Ecological Deliverability Appraisal

Sawmills West

Dartington Hall Trust

December 2017
The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

This report has been prepared for the exclusive use of the client and unless otherwise agreed in writing by EAD Ecology, no other party may use, make use of or rely on the contents of the report. No liability is accepted by EAD Ecology for any use of this report, other than for the purposes for which it was originally prepared and provided.

EAD Ecology has exercised due care in preparing this report. It has not, unless specifically stated, independently verified information provided by others. No other warranty, express or implied, is made in relation to the content of this report and EAD Ecology assumes no liability for any loss resulting from errors, omissions or misrepresentation made by others.

Any recommendation, opinion or finding stated in this report is based on circumstances and facts as they existed at the time that EAD Ecology performed the work.

Nothing in this report constitutes legal opinion. If legal opinion is required the advice of a qualified legal professional should be secured.

© Copyright EAD Ecology 2017
Executive summary

Introduction and approach
EAD Ecology was commissioned by the Dartington Hall Trust to undertake an ecological deliverability appraisal of Sawmills West within the Dartington Hall Estate. This site is being promoted for development within the Plymouth and South West Devon Joint Local Plan. The objective of the deliverability appraisal is to inform potential allocation of the site by providing a high-level ecological assessment of its suitability for development. The ecological baseline for the site was determined through Extended Phase 1 Habitat survey and desk-based review, including obtaining data on designated sites of nature conservation and value and previous records of protected/notable species from Devon Biodiversity Records Centre.

Baseline
Two European Designated Sites, South Hams Special Area of Conservation (SAC) and South Dartmoor Woods SAC, were identified within the 10km study area around the site. The site also falls within a ‘Sustenance Zone’ associated within the South Hams SAC greater horseshoe bat population. Two Sites of Special Scientific Interest (SSSI) were identified within 5km and a total of 8 (non-statutory) local wildlife sites occur within 1km of the appraisal site.

The site comprised widespread habitats; Priority habitats (Hedgerows and potentially qualifying lowland deciduous woodland) were recorded in or adjacent to the site. Records of protected and notable species, including Priority and Devon Biodiversity Action Plan Species within the study area include a range of plants, invertebrates, amphibians, reptiles, birds, bats and other mammals. The appraisal site falls within a great crested newt Consultation Zone. Great crested newt is a legally protected and Priority Species. The appraisal site also falls within 2km of known cirl bunting breeding territory. Cirl bunting is a legally protected (Schedule 1), Priority Species and Devon BAP Species.

Deliverability, mitigation, compensation and enhancement
Based on the desk-based assessment, no overriding ecological constraints to development of the appraisal site were identified. It is considered that the site is potentially suitable for development.

The appraisal site is not covered by nature conservation designations. A relevant constraint is the South Hams SAC ‘Sustenance Zone’ which encompasses the appraisal site. Potential impacts to greater horseshoe bats would need to be considered; it is likely that significant impacts to the SAC could be avoided through retaining suitable foraging areas, flight-lines and dark corridors through/around the site.

There are a number of potential protected species issues associated with the site. As such, development proposals would need to be informed by further survey and assessment. It is likely that appropriate avoidance, mitigation and compensation measures could be implemented to ensure compliance with relevant legislation and planning policy.

If the development of the appraisal site were designed with appropriate ecological enhancement measures, there is the opportunity for the site to provide net gains in biodiversity, in line with the National Planning Policy Framework and current and emerging local policy concerning nature conservation.
1 Introduction, background and approach

1.1 Introduction

1.1.1 EAD Ecology was commissioned by the Dartington Hall Trust to undertake an ecological deliverability appraisal of Sawmills West within the Dartington Hall Estate (hereafter referenced as the ‘appraisal site’); refer to Figure 1 for location.

1.1.2 The site is being promoted for development within the Plymouth and South West Devon Joint Local Plan. The objective of the report is to inform potential allocation of the site by providing a high-level ecological assessment of suitability for development. The report documents:

- Preliminary Ecological Appraisal following Chartered Institute of Ecology and Environmental Management guidelines (2017) and;
- Assessment of the site in terms of suitability for development including (i) identification of key potential ecological constraints and opportunities; and (ii) ecological design considerations for future development proposals.

1.1.3 The work has been undertaken in accordance with the Chartered Institute of Ecology and Environmental Management’s (CIEEM) Code of Practice.

1.2 Legislation and planning policy

Wildlife legislation

1.2.1 The following wildlife legislation is relevant to proposed development of the appraisal site:

- Conservation of Habitats and Species Regulations 2017 (as amended).
- Natural Environment and Rural Communities Act 2006.
- Hedgerow Regulations 1997 (as amended).

1.2.2 A summary of wildlife legislation is provided in Appendix 1.

National planning policy

1.2.3 The National Planning Policy Framework (NPPF, 2012) includes the Government’s policy on the protection of biodiversity through the planning system. A summary of the relevant paragraphs of the NPPF is provided in Appendix 2.

Local planning policy

South Hams Local Development Framework

1.2.4 Current planning policy for South Hams comprises the Local Development Framework including the Core Strategy (Adopted 2006) and Development Policies Development Plan (Adopted 2010) Policies relevant to ecology and nature conservation comprise:

- Core Strategy Policy CS10: Nature Conservation

1.2.5 Details of these policies are provided in Appendix 2.
1.2.6 The Plymouth and South West Devon Joint Local Plan 2014 – 2034 was submitted to the Planning Inspectorate for examination on 31 July 2017. Whilst not yet adopted, the policies are a material consideration. The following policies are considered relevant to proposed development of the site in respect of ecology and nature conservation:

- Policy DEV28 Protecting and enhancing biodiversity and geological conservation.
- Policy DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
- Policy DEV30 Trees, woodlands and hedgerows.

1.2.7 Details of these policies are provided in Appendix 2.

1.3 Approach

1.3.1 The preliminary ecological baseline for the appraisal site was determined through desk-based data review and field survey.

1.3.2 Biodiversity information was requested through Devon Biodiversity Records Centre for a study area of at least 1km radius from the central point of the site. Information requested included the location and details of the following:

- Designated sites of nature conservation value (statutory and non-statutory);
- Previous records of protected and/or notable species, including Priority Species and Devon Biodiversity Action Plan (BAP) species.

1.3.3 Information on statutory designated sites of nature conservation value within a 10km radius of the appraisal site was obtained through MAGIC (www.magic.gov.uk). In addition, Ordnance Survey 1:25000 maps and aerial photography were reviewed to estimate the broad habitats adjacent to the site.

1.3.4 The following documents were reviewed to identify and evaluate potential constraints:

- RSPB (2017) Plan of known cirl bunting breeding areas and potential breeding/wintering areas.

1.3.5 An Extended Phase 1 Habitat Survey of the appraisal site was undertaken in December 2017. The survey followed Institute of Environmental Assessment (IEA) guidelines (1995) and JNCC methodology (2010) and identified the main habitat types within the site along with the presence/potential presence of protected and notable species. The results of the survey were detailed on a Phase 1 Habitat Plan and Target Notes were used to identify specific features of ecological interest (refer to Figure 2).
Limitations

1.3.6 No protected species surveys were carried out so the constraint analysis is provisional. However, the scope of data collection was considered suitable to determine the potential for such species to occur within the appraisal sites and therefore provide a robust and appropriate basis for the deliverability appraisal. Future planning applications at each site would be informed by further ecological information (refer to Section 4.1), including, where necessary, protected species surveys.


2 Ecological baseline

2.1.1 The site covers approximately 2.5 ha, comprising part of an arable agricultural field vegetated with tall ruderal at the time of survey. Young broadleaved plantation woodland was present in the north of the site and mature semi-natural broadleaved woodland ran along the western boundary of the site. Hedgerow formed part of the southern field boundary. A recently constructed residential development lies to the immediate east of the site with light industrial units to the south. A summary of the ecological baseline is contained in Table 2-1 below; refer to Figure 2 for Phase 1 Habitat Plan, Appendix 3 for Desk Study information and Appendix 4 for site photos.

Table 2-1: Sawmills West Ecological baseline

<table>
<thead>
<tr>
<th>Feature</th>
<th>Description</th>
</tr>
</thead>
</table>
| Designated Sites (refer to Appendix 3) | • The site does not lie within any statutory or non-statutory designated sites.  
• South Hams SAC and South Dartmoor Woods SAC are situated within 10km of the site.  
• The site falls within a South Hams SAC designated ‘Sustenance Zone’.  
• Bulkmoor Mines SSSI and Torbryan Caves SSSI are situated within 5km of the site. |
| Priority Habitats | • Hedgerow is a Priority Habitat and Species rich hedgerow is a Devon BAP Habitat.  
• The semi-natural broadleaved woodland may qualify as the Priority Habitat (Lowland deciduous woodland). |
| Protected and notable species | Habitats within the site have potential to be suitable for:  
• Reptiles.  
• Amphibians including great crested newt. The site lies within a Devon GCN Consultation Zone. A seasonal/ephemeral pond was present within the site in December 2017.  
• Nesting birds. The site lies within an RSPB 2km cirl bunting Consultation Zone and contains hedges and agricultural land potentially suitable for this species.  
• Foraging and commuting bats.  
• Dormouse.  
• Badgers (no active setts were identified during the December 2017 walkover though suitable habitat was present). |

2.1.2 Ecological constraints and opportunities and ecological design consideration for future development proposals are summarised in Section 3.
3 Ecological Constraints and Opportunities

3.1.1 No overriding ecological constraints to development of the site were identified. The site has no nature conservation designations. As detailed in the Table 7-1 above, there are a number of potential protected species issues associated with the site. As such, development proposals would need to be informed by further survey and assessment (refer to Section 4.1). In the event that protected species were found, it is likely that appropriate avoidance, mitigation and compensation measures could be implemented to ensure compliance with relevant legislation and planning policy.

3.1.2 A key constraint is the site being located within the South Hams SAC ‘Sustenance Zone’. Potential impacts to greater horseshoe bats would need to be considered; it is likely that significant impacts to the SAC could be avoided through ecological input to the emerging layout, landscaping and lighting proposals. This would have the objective of retaining suitable foraging areas (e.g. woodland) and flight-lines (‘dark corridors’) around the site. Off-site habitat creation or enhancement could also be implemented.

3.1.3 There would be opportunity for future development proposals to deliver ecological gain and to strengthen local green infrastructure. Ecological enhancement measures could include enhancement of retained habitats including woodland, creation of Priority Habitat (e.g. hedgerow, lowland meadow, ponds and broadleaved woodland) and other ecologically valuable habitats such as native trees; bird and bat habitat could also be provided on retained trees and within new buildings.
4 Further assessment and deliverability

4.1 Recommended further surveys, assessment and consultation

4.1.1 Where Sawmills West is proposed for development, further ecological survey would be undertaken at an early stage in the proposals to confirm the potential presence of protected and notable habitats and species.

4.1.2 Based on the Preliminary Ecological Assessment, a provisional summary of potential ecological surveys is provided in Table 4-1 below. Requirements for surveys would be scoped with relevant parties including Natural England and South Hams District Council at the commencement of work. All surveys would follow standard published methods where available.

Table 4-1 Provisional assessment of further work to support a planning application

<table>
<thead>
<tr>
<th>Survey</th>
<th>Broom Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecological Impact Assessment (EcIA)</td>
<td>Yes</td>
</tr>
<tr>
<td>Reptile Survey</td>
<td>Yes</td>
</tr>
<tr>
<td>Amphibian (great crested newt survey)</td>
<td>Possible</td>
</tr>
<tr>
<td>Breeding bird / Cirl bunting survey</td>
<td>Yes</td>
</tr>
<tr>
<td>Bat Activity survey following South Hams SAC Planning Guidelines (Natural England 2010)</td>
<td>Yes</td>
</tr>
<tr>
<td>Bat roost survey of buildings / trees including emergence survey of potential roost features</td>
<td>No</td>
</tr>
<tr>
<td>Hazel dormouse survey</td>
<td>Possible</td>
</tr>
<tr>
<td>Invertebrate survey, including great green bush cricket</td>
<td>Yes</td>
</tr>
</tbody>
</table>

4.1.3 An Ecological Impact Assessment (EcIA) based on detailed development proposals should accompany planning applications for proposed development of the site. The EcIA should follow Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines (CIEEM, 2016) and include the following sections:

- Description of the existing ecological baseline
- Assessment of the impacts of the proposals during and post-construction.
- Provision of avoidance, mitigation and compensatory measures for adverse impacts and to ensure compliance with relevant environmental legislation.
- Summary of residual ecological impacts i.e. those occurring after mitigation.

4.2 Ecological Deliverability

4.2.1 Based on the Preliminary Ecological Assessment undertaken, and where detailed surveys and assessment are undertaken as recommended, it is considered that the appraisal site is potentially suitable for development. With the implementation of appropriate avoidance, mitigation and enhancement measures informed by detailed survey and assessment, it is considered likely that development could be designed that would have no Likely Significant Effect on any of the European Designated Sites and no impacts on any other statutory designated sites. Development could be designed to ensure that there would be no impacts on any European Protected Species, which would result in a breach of Article 12 for the Habitats Directive and it is highly likely that mitigation measures could be provided for all protected and notable species, during construction and post-construction phases.
4.2.2 Ecological constraints are present but with suitable avoidance, mitigation and enhancement measures, the potential residual ecological effects of development at the site are likely to be of neutral-low significance and highly unlikely to preclude development. Moreover, if the development can be designed with appropriate enhancement measures, it is possible that the appraisal site could provide net gains in biodiversity, in line with National Planning Policy Framework and all current and emerging local policy.
5 References


CIEEM 2017 *Guidelines for Preliminary Ecological Appraisal*. Chartered Institute of Ecology and Environmental Management, Winchester


Figure 1: Location Plan
Figure 2: Phase 1 Habitat Plan
<table>
<thead>
<tr>
<th>Target Note (TN)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TN1</td>
<td>Tall ruderal area succeeded abandoned Arable field.</td>
</tr>
<tr>
<td>TN2</td>
<td>Buildings comprise two polytunnels.</td>
</tr>
<tr>
<td>TN3</td>
<td>Numerous log/brash/compost piles- suitable reptile and amphibian habitat.</td>
</tr>
<tr>
<td>TN4</td>
<td>Excavation/pond- dry, with no associated vegetation.</td>
</tr>
</tbody>
</table>
Appendix 1:

Legislation Summary
Wildlife Legislation

1 Conservation of Habitats and Species Regulations 2017 (as amended)
These Regulations, also referred to as the ‘Habitats Regulations’, implement the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (92/43/EEC) and the EC Directive on the Conservation of Wild Birds (79/409/EEC). The Regulations provide for the designation and protection of ‘European Sites’ (Natura 2000 sites). They convey a statutory requirement for local planning authorities to undertake a ‘Habitats Regulations Assessment’ of the potential impacts of plans and projects, including development proposals, on European Sites. The provisions also include protection of ‘European Protected Species’ (EPS). Under the Regulations, local planning authorities have to consider three ‘derogation tests’ when deciding whether to grant permission for a development that affects an EPS, which are as follows:

- the development must be for over-riding public interest or for public health and safety;
- there are no satisfactory alternatives to the proposed development; and
- the favourable conservation status of the EPS concerned must be maintained.

2 Wildlife and Countryside Act 1981 (as amended)
This Act is the principal wildlife legislation in Great Britain. It includes provisions for important habitats to be designated and protected as Sites of Special Scientific Interest (SSSIs). Numerous plant and animal species, and the places that they use for shelter and protection, are also protected under the Act, including all birds, their nests and eggs.

3 Countryside and Rights of Way Act 2000
Referred to as the CROW Act, this legislation increases the protection of SSSIs and strengthens wildlife enforcement action. The Act also strengthens the protection of protected species under the Wildlife and Countryside Act 1981 (as amended) through the introduction of a new offence of ‘reckless disturbance’.

4 Natural Environment and Rural Communities Act 2006
This Act places a duty on all public bodies and statutory undertakers to have due regard to the conservation of biodiversity in all their functions. It also requires the publication of a list of habitats and species of principal importance for the conservation of the biodiversity. This list, known as the Section 41 list, includes all Priority Habitats and Species of Principal Importance for the Conservation of Biodiversity in England.

5 Protection of Badgers Act 1992
This Act was introduced primarily for animal welfare reasons, as opposed to species conservation. It provides protection of badgers and their setts.

6 Hedgerow Regulations 1997 (as amended)
These Regulations include provisions for the protection of hedgerows and make it an offence to remove ‘important’ hedgerows without consent from the local planning authority. Where planning permission is granted for a development proposal, the removal of ‘important’ hedgerows is deemed to be permitted.
Invertebrates
A number of UK invertebrates are protected by international and national legislation, including the EC Habitats Directive (1992) and the Wildlife and Countryside Act 1981 (as amended). In addition, numerous species are Priority Species.

Plants
All wild plants are protected against unauthorised removal or uprooting under Section 13 of the Wildlife and Countryside Act 1981 (as amended). Plants listed on Schedule 8 of the Act (e.g. stinking goosefoot, red helleborine, monkey orchid) are afforded additional protection against picking, uprooting, destruction and sale. Bluebell (Hyacinthoides non-scripta) is protected against sale only. Further species are also protected under the Conservation of Habitats and Species Regulations 2010 (as amended).

Notable plant species include those that are listed as:

- Nationally vulnerable – A taxon is Vulnerable when the best available evidence indicates that it meets any of the criteria A-E for Vulnerable, and is therefore considered to be facing a high risk of extinction in the wild (Cheffings C M & Farrell L (Eds) (2005) Species Status No. 7 – The Vascular Red Data List for Britain, JNCC (online))
- Nationally scarce – species recorded in 16-100 hectads in Great Britain
- Nationally rare – species occurring in 15 or fewer hectads in Great Britain

Section 14 of the Wildlife and Countryside Act 1981 (as amended) prohibits the planting of certain invasive plant species in the wild, or otherwise causing them to grow there. Prohibited plants are listed on Part 2 of Schedule 9 and include Japanese knotweed, Himalayan balsam and giant hogweed.

Amphibians
There are seven native amphibian species present in Britain. These are afforded varying degrees of protection under national and European legislation. Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CRoW) Act 2000 and the Conservation of Habitats and Species Regulations 2010 (as amended). Together, this legislation makes it illegal to:

- Deliberately capture, injure or kill a great crested newt.
- Damage or destroy any place used for shelter or protection, including resting or breeding places; or intentionally or recklessly obstruct access to such a place.
- Deliberately, intentionally or recklessly disturb great crested newts.

Great crested newt and common toad are Priority Species.

Reptiles
Slow-worm, viviparous/common lizard, adder and grass snake are protected under the Wildlife and Countryside Act 1981 (as amended) against intentional killing and injuring. These species are also Priority Species.
**Birds**

The bird breeding season generally lasts from March to early September for most species. All birds are protected under the Wildlife and Countryside Act (1981) (as amended) and the Countryside & Rights of Way (CRoW) Act 2000. This legislation makes it illegal, both intentionally and recklessly, to:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while it is being built or in use;
- take or destroy the eggs of any wild bird

Furthermore, birds listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended) are protected against intentional or reckless disturbance whilst nest building and when at or near a nest containing eggs or young. Dependent young of Schedule 1 species are also protected against disturbance.

In addition to this legal protection, the leading governmental and non-governmental conservation organisations in the UK have reviewed the population status of the birds regularly found here and produced a list of birds of conservation concern. Of the 247 species assessed, 67 were placed on the Red List of high conservation concern, 96 on the Amber List of medium conservation concern and 81 on the Green List of low conservation concern:

- Red list species are those that are Globally Threatened according to IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and not shown a substantial recent recovery.
- Amber list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; and those with internationally important or localised populations.

**Badgers**

Badger (*Meles meles*) is a widespread and common species. However, they are legally protected under The Protection of Badgers Act 1992, due to animal welfare concerns. Under this legislation it is illegal to:

- Wilfully kill, injure, take, or cruelly ill-treat a badger, or attempt to do so
- Intentionally or recklessly interfere with a sett by disturbing badgers whilst they are occupying a sett, damaging or destroying a sett, or obstructing access to it.

A badger sett is defined in the legislation as “any structure or place, which displays signs indicating current use by a badger”.

**Otter**

Otters (*Lutra lutra*) are fully protected under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CRoW) Act 2000 and the Conservation of Habitats and Species Regulations 2010 (as amended). Together, this legislation makes it illegal to:

- Deliberately capture, injure or kill an otter
- Damage or destroy any structure or place used for shelter or protection by an otter; or intentionally or recklessly obstruct access to such a place.
- Deliberately, intentionally or recklessly disturb an otter whilst it is occupying a structure or place which it uses for shelter or protection.
Otter is listed as a Priority Species.

**Bats**
There are 18 species of bats found in the UK, 17 of which are known to breed here. The conservation status of these species is summarised in the table below:

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
<th>IUCN Red List*</th>
<th>Priority Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater horseshoe</td>
<td>Rhinolophus ferrumequinum</td>
<td>LC</td>
<td>Yes</td>
</tr>
<tr>
<td>Lesser horseshoe</td>
<td>Rhinolophus hipposideros</td>
<td>LC</td>
<td>Yes</td>
</tr>
<tr>
<td>Daubenton’s</td>
<td>Myotis daubentonii</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Brandt’s</td>
<td>Myotis brandtii</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Whiskered</td>
<td>Myotis mystacinus</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Natterer’s</td>
<td>Myotis nattereri</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Bechstein’s</td>
<td>Myotis bechsteinii</td>
<td>NT</td>
<td>Yes</td>
</tr>
<tr>
<td>Alcathoe bat</td>
<td>Myotis alcathe</td>
<td>DD</td>
<td>No</td>
</tr>
<tr>
<td>Greater mouse-eared</td>
<td>Myotis myotis</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Common pipistrelle</td>
<td>Pipistrellus pipistrellus</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Soprano pipistrelle</td>
<td>Pipistrellus pygmaeus</td>
<td>LC</td>
<td>Yes</td>
</tr>
<tr>
<td>Nathusius’s pipistrelle</td>
<td>Pipistrellus nathusii</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Serotine</td>
<td>Eptesicus serotinus</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Noctule</td>
<td>Nyctalus noctula</td>
<td>LC</td>
<td>Yes</td>
</tr>
<tr>
<td>Leisler’s</td>
<td>Nyctalus leisleri</td>
<td>LC</td>
<td>No</td>
</tr>
<tr>
<td>Barbastelle</td>
<td>Barbastella barbastellus</td>
<td>NT</td>
<td>Yes</td>
</tr>
<tr>
<td>Brown long-eared</td>
<td>Plectorus auritus</td>
<td>LC</td>
<td>Yes</td>
</tr>
<tr>
<td>Grey long-eared</td>
<td>Plectorus austriacus</td>
<td>LC</td>
<td>No</td>
</tr>
</tbody>
</table>

*IUCN categories: LC Least Concern, NT Near Threatened, DD Data Deficient

All bat species are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Together, this legislation makes it illegal to:

- Deliberately capture, injure or kill a bat.
- Damage or destroy a bat roost; or intentionally or recklessly obstruct access to bat roosts.
- Deliberately, intentionally or recklessly disturb, a bat, including in particular any disturbance which is likely:
  - to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
  - in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - to affect significantly the local distribution or abundance of the species to which they belong.

A bat roost is defined in the legislation as “any structure or place which a bat uses for shelter or protection”. Roosts are protected whether or not bats are present at the time.

**Common/Hazel dormouse**
The common dormouse is fully protected under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CRoW) Act 2000 and the Conservation of Habitats and Species Regulations 2010 (as amended). Together, this legislation makes it illegal to:

- Deliberately capture, injure or kill a dormouse.
• Damage or destroy any structure or place used for shelter or protection by a dormouse; or intentionally or recklessly obstruct access to such a place.
• Deliberately, intentionally or recklessly disturb a dormouse whilst it is occupying a structure or place which it uses for shelter or protection

The dormouse is a Priority Species
Appendix 2:

National and Local Planning Policy
National Planning Policy

7 National Planning Policy Framework (2012)
The National Planning Policy Framework (NPPF) includes the Government’s policy on the protection of biodiversity through the planning system. Local plan policies and planning decisions should seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Planning policies should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations (e.g. Habitats and Species of Principal Importance under the NERC Act 2006), linked to national and local targets. Paragraph 118 of the NPPF states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”
Policy CS10: Nature Conservation

1. International sites will have the highest level of protection. Their integrity will be protected and they should be managed in accordance with their conservation objectives.

2. Sites of Special Scientific Interest will be subject to a high degree of protection. Development adversely affecting a SSSI will only be permitted in exceptional circumstances.

3. Habitats and features of regional and local importance for nature conservation will be protected and, where possible, enhanced through beneficial management.

4. Appropriate consideration will be given to nationally protected species, with special consideration to European protected species.

5. The biodiversity and geological interest of the district will be maintained and, where appropriate, conserved and/or enhanced through new development. Opportunities to enhance the connectivity of biodiversity sites will be sought, where possible.
DP5: Biodiversity and Geological Conservation

1. Development will conserve, enhance and/or restore the biodiversity within the South Hams by:
   a. protecting habitats and species identified for retention in the Biodiversity Action Plans;
   b. providing the Special Areas of Conservation and Special Protection Areas with the highest level of protection and enhancement;
   c. providing on-site mitigation for both species and habitats, where possible, or off-site compensation for the loss of any habitats or species;
   d. providing for the management of habitats and species;
   e. maintaining the integrity of important networks of natural habitats, such as the strong network of river valleys linking Dartmoor National Park to the sea;
   f. enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species; and
   g. having regard to the Habitats Directive and Regulations.

2. Where development is likely to have an adverse effect on a Site of Special Scientific Interest (SSSI), as shown on the Proposals Map, planning permission will not be granted. An exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts on the site that make it of special scientific interest and any broader impacts on the wider network of SSISs.

3. Development likely to have an adverse effect on the nature conservation or geological interest within Strategic Nature Areas, National Nature Reserves, County Wildlife Sites, County Geological Sites, Ancient Woodland or sites/features identified as having similar substantive interest, including veteran trees, will not be permitted, unless the benefits of the development clearly outweigh the identified biodiversity or geological value of the site/feature.
Policy DEV28 Protecting and enhancing biodiversity and geological conservation

Development should support the conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area. Specific provisions are identified below:

1. Full account will be given in making planning decisions to the importance of any affected habitats and features, taking account of the hierarchy of protected sites:
   i. Internationally important sites including existing, candidate or proposed Special Protection Areas and Special Areas of Conservation.
   ii. Nationally important sites including Sites of Special Scientific Interest, National Nature Reserves, Ancient Woodlands and Marine Conservation Zones.
   iii. Locally important sites including County Wildlife Sites, Local Nature Reserves, Regionally Important Geological Sites, and other priority habitats.
   iv. The ecological network of wildlife corridors and stepping stones that link the biodiversity areas detailed above, including areas identified for habitat restoration and creation.

2. Net gains in biodiversity will be sought from all major development proposals through the promotion, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. Delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area and links the city of Plymouth to the countryside and coast, as well as the network within the city itself. The level of biodiversity net gain required will be proportionate to the type, scale and impact of development. Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.

3. Development which would be likely to directly or indirectly impact the biodiversity value of a site will not be permitted unless:
   i. The need for and the public interest benefits of the development outweigh the harm, including any harm to the integrity of the ecological network.
   ii. The impacts cannot be avoided through an alternative, less harmful position, design or form of development.
   iii. The development demonstrates that it has proactively tried to avoid impacts on biodiversity and geological interests through the design process prior to developing measures to mitigate or as a last resort to compensate for unavoidable impacts.
   iv. The favourable conservation status of legally protected species is maintained.
   v. Impacts upon species, habitats or geodiversity can be reduced to a level whereby they are not significant by appropriate mitigation or as a last resort, by compensation.
   vi. Potentially adverse effects can be fully mitigated and / or compensated in the case of European Protected Sites.

4. Development will provide for the long term management of biodiversity features retained and enhanced within the site or for those features created off site to compensate for development impacts.

Policy DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)

The LPA’s will protect and support a diverse and multi-functional network of green space. The following provisions apply:
1. Development that would result in an unacceptable conflict with the function(s) or characteristic of Strategic Green Spaces and Local Green Spaces (Plymouth Policy Area) will be resisted. In these areas development will normally only be permitted where it enhances the value of the green space, for example through sports, allotment and play provision, lighting, cafes, educational uses and sustainable transport routes.

2. The acceptability of development on or adjacent to other green spaces, including neighbourhood green spaces, will be assessed in relation to the impacts of development on the function(s) and characteristics of the green space and taking account of the plan's green space and play accessibility standards. Development will be resisted on sites where the functions and characteristics of the greenspace will be lost and mitigation is not possible.

3. The quality and quantity of accessible green space and play space should be improved in line with local targets and standards for the provision of greenspace and play space. This can be delivered through on-site provision or financial contributions to off-site provision where appropriate.

4. Local deficiencies in the accessibility and quality of green space and play space should be addressed in development, in line with local standards

*Policy DEV30 Trees, woodlands and hedgerows*

Development that would result in the loss or deterioration of the quality of:
- Ancient woodland, aged or veteran trees or impact on their immediate surroundings;
- Other woodlands or high amenity trees including protected trees;
- Important hedgerows including Devon hedgebanks; will not be permitted unless the need for, and benefits of, the development in that Position clearly outweigh the loss and this can be demonstrated.

Development should be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows. If the loss of trees, woodlands or hedgerows, cannot be avoided, new native and locally appropriate trees and hedgerows will be secured as mitigation to ensure they contribute to a ‘net gain’. Mitigation should be delivered on site, but if this is not achievable, offsite compensation will be required to provide a net gain in canopy cover in line with local standards.
Appendix 3:

Bird records from Study Area
Appendix 3:
Desk Study Data
This appendix provides a summary of designated sites of nature conservation interest and previous records of protected and notable species for the study area (appraisal site and minimum 1km buffer). All DBRC data search records for the study area are held on file and can be provided if required.

**Designated sites of nature conservation value**

Two European Designated Sites, South Hams Special Area of Conservation (SAC) and South Dartmoor Woods SAC, were identified within the 10km study area around the appraisal site, refer to Table A4-1. Two Sites of Special Scientific Interest (SSSI) were identified within 5km and these are listed in Table A4-2.

A total of 8 (non-statutory) local wildlife sites occur within 1km of the appraisal site (refer to Table A4-3). These comprise a range of habitats including woodland, grassland and wetland.

**Table A4-1: Internationally designated sites**

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Designation</th>
<th>Designated features</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Hams</td>
<td>Special Area of Conservation (SAC)</td>
<td>Heathland, calcareous grassland and greater horseshoe bats.</td>
</tr>
<tr>
<td>South Dartmoor woods</td>
<td>SAC</td>
<td>Old sessile oak woods and European dry heaths.</td>
</tr>
</tbody>
</table>

**Table A4-2: Sites of Special Scientific Interest (SSSI)**

<table>
<thead>
<tr>
<th>SSSI Name</th>
<th>Designated features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulkamore Iron Mine</td>
<td>The caves provide a winter hibernation site by large numbers of greater horseshoe bat <em>Rhinolophus ferrumequinum</em>.</td>
</tr>
<tr>
<td>Torbryan Caves SSSI</td>
<td>The caves are of geological importance and provide an important roosting site for greater horseshoe bat</td>
</tr>
</tbody>
</table>

**Table A4-3: Local Wildlife Sites**

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Designation</th>
<th>Designated features</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Wood</td>
<td>County Wildlife Site (CWS)</td>
<td>Ancient replanted woodland</td>
</tr>
<tr>
<td>Foxhole Copse</td>
<td>CWS</td>
<td>Broadleaved plantation on an ancient woodland site</td>
</tr>
<tr>
<td>Week Fields</td>
<td>Other Sites of Wildlife Interest (OSWI)</td>
<td>Semi-improved neutral grassland and set-aside</td>
</tr>
<tr>
<td>Peek Plantation</td>
<td>OSWI</td>
<td>Semi-improved neutral grassland and mixed plantation</td>
</tr>
<tr>
<td>Dartington Orchard</td>
<td>OSWI</td>
<td>Traditional cider orchard</td>
</tr>
</tbody>
</table>

1 Also designated as an SAC (part of South Hams SAC; refer to Table 2-1)

2 **County Wildlife Sites (CWS):** these are sites of county importance for wildlife, designated on the basis of the habitat or the known presence of particular species. This is not a statutory designation, and does not have any legal status.

**Other Sites of Wildlife Interest (OSWI):** these are sites of significant wildlife interest within a local context that have been surveyed but do not reach the criteria for County Wildlife Sites. They are not covered by NPPF, but may be included in Local Plans.

**Unconfirmed Wildlife Sites (UWS):** these are sites identified as having possible interest but not fully surveyed. Some of these sites will be areas of significant wildlife interest.
Table A4-3: Local Wildlife Sites

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Designation</th>
<th>Designated features</th>
</tr>
</thead>
<tbody>
<tr>
<td>Billany Copse and Field</td>
<td>Unconfirmed Wildlife</td>
<td>Unimproved and semi-improved grassland and secondary broadleaved woodland</td>
</tr>
<tr>
<td>Field</td>
<td>UWS</td>
<td>Semi-improved neutral grassland</td>
</tr>
<tr>
<td>Swallowfields</td>
<td>UWS</td>
<td>Secondary broadleaved woodland</td>
</tr>
<tr>
<td>South Downs Woods</td>
<td>UWS</td>
<td>Secondary broadleaved woodland</td>
</tr>
</tbody>
</table>

Protected and notable species

Table A4-4 provides a summary of relevant records of protected and notable species within the study area.

Table A4-4: Summary of protected and notable species within the study area

<table>
<thead>
<tr>
<th>Species Group</th>
<th>Notable plant records comprise:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plants</td>
<td>• Primrose (Devon BAP species).</td>
</tr>
<tr>
<td></td>
<td>• Knotgrass (Priority Species).</td>
</tr>
<tr>
<td></td>
<td>• Seven Devon Notable species.</td>
</tr>
<tr>
<td></td>
<td>• Four legally restricted species (Japanese knotweed, montbretia, rhododendron and Indian balsam).</td>
</tr>
<tr>
<td>Invertebrates</td>
<td>Invertebrate records within the study area include great green bush cricket (a Devon BAP species) and 24 Priority Species including wall, brown hairstreak and white-letter hairstreak butterflies.</td>
</tr>
<tr>
<td>Reptiles</td>
<td>Four reptile species: adder, common lizard, grass snake and slow worm have been recorded within the study area. All reptiles are legally protected and are Priority Species</td>
</tr>
<tr>
<td>Amphibians</td>
<td>Two species have been recorded within the study area, an unidentified newt and common frog. There are no records of great crested newt (GCN) from the study area however, the appraisal site is within a GCN Consultation Zone³. GCN are legally protected and Priority species.</td>
</tr>
<tr>
<td>Birds</td>
<td>Records of at least 43 bird species, including six Schedule 1 species, nine Priority species, 13 Amber-listed and 10 Red-listed species (refer to Appendix 3). All breeding birds, their nests, eggs and young are legally protected; Schedule 1 species are legally protected by special penalties at all times. The Appraisal site is located within 2km of known cirl bunting breeding territories (RSPB 2017). Cirl bunting is a Schedule 1, Priority Species and Devon BAP Species</td>
</tr>
<tr>
<td>Bats</td>
<td>At least ten bat species have been recorded within the study area including records in close proximity to the appraisal site. Species records are: Common pipistrelle, soprano pipistrelle (P), brown long-eared bat (P), Natterer's, whiskered, noctule (P) Serotine, Barbastelle (P), greater horseshoe (GHS) (P) and lesser horseshoe (P). A number of these records are for breeding and hibernation roosts;</td>
</tr>
</tbody>
</table>

³ Natural Devon (2016). These are five kilometre buffers around existing and historical (post 1970) great crested newt records.
### Table A4-4: Summary of protected and notable species within the study area

<table>
<thead>
<tr>
<th>Species Group</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other records</td>
<td>other records relate to foraging, flying or grounded bats. All bats are legally protected. Those marked (P) are Priority Species. Greater horseshoe bat is also a Devon BAP species.</td>
</tr>
<tr>
<td>Hazel dormouse</td>
<td>There were four records of hazel dormouse from within the study area. Dormouse is a legally protected, Priority Species and Devon BAP species.</td>
</tr>
</tbody>
</table>
| Other mammals   | Records include:  
  - Badger (legally protected species).  
  - Otter (legally protected, Priority Species and Devon species).  
  - Brown hare (Priority Species and Devon BAP Priority species).  
  - Hedgehog (Priority Species).  
  - Harvest mouse (Priority Species). |
### Table A2-1: Notable birds recorded within the study area

<table>
<thead>
<tr>
<th>Species</th>
<th>Schedule 1&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Priority Species</th>
<th>Devon BAP</th>
<th>RSPB Red List&lt;sup&gt;2&lt;/sup&gt;</th>
<th>RSPB Amber List&lt;sup&gt;3&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black-headed Gull</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barn Owl</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Bullfinch</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common kingfisher</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common sandpiper</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cuckoo</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dipper</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dunnock</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fieldfare</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firecrest</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Great Black-Backed Gull</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grey partridge</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grey Wagtail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawfinch</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herring gull</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>House Martin</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>House Sparrow</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kestrel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lesser Redpoll</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lesser spotted woodpecker</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Little Grebe</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mallard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh Tit</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mistle thrush</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mute Swan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Osprey</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redshank</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redwing</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snipe</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Song Thrush</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spotted flycatcher</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Starling</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swift</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tawny Owl</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Willow Warbler</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodcock</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yellowhammer</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Conservation status:** 1 Listed on Schedule I of the Wildlife and Countryside Act 1981 (as amended), 2 Listed on RSPB's 'Birds of Conservation Concern BoCC' Red List, 3 Listed on RSPB's BoCC Amber List.
Appendix 4:
Site Photos
Photo 14: Mature woodland belt to the west
Photo 15: Dried out pond near the western boundary.
Photo 16: Young plantation woodland in the north of site