

# Kenn Parish Council

## **Ecology Comment**

DCC/4337/2023. Lower Brenton Farm Landfill – key points from section 7: Ecology. – Compiled by Kelvin Boot resident of Kennford, at the request of Kenn Parish Council.

Kelvin Boot (BSc) is a well-respected local naturalist; the author of Westcountry Wildlife; and a broadcaster for the BBC with hundreds of programmes to his credit; he has written extensively for local newspapers stretching back many decades and has been a scientific communicator working at all levels including Government and the European Commission. While employed by Exeter City Council he was a key member of the small team that created Exeter's Valley Park network

**The three-part numbering refers to paragraphs in the proposal documents, ie statements pertaining to Ecology/Wildlife.**

Overall, there is very little new in this most recent iteration of the Ecology Section of the application, and it appears that no further effort has been put in to address specific and very important comments made previously – this is disappointing, and sadly appears to demonstrate a lack of regard for the importance of wildlife and the need to properly consider it.

This lack of concern for the ecology of the area is further exemplified by the complete (convenient?) ignoring or oversight of changes to the Hedgerow Regulations, which were overhauled and clarified by new Regulations which came into force on 24<sup>th</sup> May this year (2024). All BTJ comments on hedgerows are based on the 1997 Regulations and hence are out of date and not applicable. What is important is whether a hedgerow can be deemed to be IMPORTANT. For any hedgerow to be designated as an IMPORTANT HEDGE it must meet some of a number of criteria. The hedges within the proposed site do indeed match the criteria by being more than 30 years old and being part of a field system that looks to be related to any building or other feature associated with a field system that existed before 1845. The relevant (Exminster) Tythe Map for 1839, clearly includes the hedges, field system and Dadmore Cottage, hence fits the criterion.

The BTJ statements regarding hedges, ie that they are impoverished and do not meet any other specified criteria are thus, incorrect.

The Hedgerow Regulations (2024) clearly state that any IMPORTANT HEDGE requires very specific permission for any management and removal, AS WELL AS THE PROVISION OF UNTOUCHED 2 metre CORRIDORS IMMEDIATELY ADJACENT TO IT.

**Additional comments on hedges at the proposed site, and their value**

In 7.1.7 – the hedge in this section is described as species poor blackthorn and hawthorn. We do not understand how this statement can be made when no invertebrate

surveys were carried out. At a macro level the insects and other invertebrates supported by these two valuable hedgerow species, number in the hundreds. NOT ONE WAS SURVEYED FOR!

7.1.12 talks about biodiversity net gain. It is impossible to measure net gain when no baseline survey has been carried out for invertebrate species, which are huge importance to higher taxa such as birds etc. This is patent nonsense and makes other statements fallacious.

As an example, when replacing an existing hedge with a new one, is not a fair exchange. It takes many decades, if not centuries, to establish a species rich hedge, and once an existing hedge and its denizens has been removed, there is little guarantee that the same or a better species assemblage will colonise. Indeed, we cannot make statements like this without a thorough survey!

7.2.2 Concentrates on the future management of hedges that will increase biodiversity. How will this be monitored and for how long? What are the penalties for non-compliance? To date there has been little regard to wildlife on the site, so forgive us for thinking that the sudden change of heart is greenwashing driven by financial gain.

Despite the FACT that these hedges satisfy the criteria to be designated IMPORTANT HEDGES, a constant theme throughout the BTJ application is that the hedges are species poor - alluding disparagingly to blackthorn and hawthorn, as if they were of no value whatsoever.

In fact, these two species are regarded in many 'top tens' of shrubs valuable to wildlife by some very reputable organisations representing a wide spectrum of interests from farmers to gardeners to conservationists. A small sample of these comments follows:

**Blackthorn value to wildlife.**

**Gardeners' World** - <https://www.gardenersworld.com/how-to-grow-plants/blackthorn-fruit-tree/>

**Blackthorn** is an extremely valuable wildlife plant. Over 200 insect and mite species have been recorded feeding on blackthorn, including the caterpillars of the magpie moth and sloe carpet moth. It is also the main larval food plant of the brown hairstreak butterfly. Removal of hedgerows and annual flailing of blackthorn destroys brown hairstreak eggs, as well as other wildlife, and contributes to the ongoing decline of this rare species.

**Woodland Trust** - <https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/a-z-of-british-trees/blackthorn/>

Early flowering, **blackthorn** provides a valuable source of nectar and pollen for bees in spring. Birds nest among the dense, thorny thickets, eat caterpillars and other insects from the leaves, and feast on the sloes in autumn.

**In Woodland Trust top 10 trees to attract birds and other wildlife.**

**The Conservation Volunteers** - <https://www.tcv.org.uk/i-dig-trees-tree-library/blackthorn/>

**Blackthorn** is a boon to numerous native UK wildlife species. In addition, the Blackthorn's role in hedgerows and woodlands **creates wildlife corridors, facilitating movement for various species, supporting biodiversity in the process.**

**Farming and Wildlife Advisory Group (FWAG)** -

<https://www.fwagsw.org.uk/blog/hedgerow-species-12-blackthorn.>

Early flowering, **blackthorn** provides a valuable source of nectar and pollen for bees in spring.

**Sussex Wildlife Trust** - <https://sussexwildlifetrust.org.uk/news/species-of-the-day-blackthorn.>

Its benefits in nature are vastly more significant and it is unequivocally a highly important species from an ecological perspective.

### **Hawthorn – Value to wildlife**

**Woodland Trust** -

<https://shop.woodlandtrust.org.uk/hawthorn#:~:text=A%20fantastic%20tree%20for%20wild%20life,migrating%20birds%20such%20as%20redwings.>

A fantastic tree for wildlife that can support more than 300 species of insect. Its flowers are eaten by dormice and provide nectar and pollen for bees and other pollinating insects. The haws are rich in antioxidants and are eaten by migrating birds such as redwings. **In Woodland Trust top ten trees to attract birds and other wildlife.**

**Heart of England Forest** - <https://heartofenglandforest.org/news/hurrah-humble-hawthorn>

The humble hawthorn is a hedgerow shrub that provides a vital habitat teeming with its very own galaxy of insects and wildlife, and an invaluable source of winter nutrition for many species.

### **Other Comments on Survey methodology**

7.2.14 mentions a desk top study and a request for bat records. Desk top surveys are only as good as the data they contain, so the lack of species records does not mean that the species are absent, it simply means there is an absence of records. This methodology has already been discredited by the provision of information regarding species that were never noted by the 'standard' desk top datasets but were highlighted by local residents who provided this detail to the previous application objections. It is noted that specialist surveys for reptiles was 'scoped out early in the project.' This REMAINS AN UNACCEPTABLE APPROACH If you do not look you will never find. **Grass snake, adder and viviparous lizard are all present!** But not according to the survey that never took place!

7.3.7. This is somewhat negative by adding the word (just) as if to say it scraped through by the skin of its teeth – disingenuous at best, if the criteria are met, they are met. To imply

that even those hedges with only two species are species poor may be true for shrub/tree species but if the 'between 2 and 4 woody species include hawthorn and blackthorn, there is potential for hundreds of invertebrate species to be present – NOT SURVEYED FOR! So, to say they are not of value is nonsense. The repeated use of the phrase 'species poor' is misleading and only refers to trees and shrubs and should not be conflated with invertebrates, birds etc. it is 'spin' of the worst kind. The paragraph then goes on to say: 'Some stretches occasionally contained trees (some of which were mature - mainly pedunculate oak), and all were on banks, which is typical of Devon hedges. Woody vegetation was variously characterized by Ash, Sycamore, Pedunculate oak, suckering Elm, Blackthorn, Hawthorn, and Bramble; occasionally with European gorse, Elder Sambucus nigra and Holly – **MOST OF THESE, with the exception of sycamore, ARE OF GREAT WILDLIFE VALUE.**

#### 7.1.32

The analysis of bat recordings is riddled with suppositions and as such while being a good indicator of the site for bats, even if passing though, it cannot be used to downplay its importance, there simply is no certainty of what the bat recordings actually mean when it comes to numbers, activity etc. What does remain is that the site demonstrates its value as being of District and/or Regional importance. Assuming that the bats are using hedgerows as corridors as suggested, those hedges take on a much greater value, probably as a food source. So, the impact of removing hedgerows for a number of years might have consequences that the surveyors have failed to consider; it is naïve to assume that you can remove a habitat, plant a few shrubs etc and everything will revert to normal – nature does not work in that way. (Also note above changes in Hedgerow Regulations that make these hedges **IMPORTANT, in the eyes of the Law.**

7.3.1 Barn owl have been seen over the site and nest locally, as do Little owl

7.3.22 The bird surveys have revealed that while Cirl bunting does not breed within the area, other noteworthy species probably do and are in any case using the site, these include Amber and Red listed species. It is disingenuous to pass these off without considering the value of the wider area, beyond any nesting site, as feeding roosting and territorial grounds. The highly qualified ecologists have looked at the site as a bounded entity. The problem arises in that NATURE DOES NOT READ TEXT-BOOKS OR REPORTS; to carve a chunk out of the wider landscape will no doubt impact many species that use the site for nesting, feeding or just simply passing through. A plan on paper is convenient for we humans, but nature does not utilise land in that way. Cirl bunting does use the hedges for foraging and cover in winter, it is simply wrong to regard the value of any feature in terms of nesting only. Just as we humans require infrastructure in order to survive, so does nature, the hedges and field boundaries are part of that essential infrastructure.

7.3.5 In the absence of development habitats are expected to remain the same. At face value that appears to be true, but this statement has no scientific basis, due to the complete lack of any invertebrate surveys.

7.4.5 'a new hedge management regime would therefore be introduced across the whole farm landholding (not simply within the redline boundary from 2023' It is now 2024 has this happened, I do not think so. If there was a serious intent to enhance wildlife it would already have begun, prior to any decision – there is little good will towards wildlife here. This section also states that there would be 'higher insect numbers. How can you know this when there has been no attempt to assess either biomass or diversity of invertebrates at the site.

**Sounds good – means nothing!**

### **Mitigation post-development**

7.4.6/7 Such improvements are welcome and would go some way to increasing biodiversity. However, there is no mention of how this will be monitored and for how long, and what the penalties might be if conditions are not met. As previously (many times) there would need to be ongoing surveys to establish success or otherwise. Laudable though this all sounds everyone understands that this is simply a weak attempt at 'sugaring the pill.' If the landowners were serious about wildlife on their farm, they would already have gone down this route , as have many farmers in the area.

7.4.8 Cutting outside of the bird breeding season is the legal requirement but again does not take account of any other wildlife that may be hibernating or otherwise using hedges during the 'off season' for bird nesting. Hedges are an important foraging habitat for overwintering birds. There are methods to selectively cut to give wildlife the best chance, as well as meeting the needs to grow crops etc.

7.4.9 The ecological mitigation measures plan needs to be written, agreed, and implemented prior to any works being carried out.

7.5.6 It is stated that the hedges in question are species poor hawthorn and blackthorn, but these are both of immense value for wildlife. To brush them off as unimportant amounts to **NEGLIGENCE**.

7.5.14 There is an assumption that bats would follow the detour being proposed. I am not aware of any evidence to support this. Also, who knows whether displaced species will return to an area , disturbance can be a calamitous impact on wildlife.

7.5.15 Noise impacts on birds has been extensively studied and includes inability to hold a territory because songs are drowned out, less eggs at laying and smaller, lighter nestlings often leading to death. Noise impacts include intermittent noises that physically disturb would-be nesters, and continuous noise (say from traffic to a site) which drowns their natural songs and calls. While the volume and quality of noises will have differing effects the fact remains that noises from as far away as 100 metres can severely handicap birds' breeding success and cause desertion of nests, as well as the general location.

7.5.18 mitigation measures post development is like closing the stable door after the horse has bolted – the birds will already have gone and youngsters in nests will have suffered and died.

7.5.19 – 7.5.24 There is no detail as to how soon these mitigation measures would be in place, how long they would remain (and continue to improve), who would monitor them and what the penalties would be for non-compliance. Time and again we see ‘mitigation’ or community facilities included as part of the planning package, only for them to be steam-rolled at a later date. The track record of the current landowners does not inspire any confidence that any of this would be carried out long term.

7.6 Impacts on SAC. The land in question currently acts as a buffer zone between the encroaching developments on the outskirts of Exeter and the SAC. Any further degradation of this site can only be detrimental, with wildlife being squashed in a pincer movement, from which it may not recover as anticipated.

7.6.9 This proposed hedgerow management regime does not appear to have been implemented/monitored. So, promise one fails at the first hurdle!