

# LPA Detailed Ecological Comments

30<sup>th</sup> November 2020

**Application:** P/2020/0921/MPA

**Location & District:** Land West Of Kings Ash Road Paignton TQ3 3XF, Torbay Council

**LPA Planning Officer:** Emily Elliott

**LPA Ecologist:** Tom Whitlock/Sarah Jennings **Consultant Ecologist:** Devon Wildlife Consultants

**Brief description:** Formation of Lidl Supermarket with associated parking, landscaping & access works including new junction on A380 Kings Ash Road

**Relevant documents supplied for the application and dates / dates of DCC comments:** Ecological Appraisal (Devon Wildlife Consultants, July 2020), Lighting Strategy (Signify, July 2020), Ecology Addendum (Devon Wildlife Consultants, October 2020)

**Date of most recent walkover survey:** October 2019

**Summary table (red = further information needed at this stage / green = all information supplied and conditioned required)**

	An overview of the survey and impact assessment (ES) & LPA ecologist comments where needed (red)	An overview of the mitigation proposed (ES) how this be secured & LPA ecologist comments where needed (red)	Condition / S106
<b>Statutory designated sites</b>			
South Hams SAC	<p>The site falls within the sustenance zone associated with the Berry Head SSSI designated GHB roost.</p> <p>Bat activity and static surveys were carried out between April and October 2019.</p> <p><b>DCC Ecology Comments:</b></p> <p>Following the flow chart within the South Hams SAC HRA Guidance document (October 2019) it is deemed that there would be loss, damage or disturbance to commuting routes and foraging habitat for Greater Horseshoe Bats within a sustenance zone. Therefore, it</p>	<p>Greater Horseshoe Bats were recorded on the both the northern and southern site boundaries. Analysis of the data obtained from the remote detector surveys identified a total of 49 greater horseshoe bat contacts from both detectors over the 42 nights the detectors were deployed.</p> <p><b>DCC Ecology Comments:</b></p> <p>There is no impact assessment or analysis provided by the consultant</p>	<p>Conditions may be required on receipt of requested further information</p>

	<p>is deemed that there may be a Likely Significant Effect on the South Hams SAC in the absence of mitigation and a detailed HRA is required</p> <p>As per Natural England's comments (dated 30<sup>th</sup> October 2020), the bat static data deviated from best practice guidance with regards to automated bat surveys, and less that the recommended number of automated days was recorded on both the northern and southern boundaries. The consultant ecologist needs to provide a full discussion on the implications of deviation from the survey guidance on the validity of the survey data presented with regards to bats.</p>	<p>ecologist with regards to how GHBs (and other bats) are using the site and what the likely impacts are from development on both bat foraging and commuting habitats. This information is required pre-determination to fully understand the impacts of the proposal on greater horseshoe bats associated with the South Hams SAC.</p> <p>Information on the avoidance/mitigation measures required needs to be comprehensively detailed as part of this application to provide assurances that impacts upon GHBs will be prevented/mitigated.</p> <p>A detailed map/drawing needs to be provided which clearly details GHB flight corridors and the onsite GHB mitigation required to protect these identified GHB flight lines.</p> <p>The submitted lighting assessment needs to include details of the ecological constraints and impacts, and how these have been rectified within the lighting assessment. an updated lighting assessment will be required to demonstrate that those features are not subject to detrimental light impacts (as per Natural England comments dated 30 October 2020)</p>	
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Non-Statutory designated sites			
<p>Ramshill County Wildlife Site (CWS)</p>	<p>The site falls within Ramshill CWS – a site designated for its diverse habitats: stream, ancient &amp; secondary woodland, grassland, mixed farmland with bird interest.</p> <p><b>DCC Ecology Comments:</b></p> <p>Page 15 of the ecological appraisal report states that ‘due to lack of management the habitats within the development site have become encroached by dense scrub, reducing plant species diversity and associated wildlife value’ – this statement is deemed too ambiguous and does not provide a clear ecological impact assessment upon this designated site. The consultant needs to provide a detailed impact assessment of the proposed development on the CWS (including direct and indirect impacts), and suitable avoidance/mitigation/compensation measures (if required).</p>	<p><b>DCC Ecology Comments: See previous column</b></p>	<p>Conditions may be required on receipt of requested further information</p>
Priority Habitats			
<p>Broadleaved Woodland</p>	<p>All broadleaved woodland present onsite will be retained as part of the application as it falls outside the redline boundary - -will be removed as part of future applications.</p>	<p>N/A</p>	
<p>Veteran/Mature Trees</p>	<p>The tree protection plan (Evolve Tree Consultancy, October 2020), indicates that 6 trees (50m) will need to be removed in order to accommodate the development.</p> <p><b>DCC Ecology Comments:</b></p> <p>No assessment of the trees to be removed has been provided in the ecological appraisal report. Clarification</p>	<p>In order to mitigate for the losses of the onsite habitats, offsite compensation will be required.</p> <p>See ‘Biodiversity Metric’ Below</p>	<p><u>Condition:</u> A Construction and Environmental Management Plan which will include details of environmental protection throughout the construction phase, will be conditioned. This will need to be agreed with the LPA.</p> <p>Further conditions may be required on</p>

	is required on the ecological value of the trees being removed to facilitate this development.		receipt of requested further information
Hedgerows	<p>Northern hedgerow will be retained and buffered in accordance with the Great Parks Masterplan (Torbay Council, 2013).</p> <p>According to the ecological addendum report (dated 14<sup>th</sup> October 2020), 'cutting back of the vegetation forming the southern hedge boundary has been undertaken in order to install hoarding along the updated site boundary' - this indicates that the southern hedgerow has already been removed.</p>	See South Hams SAC section above	
<b>Other Habitats</b>			
Dense Scrub	1.84ha of dense scrub habitat will be removed to facilitate the development.	In order to mitigate for the losses of the scrub habitat, offsite compensation will be required - See 'Biodiversity Metric' section below	
Biodiversity Metric Calculations	The provided documents states that 1.84ha of dense scrub and roadside bank and 6 trees will be removed to accommodate these proposals.	<p><u>DCC Ecology Comments</u></p> <p>Insufficient detail has been provided within the ecological appraisal which clearly evidences that the proposals will achieve a net gain in biodiversity. This information is required pre-determination. As per Natural England's comments (30<sup>th</sup> October 2020), I would advise that the measures put forward to enhance and mitigate biodiversity should be presented using a recognised biodiversity metric mechanism (e.g. Defra 2.0 metric).</p>	Conditions may be required on receipt of requested further information

European Protected Species			
Bat roosts in buildings	No buildings are to be impacted by the scheme	N/A	
Bat roosts in trees	<p>Numerous mature trees present on the site boundaries have been identified as having the potential to support roosting bats.</p> <p><b>DCC Ecology Comments:</b></p> <p><i>Page 17 of the ecology report states that 'Design of the site layout has aimed to retain these boundary trees. Trees with potential to support roosting bats will require further surveys if they are to be removed' – this statement is deemed too ambiguous. Clarification is required as to whether any trees with bat roosting potential require removal to facilitate this development.</i></p>	Five general purpose bat boxes will be installed on mature trees in the retained hedgebanks	<p><u>Condition:</u> A Landscape and Ecological Management Plan which will include details relating to habitat creation, species specification and management, will be conditioned. This will need to be agreed with the LPA.</p> <p>Further conditions may be required on receipt of requested further information</p>
Bat flight lines/foraging habitat	See South Hams SAC section above	See South Hams SAC section above	
Dormice	<p>Dormice surveys were conducted onsite in line with national guidance.</p> <p>No dormice were recorded onsite and the species is deemed absent - -this conclusion is deemed valid.</p>	N/A	
Great Crested Newt	The site is located within a Devon Great Crested Newt Consultation Zone - There are no ponds located within the survey area and Ordnance Survey mapping indicates that there are no ponds within a 500m radius of the site so it is deemed there is no impact upon the species.	N/A	
Other Protected Species			
Badgers	Signs of badgers checked when site walkover	A range of badger activity was identified within the survey area, comprising a	<u>Condition:</u> Prior to the commencement of any site works, a repeat survey for the

	undertaken	badger latrine on the western site boundary. Frequently used badger tracks and signs of foraging were also identified on the northern site boundary. No setts were recorded within the survey area or hedgebank boundaries.	presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the local planning authority
Nesting Birds	Loss of habitats suitable of supporting nesting birds.	Removal of vegetation during winter.  DCC Ecology Comments:  It is noted that 5 bird boxes will be erected on mature trees in retained hedgerows. Clarification is required as to why integrated swift boxes have not been considered as part of the final building design (this is not considered a showstopper)	<u>Condition:</u> No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.
Cirl Bunting	The site falls within a Cirl Bunting 2km consultation zone.  Cirl Bunting surveys were carried out in the summer of 2019 as per local guidance – no Cirl buntings were recorded and it is deemed there is to be no impacts on the species.	N/A	
Reptiles	Reptile surveys undertaken onsite as per national guidelines	Population of slow worms located onsite – reptile translocation and habitat manipulation has already been carried out.	