

From: Sclater, Julien [<mailto:Julien.R.Sclater@naturalengland.org.uk>]
Sent: 30 January 2020 17:17
To: Pickhaver, David <David.Pickhaver@torbay.gov.uk>
Cc: Jessop, Helene (helene.jessop@rspb.org.uk) <helene.jessop@rspb.org.uk>
Subject: RE: P/2017/1133 - Additional Information - Email 1 of 6

Dear David

Thank you for your further emails - with reference to updated bat survey (NPA, Greater Horseshoe Bats 2019, November 2019), and Agricultural land Classification report (Clarkebond, WB03590/R3 Issue 5, 10/1/20).

Updated bat survey

The advice that we provided in our letter (dated 12 April 2018) and email (dated 16 December 2019) still holds. To facilitate independent interpretation of the bat survey, it would be useful to put forward a comparative analysis between the two bat survey data sets (including survey methodology comparison). We support comments put forward by the RSPB (email dated 27 January 2020), advising that the in-perpetuity management of ecological areas is underpinned by a sufficiently robust funding mechanism.

Soils and land quality

We re-iterate much of our advice regarding soils in our letter dated 12 April 2018, with some further updated advice in response to the Agricultural land Classification report (Clarkebond).

Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of Government's policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in paragraph 112 of the National Planning Policy Framework, Natural England draws your Authority's attention to the following land quality and soil considerations:

- Based on the information provided with the planning application, it appears that the proposed development comprises approximately 31 ha of agricultural land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

There is an existing post 1988 MAFF ALC survey for the development site carried out for the LPA in connection with the Torbay Local Plan which indicates the site is Grade 2 and 3a.

The maps and report are available via Natural England's publications at: <http://publications.naturalengland.org.uk/publication/5644275038552064>

This MAFF ALC information remains current and can be used to appraise the agricultural quality of this site. Should the development proceed, the accompanying soil data can also feed into a soil resources survey as set out in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Construction Sites](#).

Use of the Defra Code may be conditioned as set out in [PPG for the Natural Environment](#).

- The ALC survey submitted (ref: WB03590/R3 Issue 5) appears to be based on a geotechnical survey rather than a soil survey and has not been carried in line with normal practice as set out in the [Gov.uk guidance](#) (e.g. soil sampling on a regular grid with a sample density of 1 ha) or provided the type of detail about the soil and climatic characteristics required to apply the ALC grading criteria as set out in MAFF, 1988 ([Agricultural Land Classification of England and Wales. Revised guidelines and criteria for grading the quality of agricultural land](#)). It should not be relied upon to determine the agricultural quality of this land.
- Government policy is set out in Paragraph 170 and 171 of the National Planning Policy Framework which states that *'Planning policies and decisions should contribute to and enhance the natural and local environment:*
 1. *By recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*
 2. *Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework^[1]; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.*
- It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped. In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.
- Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(including accompanying Toolbox Talks\)](#) and we recommend that this is followed.

On the understanding that this email provides the advice you seek, we do not intend to provide further responses to the other recent consultation (dated 15 January) that we have received from your authority regarding this application. We understand that this application is the subject of an appeal – do we need to provide this email to any other parties?

^[1] Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Regards,

Julien

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For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

From: Pickhaver, David [<mailto:David.Pickhaver@torbay.gov.uk>]

Sent: 20 January 2020 13:42

To: Sclater, Julien <Julien.R.Sclater@naturalengland.org.uk>

Subject: FW: P/2017/1133 - Additional Information - Email 1 of 6

Hi Julien

I know you recently confirmed that your previous advice remains relevant in your email of 16th December 2019.

As you know, we have received updated information in relation to Inglewood, pending appeal to the secretary of State on non-determination. I have attached the GHB survey for information (there are other bat and bird surveys on the application website). The attached survey does not indicate a significant change since the 2016 surveys. I note that there were a couple of detector fails but there were also manual surveys and a range of other results.

Accordingly, I'm assuming that your email of 16th December 2019 (and earlier advice) remains relevant unless you advise me otherwise.

Thanks

Kind regards

David

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From: Pickhaver, David [<mailto:David.Pickhaver@torbay.gov.uk>]
Sent: 17 January 2020 15:51
To: Sclater, Julien <Julien.R.Sclater@naturalengland.org.uk>
Cc: Lee, Martin <Martin.Lee@torbay.gov.uk>
Subject: FW: P/2017/1133 - Additional Information - Email 5 of 6

Hi Julien

We have recently re-consulted on the Inglewood application, in relation to a number of new documents and the submission of an appeal against non-determination.

Can I draw your attention to the attached Agricultural land Classification report. The applicants have included a new agricultural land assessment which downgrades the classification to 3a and 3b (it was formerly 2 and 3a). I'm not sure if you want to comment on this specifically. You have previously advised that a soil specialist would be required to relocate the best soil. We would be seeking a condition to this effect.

Thanks
Kind regards
David

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