Ecological Constraints and Opportunities Report

Land west of Hayne Lane, Honiton, Devon

(central OS grid reference: SY 142 991)

A report on behalf of Combe Estate

Ref: 1806-ECOR-FM

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Quality Assurance

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1. Introduction

This document has been produced by GE Consulting on behalf of Combe Estate to provide preliminary ecological constraints and opportunities relating to the proposed future development of this site.

Note that this document aims to provide ecological design and planning advice, and it is not intended to be submitted with a planning application in its current form. However, recommendations have been provided below with a view to support and enhance any future application.

2. Site Survey

The site walkover comprised a UK Habitat Classification Survey and habitat condition assessment following Biodiversity Metric 3.1 assessment criteria undertaken on 04 January 2023 by Faye Midmore BSc MSc MCIEEM supplemented by a desk-based study, whereby biological data was obtained from the Devon Biodiversity Records Centre (DBRC) and online sources were consulted. This survey also identified the potential for protected and notable species to be present and highlights the further surveys considered necessary to inform any future proposals for the site (see **Section 6**).

3. Baseline Conditions

Figure 1 shows the survey area and identifies key constraints as well as opportunities to avoid, mitigate and enhance key ecological features.

Section 6 provides more detail of issues for consideration during the design and planning process.

4. Policy Requirements

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.

Local planning policy which will be of relevance for planning decisions in terms of biodiversity include Strategy 5 (Environment), Strategy 47 (Nature Conservation and Geology) and Policies EN4 to EN5 of the East Devon Local Plan 2013 - 2031. Furthermore, the emerging East Devon Local Plan 2020 to 2040 includes Policies 84 to 92 on the protection of ecology and biodiversity.

In addition, East Devon District Council has adopted the “South East Devon European Site Mitigation Strategy” produced by Footprint Ecology (2014), relating to development within a certain radius of the Pebblebed Heaths SAC/SPA.

Biodiversity Net Gain (BNG)

The Environment Act (2021) will see a legal obligation for all planning applications in England to deliver a 10% net gain in biodiversity from November 2023. The gain relates to both linear habitats (e.g. hedgerows, rivers) and non-linear habitats (e.g. grassland, woodland) and requires the use of a ‘metric’ to calculate the required biodiversity units. The current NPPF requires every development to deliver “a” measured net gain and as such most LPAs now insist on the metric being applied to demonstrate this gain.

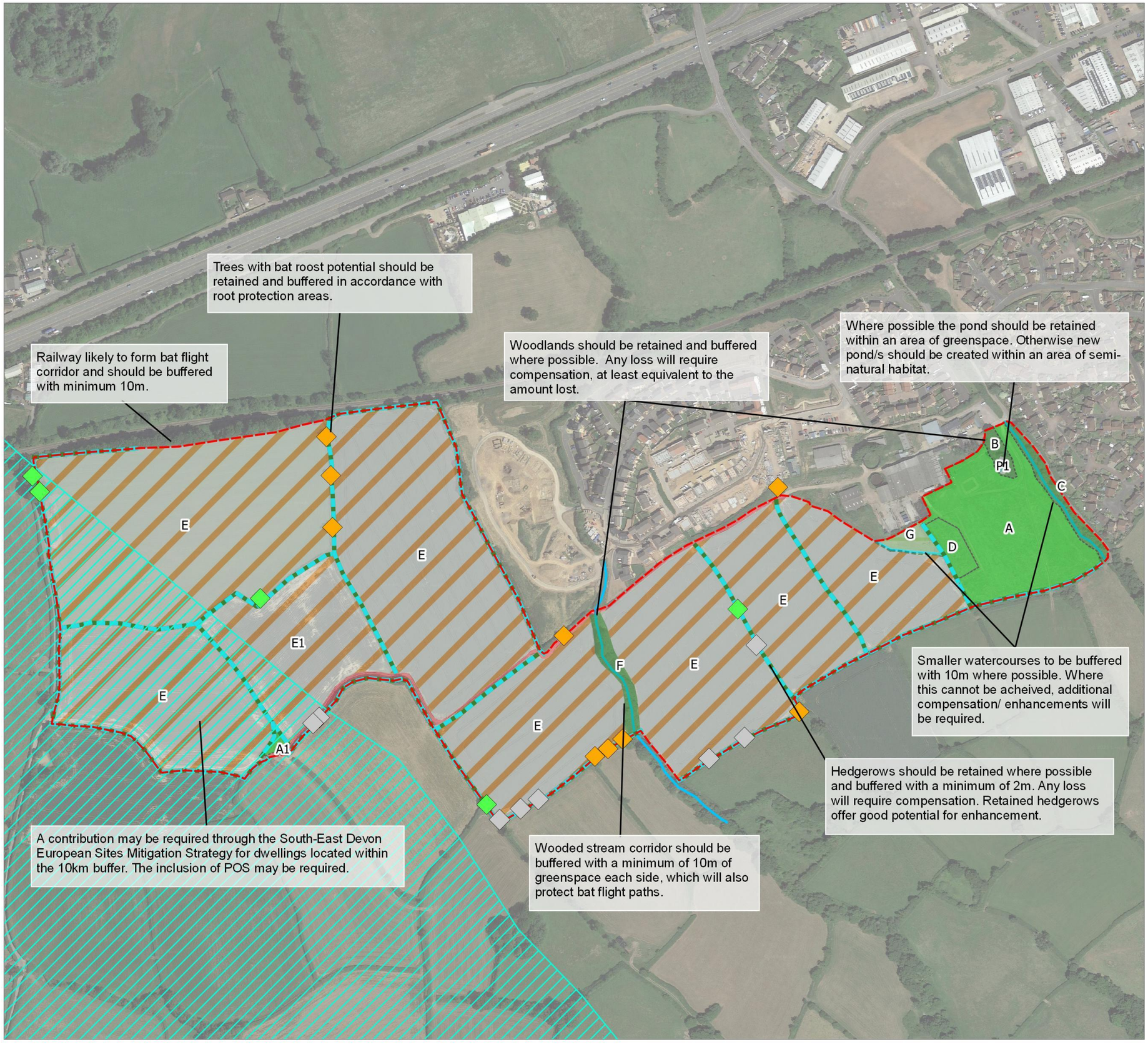
East Devon District Council currently have no specific policy, however the emerging East Devon Local Plan 2020 to 2040 (consultation draft autumn 2022) requires 20% net gain (Policy 87).

The baseline BNG and key considerations for design are presented in **Section 7** and **Figure 2**.

5. Further Survey Work & Reporting

The timeline below shows the further ecological survey work that would be expected to inform suitable mitigation and to accompany a planning application.

TASK	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Hedgerow Survey (1 visit, any time of year) and 'River' BNG surveys								
Roosting bats (trees) – only if trees to be impacted. 1 day, any time of year.								
Commuting/ foraging bats – (1 transect walked monthly between April and October & 6 static automated bat detectors per visit)								
Breeding bird survey (3 visits)								
Great crested newt – eDNA sample of ponds within 500m (8 ponds, excluding those seperated by the railway)								
Dormouse survey (150 tubes)								
Riparian mammal survey (2 surveys - Apr-Jun and Jul-Sept)								
Ecological Impact Assessment for Planning Application including BNG Assessment								



Legend:

- Site Boundary
- c1 - Arable and horticulture
- g3c - Other neutral grassland
- g4 - Modified grassland
- r1 - Standing open water and canals
- u1e - Built linear features
- w - Woodland
- Native Species Rich Hedgerow -_Associa
- Running water
- Tree with Low Bat Roost Potential
- Tree with Moderate Bat Roost Potential
- Tree with No Bat Roost Potential
- Pebblebed Heaths European sites 10km buffer (approximate location)

0 70 140 210 280 m

Figure 1:
Ecological Constraints and Opportunities Plan

Project:
Land west of Hayne Lane, Honiton

Client:
Combe Estate

Date:
9/1/2023

Drawn:
RB

Ref:
1806-ECOR-F1

Revision:
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6. Key Assessment Findings and Design Considerations

Ecological Receptor	Summary of Desk Study/ Walkover Findings	Legal/ Conservation Status[1]	Survey and Design Considerations
Designated Sites			
National Site Network sites within 10km	• East Devon Pebblebed Heaths SAC and East Devon Heaths SPA are both located 9.8km south-west. • Parts of the western fields are within the 10km consultation zone relating to potential recreational impacts from new housing.	• Protected under Conservation (Amendment) (EU Exit) Regulations 2019.	• A contribution may be required through the South-East Devon European Sites Mitigation Strategy for the management of access to the SPA/ SAC, however this should only apply to dwellings located within the 10km buffer. • The inclusion of Public Open Space (POS) in design to provide alternative recreational space for residents may be required to reduce the impacts on the SAC/SPA.
Statutory sites within 2km	• None within 2km.	• Protected under WCA 1981.	• N/A
Non-statutory sites within 2km	• Gobsore Woods CWS and Ancient Woodland Inventory Site, 450m south-east • Cross Park Copse CWS and Ancient Woodland Inventory Site, 650m south • Gittisham Hill CWS, 700m south • Combe Park Wood CWS and Ancient Woodland Inventory Site, 1.25km south	• Safeguarded through planning policy.	• None are adjacent or downstream of Site therefore impacts are considered unlikely. No specific mitigation required.
Habitats			
Hedgerows	• Hedgerows were generally species-rich and wide on traditional Devon banks. Ditches were often located adjacent and occasional mature standard trees are present. • Due to intensive management the hedgerows were mostly in 'Moderate' condition.	• HPI	• The design should seek to retain, and where possible, buffer hedgerows. Ideally the buffer will form part of the public realm to allow future management. • Hedgerow trees should be retained. • Any hedgerow loss should be compensated for with new hedgerow creation. • The existing hedgerows offer good potential for enhancement, by allowing them to grow taller, including standard trees and providing a minimum 2m undisturbed strip along the base. • BNG can be delivered via new hedgerow creation and/or enhancement of existing hedges.

[1] WCA = Wildlife and Countryside Act 1981 (as amended); HPI = Habitat of Principal Importance under the NERC Act 2006, SPI = Species of Principal Importance under the NERC Act 2006; LBAP = Local Biodiversity Action Plan priority

Ecological Receptor	Summary of Desk Study/ Walkover Findings	Legal/ Conservation Status[1]	Survey and Design Considerations
Arable and grassland.	• The Site predominantly comprised intensively managed agricultural fields, used for crops and silage, with no margins. Plant species diversity was very low and the fields are considered to be of low intrinsic ecological value.	• None.	• No specific constraints, however some compensation will be needed to meet BNG requirements. This can include habitats such as amenity grassland, meadows, orchards and scrub.
Pond	• There is one pond within the Site boundary which is heavily shaded with conifers and in 'moderate' condition.	• HPI	• Where possible the pond should be retained and enhanced, for example within an area of greenspace. • If this is not possible, new pond/s should be created elsewhere on Site, within an area of semi-natural habitat which provides connectivity through the development.
Streams/ ditches	• There are three watercourses with running water within the Site, the central wooded corridor being the most natural and of highest value. The other two stream have been culverted/ straightened and are of lower value. • Man-made ditches are frequently present adjacent to hedgerows.	• HPI (streams)	• The central stream corridor is considered to be of higher ecological value within the context of the Site and surrounding landscape and should therefore be retained and buffered within a minimum 10m strip of semi-natural habitats. This can be within the public realm but should not be intensively managed. • The further two streams should also be retained and buffered with a minimum of 10m to protect the watercourse.
Broadleaved woodland	• Small areas of broadleaved woodland are present within the Site boundary, generally semi-mature and of poor to moderate quality.	• HPI	• Woodlands should be retained where possible with appropriate root protection areas adhered to. • Where this is not possible, new woodland at least equivalent to the amount lost, should be created. • There are good opportunities to increase woodland planting within the Site, expanding existing woodland or creating buffers/ screening.
Fauna			
Badger	• No evidence recorded on Site.	• Protection of Badgers Act 1992.	• None required.
Bats	• A number of mature trees on Site offer potential for roosting. • The hedgerows and stream are likely to provide flight corridors for bats.	• European Protected Species • Barbastelle, noctule, soprano pipistrelle, brown long-eared, horseshoe bats – SPI.	• **Surveys required to record bat activity levels across the Site.** • Trees should be retained and buffered in accordance with root protection areas. • Key flight corridors should be buffered with a minimum 5m semi-natural buffer that is kept dark. At this stage it is considered likely that all hedgerows, but particularly the stream and railway provide suitable flight corridors for bats.

Ecological Receptor	Summary of Desk Study/ Walkover Findings	Legal/ Conservation Status[1]	Survey and Design Considerations
Breeding birds	• The hedgerows and woodland provide suitable nesting and foraging habitat for birds.	• Protected during nesting under WCA 1981. • Some birds are Red or Amber on the Birds of Conservation Concern list. • Barn owl is Schedule 1 (WCA).	• **Surveys required to record breeding bird assemblage supported by the Site.** • Retain habitats that provide nesting habitat for birds. • Opportunities to enhance site with additional nesting opportunities through native planting and boxes.
Dormouse	• The hedgerows and woodland provide suitable nesting habitat for dormouse, a species relatively prevalent in Devon.	• European Protected Species, SPI	• **Surveys required.** • If the survey confirms presence an EPS licence will need to be sought from Natural England (post planning consent) for any major hedgerow/ woodland loss e.g. over 20m. • If dormouse habitat is to be lost (hedgerow, woodland) a condition of the licence will be compensatory planting in excess of the amount lost, ensuring connectivity is maintained.
Great crested newt (GCN)	• The Site is within a Devon GCN Consultation Zone. • Surveys for the adjacent developments recorded absence of GCN within the on-Site pond in both 2013 and 2021 and presence is considered highly unlikely.	• European Protected Species, SPI	• **An eDNA survey for GCN will be required for ponds within 500m of the Site.** • If present, an EPS licence will need to be sought from Natural England (post planning consent) for loss of both aquatic and terrestrial habitat. • Compensation would require new ponds and terrestrial habitat, providing connectivity to the surrounding landscape.
Invertebrates	• The Site is unlikely to support an invertebrate assemblage of high conservation value.	• Some species SPI (e.g. brown hairstreak)	• Retention of hedgerows and the creation of more diverse habitats such as meadow, orchards and scrub will enhance the Site for invertebrates.
Reptiles	• The Site is largely unsuitable for reptiles, being intensively managed throughout the year. Small pockets of suitable habitat include the watercourse/ ditch banks and hedgerow bases.	• Protected under WCA 1981. • SPI.	• The retention of hedgerows and associated ditches and the creation of buffers will safeguard any population of reptiles and provide future enhancements for this species group. Semi-natural habitat such as rough grassland and scrub that links though the Site will provide connectivity for reptiles.
Riparian mammals	• The watercourses may support otter and potentially water vole.	• Otter = European Protected Species, SPI • Water vole = Protected under WCA 1981, SPI.	• **Survey required to record presence/ absence and the potential for any holts/ burrows.** • Watercourses should be retained, along with adjoining vegetation such as trees, where possible. Culverts, channelising and works to bankside vegetation should be minimised
Other notable species	• The Site may support hedgehog.	• HPI	• Linking of open space throughout the development, for example along hedgerow buffers will create connected landscapes for a range of species.

7. Biodiversity Net Gain Baseline

Area

The below table represents the BNG scores for the entire area shown within the red line boundary on Figure 1.

Habitat	Location	Habitat Distinctiveness	Total area/ha (habitats)	Total Baseline Units	Design Considerations
Habitats					
Arable/ cropland	E, E1	Low	25.93	51.86	• Low value but comprises the majority of BNG baseline units. Some units will be compensated for by the creation of gardens for new housing but further habitat creation will be required. • Habitat creation can include 'low' distinctiveness habitats and above. For example amenity grassland, vegetated gardens, scrub, orchard, meadows, tree planting and SUDs can all contribute towards achieving a net gain.
Modified grassland	A, A1, D	Low	2.246	4.49	• As above, however also potential to retain areas and 'enhance' to higher value grassland, to achieve greater gains than 'creation'.
Broadleaved woodland	B, C, F	Medium	0.565	4.17	• Retain where possible • If removed, the same broad habitat (woodland and forest) or a higher distinctiveness habitat required (e.g. traditional orchard) • If removed will require replacement with a much larger area to ensure net gain as this has a higher level of difficulty of creation. • Retain and enhance condition through optimal management for the highest gains.
Other neutral grassland	G	Medium	0.146	0.58	• Retain where possible • If removed, the same broad habitat (grassland) or a higher distinctiveness habitat required • Retain and enhance condition through optimal management for the highest gains.
Pond	P1	High	0.019	0.23	• Retain where possible • If removed, the same habitat will need to be recreated elsewhere on Site, exceeding the amount lost. • Retain and enhance condition through optimal management for the highest gains.
Track (Unsealed surface)	-	V. Low	0.35	0	• No constraints or specific compensation requirements.
		Habitats Total	**29.26**	**61.34**	

Hedgerows

At this stage of the assessment, individual hedgerows were not surveyed, although it was noted during the walkover that they were largely uniform across the Site. The hedgerows were species-rich and associated with a bank or ditch and are of 'high' distinctiveness. However, due to tight trimming and agricultural operations close to the base they are of 'moderate' condition, which somewhat reduces the BNG score. A detailed assessment will need to be carried out closer to a submission date, however it is likely that the majority of hedgerows offer scope to enhance to 'good' condition by creating a buffer at the base and allowing them to grow taller through good management practices. Any losses will need compensating by planting the same type of hedgerow.

Rivers/ Streams

A 'River BNG' assessment of the streams was outside the scope of the assessment and therefore a detailed assessment will be required prior to a planning submission. Ideally, a 10m buffer from the stream will be implemented which prevents degradation of the watercourse in terms of the BNG assessment methodology.

Key BNG Considerations

- Habitats of higher 'distinctiveness' should be targeted for retention as these would result in the greatest biodiversity losses. However, all habitats contribute towards the final BNG score and removal of habitats of lower distinctiveness over large areas/ lengths can still have a significant impact on loss of units.
- Replacement of habitats often needs to be in excess of the area/ length removed to achieve BNG. This can be significant for habitats such as woodlands which are more difficult to create and require a greater time to reach target condition.
- More biodiversity units are available when habitats are retained and protected during construction, and then the type or condition 'enhanced' through management. This can apply to the majority of hedgerows on Site and some of the grassland.
- To achieve net gains, new habitats of high distinctiveness and condition should be created, including species-rich grassland, woodland, orchard, species-rich hedgerows with trees, scrub and wetlands/ ponds. This will need to be achievable based on the proposed location, underlying conditions and use within the Site e.g. soil characteristics and level of public access.
- A detailed assessment will be required as the scheme develops, which will indicate the habitat areas and linear habitats required to deliver net gains. Any changes to the red line boundary will require re-calculation and finalised site and landscape plans are required to produce the final calculations and BNG position.
- Offsite measures may be acceptable through legal agreements to top up the gains delivered onsite. Offsite delivery should only be sought once all on-site options have been explored.
- The version of the Biodiversity Metric and associated guidance used can influence the outcome. Generally it is recommended by LPAs to use the most up to date version (unless the assessment has already started in the previous version).

Indicative Post-development BNG Position

The post-development BNG for a site will vary according to type, condition, area, location (strategic significance) of habitats created and can be difficult to predict.

However, given the extent of the Combe Estate's land holding, it is considered that a 20% net gain can be achieved through appropriate enhancements and planting, either within or outside the site boundary.