

14 December 2017

Ms Carly Perkins
Senior Planning Officer (Development Management)
Spatial Planning
Torbay Council

Dear Carly

Planning application: P/2017/1133/MOA

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. Details of access to be determined with all other matters reserved.

Address: Land to the south of White Rock, adjacent to Brixham Road, aka Inglewood, Paignton

Applicant: Abacus Projects Limited/Deeley Freed Limited

Thank you for requesting RSPB views and allowing an extension to the consultation deadline; I hope these comments on biodiversity matters are helpful.

1. The RSPB's concerns are detailed in Appendix 1 and summarised below. In particular we seek clarification/more information on:
 - a. relationship between mitigation for White Rock I and that proposed for Inglewood;
 - b. aspects of the site-specific cirl bunting survey in 2016;
 - c. number of cirl bunting territories to be supported on mitigation habitat;
 - d. responsible parties for proposed mitigation habitat implementation and delivery;
 - e. timing of delivery of mitigation in relation to agri-environment agreement expiry dates and commencement of development;
 - f. assurance that funding will be available in the long term for habitat management;
 - g. details and timetable of habitat and species monitoring of mitigation habitat;
 - h. enhanced provision for urban biodiversity within the developed areas.
2. We **object** to the planning application pending satisfactory resolution of these matters.
3. We welcome the ecological information and the commitment to provide mitigation, particularly in relation to impacts on greater horseshoe bats (and the South Hams Special Area of Conservation (SAC) and cirl buntings. However, notwithstanding that this application is in outline only with all matters reserved aside from means of access to the site from Brixham Road (as stated in the letter from Stride Treglown 3 November 2017), based on the information submitted (including the concept masterplan and framework/draft documents for proposals for retention, creation and management of habitats as on and off site mitigation), we do not have a sufficient level of confidence that proposed on and off site

South West England
Regional Office
4th Floor (North Block)
Broadwalk House
Southernhay West
EXETER
Devon EX1 1TS

Tel 01392 432691

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mitigation¹ will be adequate and satisfactorily delivered.

4. In our view, the proposed on and off site mitigation habitat needs to sustain at least 10 cirl bunting breeding pairs (territories) and at least 20 individual cirl buntings in winter . The application site supports a minimum of 4 pairs, and the proposed mitigation land already supports a minimum of 6 pairs, making a total of 10 pairs that need to be sustained on the mitigation land to avoid no net loss.
5. Abacus Projects Limited and Deeley Freed Limited were the applicants for White Rock I to the immediate north and west of the current application site. We mention that development because we consider the delivery of mitigation for White Rock I is relevant to consideration of this application. In our view, it would be useful for your authority to have information on implementation and management of on- and off-site mitigation for White Rock I (and results of required habitat and species monitoring) to help inform views and decisions on proposals for mitigation (implementation and delivery) for this application (Inglewood).
6. There should be no duplication/overlap between areas of land/habitat already secured as mitigation for White Rock I and that proposed here for Inglewood.
7. For your authority to be confident that harmful impacts on biodiversity can be avoided or successfully mitigated, all ecological matters should be clear and comprehensive at this stage, so that they can be secured by conditions and planning obligations for any permission for this outline application, or via a combination of conditions/obligations for any permission for this application and a subsequent reserved matters application (or the first of any reserved matters applications if there is to be more than one). Successful implementation and delivery of on-site and off-site ecological mitigation requires a holistic approach, with implementation to be timed prior to commencement of construction.

Planning policy

8. In our view, our recommendations for effective mitigation for impacts on existing biodiversity, and for providing new opportunities for biodiversity in the design and construction of the building and its landscaping accord with legislation and national and local planning policy, as summarised in Appendix 3.

Yours sincerely

Helene Jessop
Assistant Conservation Officer

Cc Julien Sclater, Natural England

¹ In our view, the area of land within the red line boundary that will not be developed but instead managed as cattle grazed wood pasture should be termed 'on-site mitigation habitat' while the proposed mitigation areas within the blue line boundary should be termed 'compensation habitat' rather than off-site mitigation.

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Appendix 1

Background to RSPB concerns re White Rock I (Torbay Business Park) development and cirl buntings

1. The RSPB commented on outline planning application P/2011/0197 (including letter from Gavin Bloomfield 12/4/11) from the same applicants. We consistently expressed concern that the outcome would be a net loss of habitat for cirl buntings because mitigation (on and off site) would not retain or provide sufficient suitable habitat and appropriate management thereof to sustain cirl buntings on site in the long term. It was of course necessary and appropriate to provide on site mitigation and habitat enhancement for greater horseshoe bats, and this included areas of new woodland planting. However, cirl buntings are farmland, not woodland, birds and, once established, woodland is not suitable habitat for cirl buntings. This is why we recommended compensation provision for the two pairs of cirl buntings then recorded on the White Rock I site, either in the form of suitable off site habitat or a developer contribution to Torbay Council to be used to provide compensatory habitat elsewhere for cirl buntings.
2. We remain of the view that Torbay Council did not ensure adequate compensation provision for cirl buntings in its decision on P/2011/0197 and the content of the related LEMPs².
3. There is some overlap between mitigation for White Rock I and that proposed for Inglewood. That relevant to cirl buntings includes the restoration and enhancement of hedgebank/hedgerow as shown on Figure 2 DWG ref 40158/SK/514/REVB *White Rock Landscape mitigation & enhancement – off site landscape phasing*. The *White Rock, Torbay Landscape and Ecological Management Plan – Off Site Woodland and Hedgerows* (Ecosulis/Stride Treglown, August 2012) states in section 4.14 “*Farmland as shown on Figure 1 is . . . part of a countryside stewardship scheme. These Entry Level Stewardship (ELS) agreements run until 2020 (land east of Waddeton Road and 2021 (land west of Waddeton Road, after which the intention would be to integrate the habitats created under the stewardship into the habitat mosaic of this scheme*”. The LEMP for on-site landscape works (January 2014, Stride Treglown/Ecosulis) identifies various ecological mitigation habitats including retaining existing hedgerows and managing areas of grassland for wildlife.
4. We request clarification on implementation and delivery of on and off site ecological mitigation secured as part of the planning permission for White Rock I. We are concerned that there has been a failure to deliver this satisfactorily (for example, section 3.2.2 *Unimproved neutral grassland* in the *Ecological Baseline Report* (Nicholas Pearson Associates, May 2017) for the Inglewood application states that there was no evidence of the 3m wide margins either side of hedgerows that were proposed to be sown with

² *White Rock, Paignton Landscape and Ecological Management Plan (LEMP) for On-site Landscape Works* (Stride Treglown & Ecosulis, January 2014 Rev D);
On-site Landscape & Ecological Management Plan (LEMP) – Figures (Stride Treglown, November 2013);
White Rock, Torbay Landscape and Ecological Management Plan – Off-site Woodland and Hedgerows (Ecosulis and Stride Treglown, August 2012); and
Offsite Landscape mitigation & phasing – figures (Stride Treglown, August 2012).

wildflowers under the White Rock LEMP).

5. We are also concerned that potential impact on ecological features has been assessed to include impacts on mitigation measures relating to White Rock I *even if those features do not exist*. Section 5.3.5 in *Environmental Statement Inglewood* (Stride Treglown, 1/11/2017) states “*Potential impacts on ecological features have been assessed in the context of how the predicted baseline conditions within the ZoI [Zone of Impact] might change between the surveys and the start of construction. This includes taking into account that the Site is subject to an off-site LEMP for a project known as White Rock to the north. This LEMP proposed enhancing many of the hedgerows at Inglewood. At the time of survey most of these measures appeared to have been implemented (planting to strengthen the hedgerows), with the exception of the creation of wildflower margins adjacent to hedgerows. Given that these measures should have been fully implemented ahead of any construction related to this project, the impact section of this chapter considers them as such (ie, implemented and established).*”
6. It is unacceptable to use the same habitats/land areas as mitigation for two different developments and any failure to deliver agreed mitigation for White Rock I does not give confidence that mitigation proposed for Inglewood will be implemented.
9. To better illustrate how mitigation for White Rock I relates to that proposed for this Inglewood application, it would be helpful to map the following:
 - a. the overlaps between this application site and related proposed mitigation land, and land subject to an existing management plan (Ecosulis, August 2012) for off site mitigation agreed for the White Rock I development, with identification of those individual habitat features that have been implemented and managed as mitigation (and any that have not been delivered as agreed).
 - b. the land proposed as on and off site mitigation for this application that is subject to Entry Level Stewardship (ELS) and Higher Level Stewardship (HLS) agri-environment agreements and their respective expiry dates, and identification of individual features (eg, hedges and field margins) subject to ELS/HLS management options.

Cirl bunting surveys and mitigation proposals

7. Comments below refer to the cirl bunting breeding season survey in 2016 reported in the *Ecological Baseline Report* (Nicholas Pearson Associates, May 2017) (hereafter referred to as the *EBR*), unless otherwise stated. The cirl bunting breeding season survey by Ecosulis in 2014 and 2015 (report included as Appendix 1 in the *EBR*) did not accord with RSPB recommendations.
8. We seek clarification on aspects of the 2016 survey. According to Table 3 of the *EBR* and section 5.3.42 of the *Environmental Statement* (Stride Treglown, 1/11/17) the visit dates were 27 April, 13 May, 22 June, 21 July and 16 August but Figures 12a-12e have different dates: 1 April, 2 May, 3 June, 4 July and 5 August.
9. It was also not clear what areas of land were surveyed adjacent to the proposed development site. Section 2.6.1 of the *EBR* states “*Areas adjacent to the Site were also surveyed where practicable*” and Figures 12a to 12f show coverage of the application site

South West
Regional Office
4th Floor (North Block)
Broadwalk House
Southernhay West
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Devon EX1 1TS

Tel 01392 432691

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and proposed mitigation land east of Waddeton Road but there is no indication of any survey effort west of Waddeton Road. Section 5.3.45 in *Environmental Statement Inglewood* (Stride Treglown, 1/11/2017) states that areas adjacent to the site and a large area of possible mitigation land (approximately 500m to the west of the site) were also surveyed. Our understanding is that this off site survey effort is not accounted for in Table 3 in the *EBR* re time spent on the site in each survey visit. We would welcome confirmation that our understanding is correct because, if not, the amount of time per survey visit to the application site may be less than RSPB recommendations.

10. Please refer to the RSPB map in Appendix 2 showing the application site red and blue line boundaries, the cirl bunting territories recorded in (a) the site-specific survey in 2016 for this application, (b) the RSPB national survey in 2016 and (c) the site-specific survey submitted for application P/2017/1042 (Midas Commercial Developments for two manufacturing units, land at Woodview Road, Paignton, on 0.8 ha of the White Rock I site). We hope this illustrates our comments in paras 11-16 below.
11. The *EBR* states in section 2.6.1 “*As cirl bunting are so elusive, some individuals may have been missed during the surveys*”. The 2016 survey for this application recorded four territories on or overlapping the application site (red line boundary), and another three pairs off site in adjacent habitat (blue line boundary) (section 3.6), one of which was on the proposed off-site mitigation habitat. **In our view mitigation should be provided for at least four territories.**
12. In relation to assessing (via future monitoring) the success of mitigation habitat in delivering for the territories to be lost to the development, it is important to establish the number of territories already present on the proposed mitigation land as a baseline. The combined total of existing (on proposed mitigation land) and affected (on application site) territories then becomes the minimum number of territories to be supported by the mitigation habitat.
13. As explained in para 9 above, the site-specific survey in 2016 did not encompass all proposed mitigation land. The most recent RSPB national survey in 2016 (carried out from roads and public rights of way) recorded four breeding territories on or immediately adjacent to the proposed off site mitigation land, close to Waddeton Road, such that all these birds would be using that land. One is the same territory recorded on the proposed off site mitigation land in the site-specific survey reported in the *EBR*. The RSPB national survey also recorded another two breeding territories within 250m of the proposed off site mitigation habitat west of Waddeton Road and one within 250m of the proposed mitigation habitat east of Waddeton Road, and two within 250m south of the application site.
14. Additionally, site-specific survey in 2017 for planning application P/2017/1042 recorded three territories close to that site, two within 250m. Of those three territories, two overlapped with the western boundary of the off site mitigation land proposed for this application P/2017/1133/MOA and the other was within 250m of it. In our view, the proposed off site mitigation land west of Waddeton Road is likely to provide habitat used by at least two of those territories.

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Broadwalk House
Southernhay West
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Devon EX1 1TS

Tel 01392 432691

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15. **The results of site specific survey in 2016 reported in the EBR, those from the RSPB national survey in 2016, and those from site-specific survey in 2017 for P/2017/1042 show the application site for P/2017/1133/MOA supports a minimum of four cirl bunting territories and the proposed mitigation land supports a minimum of six cirl bunting territories.** The RSPB map in Appendix 2 shows that the application site and the proposed mitigation land could be used by additional pairs outside the red and blue line boundaries.
16. **In conclusion, there is an existing baseline of six cirl bunting territories on the proposed off site mitigation habitat, and it is therefore reasonable to require that successful delivery of mitigation for cirl buntings on the mitigation habitat from the proposed development will be a minimum of 10 pairs.**
17. In relation to wintering cirl buntings, we consider the survey by Ecosulis in winter 2015/16 (reported in Appendix I of the EBR) under-represents the value of the application site. Their maximum counts of two males and one female contrast with a minimum of 5 males and 2 females recorded as an incidental record by RSPB on the western boundary of the application site on 16 February 2017³.

Bats and lighting

18. The RSPB supports the comments of Natural England (letter from Julien Sclater, 8 December 2017). Torbay Council will need to have sufficient information on likely impacts and the proposed mitigation measures to carry out a Habitats Regulations Assessment.
19. Planting of new hedges and woodland to facilitate commuting of greater horseshoe bats around the proposed development and through the proposed on and off site mitigation to suitable foraging areas should be timed so that it matures sufficiently before removal of sections of various hedgerows on the development areas.
20. We recommend monitoring of light levels between May and October during the construction period (if any artificial lighting, including security lighting, will be provided) and then in the 1st, 3rd, 5th and 10th years after completion of each phase. Monitoring should apply to retained and created hedges and the on site grazed pasture to ensure light levels do not exceed 0.5 lux on these habitats. Lighting monitoring requirements for the off site mitigation habitat should be agreed with Natural England. This monitoring should be set out in the Construction and Environmental Management Plan (CEMP) and Landscape and Environmental Management Plan (LEMP).
21. The Environmental Statement mentions two bat houses mitigation (section 5.5.19 in *Environmental Statement Inglewood* (Stride Treglown, 1/11/2017). One is shown on the *Proposed Masterplan* (Stride Treglown) as a cattle shelter with integrated bat house sited south of the developed area within the proposed cattle grazed wood pasture. We support Natural England's recommendation that the off site (ie second) bat house/roost should be provided close to the designated Berry Head roost.

³ These birds were seen during a visit to the application site at the invitation of Nicholas Pearson Associates and attended by David Harvey, NPA, Helene Jessop, RSPB and Mike Oxford).

Framework Landscape and Ecological Management Plan (LEMP)

22. In our view, the *Framework Landscape and Ecological Management Plan (LEMP)* (Stride Treglown, October 2017), hereafter referred to as the *LEMP*, should seek enhancements for biodiversity – achieving no net loss is a minimum requirement.
23. Section 1.2.4 of the *LEMP* refers to an unconfirmed number of LEMPs to be produced after granting outline planning permission. We seek confirmation on the number and scope of individual LEMPs and confirmation of those responsible for delivering and managing all areas of habitat, including any proposed future transfers of management responsibility.
24. We recommend clarification on who will be responsible for management of different habitats (in particular boundary features such as hedges) on and adjacent to the on and off site mitigation land. Section 1.1.3 states that Green Infrastructure Areas are proposed to be managed by a Management Company (GreenSquare Estates) and the ecological land mitigation areas by tenant farmers. It states “*These green areas are directly linked together by shared landscape and ecological features including grassland, woodland and hedgerows*”, as shown in Figure 1 but this statement does not make clear exactly what “*green areas*” are (are they Green Infrastructure (GI) Areas or all undeveloped land?) and Figure 1 does not clarify the responsibility for features that make up the boundary between the developed area and the GI areas, and the on and off site ecological mitigation areas, ie, farmland. Figure 2 of the *LEMP* states that all Mitigation Land (ie, on and off site farmland) will be the responsibility of the tenant farmer but this seems not to include hedges adjacent to the development areas. Also, Figure 2 states the proposed woodland blocks will be managed by GreenSquare Estates for the first 10 years and then transferred to the tenant farmer while the *FMP* states in section 2.1.4 that woodland is the responsibility of GreenSquare Estates (the management company), and does not mention any future transfer of responsibility to the tenant farmer. Figure 2 states that management responsibility of proposed new hedges could be either the Management Company or the tenant farmer while the *FMP* plan *Proposed Farming Practices* suggests that hedges within and adjacent to the off site mitigation land, and hedges that will become the western boundary of developed land, will be the responsibility of the tenant farmer.
25. We welcome the statement in section 2.5.5 that “*The LEMP and the Farm Management Plan (FMP), including the subsequent Section 106 agreement will form the legal assurance that this land is preserved in perpetuity for natural and ecological benefits and not developed for housing or commercial gain*”.
26. With regard to the Countryside Access Walk (eg, Figure 2 *Landscape Strategy Plan* in the *LEMP*), we recommend that this is separated by a post and wire fence (sufficient to prevent dog and human access onto the mitigation land) from the on site ecological mitigation land to be managed as grazed wood pasture. This will prevent recreational access into that mitigation land, and avoid the risk of conflict between dog walkers and other people and livestock, and any consequent risk to mitigation habitat management. Figure 2 states the Countryside Access Walk will be managed by the Management Company and we recommend that the *LEMP* is expanded to clarify the nature of that management (eg, occasional grass cutting as necessary to maintain the walking route, and regular checks and

South West
Regional Office
4th Floor (North Block)
Broadwalk House
Southernhay West
EXETER
Devon EX1 1TS

Tel 01392 432691

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maintenance as necessary of the fence?).

27. Section 2.4.1(b) describes new deciduous woodland blocks. The RSPB recommends these have a margin of native scrub (eg, hawthorn, blackthorn, and bramble) at their edges rather than an abrupt transition from what would otherwise in time be mature woodland adjacent to open ground habitat. Providing this structural and habitat diversity will increase wildlife value and provide suitable shelter/breeding habitat for ciril buntings adjacent to grass and arable fields that a woodland/field interface would not.
28. Section 2.4.1 (b) states that “*Along Brixham Road the hedge may be maintained to only 1m height or left to grow*”. In our view, the minimum height requirement should be 2m.
29. We welcome the *Post-Construction Stage* information including funding arrangements for the Management Company. However, section 2.5.7 does not explain how funding would continue to the Management Company in the event of any default on payments by house owners across the estate.
30. We support provision of rain gardens and sustainable urban drainage as mentioned in section 4.3.4 but recommend ‘wildlife friendly’ SuDS are deployed across the development areas. We recommend that only native plants, or only non-invasive non native species will be used in SuDS in the developed areas. There is more information in *Sustainable drainage systems – maximising the potential for people and wildlife – a guide for local authorities and developers* (Graham etc, RSPB/WWT, 2012):
http://ww2.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf
31. In sections 4.3.9 and 4.3.10, while we support planting of native oak, we suggest that pedunculate oak *Quercus robur* may be more suited to the lowland farmland environment than sessile oak. English elm (recommended in section 4.3.10), though a beautiful native tree, is susceptible to Dutch elm disease and rarely grows to maturity.
32. Section 4.3.3 describes how lighting will be controlled where roads would dissect existing hedgerows and new hedgerows would be planted to compensate for the loss of existing hedgerows. Retention of bat commuting corridors requires connectivity of vegetated corridors, such as tall bushy hedgerows, so this needs to be demonstrated in planting proposals. Temporary linkages may be needed while new planting matures.
33. Section 5.2.24 states that woodland, trees in pasture and the wildlife pond will be managed by the Management Company (GreenSquare Estates). However, please see our comments in para 24 above. In our view, responsibility for managing individual areas and types of habitat needs further clarification.
34. If the management responsibility as set out in section 5.3.2 is the final agreed arrangement, we recommend relevant amendments are made elsewhere in the *LEMP* and *FMP*. However, section 5.3.2 states a decision is yet to be made on management responsibility for small groups of trees in the wood pasture (ie, mitigation south of the proposed development).

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35. In section 5.3.18 it states that hedges adjacent to Brixham Road will be flailed annually. Does this need to occur on both sides of the hedges or just that adjacent to the main road?
36. In section 5.3.23, we recommend clarification of the proposed annual summer cut of hedgerow margins adjacent to arable land. Hedge bases should be tussocky grassland to provide useful shelter for invertebrates over winter.
37. In section 5.3.26, non-native tree species are proposed for woodland blocks to the south and west of Nords Village. We recommend native species.
38. In section 5.3.39 describing management for the spring barley for winter stubble, we recommend addition of a description of the desired 'stubble sward'. The outcome should be a variety of broad-leaved plants and annual meadow grass *Poa annua* in addition to the stubble as all will provide seed sources but vegetation growth over winter should not become too dense or tall to prevent cirr buntings from accessing their seed food. If that happens, strips may need to be mown through the stubble to allow cirr buntings easier access to seeds.
39. In section 5.3.40, including yellow rattle in seed mixes may assist by suppressing grass growth.
40. In section 6.1.2 of *Monitoring, Review and Management of the LEMP* we recommend clarifying the frequency of walkover surveys and surveys of greater horseshoe bats and cirr buntings. We recommend survey in the 1st, 3rd, 5th and 10th years after implementation.
41. In section 6.1.6 re short term monitoring in the first five years, we recommend clarification of what the annual inspection entails.
42. In section 6.1.8 re medium term monitoring in years 5-15, we recommend clarification on what this annual review entails.
43. In section 6.1.9 re long term monitoring in years 15+, we recommend clarification on what the proposed 5 yearly re-assessments entail.
44. In section 6.2.1 we recommend that targets are set and that, in relation to cirr buntings, this should be a minimum of 10 pairs breeding on the off site mitigation land (ie, being the 6 pairs currently present/reliant on the proposed off site mitigation land and the 4 pairs found on the proposed development site).
45. In section 6.2.3, it should be stated who is responsible for reviewing the *LEMP* and making any changes required.
46. In section 6.3.2, 2nd bullet point, it should be stated who will approve any changes to the *LEMP*.

Farm Management Plan

47. The RSPB welcomes the provision of the *Farm Management Plan Inglewood* (Stride Treglown, October 2017) (hereafter referred to as the *FMP*) and its inclusion as part of a section 106 agreement.
48. We would welcome clarification of the total area of farmed habitats (grassland, arable, hedges, grazed wood pasture) proposed as mitigation.
49. We seek clarification on management of the on and off site mitigation farmland in the period between any granting of planning permission and commencement of development, and the expiry of the agri-environment schemes. In our view, it is not reasonable to delay implementation of proposed habitat creation/restoration and management if those particular habitats or areas of land are not subject to options in the agri-environment schemes. Section 3.1.2 in the *Ecological Baseline Report* (Nicholas Pearson Associates, May 2017) states those options are:
 - a. management of hedges and hedgebanks and 2m grass field margins in Field 5 and the OSML (off site mitigation land) fields west of Waddeton Road under an Entry Level Stewardship scheme due to run until August 2021, and
 - b. reduced depth, non-inversion cultivation in a field west of Waddeton Lane Plantation under a Higher Level Stewardship scheme (expiry date not mentioned in the *EBR*).
50. In our view, given the need to implement mitigation before existing habitat for cirr buntings is lost at the application site, if the application is consented and all mitigation measures cannot be implemented until those agri-environment agreements finish, there should be no commencement of development until then. This will allow all mitigation to be implemented before construction commences so that there is no gap between loss of existing habitat and provision of replacement via the mitigation land. Some planting (eg, hedges) needs time to mature sufficiently to be effective replacement habitat.
51. While welcoming identification of the other parties relevant to the *FMP* in section 2.1.4, we recommend that all habitats to be the responsibility of GreenSquare Estates are identified on a plan to provide clarity.
52. We recommend early clarification of responsibilities of the Ecologist and Landscape Architect. The current statements that both will be “*overseeing certain aspects of implementation and monitoring thereafter*” are vague and need to be revised to describe exactly which aspects will be the respective responsibility of these individuals.
53. We recommend that details of the ecologist and landscape architect are confirmed as soon as possible after granting any planning permission.
54. We seek confirmation that GreenSquare, the ecologist, the landscape architect and the tenant farmer understand cirr bunting and greater horseshoe bat habitat and management requirements. In our view, it would be useful for all parties to visit RSPB Labrador Bay nature reserve (which is managed by a tenant farmer for RSPB) soon after granting of any planning permission to see successful habitat management/delivery for cirr buntings. RSPB

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Regional Office
4th Floor (North Block)
Broadwalk House
Southernhay West
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Devon EX1 1TS

Tel 01392 432691

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staff may be able to meet them on site.

55. We consider that section 3.1.3 underplays the importance of the site for ciril buntings – 4 pairs were recorded on site in 2016, as mentioned, but another 3 pairs were likely also using habitat on the site.
56. We recommend that a map is provided with the table on pages 9 and 10 to identify the individual fields and their locations to aid interpretation.
57. In section 3.1.6 and the plan *Proposed Farming Practices*, we welcome the commitment to provide 4 ha of spring barley/overwinter stubble annually. We note that 4 fields will be rotated between arable and cattle-grazed pasture on the off site land, with 2 fields of 2 ha each (one either side of Waddeton Road) to be in arable each year.
58. In section 6 *Monitoring and Review*, we recommend there is specific mention of species monitoring in addition to farming practice and habitat quality. In our view, there should be ciril bunting surveys in the 1st, 3rd, 5th and 10th years after implementation of the *FMP* as results will inform assessment of success or otherwise of habitat creation and management. We recommend similar survey measures for greater horseshoe bats.
59. We seek clarification on the map *Proposed Farming Practices* in regard to:
 - a. the proposed footpath, as this does not appear to be shown on the map
 - b. location of proposed hay meadow margin forming the northern boundary of the on site mitigation habitat (grazed wood pasture) in relation to the proposed dog proof fence adjacent to the proposed footpath and the boundary hedge between the developed areas and this mitigation habitat. The illustration for *Hay Meadow Margin* does not appear to take this juxtaposition of features into account.
 - c. the caption for *Hay Meadow Margin* states there may be occasional cattle access for aftermath grazing so access to water will be needed during those periods.
60. The RSPB would welcome sight of reports from farmland management and species monitoring. Successful delivery could become a useful case study in developer-delivered mitigation/compensation for ciril buntings and be helpful for other developments.

Green Infrastructure Plan

61. We recommend the *Green Infrastructure Plan* (Stride Treglown, undated) details species to be planted in the proposed native woodland blocks and native woodland belt. We recommend these are locally occurring species from native seed raised in the UK.

Section 106 Agreement – draft Heads of Terms

62. The RSPB welcomes provision of this draft and the inclusion of details of the Ecology and Landscape Mitigation, and Farming Management to be included within it.
63. In relation to Monitoring and Management, we recommend the scope (eg, habitat, species, etc), detail and timetable for monitoring is defined, and there is also inclusion of reporting (to Torbay Council at minimum), and a review mechanism should the desired target

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outcomes not be achieved and additional measures be required.

64. We support the wording in relation to the Farm Management Plan and recommend that any grant of planning permission for this application should be conditional on full details of the bond/commuted sum to ensure delivery being provided to the satisfaction of Torbay Council prior to commencement of any works connected to the proposed development. If some of this commuted sum is to be derived from an annual payment from the owners of the dwellings, the Council has to be satisfied that these monies will continue to be paid and action to be taken in event of any default.

Biodiversity enhancements within the development areas

65. We recommend provision of 400 integral nest sites for swifts ('swift bricks') at an overall ratio of one per dwelling – these can also be used by other species including house sparrows and starlings, and bats. They are built into the external walls of dwellings and should be located at least 5m above ground high under the eaves – gable ends may be most suitable, and two or three bricks can be built into an individual dwelling. There are details of various swift brick types in the links below:

https://www.newcastle.gov.uk/sites/default/files/wwwfileroot/planning-and-buildings/planning-applications/wildlife_swift_bricks.pdf - Facts about swift bricks, v6
<http://manthorpebuildingproducts.co.uk/product/gswb-swift-nest-brick>

66. There is also potential for biodiversity enhancement via provision of a green roofs and/or living walls, and planting public realm areas with wildlife-friendly plants (eg, those that provide nectar for invertebrates, dense cover for nest sites, and produce fruit and nuts). Invasive non-native plants should not be used. We recommend guidance on integral nest sites and wildlife-friendly planting in the RSPB's *Urban advice pack* is adopted:

<https://ww2.rspb.org.uk/globalassets/downloads/documents/conservation--sustainability/help-swifts/local-authority-advice-pack.pdf>

67. We recommend that all garden boundaries provided should be permeable to allow hedgehogs (whose UK population is declining rapidly) and other ground-dwelling wildlife to move from garden to garden and between the developed area and adjacent mitigation land. Hedgehogs for example need to travel up to 1km a night when foraging (and to find a mate and hibernation sites) so cannot be sustained in an individual garden. Hedges are the most wildlife-friendly boundaries but if wooden or wire fences are provided in addition to or instead of hedges, they should include a 'hedgehog sized' hole at their base in every garden. There is more information on:

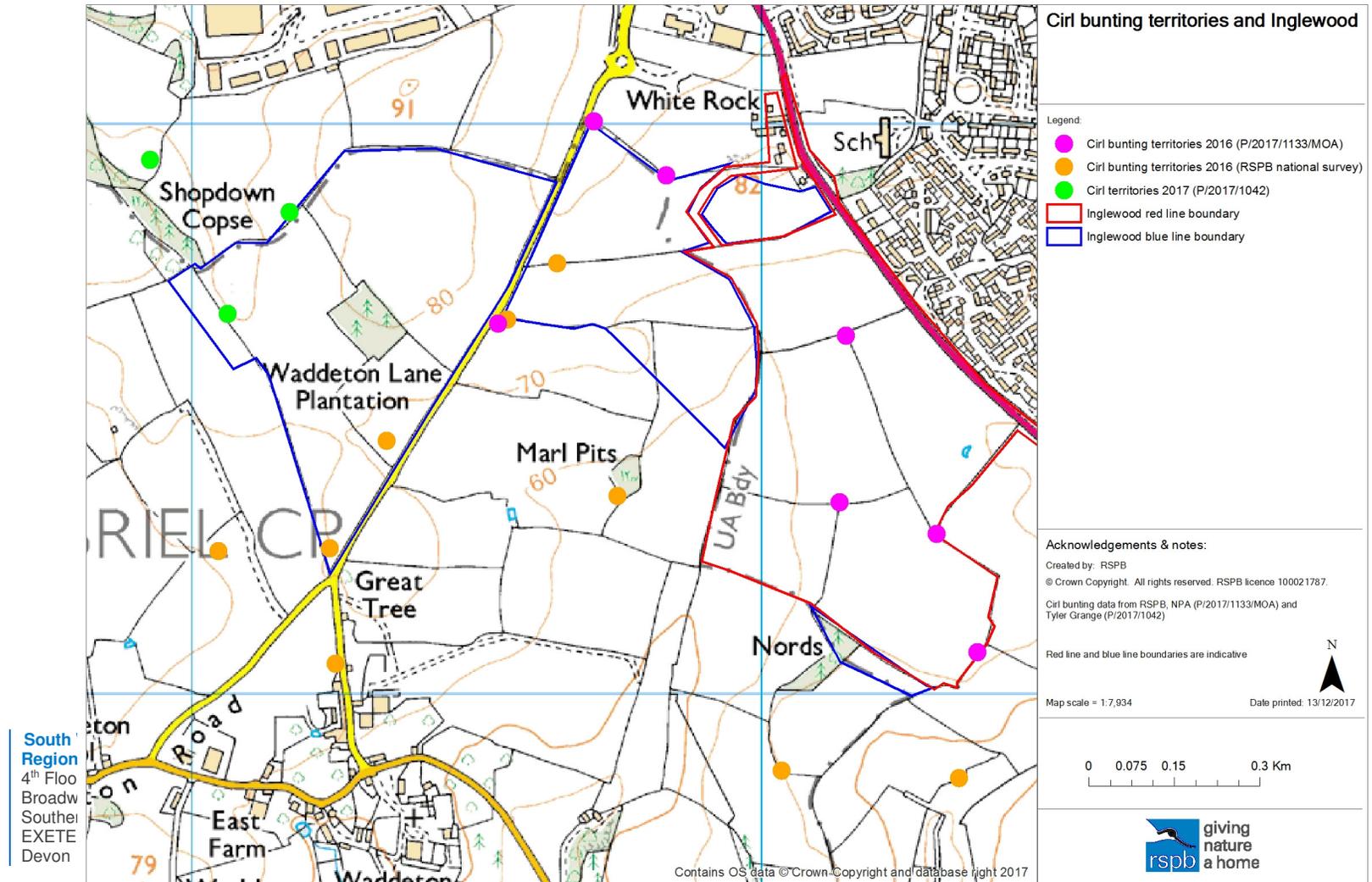
<https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/>

South West
Regional Office
4th Floor (North Block)
Broadwalk House
Southernhay West
EXETER
Devon EX1 1TS

Tel 01392 432691

[rspb.org.uk](https://www.rspb.org.uk)

Appendix 2 Cirl buntings and Inglewood



Patron: Her Majesty the Queen Chairman of Council: Professor Steve Ormerod, FIEEM Chief Executive: Dr Mike Clarke Regional Director: Nick Bruce-White
 The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

Appendix 3 Relevant law and national and local planning policy and guidance

Section 40 of the **Natural Environment and Rural Communities Act (NERC) 2006** states that *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*.

The **National Planning Policy Framework** states that *“the planning system should contribute to and enhance the natural and local environment”* including by *“minimising impacts on biodiversity and providing net gains in biodiversity”* (para 109); *“promote the preservation, restoration and re-creation of priority habitats . . . and the protection and recovery of priority species populations”* para 117); and *“when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity”* including by adequately mitigating or compensating for harm and that *“opportunities to incorporate biodiversity in and around developments should be encouraged”* (para 118).

Torbay Local Plan 2012-2030:

Policy SS8 Natural Environment includes *“The Council will, in considering major planning applications, seek long term land management practices to maintain or restore landscapes, greenspace, dark corridors and amenity open spaces, integrating biodiversity and green infrastructure objectives including improved public access. If development impacts adversely on biodiversity, geodiversity or countryside management, developer contributions and mitigation measures will be required to improve management or enhancement of the natural environment with a goal of achieving a net gain in biodiversity.”*

Policy NC1 Biodiversity and Geodiversity includes *“All developments should positively incorporate and promote biodiversity features, proportionate to their scale. “Where there is an identified residual impact on biodiversity, proposals will be expected to deliver a net gain in biodiversity through the creation or provision and management of new or existing habitats . . . If avoidance and mitigation are not sufficient, residual impacts must be off-set in a manner deemed acceptable by the Council.”*