Edginswell Business Park, Torquay, Devon

Ecological Impact Assessment

January 2021

A report on behalf of TDA

Ref: 1229-EcIA-FM

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Site Details

Site Name	Edginswell Business Park
Site Location	Torquay, Devon
Central OS Grid Reference	SX 8885 6631
Client	TDA

Quality Assurance

Report Title	Ecological Impact Assessment
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A Glossary of the terms used in this report is provided in **Appendix 1**.

Executive Summary

This report presents the results of an Ecological Impact Assessment for a retail unit and wider groundworks at Edginswell Business Park at Torquay, Devon (central OS grid reference: SX 8885 6631).

A desk study and Extended Phase 1 Habitat Survey were undertaken in 2020 to provide baseline data for the Site and assess the ecological implications of the development.

The Site is approximately 2.4 hectares (ha) and comprises a sloping field of poor semi-improved grassland with a combination of dense, scattered and cleared scrub. A small unmanaged orchard is present in the western corner, encroached by scrub. Boundaries are formed by fencing, short sections of species-poor hedgerows as well as a narrow block of mixed woodland along the south-west boundary. The southern corner contained a fenced area with a few stands of the invasive species Japanese knotweed, currently undergoing professional eradication treatment. Overall, the habitats are of low ecological value.

The Site lies within, but on the outer edge of, a greater horseshoe bat landscape connectivity zone associated with the South Hams SAC. The Site contains limited habitat for greater horseshoe bats with poor connectivity to the east and south-east due to the built-up nature of Edginswell and Shiphay on the outskirts of Torquay. Offsite habitat features to the north and west provide some potential to support foraging and commuting greater horseshoe bats, although lighting from the adjacent Hamelin Way/ South Devon Expressway junctions somewhat limit this. The Site supports a low population of slow worm (the species having been historically recorded on the Site), small numbers of breeding birds, and may be used occasionally by badger, hedgehog and common amphibians.

The development will result in the loss of all habitats on Site, with the exception of the neglected orchard in the western corner and boundary hedges.

The following mitigation and compensation measures will be undertaken to minimise impacts on important ecological features:

- 5 - 10m landscaped buffers to be provided to north, west and south. To comprise semi-natural habitats such as meadow grass, native shrubs, Devon hedges and trees including compensation for loss of of tree belt along the southern boundary;
- Sensitive lighting strategy during construction and operation, ensuring no light-spill within 10m of offsite linear features (the road embankment and Mainline Railway OSWI);
- Implementation of CEMP to reduce potential for pollution to offsite receptors during construction;
- Reptile translocation prior to groundworks;
- Woody vegetation to be removed outside breeding bird season. Cut timber to be used to create habitat features for reptiles;
- Retention and enhancement of existing orchard area;
- Eradication of Japanese knotweed;
- Installation of bird boxes on all new units;
- Management plan to maintain habitats in favourable condition long-term.

Each subsequent application for parcels will require habitat creation measures to ensure a biodiversity net gain can be achieved, contributing to the aims of National Planning Policy Framework and local policy. This is likely to require both onsite and offsite provision.

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1 INTRODUCTION

This report presents an Ecological Impact Assessment (EcIA) for proposed enabling works and a retail unit at Edginswell Business Park, Torquay, Devon (central OS grid reference: SX 8885 6631). The surveys were commissioned by TDA in relation to two detailed planning applications. The area within the application boundary is hereafter referred to as the 'Site'.

The Site and surrounding land have outline planning consent, granted in 2008 (reference P/2007/1743) and then varied under consent P/2016/0955, for a 'Mixed Use Development Comprising Business Use Class B1, Car Showroom, Retail Warehouse And Residential And Public House/Restaurant (Class A3/A4) With Associated Highway Works And Car Parking'. Various parts of the business park have been developed under different applications and amendments/ variations to existing consents including offices, a mixed-use building, a pub and a car showroom (see KTA Summary Document, 2020 for detailed application history).

It is understood that a new application is being submitted due to the length of time that has elapsed since the original application.

1.1 Description of Proposed Development

1.1.1 Application 1

The enabling works application is required to provide a level surface for three separate units along with vehicular access. Retaining walls will be required to several boundaries. This will require reprofiling of the existing levels, which is expected to require the removal of all habitats on Site except the western corner.

1.1.2 Application 2

In addition, a detailed application is being made for the construction of a retail unit located to the west of the existing Eden Vauxhall Car Showroom. The proposal includes a large unit, a compound, car parking and landscaping. The banks around the north-western, north-eastern and south-eastern boundaries will form buffer zones around the unit which will allow landscaping and habitat creation to be undertaken.

Despite being a new application, the design is largely in accordance with the Landscape Masterplan (Scott Wilson, dwg D111500-004 C) and the Ecological Enhancement Strategy (WSP, 2005a) approved at outline.

1.2 Aims

The aims of this report are to:

- Identify and describe the habitats and species likely to be affected by the proposals and assess the ecological value of these features;
- Identify key ecological constraints to the proposed development and evaluate the significance of any potential effects; and,
- Provide recommendations for mitigation and enhancement opportunities in accordance with relevant planning policy, legislation and other published guidance (see **Appendix 2**).

2 METHODS

2.1 Ecological Scoping and Baseline Data Collection

A desk-based study was undertaken in November 2020 whereby:

- Devon Biodiversity Records Centre (DBRC) was contacted for records of protected/ notable species and sites designated for nature conservation value within a 2km radius of the Site boundary, extended to 4km for bat species;
- MAGIC (www.magic.gov.uk) was searched for Priority Habitats within 1km of the Site and European designated Natura 2000 sites within 10km;
- Previous ecological reports were also reviewed with any relevant results provided in the appropriate sub-sections;
- Aerial photography of the wider area was also reviewed to identify possible important habitat features for bat activity.

An Extended Phase 1 Habitat survey and habitat condition assessment were undertaken in 2020. Full details are provided in **Appendix 3**.

As informed by the desk study, Extended Phase 1 Habitat Survey and development proposals available at the time, further surveys for protected species were scoped out.

2.2 Baseline Evaluation and Impact Assessment

The evaluation and assessment were undertaken in accordance with the Chartered Institute of Ecology and Environmental Management's Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018).

2.3 Limitations

Care has been taken to ensure that balanced advice is provided on the information available and collected during the study period (s), and within the resources available for the project. However, the possibility of important ecological features being missed due to survey timings, absence during surveys or the year of survey cannot be ruled out. In addition, the lack of evidence or records of protected species on Site does not preclude their presence from Site.

3 BASELINE CONDITIONS & EVALUATION

3.1 Designated Sites

3.1.1 Statutory Sites

There is one European site within 10km of the Site: Lyme Bay and Torbay SAC (marine component), which lies 3.7km east.

The nearest components of the South Hams SAC lie 10.5km south-east and 13 - 14km west, however the Site lies within, but close to the edge of, a greater horseshoe bat Landscape Connectivity Zone (see **Appendix 4** for map). These zones are defined as 'the area that includes a complex network of commuting routes used by the SAC population of greater horseshoe bats and providing connectivity between the designated roosts' (Devon County Council, 2019). The zone may "include a network of landscape features (such as hedgerows and stream corridors) used to move around the landscape from designated roosts to other smaller roosts as required throughout the year" (such as mating, day, hibernation and transitional roosts).

In relation to greater horseshoe bat use of the Site previous bat survey work did not identify any use of the Site by this species (Aspect Ecology, 2013). Automated bat surveys for the nearby Marston's Pub in 2013 recorded a single greater horseshoe pass over 10 nights of survey effort (BSG, 2013). The detector was positioned along the southern boundary, a tree line located between Orchard Way and Edginswell Close, which lacks habitat connectivity to the Site.

The desk study returned 126 individual records of greater horseshoe bats within 4km of the Site, 15 of which are roosting sites (hibernation, night and occasional roosts). These are all located in rural locations outside of Torquay and are considered likely to support bats associated with the South Hams SAC. The closest roost record is approximately 500m west and cited as an occasional roost.

The Site does not contain any linear features suitable for commuting greater horseshoe bats, however the railway corridor beyond the north-east boundary and the scrubby/ wooded corridor formed by the A380 embankment (Hamelin Way) beyond the north-western boundary do offer suitable areas which link to the surrounding landscape, although this is slightly reduced by lighting at the adjacent South Devon Expressway/ Hamelin Way/ Riviera Way junctions.

3.1.2 Non-statutory Sites

There are no non-statutory designated sites for nature conservation (e.g. County Wildlife Sites) within or adjacent to the Site boundary, the closest being Edginswell Farm, approximately 360m north-west, which has been impacted by the A380 Kingkerswell Bypass. These sites are of **County** importance for nature conservation.

Beyond the north-eastern boundary is the 'Mainline Railway' Other Site of Wildlife Interest (OSWI). This extends from the A3022/ A380 junction to Paignton and comprises the railway embankment with species-rich grassland, tall herb, scrub, deciduous & mixed woodland.

To the east of the Site, and having been reduced in area as a result of the first phases of Edginswell Business Park, is the Edginswell OSWI, important for marshy grassland with small streams and ponds.

Approximately 100m south-west of the Site is the Torbay Ring Road OSWI, comprising a roadside verge with herb-rich grassland.

OSWI's have significant wildlife interest within a local context and have been surveyed but do not reach the criteria for County Wildlife Sites. They are considered to be of **Local** importance for nature conservation.

3.2 Habitats and Flora

The distribution of habitats is shown on **Figure 1** and full detailed with photographs are provided in **Appendix 3**.

The Site comprises rank, tussocky, species-poor grassland and patches of scattered scrub on a north-east facing slope. The habitats have degraded since the original surveys (WSP, 2007), likely due to temporary works and storage within the Site, and given their common nature and low distinctiveness are of no more than **Local** importance.

Beyond the north-eastern boundary is damp neutral grassland, which extends northwards towards the railway within a mosaic of scattered scrub, broadleaved wet woodland, tall ruderal and marginal vegetation types along with a small stream. Previous surveys have recorded southern marsh and pyramidal orchids in the area adjacent to the stream (Aspect Ecology, 2013). These habitats form part of the Mainline Railway OSWI and are of **Local** importance.

Scattered scrub is present along a fenceline forming the western boundary with bramble and occasional hazel coppice stools present. Along the southern edge of the Site is a narrow band of mixed plantation woodland comprising ash, willow and conifers. This extends to a small, neglected orchard at the western corner adjacent to the path, which contains a few old apple trees and bramble scrub encroachment. The orchard meets the criteria for HPI traditional orchard.

In the southern corner of the Site is a fenced area which is undergoing treatment to control invasive non-native species Japanese knotweed (Schedule 9, WCA). A few plants are still present along with scattered scrub, tall ruderal vegetation and a small group of willow trees. The south-eastern boundary here is formed by an outgrown hazel hedgerow. Along the eastern boundary is a narrow dry ditch, which connects to an offsite SuDS basin south of the Eden Vauxhall building.

No rare or notable plants were identified during the survey, or previous work undertaken at the Site.

3.3 Fauna

3.3.1 Amphibians

The Site is within a great crested newt (GCN) consultation zone. These are 5km buffers around existing and historical (post 1970) GCN records. The nearest record is 3km away and was recorded in 1970. The SuDS pond next to the Eden Vauxhall building was surveyed in 2011 but no GCN were recorded (Aspect Ecology, 2013). The next nearest ponds shown on OS maps are a group of three at Ganders Caravan Park, 475m north-west which are considerably distant. The Site itself is not well-connected to these ponds and it is considered highly unlikely the SuDS pond would have become colonised by GCN since it was created. In addition the Site does not offer good foraging or shelter for this species and they are therefore, considered absent from Site.

The Site may support other common amphibians such as common toad for shelter or foraging but given the lack of breeding habitat, and higher value damp habitats offsite, the Site is of **Negligible** importance.

3.3.2 Bats

Previous survey work at the Site, covering the outline consented area, identified lesser horseshoe bat foraging and commuting along the northern boundary stream and railway corridor, although no sustained foraging was recorded (WSP, 2005b and Aspect Ecology, 2013). There are numerous roost records within 4km, the most relevant of which are a historical record of a small day roost and a small maternity roost of lesser horseshoe bats in two different properties less than 100m west of the Site. Survey work associated with the A380 Kingkerswell Bypass also identified a colony of lesser horseshoe bats around the Edginswell Farm CWS to the north-west and several roosts. The Site itself contains no buildings and no trees with suitable roosting features.

Surveys at the Marston's pub to the east (BSG, 2013) recorded low numbers of common and widespread bat species, such as pipistrelles with occasional passes of myotis and the rare lesser horseshoe bat. Given the proximity of that site, a similar species assemblage could be expected to utilise habitats around the business park.

The Site itself lacks linear features suitable for commuting bats but the peripheries may support foraging (particularly for species such as pipistrelles), for example the wetter areas outside the boundary to the north, the wooded embankment to the north-west and the neglected orchard to the west. Potential for light-averse bats is somewhat reduced by surrounding lighting, including along Orchard Way, the nearby Riviera Way, Hamelin Way and South Devon Expressway junctions, and the lit carparking areas of the rest of the business park.

The Site itself is considered to be of **Local** importance to bats, with adjacent habitats of **County** importance.

3.3.3 Birds

The Site is within a 2km cirl bunting consultation zone (Devon County Council, 2017). This is identified as a zone where cirl buntings are most likely to be wintering. A single record has been returned by DBRC, 1.7km north of the Site in agricultural land near Kingkerswell. A cirl bunting survey of the wider site undertaken in 2005 (WSP, 2005c) did not record this species being present. The habitats on Site are now smaller in extent due to the Phase 1 building works and also lack a varied food resource which would be required to support both breeding and winter foraging. Cirl buntings are therefore considered absent from Site and are not considered further within this report.

For other bird species, the Site lacks extensive habitat suitable for nesting (such as hedgerow, woodland or scrub) and the presence of dog walkers would dissuade ground-nesting species. However, there are opportunities adjacent to Site, such as within adjoining woodland and hedgerows and the local breeding bird population may utilise the Site for occasional foraging.

3.3.4 Reptiles

The grassland, especially in combination with the adjacent habitats offer good potential for reptile foraging and basking. A low population of slow worms were recorded on Site in 2011 (Aspect Ecology, 2013) and at the nearby Marston's pub site (BSG, 2013) and DBRC records indicate slow worms are occasionally recorded locally.

Given the site's condition and regular management, it is unlikely that the reptile population would have significantly increased since the 2011 survey. Therefore, any population would be expected to be small, and of no more than **Local** importance.

3.3.5 Other Notable Species

There are several records of badger and hedgehog within 2km of the Site. No evidence of these species was recorded on Site, however it is possible that they may commute or forage on Site. There are no records of dormice within 2km of the Site and given the isolated nature of the Site and lack of good quality habitat for this species, dormouse are considered absent from Site.

There is one record of otter within 2km, however the nearby stream is considered unsuitable, being narrow, heavily vegetated as well as culverted from Collaton Road to the east. Otter are considered absent from Site and are not considered further in the report.

4 FURTHER SURVEY WORK

No further ecological survey work is considered necessary for this application; however any changes to the proposed masterplan or if any significant amount of time has passed since the date of this report, a re-appraisal may be required.

5 IMPACT ASSESSMENT AND MITIGATION

5.1 South Hams SAC

The nearest component of the SAC is over 10km away andthe Site is on the very edge of a Landscape Connectivity Zone for greater horseshoe bat. The landscape connectivity zone is understood to be based on the previous 'strategic flyways', of which the Site previously lay within a 500m buffer, which comprised a 'dead end' leading off from landscape features to the north-west.

No records of greater horseshoe bats have been recorded utilising the Site or adjacent habitats, and accordingly, the application site does not appear to provide an important route between high quality foraging habitats and any key roost site. Furthermore, the Site's location in the landscape, being bordered by built-up areas and major roads, all of which will be relatively well-lit significantly reduces it potential for greater horseshoe bats, which rely on dark, continuous corridors to navigate through the landscape.

The South Hams SAC HRA Guidance (DCC, 2019) states that 'greater horseshoe bats commuting through the Landscape Connectivity Zone are dispersed and found in relatively low numbers.' It is therefore assumed that greater horseshoe bats may utilise linear features around the Site from time to time. This comprises the offsite watercourse and railway embankment to the north and a scrubby bank to the west, forming the embankment to the Hamelin Way/ South Devon Expressway junction. Both these areas meet outside the northern corner and there are opportunities for bats to fly beneath the Hamelin Way bridge at this point, to access further habitat along the railway corridor to the west.

Accordingly, the following measures will be implemented to prevent any adverse impacts to greater horseshoe bats:

- No construction lighting will be directed at the two potential commuting features identified above. Lighting will only be allowed within the Site itself, with no light spill outside the boundaries, or all lighting will be turned off at night.
- During operation, a lighting strategy will be implemented to ensure no light-spill (above 0.5lux or the existing levels, whichever is highest) within 10m of the identified features. This will be controlled with minimum 5-10m buffers around the Site peripheries, planted with semi-natural habitats such as meadow grass, native shrubs, Devon hedges and scattered trees along with close board fencing where required for additional light-spill control.

Lighting will be designed in accordance with ILP/ BCT guidance.

Given the above mitigation measures, the proposal will not restrict the movement of greater horseshoe bats at a landscape scale and therefore no likely significant effects on the SAC greater horseshoe bat population are predicted.

5.2 Non-statutory Sites

The proposal will not directly impact any non-statutory designated sites, however in the absence of mitigation there is some potential for pollution impacts during construction to the downstream Edginswell Farm CWS (or mitigation areas associated with its partial loss), approximately 360m north-west.

To mitigate, a Construction Environmental Management Plan (or similar) should be adhered to during both groundworks and construction. This will also ensure protection of the 'Mainline Railway' OSWI beyond the north-eastern boundary. Suitable measures would include:

- Temporary fencing along the north-eastern Site boundary to prevent construction traffic straying into the damp grassland close to the stream. This must be maintained through construction.
- No chemicals or other materials to be stored within 10m of the watercourse.
- Measures to be employed across the site in order to minimise silt and other potential pollutants entering the stream.
- Suitable drainage scheme to be put in place during construction to prevent run-off directly into the watercourse corridor.
- Long-term drainage scheme for each phase to incorporate siltation traps, petrol interceptors and other measures where appropriate to prevent contaminated run-off entering the watercourse.

5.3 Habitats and Flora

The proposed groundworks application will result in the loss of almost all habitats on Site, with the exception of the orchard and the species-poor hedgerow along the south-eastern boundary with the car park. This is to enable levelling of the Site and the installation of retaining walls and there are no other options to retain on Site habitats. However, the habitats within the Site boundary are of relatively low value and their loss is not considered significant.

To ensure no net loss of biodiversity, the south-western boundary will be planted up with a 5 – 6m strip of trees and scrub, including fast growing black pine and native species such as pedunculate oak, hazel, dogwood, blackthorn, elder, holly and hawthorn (refer to Redbay Designs landscaping drawing: 736/01 and specification 736/02). The hedgerow along the south-western boundary will be brought into favourable management. The orchard will be enhanced, through seeding areas of bare ground with a wildflower meadow mixture and planting of additional fruit trees. A long-term management plan will be secured to ensure successful establishment and maintain these areas in good condition for biodiversity.

In addition, all future applications for the units will be supported by a biodiversity net gain (BNG) assessment, ensuring that a net gain is provided across the Site. This will require areas of landscaping to include species-rich, native habitats where possible, suitably compensating for the loss of grassland and scrub habitats across the Site. This should focus on maintaining habitat networks around the Site, for example buffering or expanding the offsite scrub and wetland habitats. Native hedgerows could be planted between units and green roofs could be considered to increase biodiversity.

Policy SDT3 Torquay gateway supports the use of “off-site biodiversity offsetting, where onsite avoidance, mitigation and compensation does not provide a net gain in biodiversity” and this option will be explored where required.

The Japanese knotweed control strategy should continue to be implemented until it has been successfully eradicated from Site. This will prevent its spread and contribute to enhancing the Site’s ecological value.

5.4 Fauna

5.4.1 Amphibians

There is potential for injury/ mortality to small numbers of common amphibians during Site enabling works.

To mitigate, the methods detailed for reptiles in **Section 5.4.4** will be followed. The provision of long grassland and habitat piles within the retained orchard will provide suitable refuge for amphibians in the future.

5.4.2 Bats

Removal of the southern tree belt may impact on commuting for bats, particularly for any roosts within nearby dwellings, which may use this feature to access surrounding habitats such as the railway embankments. However, all vegetation associated with the rear garden boundaries, including existing hedging and shrubs will be retained. It is therefore considered that no adverse impacts as a result of fragmentation of corridors will occur. Furthermore, once the groundworks are complete, a new tree belt and native shrubs will be planted to support foraging. This should be in place in the first available planting season following installation of the retaining wall. No adverse impacts as a result of this loss are therefore predicted.

The additional lighting measures to be implemented as detailed in **Section 5.1** will ensure no adverse impacts occur to species utilising the adjacent habitat corridors, including lesser horseshoe bats, which are known to roost and commute locally. This should be extended to include the new tree belt planting

along the southern boundary. In addition, it is recommended that new native tree and shrub planting is provided along the northern and western Site boundaries as each plot comes forward for development, strengthening the existing corridors, providing additional screening from the proposal and providing foraging habitat for lesser horseshoe bat.

Subject to these recommendations, the proposals are unlikely to result in any adverse effects on the bats recorded utilising the site, and have the potential to enhance the existing corridors for bats.

5.4.3 Birds

The removal of scrub and trees has the potential to result in the destruction or damage to nests and eggs, which would be an offence under the Wildlife and Countryside Act 1981 (as amended).

To mitigate this, woody vegetation will be removed outside the breeding bird season (which occurs March – August inclusive). If this cannot be achieved, a pre-works check for activity by a suitably experienced ecologist will be undertaken. Any active nests will be retained and buffered until all chicks have fledged. In addition, new buildings should include nest boxes for declining species such as swifts at a rate of five per unit. Swift boxes are recommended as they will be readily used by other small bird species such as sparrows and tits.

5.4.4 Reptiles

During ground preparation there is the possibility of reptiles being killed or injured which would be an offence under the Wildlife and Countryside Act 1981 (as amended).

To avoid impacts to reptiles, a translocation will be undertaken prior to works commencing, with reptiles being translocated to suitable receptor not impacted by the works (such as the enhanced orchard area or offsite habitats to the north). A reptile fence will be installed to prevent reptiles straying back onto Site. The translocation will be undertaken during the period April to September/ October and be undertaken in accordance with best practice. Following the translocation, any remaining habitat within the construction zone will be subject to a destructive search and maintained at a short sward to avoid recolonisation pre/ during construction.

To enhance the receptor areas for reptiles, habitat piles/ refuges will be created using cut timber from Site clearance.

5.4.5 Other Notable Species

During construction, to protect commuting/ foraging badgers and hedgehogs which may cross the Site, all excavations will be covered at night or a sloped ramp provided to allow a means of escape.

6 SUMMARY & CONCLUSIONS

In summary, the groundworks and retail unit applications are unlikely to have significantly adverse impacts on local ecology, provided the design measures can be implemented to compensate for woodland loss and avoid impacts to offsite bat habitat as well as reptiles. Measures are illustrated in **Figure 2**.

Each subsequent application for parcels will require habitat creation measures to ensure a net biodiversity gain can be achieved, contributing to the aims of National Planning Policy Framework and local policy. This is likely to require both onsite and offsite provision.

7 REFERENCES

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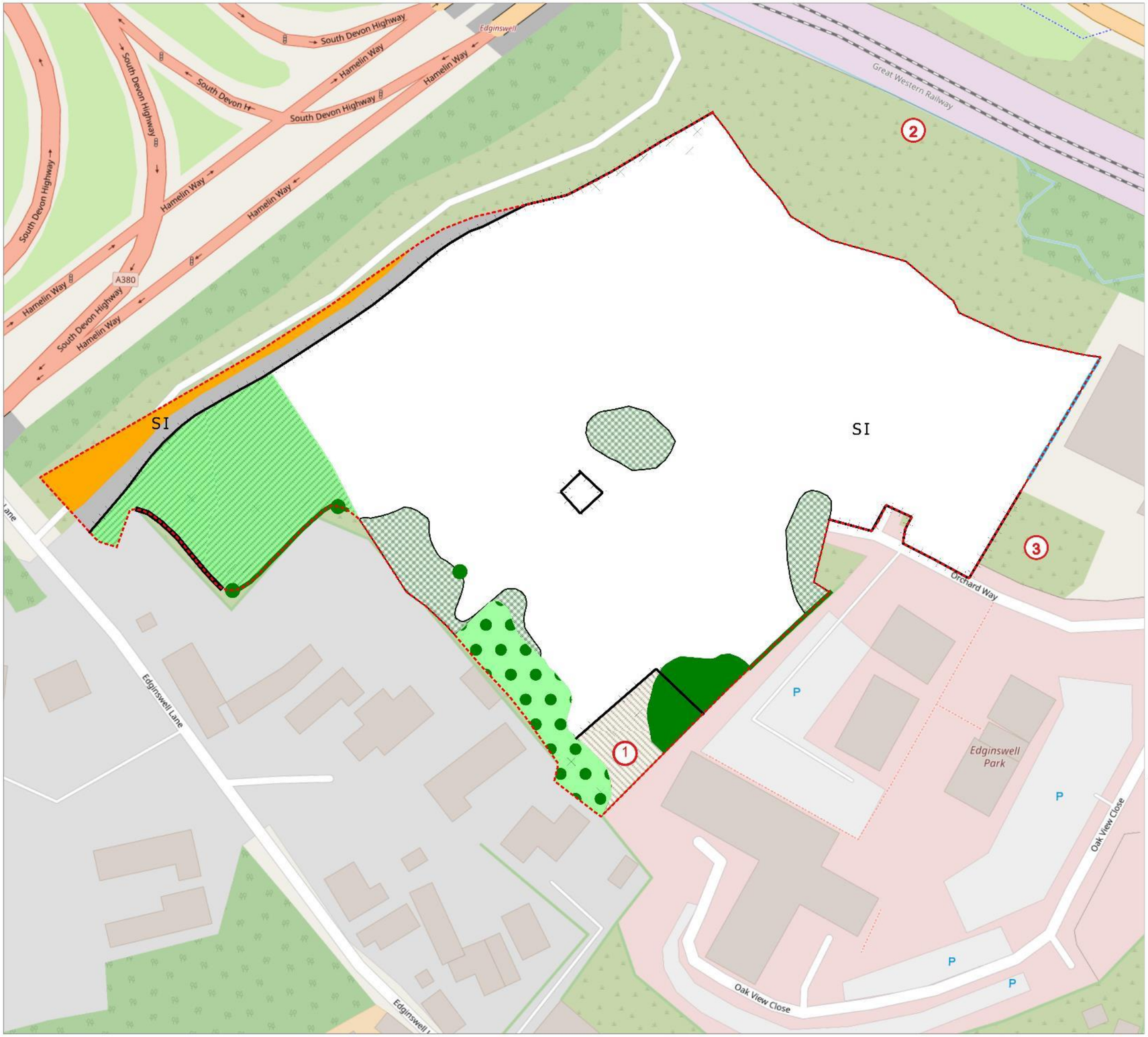

Key:

- Site Boundary
- Semi-natural Broad-leaved Woodland
- Mixed Plantation Woodland
- Traditional Orchard
- Dense/Continuous Scrub
- SI — Semi-improved Neutral Grassland
- SI — Poor Semi-improved Grassland
- Tall Ruderal
- Hardstanding
- Species-poor Hedge
- Fence
- Wall
- Dry Ditch
- Scattered Scrub
- Scattered Broad-leaved Trees
- 1 — TN1 - Japanese Knotweed
- 2 — TN2 - Mainline Railway OSWI
- 3 — TN3 - Offsite SuDS Pond

0 10 20 30 40 m

Figure 1:
Extended Phase 1 Habitat Survey Results Map

Project:
Edginswell, Employment Land

Client:
Torbay Development Agency

Date:
29/1/2021

Drawn:
SL

Ref:
1229-EclA-FM

Revision:
-

ge consulting — ECOLOGY ARBORICULTURE LAND MANAGEMENT

N

Key:

Dark corridor

NOT TO SCALE

Figure 2:
Ecological Mitigation and Enhancement Plan

Project:
Eginswell Business Park

Client:
Torbay Development Agency

Date:
29/1/2021

Drawn:
FM

Ref:
1229-EclA-F2

Revision:
-

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ECOLOGY
ARBORICULTURE
LAND MANAGEMENT

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Appendix 1 – Glossary of Terms

Annex I	Threatened bird listed on Annex I of the EC Birds Directive
Annex II	Habitats and species of community interest whose conservation requires the designation of SACs
BAP	Biodiversity Action Plan
BNG	Biodiversity Net Gain
BoCC	Bird of Conservation Concern (published by Eaton *et al*., 2015).
CEMP	Construction Environmental Management Plan
EPS	European Protected Species
HPI	Habitat of Principal Importance required under Section 41 of the NERC Act 2006
JNCC	Joint Nature Conservation Committee
LBAP	Local Biodiversity Action Plan
LEMP	Landscape and Ecology Management Plan
NERC Act	Natural Environment and Rural Communities Act 2006
NVC	National Vegetation Classification Survey
SAC	Special Area of Conservation
SPA	Special Protection Area
SPI	Species of Principal Importance required under Section 41 of the NERC Act 2006
SSSI	Site of Special Scientific Interest
WCA	Wildlife and Countryside Act 1981(as amended)

Appendix 2 – Planning Policy and Legislation

Habitat and Species Legislation

Species and habitats receive legal protection in the UK under various legislation, including:

- The Wildlife and Countryside Act (WCA) 1981 (as amended);
- The Conservation of Habitat and Species Regulations 2017 (as amended);
- The Countryside Rights of Way (CRoW) Act 2000;
- The Hedgerows Regulations 1997;
- The Protection of Badgers Act 1992; and
- The Natural Environment and Rural Communities (NERC) Act 2006.

Where relevant, this report takes into account the legislative protection afforded to specific habitats and species.

National Planning Policy Framework 2019

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how local planning authorities should incorporate them into their own policies and plans. Chapter 15 of the NPPF contains several policies targeted at enhancing the natural environment and requires local authorities to consider how impacts on biodiversity can be minimised and provide net gains in biodiversity. Paragraph 170 states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) 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;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

Additional Planning Practice Guidance (PPGs) supports the NPPF and includes guidance on:

- Landscape;
- Biodiversity, ecosystems and green infrastructure; and
- Brownfield land, soils and agricultural land.

Regional/ Local Planning Policy

The new Torbay Local Plan 2012-2030 was adopted in December 2015. It provides the basis for planning decisions within Torbay including Torquay, Paignton and Brixham, and contains various strategic policies and plans. Policies and plans relating nature conservation and biodiversity include:

Aspiration 3:

- Policy SS8 - Natural Environment
- Policy SS9 – Green Infrastructure

Countryside Coast and Greenspace:

- Policy C1 – Countryside and the Rural Economy;
- Policy C2 – The Coastal Landscape
- Policy C3 – Coastal Change Management;
- Policy C4 – Trees, Hedgerows and Natural landscape Features;
- Policy C5 – Urban Landscape Protection Areas; and,
- Policy NC1 – Biodiversity and Geodiversity.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (UK BAP) was succeeded in 2012 by the 'UK Post-2010 Biodiversity Framework' which demonstrates a whole-environment strategy on how the UK contributes to achieving the Convention on Biological Diversity's (CBD) 20 Aichi Biodiversity Targets. In England, 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' (Defra, 2011) sets out the strategic direction for biodiversity policy in the future. The former UK BAP was used to draw up lists of species and habitats of 'principal importance' which continue to be regarded as priorities under the Post-2010 Biodiversity Framework and are identified under Section 41 of the NERC Act 2006; these species have been considered throughout this report.

Local Biodiversity Action Plan

The Nature of Devon – A Biodiversity and Geodiversity Action Plan was revised by the Devon Biodiversity Partnership in 2005. The document takes into account the objectives and targets of the former UK BAP and translates these within a local context. The Plan contains action plans for five common themes, 20 key habitats and 20 key species, which are a consideration in planning decisions.

Appendix 3 – Extended Phase 1 Habitat Survey

Method

A site walkover was undertaken in accordance with the Joint Nature Conservation Committee's Phase 1 Habitat Survey methodology (JNCC 2010) on 18 November 2020 by Faye Midmore BSc MSc MCIEEM when weather conditions were overcast and drizzly.

All habitats within the Site were identified, described and mapped during the field survey, and a non-exhaustive botanical species list compiled. Plant names follow Stace (2019). The survey was extended to highlight the potential presence of protected and priority species in accordance with CIEEM's Guidelines for Preliminary Ecological Appraisal (2017). This involved a search to identify the presence or potential presence of notable and protected species such as breeding birds, badger *Meles meles*, dormouse *Muscardinus avellanarius,* bats, reptiles and amphibians. Target Notes (TNs) were used to record any features or habitats of ecological interest.

Where access allowed, adjacent habitats were also considered in order to assess possible impacts of the proposal in a wider context.

A digital map was produced using QGIS (QGIS Development Team (2018) Geographic Information System Open Source Geospatial Foundation Project). The Phase 1 Habitat map is shown in **Figure 1**. A plant species list is available on request.

Results

Desk study

Several records of Devon BAP species primrose were provided by DBRC, with the closest record situated adjacent to the northern site boundary. The survey was not at the appropriate time of year to identify this species, however it is assumed to be present within bordering hedgebanks. Numerous records of the Schedule 9 invasive plant Japanese knotweed were also provided, and this species is confirmed as being present on Site (see below).

Habitat Descriptions

Photographs and brief descriptions are provided below, including a list of dominant vegetative species within each habitat.

Table 3.1: Habitat Summaries

Habitat Summary	Photograph
Poor semi-improved grassland The Site predominantly comprises species-poor, rank semi-improved grassland with swatches of cleared bramble scrub. The grassland contains species such as cock's-foot, Yorkshire fog, creeping bent, creeping buttercup, nettle, docks and thistles. Large patches of bare ground are present. Occasional patches of scrub remain at the edges, mainly bramble with occasional hazel.	
Orchard The western corner contains a neglected orchard, containing a few fruit trees (probably apple), choked by bramble. Surrounding the trees, the scrub has been largely cleared. The orchard is bound be fencing	No photo

Habitat Summary	Photograph
to the north-west, a wall to the south-west and a defunct hazel hedgerow with ash trees to the south-east, including a large ash tree on the corner of the adjacent property.	
Tall ruderal A fenced area in the southern corner is being treated for Japanese knotweed, with some plants still visible. The area has become encroached with a range of ephemeral and tall ruderal species such as creeping thistle, ragwort, teasel, Canadian fleabane, nettle, hogweed, willowherb sp., prickly sow thistle, creeping buttercup and red campion, with encroaching bramble scrub.	
Woodland Along the south-western boundary is a narrow band/ copse of trees. There is a combination of planted conifers and successional trees, with a poor age structure and no deadwood. Species includes ash, willow and conifers, with a scrub layer of bramble, hazel, elder and non-native pheasant-berry. The woodland grades into scrub to the north-west, dominated by bramble with some buddleia. A small area of broadleaved woodland, comprising willow and ash is present adjacent to the Japanese knotweed area.	
Species-poor hedgerow The south-eastern boundary, alongside car parking for an adjacent unit, is formed by a single-species hazel hedgerow. It is approximately 2m tall by 1m wide and situated on an earth bank.	
Adjacent habitats Offsite to the north/north-east, between the Site and the railway, is a wide strip of damp neutral grassland, tall ruderal and swamp vegetation. Species recorded close to the Site boundary included greater willowherb, nettle, pendulous sedge, broadleaved dock, meadowsweet, wild angelica and soft rush. Bramble and occasional alder saplings are also present. Close to the railway this is part of the 'Mainline Railway OSWI'.	

Habitat Summary	Photograph
Offsite adjacent to the south-east boundary is a SuDS pond with scattered trees, south of the Eden Vauxhall building.	

Appendix 4 – South Hams SAC Landscape Connectivity Zone

Map from Devon Environment Viewer. Application site shown in red