

EcoNorth
Garden House
St Nicholas Park
Gosforth
Newcastle Upon Tyne
NE3 3XT
04th February 2015

Dominic Waugh
Fairhurst
1 Arngrove Court
Newcastle Upon Tyne
NE4 6DB

Dear Dominic,

Re: Lilburn Estate Track Works

Following a site visit to undertake a preliminary investigation of the ecological implications of track improvement measures proposed at Cold Law, the following views represent EcoNorth's preliminary assessment of the nature of the habitats present within and immediately surrounding the footprint of the works and secondly a view of the nature conservation implications of the proposed works.

This letter follows a site visit to the works area with Ian Clarke, buildings manager for Lilburn Estates and project manager for the proposed track improvements. The site visit was undertaken on the 28th January 2015 between 10:00AM and 13:30 PM. The weather during the site visit was cold c 2 C with a strong north west wind, generally complete 8/8 cloud cover with occasional scattered snow showers. There was no snow lying on the ground on the site visit except in the vicinity of occasional crags where some remnant patches of snow were present. The ground where the works will be undertaken was clearly visible and there were no constraints to viewing or walking the ground.

This preliminary assessment is presented on the understanding that the works will apply a soil reversal method to utilise underlying material to form the track and it is hoped that the works will be undertaken between June and August 2015. It is also understood that apart from some minor variations at the east end to adopt the most favourable course in line with the natural topography the route of the access track will follow the line of the existing track which is well established if informal and somewhat rutted.

Habitat Descriptions

The habitat varies and can be summarily split into two different sections of the route. The first lower sections which lead west from an existing track between Harthope Valley and Broadstruther Burn are located within predominantly acid grassland and areas dominated by bracken *Pteridium aquilinum*. The informal track at this location seems to provide a 'check' on the encroachment of bracken south of the track. The grassland in this area can be classed as semi-improved acid grassland with species such as fescues *Festuca* sp and mat grass *Nardus stricta* being common. It does not appear to be particularly botanically diverse on first inspection. This is a common habitat type found in upland areas that are grazed by sheep, which this lower section of the hill is. Acid grassland is not included in the list of priority habitats listed under section 41 of the Natural Environment and Rural Communities Act 2006.

At a certain point the line of the track crosses an existing fence line which runs along the ridge on the route up to Cold Law summit. The fence line along this ridge denotes a marked difference in habitat on either side of the fence possibly as a result of different grazing regimes. To the north of the fence where the route of the track line is situated the habitat is dominated by upland dry heath which is characterised by abundant heather *Calluna vulgaris* and to the south of the track the habitat is dominated by acid grassland, though the track route is more of a mosaic with a combination of acid grassland and dry heath. Upland heathland is a priority habitat in the UK BAP. The current use of the informal track however appears to inhibit the growth of heather and the current track which is largely equivalent to the permanent land take for the proposed improved track is dominated more by grasses and rushes, and in some areas bare ground. Where some wetter areas are present some infill has been added along some short sections of the track to make the area passable to vehicles. In line with the description above the majority of the track line will be installed on habitats which are already modified by the use of vehicles and minor maintenance operations to make the tracks passable to vehicles.

Further west between Carling Craggs and the end of the proposed track where a current area is used for parking vehicles the line of the track follows a dip along the fence line. No detailed investigation of this area was undertaken however it appeared that the dip area was a slightly wetter variant of the habitats described above and the parking area was acid grassland. Plans indicate that a drain from this lower lying dip area of the plateau leads south from the track. Further west of this dip up to the summit of Cold Law the habitat is comprised of extensive areas of heathland habitats to both the north and south of the track.

Initial View of the Ecological Implications of the Scheme

The scheme will involve temporary ground disturbance to habitats primarily already modified to some degree by use as a means of access to upland dry heathland areas primarily for sporting purposes. The scheme runs for approximately 1.3km from existing secure tracks to the east and will involve a construction footprint of an approximate width of 6m along the length of the track with an ultimate footprint of the track of a 3m width along its length. This equates to an initial ground disturbance of 0.78ha and an ultimate footprint of the track of 0.39 ha.

The Habitats within the stated footprint of construction and permanent works are comprised of a mix of habitats and are predominately acid grassland, bracken, dry heath and possibly in some areas wet heath/marshy acid grassland. The footprint of permanent works are largely modified by use of the current less formalised track use by vehicles. Outside of this the footprint of construction works

expands to some degree particularly to the north of the track into upland dry heath. Upland dry heath is identified as an internationally important habitat (European Dry Heath is included on annexe 1 of the EC Habitats (Directive EC/92/43/EEC) 1994) within the Northumberland National Park NNP Biodiversity Action Plan BAP. The NNP Biodiversity Action Plan records a total area of 7477 ha of upland heathland (7% of the area of the national park). The NNP BAP highlights arrange of other habitat types present within the park which are not considered to be of international or national importance which include semi-improved acid grassland and heath mosaic which constitute total areas of 13352 ha and 13100 ha of the park area, respectively.

While this assessment represents an initial view it is likely that the permanent effects of the track works are likely to represent a negligible level of habitat loss to areas of habitats which are currently modified by existing use as a track and do not represent habitats of high value in themselves.

For much of the length of the track the route is adjacent to areas of upland dry heath and the footprint of construction (6m) is likely to impinge upon this habitat to some degree. However given the methods use which avoid bringing foreign material onto site the soil characteristics are likely to remain the same for these areas and there is likely to be a significant heather *Calluna vulgaris* seedbank which would assist re-establishment of heather following temporary disturbance. Other parts of the Cheviots nearby which have been cleared of forestry in this area can be seen to have successfully re-established as upland dry heath. The level of impact on habitats of higher ecological value is therefore considered to be very low.

The route of the track does not appear to have complex hydrological linkages to watercourses and very little risk of sediment entering watercourses is considered relevant to the project as much of the track is situated on a relatively dry plateau. A single drain is present towards the west of the site which is likely to be easily protected during construction.

The works are programmed to be undertaken within the breeding bird season and a cautious approach will need to be taken to avoid damage to or destruction of nests, eggs and young during the works to remain compliant with the provisions of the Wildlife and Countryside Act 1981 (as amended) in relation to protection of nesting birds.

We trust that this preliminary assessment is useful in informing the project and will provide a more detailed assessment of effects on completion of more detailed habitat assessments.

Yours Sincerely



John Thompson MCIEEM

Mark Middleton MCIEEM