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Subject	Reference: P2017/1033 Proposal: Outline application for residential led development of up to 400 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. The proposal includes amendments to Brixham Road, Long Road junction and Windy Corner junction Address: Land To The South Of White Rock Adjacent To Brixham Road Aka Inglewood Paignton Applicant: Abacus Projects Limited/Deeley Freed Limited	Project Name	Torbay Council - Ecological Advice, Inglewood.
Attention	Angharad Williams	Project Number	B23050AB
From	Matthew Hobbs		
Date	11 April 2018		
Copies to	Helene Jessop (RSPB), Julien Sclater (Natural England), Damian Offer (Torbay Coast and Countryside Trust)		

1. Terms of reference

- 1.1 Torbay Council have requested that Jacobs UK Ltd undertake a review of all ecological information with regards to the application P2017/1033 Inglewood, Paignton and provide comment on the key issues.

2. Summary of Information Reviewed

Relevant Documents

- 2.1 The applicant has provided the following documents relevant to this assessment:
- Environmental Statement (ES) (Stride Treglown – dated 01 November 2017);
 - Ecological Baseline Report (Nicholas Pearson Associates – dated May 2017);
 - Framework Landscape and Ecological Management Plan (LEMP) (Stride Treglown – dated October 2017);
 - Farm Management Plan (FMP) (Stride Treglown – dated October 2017); and,
 - Ecological Addendum (Nicholas Pearson Associates – February 2018).

2.2 Comments have already been received in relation to ecology from:

- Natural England (Julien Sclater): EIA Scoping Opinion – dated 19 January 2017, and planning consultation – dated 08 December 2017
- RSPB (Helene Jessop) – EIA Scoping Opinion – dated 09 January 2017, and planning consultation – dated 14 December 2017;
- Hi-Line (David Hansford and Paul Gregory) – planning consultation dated 30 November 2017.
- Greenbridge Ltd (Michael Oxford) – EIA Scoping Opinion – dated January 2017.
- Torbay Coast and Countryside Trust (Damian Offer) – planning consultation dated 6 December 2017.

2.3 In addition, a Habitats Regulations Assessment (HRA) has been submitted by Jacobs (Iona Pearson) dated 23 March 2018 principally in relation to the potential for a likely significant effect to occur on the South Hams Special Area of Conservation (SAC). The HRA indicated that this proposal will not have an adverse effect on the integrity of the South Hams SAC subject to implementation of various mitigation measures through conditions and appropriate clauses in the Section 106 Agreement attached to any planning consent.

Summary of Issues

2.4 Review of the relevant submitted application documents, as well as the consultation responses provided by Natural England and RSPB raised a number of ecological issues considered to be relevant to the determination of this application. In response the developer (Deeley Freed/Abacus) and their ecologist (Nicholas Pearson Associates [NPA]) met with Torbay Council representatives to discuss these issues in February 2018. Following the meeting, NPA provided an Ecological Addendum. The key issues are summarised below:

- The relationship between measures included in the Landscape and Environmental Management Plan (LEMP) for the outline planning application Whiterock 1 (P/2011/0197) and those proposed in the LEMP and FMP for this application.
- Resolution of various issues relating to habitat creation: phasing, retention of cattle pasture; ground flora within woodland planting, and provision of an off-site bat house.
- Confirmation whether delivery of a complex LEMP and FMP could be guaranteed in perpetuity.
- The potential impacts on, and delivery of mitigation/compensation for cirl bunting.
- Confirmation of an adequate monitoring plan that will help to ensure delivery of the ecological aims of the project.

- 2.5 The HRA mentioned above contains a full review of the information submitted by the applicant in relation to greater horseshoe bats (the primary qualifying feature of the South Hams SAC), including consideration of whether mitigation for bats, e.g. lighting proposals for the scheme and delivery of an on-site bat house are appropriate and deliverable. The HRA confirms that the application is acceptable, subject to certain safeguards detailed therein (including recommended planning conditions), in relation to potential impacts on this species. This information is not repeated here.

Relationship between White Rock 1 and Ingelwood LEMPs

- 2.6 The Ingelwood application is within land covered under mitigation and land management measures detailed in the off-site LEMP (there is also an on-site LEMP, which is not relevant here except in relation to potential in-combination effects) for White Rock 1, and consultees (particularly the RSPB) have raised concerns that this overlap in LEMP boundaries may have led to 'double-counting' of mitigation/management measures between the two LEMPs, in effect that the two LEMPs include some of the same measures.
- 2.7 The relationship between the measures put forward under White Rock 1, and those put forward for Ingelwood, is complex given that there is overlap in the boundaries of the two LEMPs. There will also be a reduction in the land specified within the White Rock 1 LEMP if Ingelwood is developed given that several fields are included within the redline boundary for Ingelwood that are included in the White Rock 1 LEMP. Although some of the field boundaries will be retained and used as green infrastructure, their value for wildlife may be reduced as a result. The proposals within the Ingelwood LEMP will also overlap to some extent with the extant Environmental Stewardship Agreement (ESA) that will end in 2020.
- 2.8 NPA have attempted to clarify the position of the applicant within the Ecology Addendum by providing the following:
- Updated proposal detailing increased retention of existing hedgerow and increased provision of woodland.
 - Text (Section 3), Table 1 and revised figures (Figures 5.3a, 5.3b, 5.4) that provide quantities and illustrate:
 - How the Ingelwood LEMP and FMP will affect delivery of the White Rock 1 LEMP and the extant ESA and where it will overlap with and (in most cases) improve and deliver outstanding mitigation delivery for White Rock 1;
 - How and to what extent the Ingelwood LEMP will deliver new mitigation/management measures over and above those promised within the White Rock 1 LEMP.
 - A summary of the additional habitat creation commitments on land outside of the White Rock 1 off-site LEMP, including; spring barley, new woodland, orchard, bat houses, and a pond.

- 2.9 It is clear from the information provided in the ES and Ecology Addendum that there is no double-counting and that the Ingelwood application would deliver (and positively modify) mitigation (that has not yet been delivered for White Rock 1) as well as a substantial package of mitigation/management under the Framework LEMP and FMP, that has been appropriately targeted to provide new or improved habitat for key receptors such as ciril bunting and greater horseshoe bat, as well as a range of other wildlife receptors that will benefit from such measures.

Specific Habitat Creation Measures

- 2.10 The Ecology Addendum provides further information on the phasing of mitigation planting and habitat creation and clarifies the following key point that *“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”* and that *“Construction not to commence unless planting has met agreed establishment criteria”*. This will give Torbay Council the confidence that delivery of mitigation is sufficiently guaranteed and phased appropriately.
- 2.11 The Ecology Addendum provides further clarity that there will be no net loss of cattle pasture (a concern raised by Natural England in their consultation response) and states that:
“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.”
- 2.12 The Ecology Addendum also confirms that *“the proposed woodland planting would include native woodland ground flora planting”*. It is assumed that further details would be provided in any final LEMP document in due course.

Delivery in perpetuity

- 2.13 The Ecology Addendum also includes a robust mechanism for ensuring delivery of mitigation/management measures provided in the LEMP. This is welcomed and provides as firm a long-term guarantee as can reasonably be expected. The proposals within the Framework LEMP have also been designed to ensure that they are achievable through standard farming practices and not promising mitigation features that cannot be delivered or maintained long-term.

Ciril bunting

- 2.14 The applicant’s proposal that the off-site mitigation land is capable of supporting 10 pairs of ciril bunting and that this is a key target of the mitigation/management measures proposed is welcomed. It has been agreed with the RSPB that this is an appropriate target that is achievable given the focus on creating habitat for nesting (hedgerows), summer foraging (tussocky grassland and species-rich grassland margins) and winter foraging (spring barley crop fields) that should significantly improve the quality of the available habitat for the species within the on and off-site mitigation areas.
- 2.15 Furthermore it has been agreed, as evidenced by the outline monitoring prescriptions in the Ecology Addendum, that monitoring surveys will be key to establishing whether this target is met in the future. It has also been agreed that, if implemented correctly (this will also be subject to appropriate monitoring) the habitat creation and management measures proposed by the applicant are capable of delivering this target. If they are implemented correctly and the target is not met then the measures can be reviewed as part of the proposed Ecological

Monitoring and Early Warning Strategy (EMEWS) and adapted as necessary, but that additional compensatory payments would not be requested to make up any shortfall in meeting the target.

Monitoring

- 2.16 As the Ecology Addendum acknowledges, it is critically important to be able to objectively and fairly 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”*. Without a coherent and simple monitoring strategy, it is practically impossible to do this and the outline measures recommended in that document are welcomed. It is also welcomed that annual reports will be submitted to Torbay Council with follow-up meetings planned to agree whether changes in management practices are necessary.
- 2.17 The full details of monitoring within an EMEWS will be subject to a planning condition and reviewed by Torbay Council prior to condition discharge.

Other issues

- 2.18 The ES and Ecological Baseline Report confirms that a low population of slow worm has been recorded on-site. There is no subsequent mention of this species in the ES, which suggests an oversight on the part of the author. Slow worm is not a rare species and habitats that are likely to support them will be largely retained on site and improved off-site thereby ensuring that they are unlikely to decline as a result of the proposals; however, it is likely that animals will be killed or injured during the construction phase of the project without appropriate mitigation. It is recommended that either slow worms are translocated and then subsequently excluded from the site using standard methods, or an alternative and suitably robust method is proposed that will prevent an offence from occurring. Written documentation of such a method could be provided through a Construction Environment Management Plan and/or method statement.

3. Conclusion and Recommendation

- 3.1 In conclusion, Torbay Council are satisfied that the key ecological issues raised through consultation have been resolved by the applicant through provision of further information, particularly the Ecology Addendum, and that there are currently no ecological grounds for objection to the application.