest (SSSIs) are also protected under the Wildlife and Countryside Act 1981. These are a network of sites identified as being of national nature conservation importance and hence afforded legal protection.

National Nature Reserves (NNRs) are also protected under the Act (section 35 (1)) and established under the National Parks and Access to the Countryside Act 1949. These are nature reserves which are considered to be of national importance by the relevant statutory bodies i.e. Natural England, Natural resource Wales.

- **Natural Environment and Rural Communities Act (NERC) 2006:**

This Act enforces a duty on the planning authority and local council to conserve biodiversity (section 40). Additionally, section 41 encourages the local councils to be aware of the species and habitats of ‘principal importance’ and to act accordingly to protect and manage these habitats and species.

- **The Countryside and Rights of Way Act 2000:**

This Act strengthens nature conservation and wildlife protection through a number of mechanisms. It places a duty on Government Ministers and Departments to conserve biological diversity, provides police with stronger powers relating to wildlife crimes, and improves protection and management of SSSIs.

- **The Protection of Badgers Act 1992:**

This Act makes it an offence to wilfully take, injure or kill a badger (*Meles meles*); cruelly mistreat a badger; interfere with badger setts, sell or possess a live badger; mark or ring a badger. A licence is required for work affecting badgers and their setts.

- **Wild Mammals (Protection) Act 1996:**

This Act provides protection for all wild animals from intentional acts of cruelty.

- **Hedgerow Regulations 1997:**

These Regulations establish a set of criteria for assessing the importance of hedgerows. Where a hedgerow is deemed to be ‘important’ its removal is prohibited without consent from the local Planning Authority.

3.2 POLICY

The following policy is of relevance to this report:

- **National Planning Policy Framework (NPPF):**

This sets out the Government’s vision for biodiversity in England with the broad aim that planning, construction, development and regeneration should maintain and enhance, restore or add to biodiversity and geological conservation interests. NPPF (2018) includes sections on legally protected species and sites (see Section 2.1).

- **Local Sites (including Sites of Nature Conservation Interest (SNCI), Local Nature Reserves (LNR), and Biological Notification Sites (BNSs)/County Wildlife Sites (CWSs)):**

These are a network of sites designated for their nature conservation importance in a local context. Although they are not afforded legal protection they contribute towards local and national biodiversity.

- **Natural England Protected Species Standing Advice:**

The standing advice is used by local authorities as a fall-back position when in pre-application consultation or during the determination period to define habitat and species survey efforts and mitigation proposals.

4.0 EXISTING DATA

The following summary is based on the desk study carried out by DERC for Dorset Council covering the Local Plan Emerging Site Allocations (DERC 2020). The species records are based on post-2010 data.

4.1 PROTECTED SPECIES

Species	Status	Distance from site
Badger	WCA	Within 1-km radius
Bats	EPS; WCA	Within 1-km radius
Dormouse	S41; EPS; WCA	Within 100 metres
Otter	EPS; WCA	Within 1-km radius
Water Vole	S41; WCA	-
Brown Hare	S41	-
Hedgehog	S41	-
Great Crested Newt	EPS; S41	-
Reptiles	S41; WCA	-

4.2 PROTECTED HABITATS

None adjacent to the site.

Lowland Meadows – Section 41; UK Priority Habitat 435 metres to the southeast

Maritime Cliffs and Slopes – Section 41; UK Priority Habitat 625 metres to the southeast

Lowland Mixed Deciduous Woodland – Section 41; UK Priority Habitat 960 metres to the north

4.3 PROTECTED SITES

None adjacent to the site.

Sidmouth to West Bay Special Area of Conservation 430 metres to the southeast

West Dorset Coast Site of Special Scientific Interest 430 metres to the southeast

5.0 RESULTS

5.1 SITE DESCRIPTION

The site lies on the gentle – moderate southwest-facing slope of Dragon’s Hill on the edge of Lyme Regis, with the new development of Woodberry Down to the south and Timber Vale Caravan Park to the northeast. The underlying geology is Lower Lias producing a clayey soil, and there are several wet areas and springs.

5.2 HABITAT DESCRIPTION

Grassland

The field had been cut prior to the survey but was not grazed. The sward is dominated by Common Bent *Agrostis capillaris* and Yorkshire Fog *Holcus lanatus*, with smaller quantities of Perennial Rye-grass *Lolium perenne*, Cock’s-foot *Dactylis glomerata* and Meadow Foxtail *Alopecurus pratensis* and, in wetter areas, Creeping Bent *Agrostis stolonifera* and scattered clumps of Soft Rush *Juncus effusus*. The herb component is not particularly diverse with Creeping Buttercup *Ranunculus repens*, Meadow Buttercup *Ranunculus acris* and White Clover *Trifolium repens* most abundant, with more scattered Common Sorrel *Rumex acetosa*, Common Mouse-ear *Cerastium fontanum*, Common Cat’s-ear *Hypochaeris radicata* and Dandelion *Taraxacum officinale* agg. Perennial weed species are present locally including Broad-leaved Dock *Rumex obtusifolium*, Stinging Nettle *Urtica dioica* and Creeping Thistle *Cirsium arvense*.

In the northwest corner is a patch of dense tussocky Soft Rush with abundant Yorkshire Fog and scattered Rough Meadow-grass *Poa trivialis*. There are very few herbs present apart from Creeping Buttercup, Marsh Thistle *Cirsium palustre*, willowherb species *Epilobium* species, and in the wettest area Fool’s Watercress *Apium nodiflorum*.

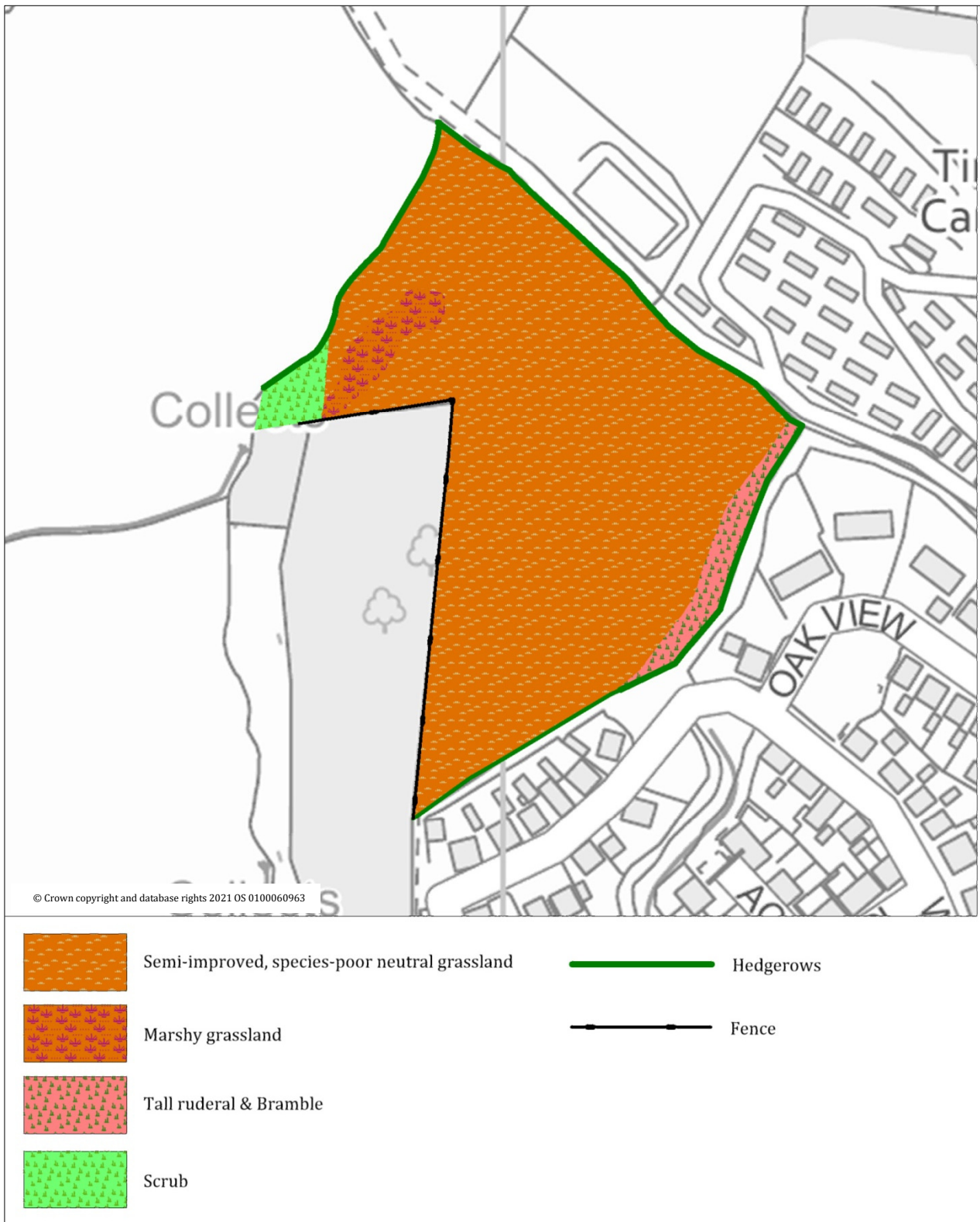
Hedgerows

There are old hedgerows around the northern and eastern edges of the field. These have a wide range of woody species present with no one species dominating. Species present include Blackthorn *Prunus spinosa*, Hawthorn *Crataegus monogyna*, Hazel *Corylus avellana*, Grey Willow *Salix cinerea*, Ash *Fraxinus excelsior*, Holly *Ilex aquifolium*, Dog Rose *Rosa canina*, Field Maple *Acer campestre* and Pedunculate Oak *Quercus robur*. In the northeast corner of the site the hedgerows have a number of large mature trees. The shaded understorey of the hedge is dominated by Ivy *Hedera helix* with other species confined to just scattered plants or patches including Hart’s-tongue Fern *Asplenium scolopendrium*, Male Fern *Dryopteris filix-mas*, Soft Shield-fern *Polystichum setiferum*, Red Campion *Silene dioica*, Herb Robert *Geranium robertianum* and Ground Ivy *Glechoma hederacea*. The margins have dense linear stands of Bramble *Rubus*

fruticosus agg. with scattered Bracken *Pteridium aquilinum*. Other species include Cow Parsley *Anthriscus sylvestris*, Hogweed *Heracleum sphondylium*, Cleavers *Galium aparine*, Cock's-foot and False Oat-grass *Arrhenatherum elatius*.

Bordering the development in the southeast of the field, a new hedge has been planted which mainly comprises of native trees and shrubs.

5.2.1 Habitat map



5.2.2 Target notes



No.	Grid Ref	Target Note
01	SY3402 9341	Main field – the grassland is neutral in character, semi-improved and species-poor. Common Bent and Yorkshire Fog dominate the swards with Perennial Rye-grass, Cock’s-foot and Creeping Bent. Herbs are largely restricted to frequent to abundant Creeping Buttercup, Meadow Buttercup and White Clover with more scattered Common Sorrel, Common Mouse-ear, Dandelion and Common Cat’s-ear.
02	SY3396 9347	Northwest corner – small wet area around a spring dominated by dense tussocks of Soft Rush with few other species present. The wet areas around the springs have frequent Fool’s Watercress.
03	SY3394 9349	Northwest hedgerow. A mixed hedge with Grey Willow, Hazel and Blackthorn, plus Ash, Dog Rose, Field Maple and a small Pedunculate Oak tree. The ground layer is dominated by Ivy with patchy Ground Ivy. There is a linear band of dense Bramble along the field edge.

No.	Grid Ref	Target Note
04	SY3403 9349	Northeast hedgerow with Grey Willow and Blackthorn plus Ash, Field Maple, Hawthorn, Dogwood, Dog Rose and Elm with small quantities of Pedunculate Oak and Holly. The ground layer has abundant Ivy with Hart's-tongue Fern, Male Fern and Ground Ivy. Bramble is abundant along the margins with scattered Bracken.
05	SY3408 9344	Several large mature Ash and Oak trees in the wide hedgerow.
06	SY3407 9338	Eastern hedgerow with mature trees on a bank and a ditch / streamlet on the field side. A thick band of dense Bramble scrub has developed along the field edge with several stands of Stinging Nettle. The mature hedge has Hazel, Grey Willow, Pedunculate Oak, Holly, Blackthorn and Elder. The ground layer has abundant Ivy with Soft Shield-fern, Broad Buckler-fern, Red Campion, Herb Robert, Ground Ivy and Bluebell. Where unshaded, Brooklime was noted in the streamlet.
07	SY3401 9333	New hedgerow bordering the development planted with native species including Hazel, Hawthorn, Field Maple and Dog Rose.

6.0 ASSESSMENT

The grassland is semi-improved and species-poor and is currently considered to be of **Low Ecological Vale**. There are 402 metres of hedgerow that are diverse with a good range of woody species which qualify as hedgerows **Priority Habitat** and **Section 41 (NERC Act 2006) habitat of Principal Importance**. The overgrown wide hedgerow along the eastern boundary with the adjacent band of Bramble scrub acts as an important ecological corridor, for example supporting foraging habitat and acting as a flight line for bats

6.1 PROTECTED SPECIES ASSESSMENT

Species	Status	Habitat Potential	Future surveys
Badger	WCA	No setts or latrines were seen on site, but there were a number of mammal tracks through the hedgerow, which could be this species or Fox.	
Bats	EPS; WCA	The mature hedgerows with trees provide good flight-lines and foraging habitat for bats. The mature trees may have holes and splits which could support roosting bats.	Survey required
Dormouse	S41; EPS; WCA	Dormouse has been recorded very close to the site and the mature overgrown hedgerows, particularly in the north and northwest of the site provide good habitat for this species.	Survey required
Otter	EPS; WCA	No suitable habitat present on site. It has been recorded from the River Lim to the west of the site.	
Water Vole	S41; WCA	There are some very minor shaded ditches on site, but the habitat is sub-optimal for this species.	
Brown Hare	S41	The habitat is sub-optimal for this species.	
Hedgehog	S41	The hedgerows and field margins provide suitable habitat for this species.	
Great Crested Newt	EPS; S41	There are several shaded ditches on site but no permanent still water.	
Reptiles	S41; WCA	The field margins provide	
Breeding birds	WCA	The mature hedgerows scrubby margins are ideal for breeding birds.	

REFERENCES

DERC 2012 *Dorset Notable Species Lists*. Dorset Environmental Records Centre, Dorchester

DERC 2020 *Local Plan Emerging Site Allocations: Ecological Data*. [Unpublished report for Dorset Council]

Stace, C.A. 2019 *New Flora of the British Isles* (4th Ed). C & M Floristics, Suffolk.

APPENDIX I: Plant species recorded 7th October 2021

Species	Common Name	Status	Frequency ¹
<i>Acer campestre</i>	Field Maple		R
<i>Acer pseudoplatanus</i>	Sycamore		R
<i>Agrostis capillaris</i>	Common Bent		F-LA
<i>Agrostis stolonifera</i>	Creeping Bent		O-LA
<i>Alopecurus pratensis</i>	Meadow Foxtail		R
<i>Anthriscus sylvestris</i>	Cow Parsley		O
<i>Apium nodiflorum</i>	Fool's Watercress		RL-F
<i>Arrhenatherum elatius</i>	False Oat-grass		O
<i>Asplenium scolopendrium</i>	Hart's-tongue Fern		R
<i>Arum maculatum</i>	Cuckoo Pint		R
<i>Carpinus betulus</i>	Hornbeam		PI
<i>Cerastium fontanum</i>	Common Mouse-ear		O
<i>Cirsium arvense</i>	Creeping Thistle		O-LF
<i>Cirsium palustre</i>	Marsh Thistle		R
<i>Crataegus monogyna</i>	Hawthorn		O
<i>Cornus sanguinea</i>	Dogwood		R
<i>Corylus avellana</i>	Hazel		R-O
<i>Dactylis glomerata</i>	Cock's-foot		O-LF
<i>Dryopteris dilatata</i>	Broad Buckler-fern		R-O
<i>Dryopteris filix-mas</i>	Male Fern		R
<i>Epilobium sp.</i>	Willowherb species		R
<i>Elytrigia repens</i>	Common Couch		R
<i>Fraxinus excelsior</i>	Ash		O
<i>Galium aparine</i>	Cleavers		O-LF
<i>Glechoma hederacea</i>	Ground Ivy		O-LF
<i>Hedera helix</i>	Ivy		LA
<i>Heracleum sphondylium</i>	Hogweed		R-O
<i>Holcus lanatus</i>	Yorkshire Fog		A
<i>Hyacinthoides non-scripta</i>	Bluebell		R
<i>Hypochaeris radicata</i>	Common Cat's-ear		R-O
<i>Ilex aquifolium</i>	Holly		R
<i>Juncus effusus</i>	Soft Rush		O-LA
<i>Ligustrum vulgare</i>	Wild Privet		PI
<i>Lolium perenne</i>	Perennial Rye-grass		O-LF
<i>Lotus pedunculatus</i>	Marsh Bird's-foot-trefoil		R
<i>Plantago lanceolata</i>	Ribwort Plantain		R
<i>Plantago major</i>	Greater Plantain		R
<i>Poa trivialis</i>	Rough Meadow-grass		O
<i>Polystichum setiferum</i>	Soft Shield-fern		R-O
<i>Prunus spinosa</i>	Blackthorn		O-LF
<i>Pteridium aquilinum</i>	Bracken		O-LF

Species	Common Name	Status	Frequency ¹
<i>Pulicaria dysenterica</i>	Common Fleabane		R
<i>Quercus robur</i>	Pedunculate Oak		R
<i>Ranunculus acris</i>	Meadow Buttercup		F
<i>Ranunculus repens</i>	Creeping Buttercup		A
<i>Rosa canina</i>	Dog Rose		O
<i>Rubus fruticosus</i> agg.	Bramble		F-LA
<i>Rumex acetosa</i>	Common Sorrel		O-LF
<i>Rumex obtusifolius</i>	Broad-leaved Dock		O
<i>Rumex sanguineus</i>	Wood Dock		R
<i>Salix cinerea</i>	Grey Willow		O-LF
<i>Sambucus nigra</i>	Elder		R
<i>Silene dioica</i>	Red Champion		R
<i>Stachys sylvatica</i>	Hedge Woundwort		R
<i>Taraxacum officinale</i> agg.	Dandelion		O-LF
<i>Trifolium pratense</i>	Red Clover		R-O
<i>Trifolium repens</i>	White Clover		F-LA
<i>Ulmus procera</i>	English Elm		R
<i>Urtica dioica</i>	Stinging Nettle		O-LF

¹ **D** = Dominant; **A** = Abundant; **F** = Frequent; **O** = Occasional; **R** = Rare; **L** = Local (e.g. **LF** = Locally Frequent)

APPENDIX II: Photographs



FIG 1. View southwest across the site.



FIG 2. The wet Soft Rush dominated area in the northwest of the field.



FIG 3. The eastern boundary of the field with a band of Bramble scrub between the field edge and the hedge.



FIG 4. The 'inner' part of the wide overgrown hedgerow along the eastern edge, which acts an important ecological corridor.