

**Inglewood, Paignton**

## **Ecological Addendum**

**A Report on behalf of Abacus Projects Ltd**

February 2018

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## **1.0 INTRODUCTION**

- 1.1 An outline planning application (Torbay Council Planning Reference P/2017/1133) for a residential led development of up to 400 dwellings, together with the means of vehicular and pedestrian/cycle access, the principle of a public house, primary school with nursery, internal access roads and the provision of public open space (formal and informal) and strategic mitigation, was submitted in November 2017. Since that time a number of ecology consultation responses have been received, notably from Natural England (NE) and the RSPB. The applicant has also received feedback from Torbay Council via two meetings. This addendum has been prepared to provide clarifications to the key queries raised and will be reflected in an updated Framework Landscape and Ecological Management Plan (FLEMP) and Farm Management Plan.

## **2.0 UPDATED PROPOSALS**

- 2.1 To respond to the AONB Manager's comments regarding a particular view from the AONB, the proposals have been amended around south-western edge of the proposed built development (See updated Masterplan and GI Plan in February 2018). In terms of ecology this has resulted in increased retention of existing hedgerow (approx. 75m) and an increased proposed woodland (approx. 0.5ha) i.e. beneficial changes in terms of ecology.

## **3.0 RELATIONSHIP WITH WHITE ROCK MITIGATION AND ENVIRONMENTAL STEWARDSHIP AGREEMENT**

- 3.1 To help clarify the relationship to the White Rock Off-Site Landscape and Ecological Management Pan (LEMP) commitments (i.e. hedge management/planting and species-rich grassland margin creation) and the extant Environmental Stewardship Agreement (notably hedge management and tussock grassland margins) that overlap with the Inglewood proposals, Figures 5.3a and 5.3b of the Environmental Statement (ES) have been updated to include the area and length calculations from the ecology chapter of the ES (and also reflect the proposed change to the Masterplan which retains an additional 75m of hedgerow). Table I below shows the areas/lengths that would be lost and the area/lengths that would be in close proximity to the development that would be of "diminished value" to wildlife. It also includes the proposed lengths of hedgerows and area of grassland margins to be created by the Inglewood proposals as set out in the ecology chapter of the ES.

Table 1: Effect of Inglewood Proposals on White Rock and Stewardship Commitments

Habitat	Hedgerows	Species-rich Grassland Margins	Tussock Margins
Existing on-Site	3.3km	4,200m <sup>2*</sup>	8,460m <sup>2</sup>
Proposed loss	400m	1,670m <sup>2**</sup>	2,230m <sup>2***</sup>
Proposed “diminished value”	1,160m	2,410m <sup>2</sup>	460m <sup>2</sup>
Proposed total to be affected	1,560m	4,080m <sup>2</sup>	2,690m <sup>2</sup>
Proposed creation	3.5km <sup>****</sup>	0.6ha	1.2ha
Total Gain	3km	0.45ha	1.0ha
Net Gain - optimal value <sup>*****</sup>	1km	0.2ha	1.0ha

\* but no evidence recorded on-Site during NPA’s ecology surveys.

\*\* 690m<sup>2</sup> to roads and 980m<sup>2</sup> which are now proposed to be tussock grassland margins

\*\*\* 330m<sup>2</sup> to roads and 1,900m<sup>2</sup> which Inglewood proposes to be hay meadow style margin

\*\*\*\* approximately 2.5km of which would be in the Farm Management Area i.e. not adjacent to the proposed development.

\*\*\*\*\* i.e. Gain in habitats that would not be adjacent to development

3.2 In addition to the above, the proposals also include the following habitat creation which are not covered by the existing commitments:

- 4ha Spring Barley, over-wintered as stubble;
- 1ha of woodland with scrub margins;
- 0.4ha of orchard;
- 2 bat houses (one on-Site and a contribution to one off-site); and
- a pond.

3.3 In the vast majority of instances the Inglewood habitat proposals would be over and above those within the stewardship agreement (i.e. Inglewood proposals are to cut hedges higher and provide wider field margins). The exception to this is where small lengths of hedge or field margins would be removed, the intention is to remove these from the stewardship agreement.

3.4 As noted in the ecology chapter, the only aspect of the White Rock Off-Site LEMP that appears not to have been delivered are the field margins. The commitment was to provide a crop free 3m wide field margin either side of managed hedgerows totalling approximately 4,200m<sup>2</sup>. However the 3m width was to be based on the centre line of the hedgerow. Given the width of existing hedgerows, the actual width of margin would be 1 to 1.5m. Such narrow margins would be difficult/impracticable to access/manage with farm machinery/ tractor. Many of these

margins would also be in shade on the northern side of hedgerows. As such their botanical value would be limited.

3.5 The Inglewood proposals are to create 6,000m<sup>2</sup> of species-rich grassland margins. This would consist of 3.5m wide margins around arable fields and around the southern extent of the built development (as shown in the Proposed Farming Practices plan) i.e. accessible to a tractor. The Inglewood proposals also allow for species-rich grassland margins within the built development footprint on the basis there would be room adjacent to them (e.g. footpath without a fence) to allow for maintenance access, they could reasonably be managed with smaller machinery if required (e.g. ride on tractor) and subject to detailed design they would be wider than the 1/1.5m proposed by the White Rock Off-site LEMP. Where the White Rock margins would be on the northern side of hedgerows, the Inglewood scheme proposes tussock grassland margins. These tussock grassland margins total 1.0ha extra over and above those already existing under the stewardship scheme.

3.6 Within the Farm Management Plan area the proposed management of hedgerows for Inglewood is in accordance with the White Rock Off-Site LEMP. Within the built development footprint the Inglewood Framework LEMP proposes that hedges be cut more frequently (i.e. annually on alternative sides, rather than once every three years).

3.7 Given all of the above it is considered that:

- the Inglewood proposals would provide a robust ecology mitigation package and it has not double counted the White Rock Off-site commitments;
- the Inglewood proposals could begin prior to the stewardship agreements ending; and
- it would be most appropriate for the Inglewood LEMPs to take on the hedge and margin management where this overlaps with the White Rock Off-site LEMP.

#### **4.0 NO NET LOSS OF CATTLE PASTURE**

4.1 Natural England (NE) raised a suggestion that the wood pasture was not included as part of the no net loss of cattle pasture calculations. It is confirmed that a total of 25ha cattle pasture (standard pasture and wood pasture) is proposed be retained/provided, and that that 25ha of cattle pasture currently exist on Site.

## **5.0 HABITAT CREATION**

- 5.1 To help make the habitat creation phasing clearer, the phasing plan has been updated to show the phasing commitments provided in the Framework LEMP (para 4.5.1) and FMP (paras 4.1.7 and 4.1.8).
- 5.2 Now that the proposed built development footprint has been reduced around the south western edge, this has retained a greater extent of existing cattle pasture and has enabled the proposals to include a scrub edge to proposed woodland and still achieve no net loss of cattle pasture.
- 5.3 It is also confirmed that the proposed woodland planting would include native woodland ground flora planting.

## **6.0 LIGHTING**

- 6.1 To help provide certainty that a coherent network of dark vegetated corridors would be provided a Dark Areas Plan has been prepared. This is based on the submitted Hydrock lighting plans. It is confirmed that where car lights might otherwise shine onto areas to be kept dark (<0.5 Lux additional) that earth/hedge banks would be incorporated to act as more robust barrier/screen than vegetation alone.

## **7.0 DELIVERY**

- 7.1 As freeholder of the land, the applicant can bring the existing Farm Business Tenancies to an end where planning permission has been granted. This is provided for within the terms of the existing tenancies. The applicant will therefore serve notice to terminate the existing Farm Business Tenancies as soon as planning permission is granted.
- 7.2 The applicant will then re-let the mitigation land on a single new tenancy embodying the terms of the Farm Management Plan. The applicant and their team have been in extensive discussions with one of the existing tenant farmers and their agent to agree the content of the Proposed Farming Practices plan. This has ensured that the proposed mitigation practices will be achievable in farming terms.

- 7.3 One of the existing tenant farmers has entered into a formal option agreement with the applicant freeholder in which he has agreed that if planning permission is granted for the built development, he will accept termination of his existing tenancy and will take a new farm business tenancy of the entirety of the mitigation land. The tenancy will include terms that require the tenant to deliver the mitigation farming practices set out in the Farm Management Plan. The option agreement will be triggered by the applicant when planning consent is granted and this will initiate the process of granting the new farm business tenancy. The farm business tenancy is based on a reduced rental charge to reflect that it will be less profitable to farm in accordance with the wildlife prescriptions. The new farm business tenancy also incorporates a provision that the tenant will maintain a farm diary to record the implementation of the wildlife mitigation measures so that implementation will be easily monitored.
- 7.4 The delivery of the maintenance and management of the POS and GI within the built footprint, as well as the proposed woodland, trees within the wood pasture, bat house and the wildlife pond within the Farm Management Plan area, has been discussed with Torbay Council and is to be secured within the s106 agreement, likely via a commuted sum to Torbay Council who will manage delivery.
- 7.5 Prior to any change in management practices, the tenant farmer and those that would be responsible for the management of POS within the built development footprint will receive a tool box talk from the ecologist on-site and also at the RSPB's Labrador Bay nature reserve to ensure that the aims and requirements of the management practices are understood.
- 7.5 Alongside these practical and contractual steps, there will be a condition placed on the planning permission for the built development requiring the mitigation works to be implemented prior to commencement of development. That will secure the carrying out of the initial mitigation works before any development can commence on the application land.
- 7.6 The long term management of the mitigation land in accordance with the Farm Management Plan will thereafter also be enforceable via a Section 106 Unilateral Undertaking given by the applicant to both South Hams District Council (within whose area the majority of the mitigation land lies) and Torbay District Council (as planning authority with jurisdiction over the built development). Under the Section 106 Unilateral Undertaking the applicant as freeholder of the mitigation land is prohibited from commencing the built development until it has deposited a cash sum with Torbay District Council as security for the long term management of the mitigation land. [The amount of that cash deposit has yet to be assessed.]

The Unilateral Undertaking then places the mitigation land under covenant to be managed in accordance with the Farm Management Plan in perpetuity. This covenant is enforceable directly by the Councils not only against the freeholder but also against anyone else with an interest in the land, including the tenant farmer.

- 7.7 If either South Hams District Council or Torbay District Council consider at any time that the mitigation land is not being managed in accordance with the Farm Management Plan then they can serve notice on the owner or tenant requiring them to comply. If that notice is not complied with then the Councils can call for the land to be transferred either to themselves or to a nominee (potentially a wildlife trust or other appropriate body) and for the security sum that has been deposited to be used for the long term management of the land. This ensures that in the unlikely event of the Farm Management Plan not being adhered to, for whatever reason, the mitigation management practices can be assured through transfer of the land to either one of the Councils or an alternative appropriate body.

## **8.0 BAT HOUSES**

- 8.1 Whilst the proposals would not affect any horseshoe bat roosts, in accordance with the request within the scoping opinion (Torbay Council, February 2017) the proposals include biodiversity conservation measures that contribute to the overall protection and enhancement of Greater Horseshoe bat habitat. The scoping opinion suggested that one such measure should be to retain and enhance roosting opportunities across the landscape. Following discussions with Torbay council ecologists and Natural England, the Inglewood proposals are for a bat house on Site (with an indicative location shown on the Masterplan) delivered by the Applicant and to make a contribution to one off-site (closer to the Berry Head SAC roost). The financial contribution would be at a level to be agreed and subject to satisfying planning law on S106 contributions. The on-Site bat house would take the form/appearance of a single storey farm stable and contain features suitable for horseshoe bats as suggested in The Bat Mitigation Guidelines (NE, 2004) and The Lesser Horseshoe Bat Conservation Handbook (VWT, 2008).

## **9.0 MANAGEMENT**

- 9.1 The RSPB raised queries with regard to who would be responsible for the management of boundary hedgerows between the proposed built development and the Farm Management



Plan area. The most detailed plan which shows this is the Proposed Farming Practices plan within the FMP. This has been updated to reflect the amended proposals and also to add greater clarity with regards boundary hedgerows.

- 9.2 It is also confirmed that the proposed woodland, trees within the wood pasture, bat house and the wildlife pond would remain the responsibility of those managing the green infrastructure within the proposed built development footprint i.e. now to be Torbay Council as set out in para 7.4 above.

## 10.0 MONITORING

- 10.1 To assess the delivery and effectiveness of the mitigation measures set out in the ecology chapter of the Environmental Statement and the ecology aims set out in the Framework LEMP, a monitoring programme would be undertaken. The details of such a programme would be set out in an Ecological Monitoring and Early Warning Strategy (EMEWS). Such monitoring would include the following:

### *Habitat monitoring*

- Ecologist and landscape architect to work closely with landscape contractor prior to and during ground preparation and planting;
- Frequent monitoring undertaken by ecologist and landscape architect during establishment periods (starting from planting/creation date);
- Farmer and those responsible for built development footprint management to complete regular diary of management actions, to be reviewed by ecologist and landscape architect.
- Construction not to commence unless planting has met agreed establishment criteria;
- Monitoring to continue annually until 15 years post construction, and then every 5 years thereafter.

### *Light monitoring*

- During construction there would be no night time lighting. This will be enforced and confirmed by the Site manager.
- After each of phase of development is completed a lighting engineer would measure Lux levels to ensure they are no higher than those approved and check that control measures (e.g. dimming, photocells) are working as intended;

- During the course of bat surveys, light spill would be noted (with basic Lux measurements taken).

#### *Cirl Bunting Monitoring*

- To be undertaken in accordance with RSPB survey guidelines;
- To be undertaken prior and during construction (which is estimated may take 5 years), and then until at least ten years post construction.
- To be undertaken across the planning application boundary and the Off-site Mitigation Land;
- It is agreed that a minimum of 10 pairs of breeding Cirl Bunting in the Farm Management Plan area should be the target.

#### *Bat Monitoring*

- To be undertaken in accordance with Bat Conservation Trust survey guidelines;
- To consist of manual and automated bat detector surveys, survey of bat house, as well as habitat and lighting assessment set out above;
- To be undertaken prior and during construction (which is estimated may take 5 years), and then until at least ten years post construction;
- To be undertaken across the planning application boundary and the Off-site Mitigation Land;
- Desk study exercise to determine status of Greater Horseshoe bat status in local area to put monitoring in context e.g. gain counts of GHS from Berry Head roost.

10.2 As set out in the Framework LEMP the results of monitoring would be reported back annually to Torbay Council. Such reporting would also be sent to Natural England and the RSPB.

10.3 There would be the opportunity to meet annually with Torbay Council and others (e.g. RSPB) to review the monitoring results. If any of the results gave rise to concern then adaptive mitigation measures would be discussed and agreed with Torbay Council and others as appropriate e.g. changes to management practices.



Newly planted woodland

Pedestrian and cycle access to White Rock

Orchard

Allotments

Pedestrian and cycle crossing point

Green connection towards Hookhill Community Centre Park

NEAP play area

PUB

Bus Stops

Landscaped / Rain Garden Area

Mitigation tree planting

Fog Pumping Station

Overhead 11kV line

Mitigation land set aside for pasture

SCHOOL

Habitat Area

Informal Play Space

All Weather Pitch

67m

New pedestrian crossing point along Brixham Road as per KTC drawing

Countryside access linked directly to Brixham Road

Hedgerow reinforced and increased in width

Pedestrian link through the existing hedgerow

Pedestrian and cycle link through the existing hedgerow

Strategic 'green' countryside access pedestrian routes

Strategic 'green' countryside access pedestrian and cycle routes

Pedestrian access and 'trim trail'

HEDGEROW KEY:

Existing retained / reinforced

Proposed

Removed

Glimpse to vista & countryside access path

Mitigation tree planting

Kick about space

Mitigation land set aside for pasture

Mitigation tree planting

Cattle shelter with integrated Bat House - indicative location

Overhead 11kV line

Mitigation tree planting

20m wide buffer (no public access)

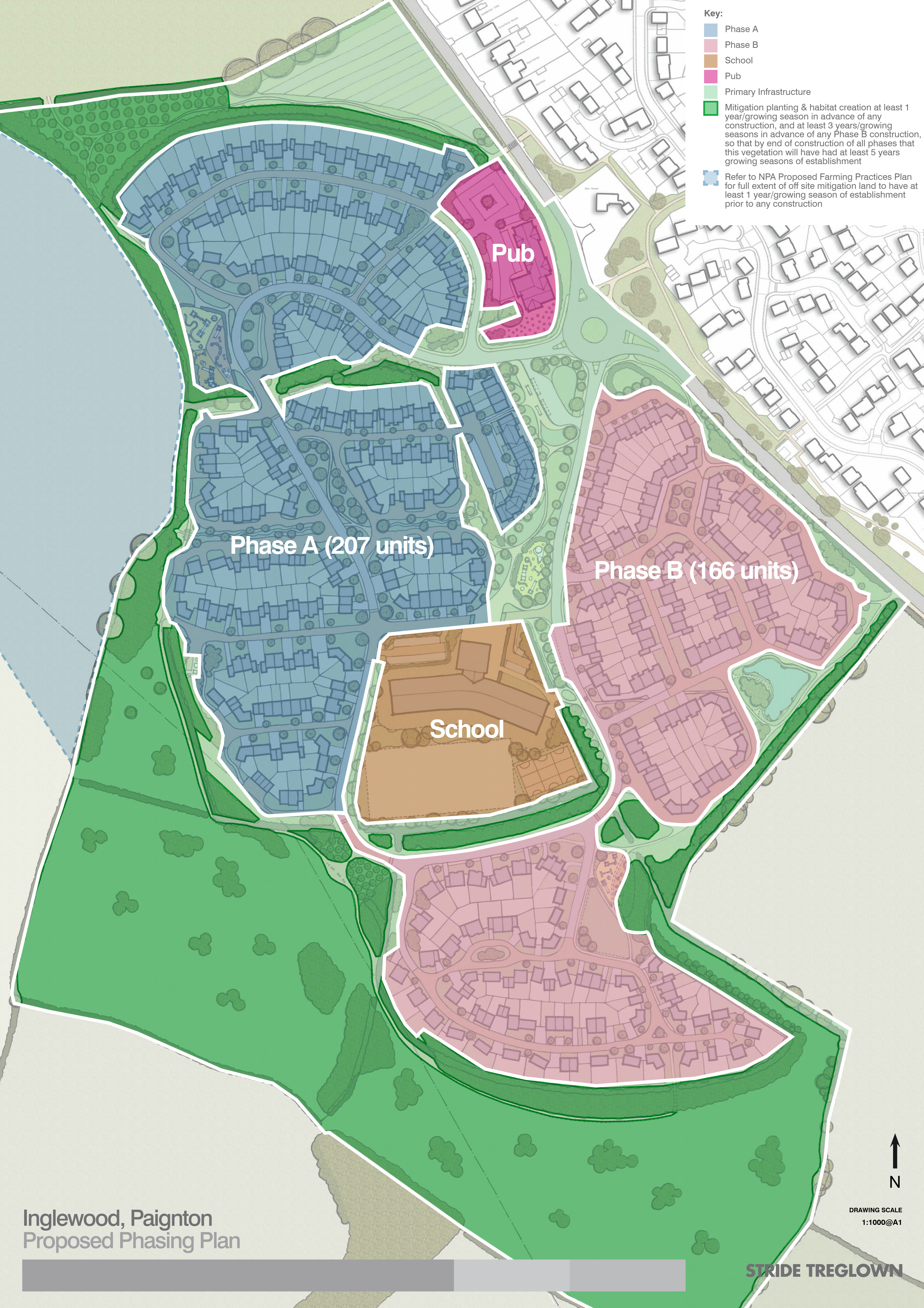
# Inglewood, Paignton Proposed Masterplan

Rev A

DRAWING SCALE 1:1000@A1

STRIDE TREGLOWN

- Key:**
- Phase A
  - Phase B
  - School
  - Pub
  - Primary Infrastructure
  - Mitigation planting & habitat creation at least 1 year/growing season in advance of any construction, and at least 3 years/growing seasons in advance of any Phase B construction, so that by end of construction of all phases that this vegetation will have had at least 5 years growing seasons of establishment
  - Refer to NPA Proposed Farming Practices Plan for full extent of off site mitigation land to have at least 1 year/growing season of establishment prior to any construction



**Phase A (207 units)**

**Phase B (166 units)**

**School**

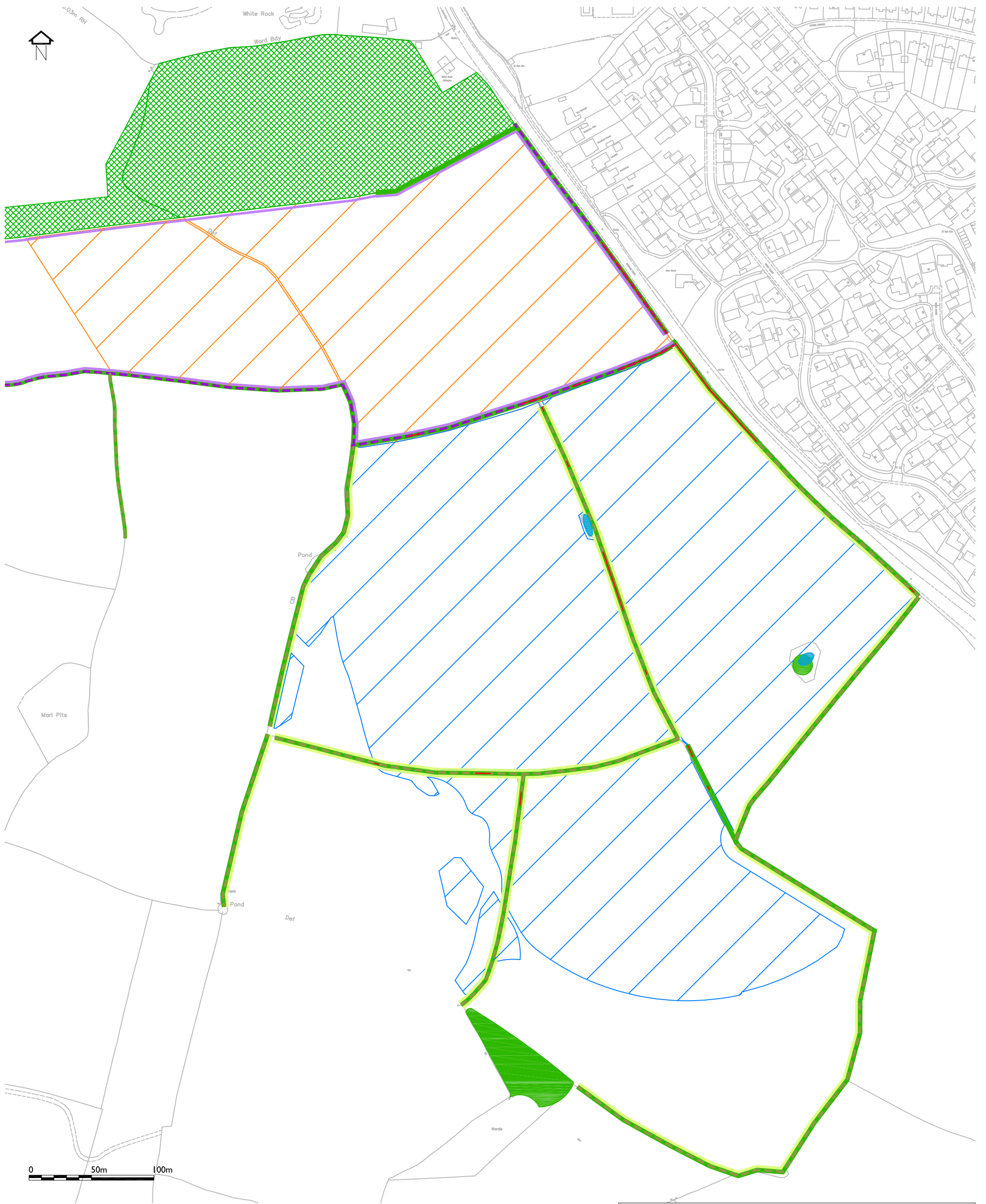
**Pub**

**Inglewood, Paignton  
Proposed Phasing Plan**

**DRAWING SCALE  
1:1000@A1**



**STRIDE TREGLOWN**



- Existing hedge, trees and woodland (3.3km of hedges on Site)
- Hedgerows to be lost (400m)

- Cattle pasture to be lost (15.5ha)
- Arable land to be lost (5ha on-Site, 16.5ha off-Site)

- White Rock Off-site Mitigation
- Woodland Planting
  - Hedge strengthening and management (2,790m)  
Lost (205m); Damaged (925m)
  - Grassland management (4,200m<sup>2</sup>)  
Lost (1,670m<sup>2</sup>); Damaged (2,410m<sup>2</sup>)

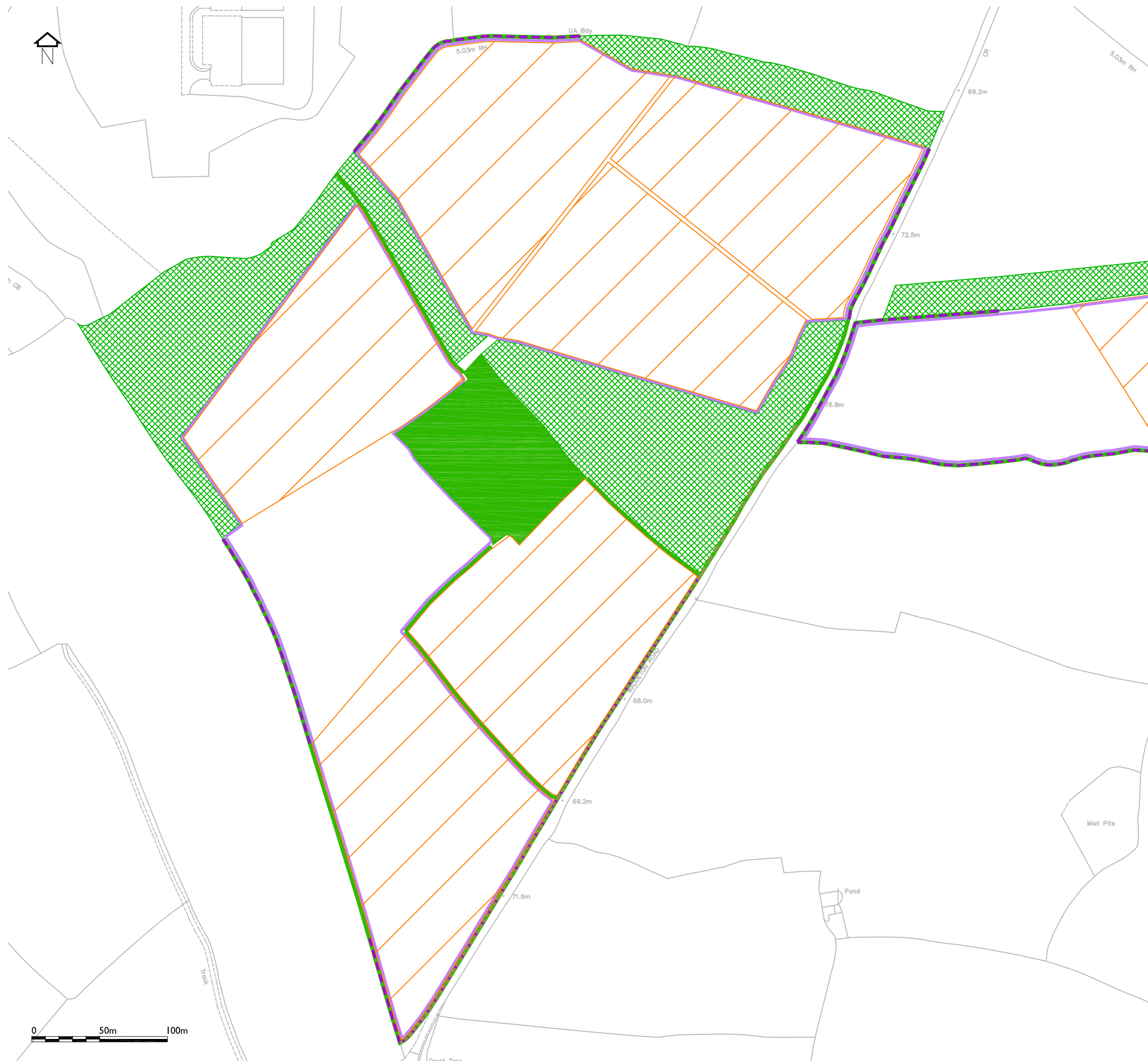
- ELS Options
- EB2 - Hedge Management on both sides.  
Height > 1.5m and cut no more than every two years  
outside the nesting season (2,195m)  
Lost (175m); Damaged(235m)
  - EE1 - 2m grassland buffers.  
Cut no more than every two years (8,460m<sup>2</sup>)  
Lost (2,230m<sup>2</sup>); Damaged (460m<sup>2</sup>)

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**Deeley Freed Estates**

**Inglewood, Paignton**

**Figure 5.3a**  
**Habitat Loss On-Site (with Areas/Lengths)**



- Existing hedge, trees and woodland (3.3km of hedges on Site)
- Hedgerows to be lost (400m)
  
- White Rock Off-site Mitigation**
- Woodland Planting
- Hedge strengthening and management (2,790m)  
Lost (205m); Damaged (925m)
- Grassland management (4,200m<sup>2</sup>)  
Lost (1,670m<sup>2</sup>); Damaged (2,410m<sup>2</sup>)
  
- ELS Options**
- EB2 - Hedge Management on both sides.  
Height >1.5m and cut no more than every two years outside the nesting season (2,195m)  
Lost (175m); Damaged (235m)
- EE1 - 2m grassland buffers.  
Cut no more than every two years (8,460m<sup>2</sup>)  
Lost (2,230m<sup>2</sup>); Damaged (460m<sup>2</sup>)
  
- Cattle pasture to be lost (15.5ha)
- Arable land to be lost (5ha on-Site, 16.5ha off-Site)

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**Deeley Freed Estates**

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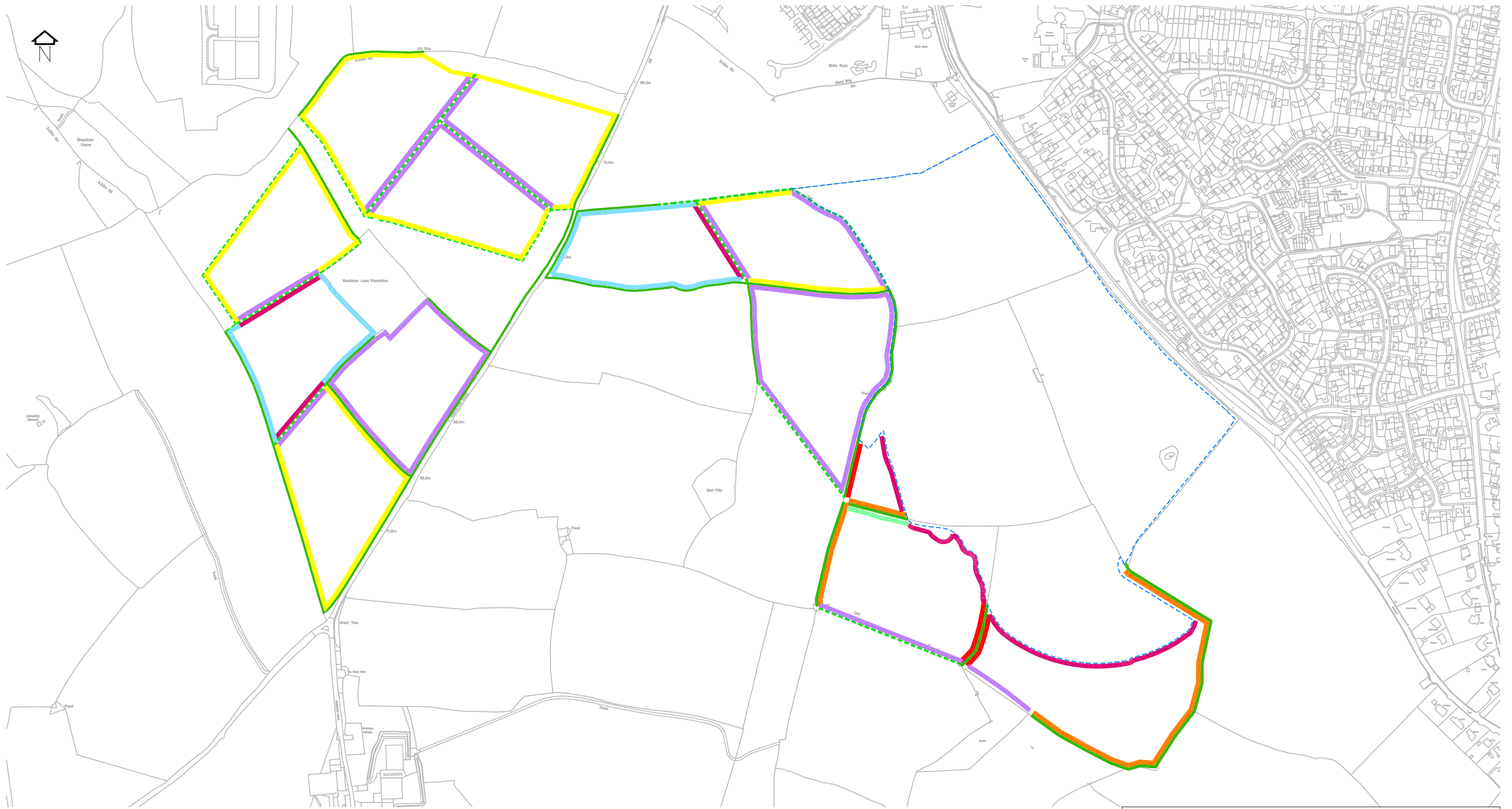
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Figure 5.3b  
Habitat Loss Off-Site (with Area/Lengths)

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February 2018



Proposed extent of built development

**Hedges**

Existing hedge

Proposed hedge

**Grassland Margins**

1.5m less  
i.e. woodland proposed where there is a 1.5m White Rock grass margin

0.5m extra  
i.e. 2.5m Tussock margin where there is 2m ELS boundary

1.0m extra  
i.e. 2.5m Tussock margin where there is a 1.5m White Rock grass margin

1.5m extra  
i.e. 3.5m Hay meadow style margin where there is 2m ELS boundary

2.0m extra  
i.e. 3.5m Hay meadow margin where there is a 1.5m White Rock grass margin

2.5m extra  
i.e. 2.5m Tussock margin where there is no existing margin

3.5m extra  
i.e. 3.5m Hay meadow style margin where there is no existing margin

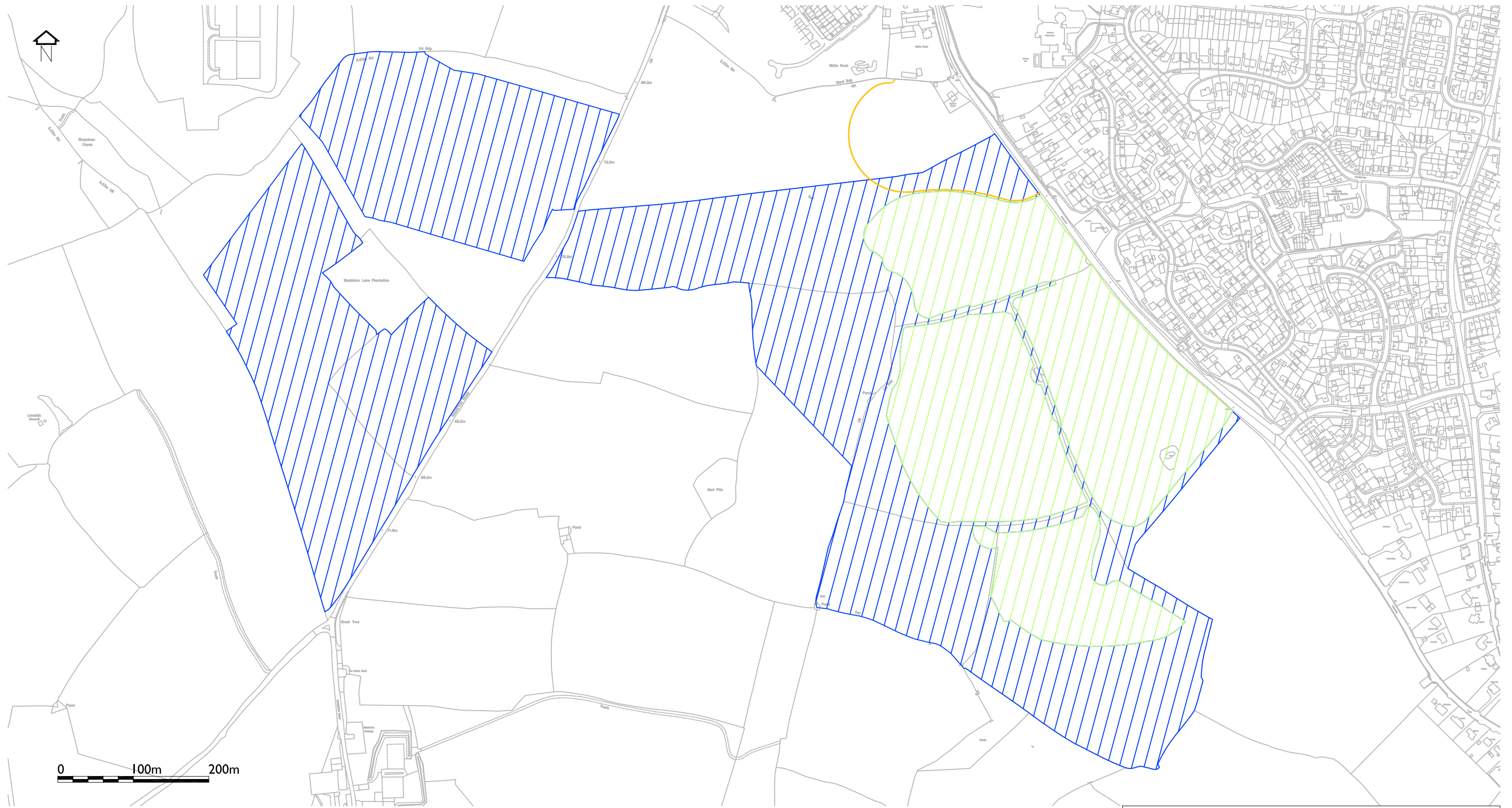
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Figure 5.4  
Boundary Habitat Mitigation  
Outside of Built Development

February 2018



Area to exclude any light fittings/source and be below 0.5 Lux additional light spill to maintain a coherent network of dark vegetated corridors for horseshoe bat commuting and avoid/minimise impact on other nocturnal fauna.



Area to be lit in accordance with the principles of Hydrock's isoline Lux plans e.g. minimal lighting required, lighting to face away from AONB, light fixtures to be minimised in height (no higher than 4m columns with exception of roundabout)



Approx. location of pedestrian/cycle access to White Rock. Path to be lit to minimum acceptable standards and to use best practice methods to minimise light/light spill e.g. low level, timed, no UV content, motion activated, warm white light).

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<p><b>Dark Areas Plan</b></p>	
<p>February 2018</p>	



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**DOCUMENT CONTROL**

**REVISION RECORD**

Rev Letter	Date Prepared	Prepared by	Checker/ Approver	Description of changes

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