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BY EMAIL ONLY

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Dear Dave

Discretionary Advice Service (Charged Advice)

DAS/12518/223968

Development proposal and location: Inglewood, Brixham Road, Paignton

Thank you for your consultation on the above dated 18 August 2017 and 21 September 2017, and for arranging the constructive meeting on the 28 September 2017. We welcome this opportunity to provide our advice at this stage.

This advice is being provided as part of Natural England's Discretionary Advice Service. Nicholas Pearson Associates has asked Natural England to provide advice upon:

- Advice on potential impacts on designated or proposed designated sites
- Advice on the ecological mitigation plan

Natural England advice is based upon the following information (provided by Dave Harvey in emails dated 26 September 2017), and our meeting on the 28 September 2017:-

- Ecology chapter and figures - approx. 70 pages, but this obviously includes assessment of things other than the SAC (you might dip into the ecology baseline report too which approx. 40 pages)
- LVIA – approx. 100 pages plus appendices and figures;
- LEMP – approx. 30 pages plus figures ; and
- Masterplan

This advice is provided in accordance with the Quotation and signed Agreement dated 22 September 2017.

Protected sites

We support your overall conclusions regarding screening of risk regarding designated sites. We concur that key impacts relate to greater horseshoe bats associated with the South Hams Special Area of Conservation (SAC).

South Hams Special Area of Conservation (SAC)

Greater horseshoe bats are among the rarest and most threatened bats in Europe. During the last 100 years, numbers have declined significantly throughout northern Europe. South Devon

represents an international stronghold for the species supporting the largest recorded roost in northern Europe.

The proposed development site falls within the *sustenance zone*¹ for the Berry Head South Hams SAC greater horseshoe bat roost, and has the potential to provide important foraging and commuting habitat for this rare and mobile species. *Sustenance zones* are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC.

Our detailed advice is provided below:-

- We welcome the **enhancement and mitigation measures** that have been put forward. Specifically, we support the measures outlined under “Construction avoidance, minimisation and mitigation measures...” (pages 48-49, Ecological Impact Assessment), and “Operational avoidance, minimisation and mitigation measures...” (pages 49-50, Ecological Impact Assessment). We recognise that the proposals include enhancement measures to address impacts associated with this development coinciding with the mitigation measures necessary for the adjacent Whiterock development. We discussed the importance of ensuring that this would not be repeated, and that the mitigation and enhancement measures would be underpinned by sufficient resources (financial/ expertise) for their in-perpetuity management.
- In our meeting, you were supportive of the proposal to create a **bespoke greater horseshoe bat maternity roost** in close proximity to the designated Berry Head roost. This measure has the potential to deliver valuable resilience for the greater horseshoe bat population associated with the South Hams SAC. This principle has already been explored with Torbay Coast and Countryside Trust, and they would need to be involved in discussions to deliver this measure. The provision of this bespoke roost will contribute towards a strategic approach and provide confidence that the measures put forward offer a robust basis for the corresponding Habitats Regulations Assessment.
- We discussed the importance of a **phasing plan** to deliver functional habitats as outlined in the mitigation and enhancement measures. It is important that there is no repetition of the problems encountered with the phasing of habitat works on the adjacent Whiterock site. Typically, it takes a period of time before ecological habitats can become functional to support greater horseshoe bat activity. Therefore, good planning and sufficient advance planting needs to be undertaken (in advance of construction), whilst recognising constraints associated with the planting season (winter activity).
- In terms of delivery of the mitigation and enhancement measures, we have reviewed the draft **Landscape and Ecological Management Plan** (LEMP, Stride Treglown, 22 September 2017). For the application, we would expect further detail to provide a sufficient level of certainty regarding the delivery of the measures. This will be required for the Habitats Regulations Assessment. The LEMP will also need to link to a monitoring strategy, with sufficient provision for effective and timely remedial action where necessary.
- **Delivery** of the Landscape and Ecological Management Plan, will be an important consideration. To ensure adequate delivery and assist with the practical delivery of the LEMP, we suggest that some user friendly templates are drafted to be utilised by the farmer/management company. The templates should provide clear instruction regarding works outlined in the LEMP, and used as a means for recording delivery. It will be important to ensure that the farmer/management company have sufficient understanding regarding the delivery and maintenance of ecological habitats associated with the mitigation and enhancement measures. This will also be an important aspect to ensure that SuDS features are multifunctional, providing biodiversity value – rather than simply green engineered

¹ South Hams SAC – Greater horseshoe bat consultation zone planning guidance (NE, 2010)

structures.

- We note that some light modelling has been put forward regarding external luminaries. In addition, we advise an assessment of existing light sources and a comprehensive assessment of the proposed lighting is put forward as part of an application. Typically, detrimental light spillage upon greater horseshoe bat habitats (adjoining hedgerows/ watercourses/linear features) is thought to be associated with Lux levels of 0.5 and above. The **assessment of light impact** is best informed by identifying all potential sources of light and combining this information as part of a Lux analysis. All potential sources of light (internal, external, and transitory) will require appropriate mitigation to prevent impact upon the greater horseshoe bat. Assessment of potential light impacts at both construction and operational phases is often best informed by a suitably qualified lighting designer and ecologist.

To assess light impacts upon greater horseshoe bat habitat from the proposed development, it will assist to provide contour mapping (0.1lux intervals or less) that represents the lux modelling results (including vertical plane, and sample intervals of 200mm) on an OS map backdrop, and that can be used in conjunction with greater horseshoe bat habitat maps.

In the absence of sufficient detail at Outline, a lux boundary (where 0.5 lux would not be exceeded) could be applied to the site via an appropriately worded planning condition/obligation to safeguard the greater horseshoe bat habitats from detrimental light spillage associated with the proposed development.

- We note the preliminary proposed farming practices (NPA, August 2017) includes a new block of **woodland** within the wood pasture area that is characterised by straight edges. To maximise biodiversity functionality, we advise that the edges to the woodland are softer and scalloped. This can be achieved through the irregular planting of complimentary woodland native scrub species along the edge of the woodland block. In addition, we would advise the planting of woodland ground flora to maximise biodiversity opportunities within the new woodland blocks. We advise that beech is not used in the planting, as it can cause excessive shading and reduce biodiversity.
- We suggest that it would be worthwhile to utilise information boards, and other means of raising **public awareness** to highlight the biodiversity interest that will underpin some of the site management. Opportunities that allow the public to engage in conservation activity would be positive.

South Devon Area of Outstanding Natural Beauty (AONB)

We understand that you have liaised with the AONB Unit, and have sought their support for the proposals. You explained at our meeting that the tree planting and design has been informed by a requirement to prevent detrimental impacts upon the AONB.

We suggest that the photomontages that support the Landscape and Visual Impact Assessment, includes the built/unbuilt elements of the adjacent Whiterock development permission in order to properly understand cumulative impacts.

This letter concludes Natural England's Advice within the Quotation and signed Agreement dated 22 September 2017.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be

made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Regards,

Julien

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