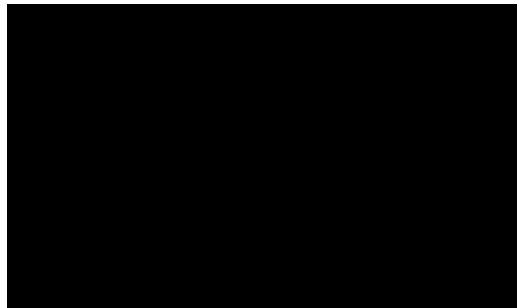


Ecological Deliverability Report

**Land south of Northcote Hill: South of the railway
line (Phase 2)**

March 2025

Report reference	Report Status	Date	Prepared by	Authorised
250225_P1440_EDR	Final	27 March 2025	A Basford BSc MSc ACIEEM	M Jones BSc MSc MCIEEM CEnv



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1 Introduction, background and approach

1.1 Introduction

1.1.1 EAD Ecology was commissioned by Taylor Wimpey to produce an Ecological Deliverability Report (EDR) for their proposed residential development at 'Land south of Northcote Hill: South of the railway line (Phase 2), Honiton' (approximate grid reference ST177012, hereafter referred to as 'the Site'; refer to Figure 1). A Vision Statement for the proposed development of the Site has been produced by Taylor Wimpey and submitted to East Devon District Council as part of the Regulation 19 Local Plan consultation¹. The Ecological Deliverability Report provides further ecological information to that set out in the Vision Statement. The Report provides an assessment of the ecological suitability of the Site for development, based on the following:

- Preliminary understanding of the ecological baseline for the Site; and
- Relevant wildlife legislation and policies within the National Planning Policy Framework (NPPF, 2024); the Adopted East Devon Local Plan 2013-2031 (Adopted 2016); and the emerging Local Plan 2020-2042 (Regulation 19, 2025).

1.1.2 The Report also includes the proposed further ecological survey, assessment, reporting and consultation work that would be undertaken in support of a future Planning Application for the Site.

1.2 Legislation and planning policy

Wildlife legislation

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

- The Environment Act 2021.
- Conservation of Habitats and Species Regulations 2017 (as amended).
- Wildlife and Countryside Act 1981 (as amended).
- Countryside and Rights of Way Act 2000.
- Natural Environment and Rural Communities Act 2006.
- Protection of Badgers Act 1992.
- Hedgerow Regulations 1997 (as amended).

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

National planning policy

1.2.3 The National Planning Policy Framework (NPPF; 2023) 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

Adopted Planning Policy

1.2.4 The following biodiversity policies in the Adopted East Devon Local Plan 2013 to 2031 are relevant; refer also to Appendix 3:

- Development Strategy 5 – Environment.

¹ The Site is identified for residential development under draft Strategic Policy SD03: 'Honiton and its development allocations'.

- Development Strategy 47 – Nature conservation and geology.
- Development Policy EN4 – Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites.
- Development Policy EN5 – Wildlife Habitats.

Emerging Planning Policy

1.2.5 The following biodiversity policies in the emerging Local Plan (Regulation 19) are relevant; refer also to Appendix 3:

- Strategic Policy PB01: Protection of internationally and nationally important wildlife sites.
- Policy PB02: Protection of regionally and locally important wildlife sites.
- Policy PB03: Protection of irreplaceable habitats and important features.
- Strategic Policy PB05: Biodiversity Net Gain.
- Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network.
- Policy PB07: Ecological enhancement and biodiversity in the built environment.
- Policy PB08: Tree, hedges and woodland on development sites.
- Policy PB09: Monitoring requirements for new planting schemes.

1.3 Approach

Ecological baseline

1.3.1 An understanding of the preliminary ecological baseline of the Site was derived through desk study and Site survey.

Desk Study

1.3.2 Biodiversity information was requested from Devon Biodiversity Records Centre for a study area of 2km radius (4km for bats) around the Site boundary. Information received included the location and details of the following; refer also to Appendix 4:

- Non-statutory designated sites of nature conservation importance;
- Previous records of protected and/or notable species, including Priority Species (Species of Principal Importance for Conservation in England) listed in accordance with Section 41 of the NERC Act (2006) and Devon Biodiversity Action Plan (BAP) Priority Species.

1.3.3 The Defra MAGIC website was used to search for statutory designated sites of nature conservation importance for the Site and surrounds; this was extended to 10km for European sites and 5km for national statutory sites; refer to Appendix 4.

Site Survey

1.3.4 A UKHab survey and Habitat Condition Assessment (HCA) survey of the Site was undertaken on the 29-30 January 2025 by FISC Level 4 and 5 surveyors. A River Condition Assessment (RCA) Survey was undertaken on the 29 January 2025 by a certified RCA surveyor. The UKHab survey followed UKHab Version 2 (UKHab, 2023) methodology and also recorded the habitats and the presence/potential presence of legally-protected or otherwise notable species within the Site. The HCA survey followed the Defra Statutory Metric methodology, with reference to supporting documents (Defra, 2024). The RCA survey followed the MoRPh survey methodology (Shuker *et al.*, 2017). The results of the survey were detailed on a UKHab plan, with target notes used to identify specific features of ecological interest; refer to Figure 2.

Survey limitations

- 1.3.5 The surveys were undertaken outside of the period where some flowering plant species would not have been evident, particularly within the woodland habitat. This was not considered to be a significant constraint to the overall identification and assessment of habitat importance within the Site, or the conclusions to this report.

2 Ecological baseline

2.1 Designated sites of conservation value

European designated sites

- 2.1.1 The Site does not lie within or adjacent to any statutory sites of nature conservation importance. One European site was identified within the 10km search area; refer to Appendix 4. This is the River Axe Special Area of Conservation (SAC), which occurs 10km from the Site and is designated for its variety of river channel habitats and an important fish community, including sea lamprey, brook lamprey and bullhead. The Site lies outside of the 'nutrient-neutrality' catchment area of this SAC.

Nationally designated sites

- 2.1.2 Two nationally designated sites are located within 5km of the Site, comprising Reed's Farm Pit Site of Specific Scientific Interest (SSSI) and Wilmington Quarry SSSI; refer to Table 2.1 and Appendix 4. The Site lies outside of any Natural England 'SSSI Impact Risk Zones' relating to residential development.

Table 2.1: Nationally designated sites within the study area

Site name	Nature conservation designation	Reason for designation	Approximate distance and direction from site
Reed's Farm Pit	SSSI	Geological interest.	3.2km SE
Wilmington Quarry	SSSI	Geological interest.	2.7km SE

Non-statutory designated sites

- 2.1.3 A further 26 non-statutory designated sites of nature conservation value occur within 2km of the Site, comprising four County Wildlife Sites (CWS), nine Unconfirmed Wildlife Sites (UWS; not formally a non-designated site), five Other Sites of Wildlife Interest (OSWI) and eight Ancient Woodland Inventory (AWI). The closest is Colin's Field CWS, which is located approximately 0.4km to the south of the Site and is designated for its unimproved neutral grassland.

2.2 Habitats within the site boundary

- 2.2.1 The Site comprised predominantly of modified grassland, with areas of dense scrub scattered throughout the Site; refer to Figure 2. An area of other neutral grassland and lowland mixed deciduous woodland was present in the north-east of the Site. Native hedgerows formed the majority of the field boundaries; several hedgerows were associated with ditches and mature trees. Non-native ornamental hedgerow and lines of trees also occurred along some of the field boundaries. A stream was located in the eastern part of the Site, flowing from south to the north.
- 2.2.2 The former nursery comprised the southern part of the Site, with habitats dominated by modified grassland and unvegetated land with lines of coniferous and broadleaved trees. Several buildings associated with the former nursery were also present. A pond was present adjacent to the southern boundary.

- 2.2.3 The stream, broadleaved woodland, pond, hedgerows and mature trees are considered to be habitats of moderate to high importance; lowland mixed deciduous woodland, ponds, rivers/streams and hedgerow are Priority Habitats. Species-rich hedgerow is also a Devon BAP Habitat.

Buildings

- 2.2.4 Several buildings were present within the former nursery, including a wooden office block and barn. A substation was located south-west of the railway line.

Built up areas and gardens

- 2.2.5 Roads and bare ground were present within the former nursery. This area was previously used for storage of nursery plants.

Hedgerows

- 2.2.6 Hedgerows were present along the majority of field boundaries within the Site. Several of the hedgerows were associated with trees and banks.

Holcus-Juncus neutral grassland

- 2.2.7 The neutral grassland in the eastern field parcel included hard rush, perennial rye-grass, Yorkshire fog, creeping buttercup, cock's foot, common fleabane, crested dog's-tail, creeping cinquefoil and bush vetch.

Modified grassland

- 2.2.8 The modified grassland was dominated by Yorkshire fog and perennial rye-grass. Other species included creeping buttercup, curled dock, meadow buttercup, lesser celandine, common mouse-ear, white clover, round-leaved crane's-bill, common cat's-ear, timothy and common sorrel.

Stream

- 2.2.9 A stream was present in the eastern part of the Site, with water flowing south to north.

Scattered trees

- 2.2.10 Scattered broadleaved and conifer trees were present across the Site; some of which were likely to have bat roost potential.

Scrub

- 2.2.11 Areas of dense bramble and mixed scrub was present across the Site. A patch of willow scrub was also present in the south-west of the Site.

Lowland mixed deciduous woodland

- 2.2.12 A small section of lowland mixed deciduous woodland was located on the northern boundary adjacent to the railway line. Canopy species included oak and ash. Understorey comprised holly, blackthorn and hazel.

Standing water

- 2.2.13 A pond was present in the south-west of the Site surrounded by willow scrub.

2.3 Surrounding habitats

2.3.1 The Site is situated to the east of Honiton and is surrounded by agricultural fields, with a mix of arable and pasture, bordered by a network of hedgerows and semi-natural broadleaved woodland. A road, Northcote Hill, separates the land parcels within the Site - associated with Middle Northcote Farm (north of road) and the former nursery (south of road). A railway line runs along the northern boundary of the Site. The A30 is located approximately 195m north-west of the nearest point to the Site boundary and the A35 Axminster Road is located approximately 145m east of the nearest point to the Site boundary.

2.4 Protected and notable species

Plants

2.4.1 The following notable plant species have been recorded within the 2km study area:

- Five Devon-notable species (corky-fruited water-dropwort, smooth brome, white water-Lilly, thin-spiked wood-sedge and wood club-rush);
- One Devon BAP species (primrose); and,
- One Devon Notable, Devon BAP and Nationally Scarce Species (fringed water-Lilly).

2.4.2 Notable plants may occur within the woodland, grassland, stream-edge, pond and hedgerow habitats. Further survey would be undertaken to confirm presence/absence.

Invasive plant species

2.4.1 There are several records of invasive plant species within the 2km study area including Japanese knotweed, Himalayan balsam and rhododendron. These species are listed on Schedule 9 of the WCA 1981 (as amended), making it an offence to plant or otherwise cause these species to grow in the wild. Further survey would be undertaken to confirm presence/absence within the Site.

Invertebrates

2.4.2 Brown hairstreak butterfly (a Priority Species) has previously been recorded within the Site boundary. Other invertebrate species that have been recorded within the 2km study area include:

- High brown fritillary, listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and a Priority Species.
- Dingy skipper, sallow, dot moth, dusky thorn, buff ermine, small phoenix, knot grass, rustic, shaded broad-bar, dark-barred twin-spot carpet, cinnabar, white ermine, autumnal rustic, figure of eight, oak hook-tip, blood-vein and wall butterfly, all Priority Species.

2.4.3 Grassland, hedgerows, trees, scrub, stream and pond habitats were likely to support a diverse range of invertebrates. The presence of significant populations of notable species was considered to be unlikely.

Amphibians

2.4.4 There are no records of great crested newt, a legally-protected Priority Species, from the study area and the Site lies outside of the 'Great Crested Newt Consultation Zones' published by Devon County Council (2016). The pond within the Site provided suitable breeding habitat for amphibians such as palmate newt and common frog, which have been recorded within the 2km study area. Grassland, woodland, scrub and hedgerow habitats provide suitable terrestrial habitats for these species, along with common toad (Priority Species). Whilst the presence of great crested newt was considered to be unlikely, further survey would be undertaken to confirm presence/absence.

Reptiles

- 2.4.5 Common lizard and slow-worm have been recorded within 2km of the study area. All common reptiles are Priority Species and are legally protected. Areas of grassland, scrub and hedgerows provided suitable habitat for common reptiles such as slow-worm, common lizard and grass snake. Woodland, scrub and hedgerow provided suitable hibernation habitat for these species. Further survey would be undertaken to confirm presence/absence.

Birds

- 2.4.6 A total of 25 notable bird species have been recorded within the 2km study area; these are listed in Table 2.2. Barn owl (Schedule 1 and Devon BAP Species) was recorded within the Site boundary. All breeding birds, their nests, eggs and young are legally protected; species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) receive additional protection; refer to Appendix 1.

Table 2.2 Notable bird records from the 2km study area.

Species	BoCC5 status ¹	Priority Species	WCA Schedule 1	Devon BAP
Barn owl			✓	✓
Dipper	Amber			
Dunnock	Amber			
Fieldfare	Red		✓	
Grey wagtail	Amber			
Hawfinch	Red	✓		
Herring Gull	Red	✓		
House martin	Red			
House sparrow	Red	✓		
Kingfisher			✓	
Lesser spotted woodpecker	Red	✓		
Mallard	Amber			
Marsh tit	Red	✓		
Mistle thrush	Red			
Peregrine			✓	
Redstart	Amber			
Redwing	Amber		✓	
Song thrush	Amber	✓		
Spotted flycatcher	Red	✓		
Starling	Red	✓		
Swift	Red			
Tree pipit	Red	✓		
Whinchat	Red			
Willow warbler	Amber			
Wryneck		✓	✓	

¹Status in *Birds of Conservation Concern 5* (Stanbury et al., 2021)

- 2.4.7 The hedgerows, trees, scrub, woodland and buildings provided suitable bird nesting and foraging habitat for common/widespread bird species, including 'Species of Conservation Concern'/ Priority Species, such as song thrush and dunnock, and the legally-protected and Devon BAP

Species, barn owl. Further survey would be undertaken to confirm composition of the bird assemblage within the Site.

- 2.4.8 The Site lies outside of the known breeding and wintering range for cirl bunting, a Priority Species, Devon BAP Species and 'Red' Species of Conservation Concern. The presence of this species on Site was considered to be highly unlikely.

Hazel dormouse

- 2.4.9 There are three previous records of hazel dormouse within the 2km study area. The closest record is located 1.5km south-east of the Site. Hazel dormouse is legally-protected, a Priority Species and a Devon BAP Species. The hedgerows, woodland and scrub within the Site boundary provided suitable habitat. Further survey would be undertaken to confirm presence/absence.

Badger

- 2.4.10 There are seven records of badger within the 2km study area including one record located on the railway embankment adjacent to the northern boundary. Badger is legally protected. Hedgerows, scrub and woodland within the Site have potential to support badger setts; grassland provides suitable foraging habitat. Further survey would be undertaken to confirm presence/absence.

Bats

- 2.4.11 There are no previous records of bat roosts within the Site. Bat records from within the 4km study area include:
- Common pipistrelle, Natterer's, whiskered, serotine, Leisler's and long-eared species (all receive full legal protection);
 - Brown long-eared, lesser horseshoe, noctule, barbastelle and soprano pipistrelle (receive full legal protection and Priority Species); and
 - Greater horseshoe bat (receives full legal protection, a Priority Species and Devon BAP Species).
- 2.4.12 Buildings and mature trees could potentially provide roosting habitat; hedgerows, streams, woodland and grassland provide suitable foraging habitat. Further survey would be undertaken to confirm composition of the bat assemblage within the Site.

Otter

- 2.4.13 There are six records of otter within the 2km study area. Otter is legally-protected, a Priority Species and a Devon BAP Species. The watercourse within the Site provided potentially suitable habitat for otter. Further survey would be undertaken to confirm presence/absence.

Water vole

- 2.4.14 Four records of water vole were provided from Offwell Woodland and Wildlife Trust Site, 1.6km south-east of the Site. Water vole is legally-protected, a Priority Species and a Devon BAP Species. The watercourse within the Site provided potentially suitable habitat for water vole. Further survey would be undertaken to confirm presence/absence.

Other mammals

- 2.4.15 There are records of brown hare and hedgehog within the 2km study area; both are Priority Species and brown hare is also a Devon BAP Species. The Site provides suitable habitat for both species.

3 Conclusions

3.1 *Ecological suitability of the Site for development*

- 3.1.1 There are no over-riding ecological constraints to the development of the Site. Potential ecological constraints do occur, however, and are summarised in Section 3.2. Where constraints are identified, it is considered that measures could be provided to ensure that adverse effects are avoided, mitigated and/or compensated, and that enhancement could deliver a minimum of 10% Biodiversity Net Gain (BNG; the mandatory requirement), or 20% BNG, if required (the proposed target set out in emerging Policy PB05). The proposed development could be undertaken in accordance with national and local (adopted and emerging) biodiversity planning policy and in compliance with legislation relating to designated sites, habitats and protected species.
- 3.1.2 Section 3.3 provides information on the further work that would be undertaken to support a future planning application for the Site.

3.2 *Potential ecological constraints and opportunities*

Designated Sites

- 3.2.1 No mechanisms or pathways likely to affect European Sites, other statutory-designated sites and non-statutory designated sites have been identified.

Habitats

- 3.2.2 The dominant habitat within the Site, modified grassland, is of low ecological value. Development could be undertaken to ensure that habitats of higher value within and adjacent to the Site (e.g. native hedgerows, lowland mixed deciduous woodland, stream, pond, scrub and native trees) were retained, buffered and enhanced, wherever possible. Where impacts were unavoidable, such as hedgerow removal for access, mitigation could be provided through new habitat creation.
- 3.2.3 Development could be undertaken in accordance with the ecological hierarchy: avoid, mitigate, compensate (if required) and enhance. Biodiversity Net Gain (BNG) could be delivered either at the 10% or 20% level; refer to Paragraph 3.1.1. This would apply to 'Habitats', 'Hedgerows' and 'Watercourses'.

Species

- 3.2.4 Further ecological surveys are required and proposed to establish the presence of protected/notable species; refer to Section 3.3 below. It is likely that some protected-species avoidance, mitigation and/or compensation would be required for the proposed development layout (e.g., habitat retention/protection, creation and/or enhancement) and during construction (e.g., timing of certain works; removal of some species prior to construction e.g., reptiles). These measures could be delivered within the Site. Habitat retention, creation and enhancement, as required to achieve BNG, would benefit a range of species; additional measures, such as the provision of boxes for birds, dormice, bats and invertebrates, and reptile-hibernation sites could also be provided.

3.3 Scope of ecological work to submit a planning submission

Further surveys

3.3.1 Phase 2 ecological surveys would be undertaken to provide further habitat information and to determine the presence and distribution of protected/notable species within the Site; these would comprise the following:

- Habitat Condition Assessment Survey update (for BNG assessment);
- Hedgerow survey;
- Invasive plant survey;
- Invertebrate (brown hairstreak butterfly) survey;
- Reptile survey;
- Great crested newt survey;
- Breeding-bird survey;
- Badger survey;
- Bat roost assessment of trees and buildings;
- Bat activity survey;
- Otter and water vole survey; and
- Hazel dormouse survey

3.3.2 The above survey information would provide a complete ecological baseline for the Site, against which the ecological impacts of the proposed development could be assessed.

Ecological Impact Assessment (EclA)

3.3.3 A future planning application of the Site would be supported by an Ecological Impact Assessment (EclA) Report, incorporating baseline information, a BNG Statement (including Statutory Metric) and an assessment of final development proposals, including all avoidance, mitigation and enhancement measures. The EclA would accord with best practice guidelines (CIEEM, 2018), relevant legislation and professional standards (e.g. BS42020:2013). The EclA would provide a statement of compliance with regard to relevant wildlife legislation, and national and local biodiversity planning policy.

3.3.4 A Biodiversity Gain Plan, Construction Ecological Management Plan (CECoMP) and Habitat Management and Monitoring Plan (HMMP) would ensure delivery of all proposed habitat and species avoidance, mitigation and enhancement measures. These documents could be secured by planning condition.

Consultation

3.3.5 Further consultation with East Devon District Council would be undertaken to agree the proposed avoidance, mitigation, compensation (if required) and enhancement measures; assessment approach; and reporting.

4 References

British Standards Institute (2013) BS 42020:2013 Biodiversity – Code of practice for planning and development. BSI, London.

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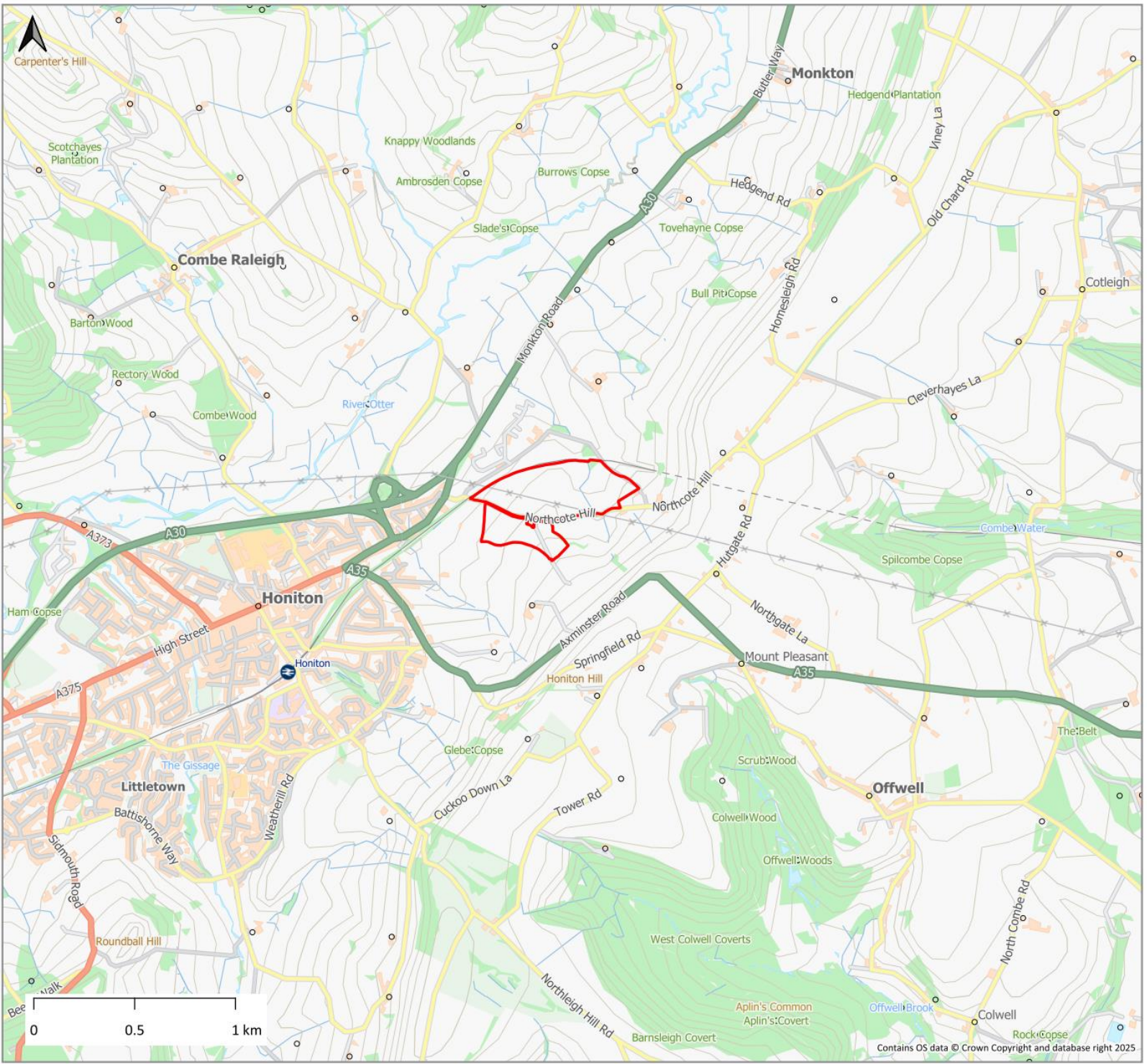
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Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. (2021). The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114: 723-747.

UK HAB (2023). The UK Habitat Classification System. Version 2.

Figure 1: Site location plan



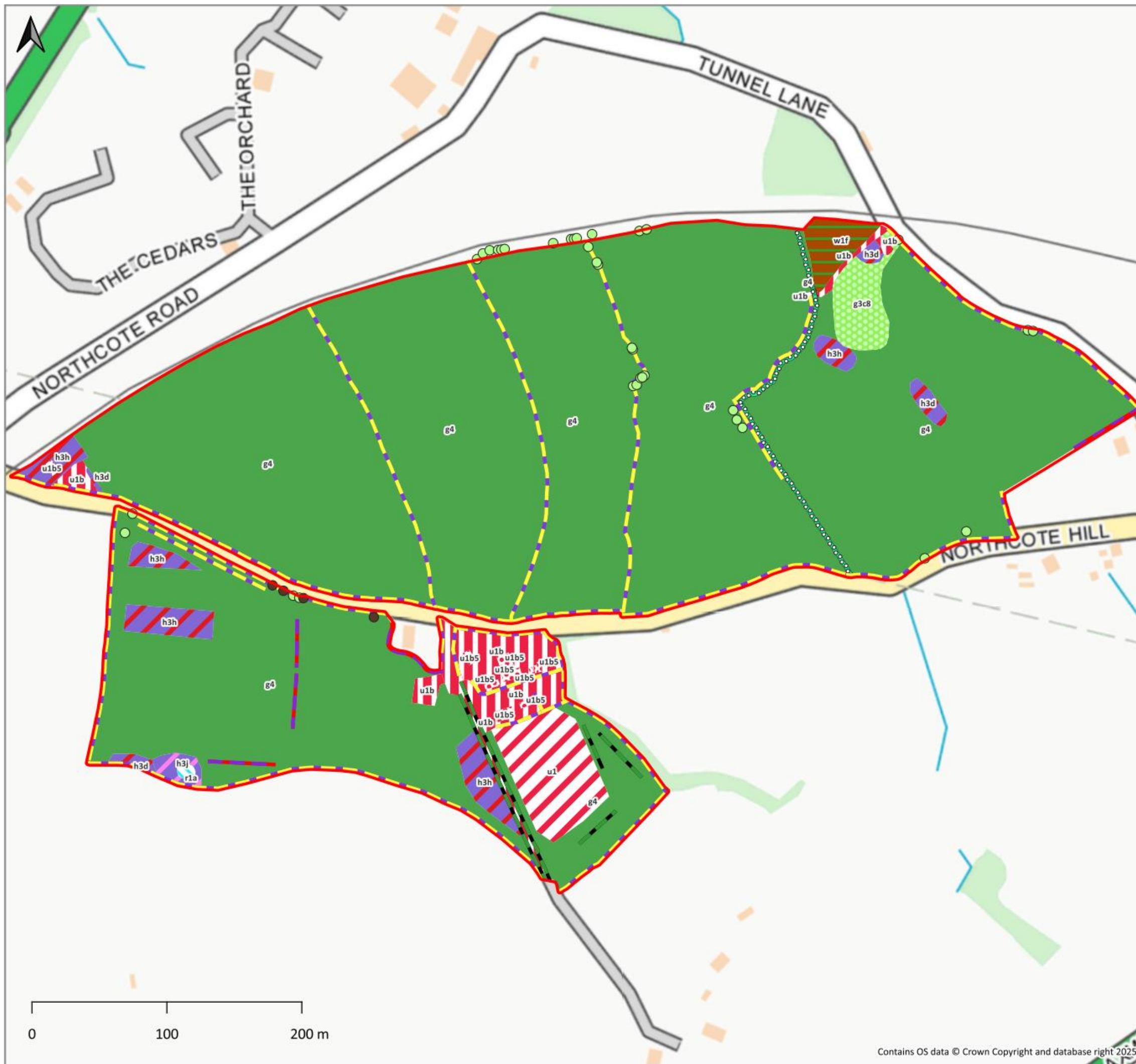
Key

Site boundary

	Taylor Wimpey		
	Land South of Northcote Hill: South of the railway		
Site Location Plan			
20/03/2025	Created by: LS	Scale at A3 1:18,082	

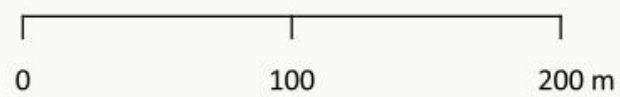
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Figure 2: UKHab Plan



Key

- Native individual tree
- Non-native individual tree
- Non-native and ornamental hedgerow
- Line of trees
- Native hedgerow - associated with bank or ditch
- Native hedgerow with trees
- Native hedgerow with trees - associated with bank or ditch
- Other rivers and streams
- g3c8 - Holcus-Juncus neutral grassland
- g4 - modified grassland
- w1f - lowland mixed deciduous woodland
- u1 - built-up areas and gardens
- u1b - developed land. sealed surface
- u1b5 - buildings
- r1a - eutrophic standing waters
- h3d - bramble scrub
- h3h - mixed scrub
- h3j - willow scrub
- Site boundary



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 www.eadecology.co.uk	Taylor Wimpey
	Land South of Northcote Hill: South of the railway
	UKHab Survey Plan
20/03/2025	Created by: LS
Scale at A3 1:2,710	

Appendix 1: Wildlife legislation

Wildlife Legislation

Environment Act 2021

The Environment Act 2021 includes various provisions for improving the natural environment, including:

- The requirement that planning permission in England will be granted subject to a pre-works commencement condition that requires approval of a Biodiversity Net Gain (BNG) plan with a minimum 10% gain;
- The requirement for preparation and publication of Local Nature Recovery Strategies (LNRSs), which will include a statement of biodiversity priorities and a local habitat map that covers the whole strategy area;
- The requirement for Natural England to produce Species Conservation Strategies (SCSs) and Protected Site Strategies (PSSs);
- Extension of the general biodiversity duty placed on public authorities by Section 40 of the NERC Act from being 'a duty to conserve biodiversity' to being 'a duty to enhance biodiversity' and introduction of a requirement that, in so doing, they must have particular regard to any relevant LNRS and any relevant SCSs and PSSs.

Conservation of Habitats and Species Regulations 2017 (as amended)

These Regulations, also referred to as the 'Habitats Regulations', provide for the designation and protection of 'European Sites' (the National Site Network). 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.

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.

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'.

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.

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.

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.

Appendix 2: National Planning Policy

National Planning Policy Framework (2024)

The National Planning Policy Framework (NPPF) includes the Government's policy on the protection of biodiversity through the planning system. The following policies are relevant to the Proposed Development:

187. 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- 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.*

188. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

192. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity²; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and*

² Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geodiversity conservation and their impact with the planning system.

- b) *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gain for biodiversity.*

193. *When determining planning applications, local planning authorities should apply the following principles:*

- a) *if significant harm to biodiversity 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;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact 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;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons³ and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

194. *The following should be given the same protection as habitats sites:*

- a) *potential Special Protection Areas and possible Special Areas of Conservation;*
- b) *listed or proposed Ramsar sites⁷¹; and*
- c) *sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

195. *The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats sites.*

³ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

Appendix 3: Local Planning Policy

East Devon Local Plan 2013 to 2031 (Adopted 2016)

Strategy 5 – Environment

All development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity.

Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures to include;

1. Maximising opportunities for the creation of green infrastructure and networks in sites allocated for development;
2. Creating green networks and corridors to link the urban areas and wider countryside to enable access by all potential users;
3. The designation of Local Nature Reserves and County Wildlife Sites;
4. Minimising the fragmentation of habitats, creation of new habitats and connection of existing areas to create an ecological network that is identified within the East Devon District Council Local Biodiversity Plan;
5. Progress towards delivering the Biodiversity Action Plan targets and Local Nature Reserve Strategy;
6. Conservation and enhancement of Sites of Special Scientific Interest (SSSI) in accordance with the Wildlife and Countryside Act. and other statutory and non-statutory nature conservation and wildlife sites and areas of value;
7. Making use of and protecting from development areas that are vulnerable to surface water runoff and flooding.
8. Working in partnership with neighbouring authorities to implement a consistent and strategic approach to the protection and enhancement of the highest tier of wildlife sites.

New development will incorporate open space and high-quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife. It will contribute to a network of green spaces and ensure potential adverse impacts on the Exe Estuary and East Devon Pebblebed Heaths European wildlife sites are appropriately mitigated against. Where there is no conflict with biodiversity interests, the enjoyment and use of the natural environment will be encouraged and all proposals should seek to encourage public access to the countryside.

Strategy 47 - Nature Conservation and Geology

All development proposals will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- They cannot be located on alternative sites that would cause less or no harm.
- The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.

- Prevention, mitigation and compensation measures are provided.
- In respect of Internationally designated sites, the integrity of the site will be maintained.

Development proposals where the principal objective is to conserve or enhance biodiversity or geodiversity interests will be supported in principle.

Where there is reason to suspect the presence of protected species, applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.

Habitat Regulations and Mitigation of Potential Adverse Impacts of Development

Where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, we will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. This will be of particular importance where development could impact upon 'European Designated Sites' (In the case of other impacts to internationally, nationally and locally designated sites, we will seek appropriate mitigation measures). Where European designated sites might be affected there will be a need for Appropriate Assessment in line with Conservation and Species Habitat Regulation requirements. Mitigation measures will be required if harmful impacts are predicted or could arise.

In respect of the Exe Estuary and the Pebblebed Heaths (and Dawlish Warren in Teignbridge) an overarching strategic approach to habitat mitigation measures has been established through the Disturbance Study. All residential development schemes within a straight line 10 kilometres distance of any part of the SAC and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation. The onus will rest on developers demonstrating that mitigation can and will be provided and granting of planning permission will be linked to clear evidence that delivery will actually happen to agreed timescales. The Disturbance study work and associated assessments will typically negate the need for residential development schemes to be subject to individual Appropriate Assessment. Through this strategic approach monies collected through CIL, negotiated separately through Section 106 agreements or potentially otherwise paid or contributed through other means will address mitigation requirements.

Non-residential development schemes within the 10 kilometres catchment (and potentially beyond) will need to be subject to project level assessment to establish potential need for and form of any mitigation. The Council has commissioned technical advice in respect of tourism accommodation development that will parallel that for residential schemes.

Payment as part of the CIL contribution will typically be the expected approach and habitat mitigation will form the first draw on CIL funds. Mitigation will include on-site and off-site measures, to include:

- Improved wardening and management of sites;
- Information and education;
- Changes to access arrangements and points;
- Habitat improvements and provision ; and
- Provision of Suitable Alternative Natural Green Space (SANG).

On-site mitigation measures are likely to be most appropriate in the very early years of the Local plan's life. Off-site provision in the form of SANG should aim for a target level of provision of around 8 hectares of open space provision for every net new 1,000 residents accommodated through development. At a residential density averaged at 2.2 persons per each new home built this will equate to around 176 SqM of SANG space per each net extra dwelling. However actual space standards will depend on the quality,

character and location of provision. SANG will need to include substantial open space areas ideally of semi-natural character and should specifically be appealing to dog walkers. They can utilise land previously inaccessible to the public or arise from improvements of currently accessible but under-used spaces. To help ensure and secure timely delivery of mitigation, specifically SANG, the Council has the option of exercising Compulsory Purchase Order powers to ensure availability of land.

Developments on the western side of the District – including in the West End, Ottery St Mary, Budleigh Salterton, and Sidmouth will all fall under the coverage of this policy.

To help preserve the integrity of the East Devon Pebblebeds Heath, specifically on account of the impacts of domestic cats through bird predation, new residential uses will not be allowed on or within 400 metres of the Pebblebed Heaths Special Protection Area.

The mitigation proposals, including those of the ‘South-east Devon European Site Mitigation Strategy’, will need to be implemented ahead of development being occupied and must provide for mitigation in perpetuity to ensure that development does not have a net adverse impact on the integrity of European designated wildlife sites. This will include provision of on-site, off-site and cross-site measures and monitoring. The delivery and success of mitigation will be monitored alongside development (specifically new housing development) and changes in population. Where mitigation lags behind development it will be a potential indicator that the worth and integrity of European sites could be being eroded. This will provide a policy basis and justification for resisting further development or occupation until effective mitigation is delivered in accordance with past development/occupancy. Work will be undertaken to establish effective trigger points or markers against which to formally assess delivery of mitigation and therefore establish a basis to refuse planning permissions with a formal first review planned for April 2018.

EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites

Development or land-use changes likely to have an adverse effect, either directly or indirectly on:

1. Local Nature Reserves.
2. County Wildlife Sites.
3. County Geological Sites.

either as identified on the Proposals Map in the Local Plan or otherwise existing in the plan area will only be permitted if the justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the site.

Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

EN5 - Wildlife Habitats and Features

Wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation

schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

East Devon Local Plan 2020 to 2042 (Regulation 19 Publication Draft)

Strategic Policy PB01 – Protection of internationally and nationally important wildlife sites

International followed by nationally designated wildlife sites are of greatest importance and must be given upper most protection.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless all of the following criteria are met:

- a. They cannot be located on alternative sites that would cause less or no harm;
- b. The public benefits of the proposal clearly outweigh the impacts on the features of the site and the wider network of natural habitats and designated sites;
- c. Suitable avoidance and mitigation (and exceptionally where legally compliant compensation) measures are secured, in accordance with the mitigation hierarchy
- d. Where permanent or long-term temporary habitat loss or direct reduction of habitat condition is identified, bespoke compensation measures will need to be agreed. This must be undertaken as early as possible and include utilisation of the Discretionary Advice Service from Natural England; and
- e. In respect of internationally designated sites, the overall coherence of the national site network must be maintained.

Internationally designated sites falling under this aspect of policy include:

- Special Areas of Conservation (SAC);
- Special Protection Areas (SPA);
- Proposed SACs;
- Potential SPAs;
- Ramsar sites;
- Proposed Ramsar sites.
- Areas secured as compensation for damage to an internationally or nationally designated site

Nationally designated sites falling under this aspect of policy include:

- Sites of Special Scientific Interest (SSSI);
- Marine Conservation Zones (MCZ);
- National Nature Reserves (NNR).

In HRA terms where mitigation enables a conclusion of no adverse effect on integrity (point C) there is no need to go down the derogation route (points A and B).

This policy applies across the whole plan area including the Cranbrook Plan area.

Policy PB02 – Protection of regionally and locally important wildlife sites

Development proposals that would cause a direct or indirect adverse effect upon Regionally and Locally important wildlife sites and features will not be permitted, unless all the following criteria are met:

- a. They cannot be located on alternative sites that would cause less or no harm. When destruction of these habitats is proposed, proof of there being no satisfactory alternative will need to be provided;
- b. The public benefits of the proposal clearly outweigh the impacts on the features of the site and the wider network of natural habitats and designated sites;
- c. The sites have been surveyed in the optimal botanical period by a suitably experienced botanist (FISC⁴ level 4 (or equivalent) or above) in accordance with published (or updated) designation criteria⁵ and suitability assessment; and
- d. Suitable avoidance, mitigation and compensation measures are proposed, in accordance with the mitigation hierarchy, commensurate with the ecological value of the site affected, secure for the duration of the development, and providing like-for-like habitat restoration and/or creation and ensuring that there is no degradation to the wider ecological networks and priority habitats.

Such sites include:

- Local Nature Reserves (LNR);
- County Wildlife Sites (CWS);
- Unconfirmed Wildlife Sites (UWS);
- Special Verges designated for biodiversity.

This policy applies across the whole plan area including the Cranbrook Plan area.

Policy PB03 – Protection of irreplaceable habitats and important features

Development proposals which would result in the destruction or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists; this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution.

Habitats include:

Ancient woodland, ancient and veteran trees (within and outside of ancient woodland)

Mature trees

Mature trees showing early signs of veteranisation or trees classified as 'notable' will require a high evidence burden for any proposed impacts, with mitigation and compensation measures commensurate with their value.

Hedgerows

Important hedgerows as defined by the Hedgerow Regulations 1997⁶, and species-rich Devon hedges have a very high intrinsic biodiversity value. Proposals resulting in the loss and/or degradation of these hedgerows, will only be permitted where the mitigation hierarchy has been applied and evidenced in earnest. Impacts should first be avoided, and where this is not possible, justification for impacts should be provided in full. Following this, suitable avoidance and mitigation measures should be proposed, followed by compensation measures as a last resort. Any compensatory hedges should be species-rich, include a bank, standard trees, and be mindful of temporal time scales to become a functional habitat in their replacement ratios.

⁴ ENV-019 - Field Identification Skills Certificate, <https://bsbi.org/field-skills> [accessed 7th Jan 2025]

⁵ ENV-004 - The Devon Local Sites Manual Policies and Procedures for the Identification and Designation of Wildlife Sites, <https://www.dbr.org.uk/wp-content/uploads/2022/03/CWS-Guidelines-and-appendices-V1.4March-2022.pdf> [accessed 15th Jan 2025]

⁶ ENV-020 – The Hedgerows Regulations 1997, <https://eastdevon.gov.uk/media/zolnismd/env-020-thehedgerows-regulations-1997.pdf>

Hedgerow translocation should always be considered first, as a preferential option to hedgerow destruction followed by compensation.

Hedgerow management should be in accordance with, Hedgeline guidance and the Tree, Hedge, and Woodland Strategy for East Devon. Any new hedges must be distinctive to the local area.

Priority Habitats⁷ and habitats supporting protected and notable species

Impacts on Priority Habitats and habitats which support the functionality of Priority Species, such as bat foraging and commuting habitats, curlew nesting and foraging habitat will require adequate mitigation and compensation for any potential direct or indirect adverse impacts from development. Mitigation and compensatory requirements, including details regarding long-term maintenance of functional habitats, must be explicitly quantified within submitted Ecological Impact Assessments (EclAs) to ensure these can be appropriately secured.

EclAs should be informed by recent survey information undertaken at suitable time of year following best practice guidelines and BS 42020:2013⁸ (or superseding standard) This policy applies across the whole plan area including the Cranbrook Plan area.

Strategic Policy PB05: Biodiversity Net Gain

Major development⁹ proposals will need to deliver biodiversity net gain (BNG) of at least 20% to be calculated using the most up-to-date statutory metric. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full. Non-major developments will be required to secure at least 10% BNG.

All applications subject to biodiversity net gain will need to be supported by a Biodiversity Gain Statement which clearly demonstrates how the biodiversity gain hierarchy has been followed. The statement will need to be supported by a completed biodiversity metric (including condition assessment sheets) and demonstrate how BNG will be delivered in accordance with good practice principles for development¹⁰, BS 8683:2021¹¹, and local guidance (or subsequently updated guidance). Any development proposal including significant onsite gains will need to include a Habitat Management and Monitoring Plan (HMMP) and be clear in terms of how habitats will be maintained, appropriately monitored, and reported for 30 years. The statement should provide the expected balance of any off-site gains and whether the use of statutory biodiversity credits is expected.

Where offsite habitats are created or enhanced to deliver BNG, in full or in part, the delivery should be provided within the locality of the impact and contribute to ecological networks and published strategies in accordance with BNG principles. Offsite habitat delivery should prioritise the recovery of ecological networks, priority habitats, and contribute to the aims and objectives of the Local Nature Recovery

⁷ Habitats of Principle Importance, as listed under Section 41 of: ENV-007 - Natural Environment and Rural Communities (NERC) Act 2006, <https://www.legislation.gov.uk/ukpga/2006/16/contents> (identified through site survey work or as identified through existing mapped resources)

⁸ ENV-029 - BS 42020:2013 Biodiversity. Code of practice for planning and development, <https://knowledge.bsigroup.com/products/biodiversity-code-of-practice-for-planning-anddevelopment?version=standard> [accessed 15th Jan 2025]

⁹ NPPF: <https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December2024.pdf> (definition in Annex 2 – for housing 10 more homes/0.5 hectares or more for other uses additional floorspace of 1,000 SqM or more)

¹⁰ ENV-022 - Biodiversity Net Gain: Good practice principles for development, 2016: <https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf> or as may be superseded

¹¹ ENV-023 - BS BS8683:2021 Process for designing and implementing biodiversity net gain, <https://knowledge.bsigroup.com/products/process-for-designing-and-implementing-biodiversity-net-gainspecification?version=standard> [accessed 14 January 2025]

Strategy (LNRS), and other locally published plans, policies, and strategies including the Clyst Valley Regional Park, Tree, Hedge, and Woodland Strategy for East Devon, and the East Devon Nature Recovery Plan.

Where there is evidence of deliberate habitat degradation on development sites prior to the submission of planning applications, a precautionary view in terms of the habitat distinctiveness and condition will be assumed unless there is evidence to support a lower categorisation.

Developments exempt from mandatory BNG are required to deliver ecological enhancements commensurate with the scale of development. Self-build developments will be required to provide a completed statutory biodiversity metric to evidence their baseline ecological value and the predicted ecological outcome of the development.

This policy does not apply in the Cranbrook Plan area.

Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network

Proposals which result in enhancement of existing and any subsequently defined NRNs and features that contribute to their importance, through habitat creation appropriate to network type, will be supported. Along with this, support will also be given for proposals leading to increased landscape scale connectivity of NRNs and ecological features within them.

Development proposals within NRN defined areas will be required to provide mitigation in the form of biodiversity improvements that are compatible with and lead to net improvements within or that are directly relevant to the NRN in which they fall.

Anywhere in East Devon, where or when there is off-site biodiversity net gain, or other off-site biodiversity contributions tied to planning permission for development, the expectation will be for these to be located inside, adjacent to or otherwise contribute to the overall NRN and its biodiversity importance, or to a specific NRN areas and its biodiversity importance.

Biodiversity net gain (BNG) relevant to NRN areas and their expansion and connectivity, is formally identified as being of strategic significance within the Statutory Biodiversity Metric Calculation Tool¹². This policy applies across the whole plan area including the Cranbrook Plan area.

Policy PB07: Ecological enhancement and biodiversity in the built environment

In addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits.

As a minimum, the following features are required within new proposals:

- a. Integrated bird boxes (e.g. swift bricks) in suitable locations at a ratio of one per dwelling, or a relevant number to be agreed for flats or non-dwelling applications, to be provided in accordance with BS42021:2022¹³;
- b. Provision of integrated bat boxes in locations suitable for use by bats (i.e., adjacent to suitable habitats and not significantly impacted on by artificial lighting);

¹² ENV-026 - How is Biodiversity Net Gain Measured? <https://eastdevon.gov.uk/planning/biodiversity-net-gain/how-is-biodiversity-net-gain-measured/>

¹³ ENV-027 - BS 42021:2022 Integral nest boxes. Selection and installation for new developments. Specification, <https://knowledge.bsigroup.com/products/integral-nest-boxes-selection-and-installation-for-new-developments-specification-1?version=standard> [accessed 15 January 2025]

- c. An integrated bat loft within all major planning applications, if ecologically relevant (i.e., if the site is a suitable location for a bat loft to be constructed - not too isolated or within unsuitable habitat such as heavily urbanised well-lit areas);
- d. Gaps (13 cm x 13 cm) in the bases of garden fences, between gardens, and within fences between gardens and wider ecological networks, to facilitate movement of hedgehogs and other protected and notable species; and
- e. Provision of overhanging eaves suitable for nesting house martins in all major development

The location and specification of biodiversity features should be designed with input from a qualified ecologist and informed by the most up to date research and guidance at the time of application. Bat and bird boxes should be integrated within the fabric of the building to ensure longevity and retention when ownership changes (to avoid removal by new owners).

This policy applies across the whole plan area including the Cranbrook Plan area.

Policy PB08: Tree, hedges and woodland on development sites

Retention of existing trees and hedges

Where trees are present on a development site proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This is to specifically include protection of: ancient woodland; ancient and veteran trees; those with visual amenity value; those that support wildlife (such as some appropriate U category trees as part current BS 58371¹⁴) or provide habitat connectivity; those which positively contribute to local landscape character, the historic environment or the significance of a heritage asset and its setting; and rare or unusual species of trees. These protected assets will need to be incorporated into the overall design and landscape scheme, within public spaces where possible.

Where justifiable and unavoidable tree and hedge losses occur, there will need to be adequate compensation for on the development site or on publicly accessible land in accordance with the minimum compensation requirements for trees listed in the Table below. This replacement policy also applies to trees with Ash dieback (or any other future serious tree pest or disease) on development sites.

Tree protection on development sites

All development proposals where trees over 75mm diameter at 1.5m and native hedges are present, or where trees outside of the boundary are within the root protection area or the crowns of which overhang the development boundary will need to be informed by British Standard BS 5837 Trees in relation to design, demolition and construction (or the most up to date version), the recommendations of which will be taken fully into account in the scheme design.

The planning application will be accompanied by a detailed appraisal of their condition, location, and ecological and landscape significance both at the time of the application and with an assessment of their potential future value. Applications should include an arboricultural method statement and tree protection plan to be followed during construction, reflecting the latest arboricultural standards for any tree works or development near to trees and demonstrating appropriate root protection areas.

Where woodland, trees and hedges are to be removed they should be accurately identified, with a clear justification set out for their loss, together with details of any mitigation or replacement planting as part of an overall approach to achieving biodiversity net gain. Development proposals that have not properly considered or prioritised development options enabling the retention of woodlands, trees and hedgerows will be refused.

¹⁴ ENV-028 - BS 5837:2012 Trees in relation to design, demolition and construction. Recommendations, <https://knowledge.bsigroup.com/products/trees-in-relation-to-design-demolition-and-constructionrecommendations?version=standard&tab=history> [accessed 14 January 2025]

No building, hard surfacing, drainage or underground works will be permitted that does not accord with the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.

To avoid issues with subsidence all developments, including permitted development, will require appropriate depth of foundations considering local soil geology and water demand of nearby trees (and those proposed as part of an approved landscape planting scheme) at full maturity in accordance with current industry guidance.

Trunk diameter of tree lost to development (cm measured at 1.5 m above ground) Number of replacement trees¹⁵ 7 – 19.9120 – 29.9230 – 39.9340 – 49.9450 – 59.9560 – 69.9670+7 Provision of new trees and hedgerows on development sites

The provision of new trees and hedges shall be based on the principles outlined in the Devon Tree Strategy, the Tree, Hedge, and Woodland Strategy for East Devon, Devon County Right Tree Right Place Guidance, and New Devon Hedges and relevant guidance provided by Trees and Design Action Group (TDAG). Tree planting design and maintenance should:

- a. Take into account climate change and local landscape characteristics. Planting material should be sourced in accordance with the national strategy for biosecurity;
- b. Allow sufficient space for existing and newly planted trees to grow to maturity, both above and below ground;
- c. Ensure that any new streets are, where possible and it is commercially viable and it would not compromise other compelling design or operational highway considerations, tree-lined and residential areas and development sites as a whole will contribute towards 30% tree cover target for urban areas within the District.
- d. Use large canopy tree species within new development as these provide the greatest benefits for increasing canopy cover, providing shade, intercepting rainfall and increasing biodiversity. Within or adjacent to areas of paving where available soil volumes are likely to be restricted, technical solutions should be used to ensure that adequate soil volume and suitable growing conditions are provided, such as water infiltration, drainage and aeration, to enable new trees to establish and reach maturity as per industry best practice. These solutions must also prevent soil compaction and provide a load bearing capacity sufficient for the task for which the surface is designed for. This policy applies across the whole plan area including the Cranbrook Plan area.

Policy PB09: Monitoring requirements for new planting schemes

Appropriate measures to ensure that new planting schemes are implemented in accordance with the approved details and to secure their long-term management and maintenance will be required including arrangements for monitoring. For major developments this will also require the placement of a financial bond by the developer prior to the commencement of construction, equal to 25% of the calculated planting cost for the scheme, or agreed phase, to be released on fulfilment of the following to the satisfaction of the planning authority:

- a. Within 1 month of the completion of planting works, the issue of a signed certificate by the developer's landscape architect or other appropriately qualified/ experienced professional

¹⁵ Based on the Bristol Tree Replacement Standard (BTRS) See: Supplementary planning documents and other planning guidance - Bristol Tree Replacement Standard: <https://www.bristol.gov.uk/residents/planningand-building-regulations/planning-policy-and-guidance/supplementary-planning-documents-practice-notes-and-other-planning-guidance>

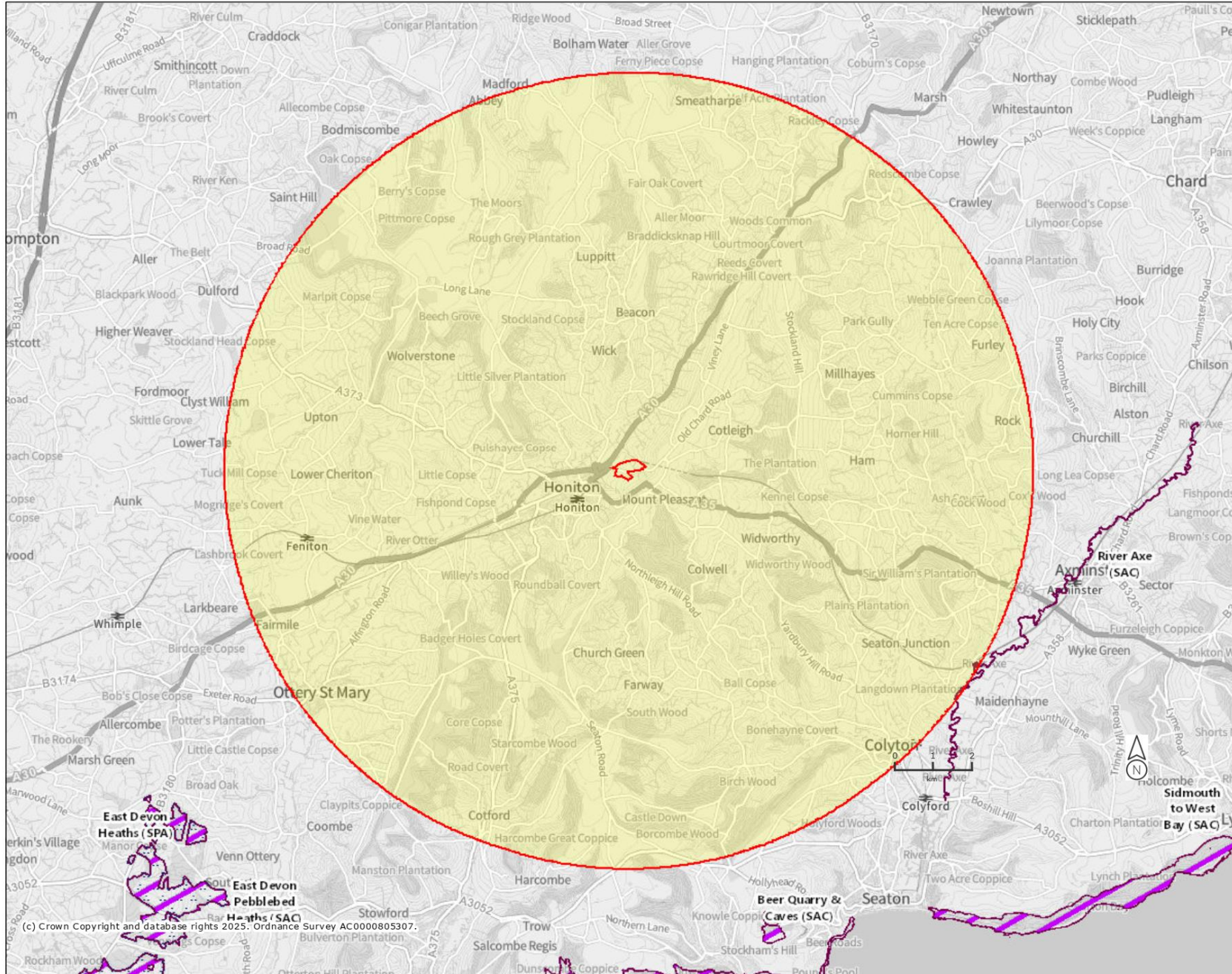
consultant confirming that the planting works have been overseen by them and completed in accordance with the approved details.

- b. For years 1-5 thereafter, the issue of an annual inspection report by the developer's landscape architect confirming that maintenance of the scheme has been carried out in accordance with the approved details and identifying any plant failures or other defects that require rectification together with a program for their implementation at the earliest opportunity. The annual certificate shall also confirm the satisfactory rectification of any defects identified during the previous year's inspection.




This policy applies across the whole plan area including the Cranbrook Plan area.

Appendix 4: Designated sites of nature conservation importance

European designated sites within 10km of the Site



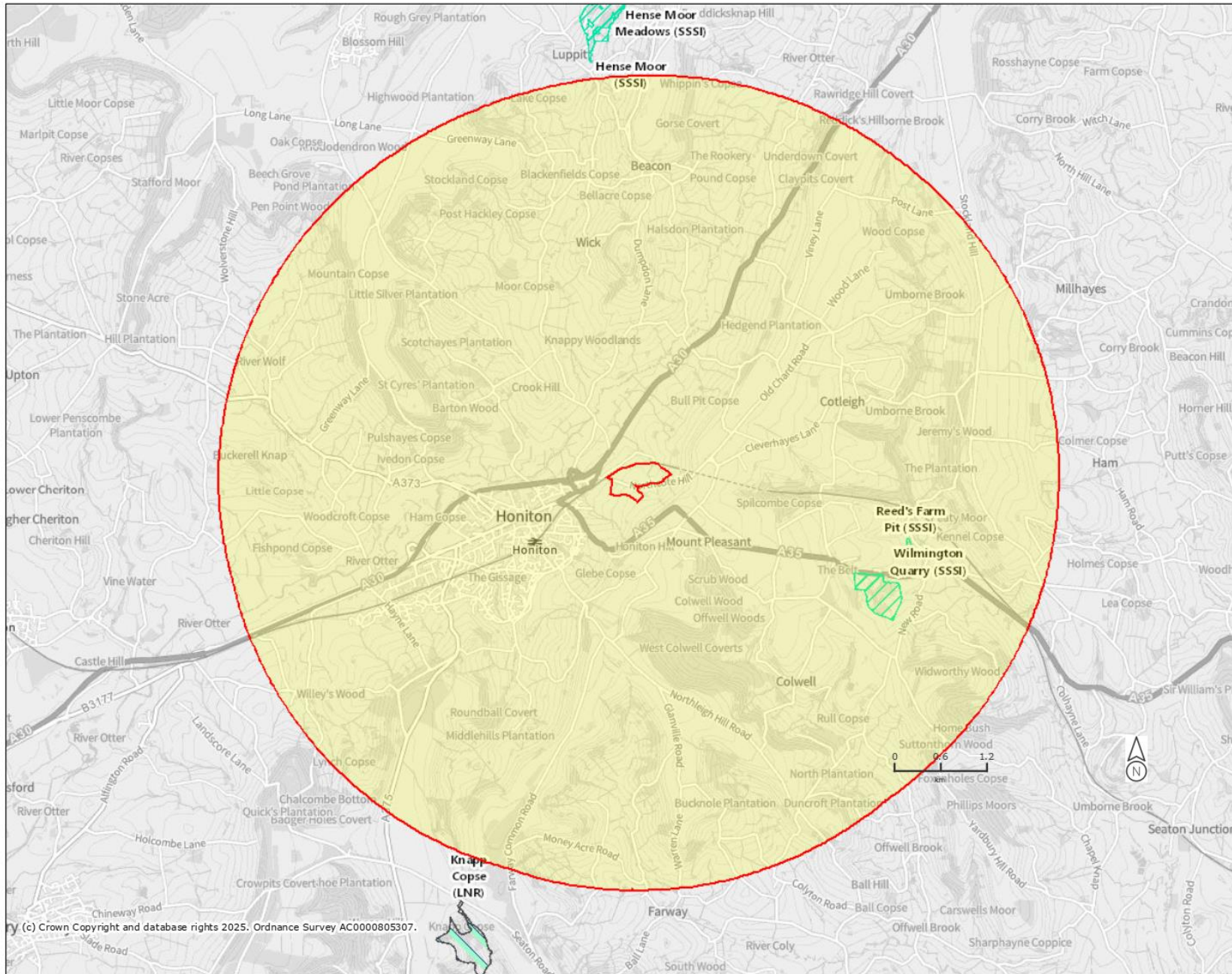
Legend

-  Ramsar Sites (England)
-  Special Areas of Conservation (England)
-  Special Protection Areas (England)



Projection = OSGB36
 xmin = 292300
 ymin = 88120
 xmax = 343100
 ymax = 113200

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Nationally designated sites within 5km of the Site



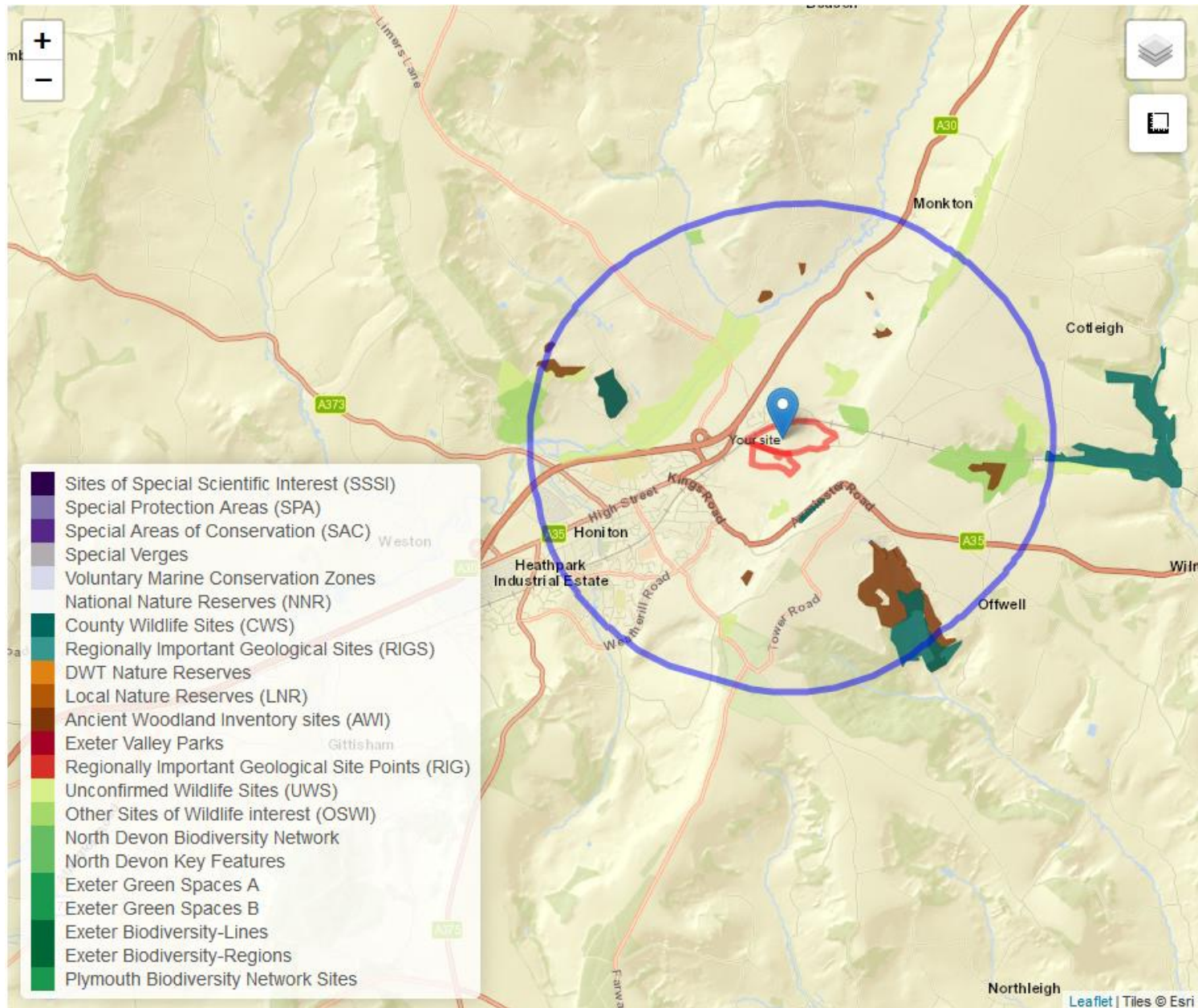
Legend

-  Local Nature Reserves (England)
-  National Nature Reserves (England)
-  Sites of Special Scientific Interest (England)

Projection = OSGB36
 xmin = 304900
 ymin = 94760
 xmax = 330300
 ymax = 107300

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Map of Statutory and Non-Statutory sites within 2km of the site boundary (DBRC, 202)



Appendix 5: Species legislation and conservation status

Species legislation and conservation status

Invertebrates

A number of UK invertebrates are protected under UK legislation, including 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 2017.

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 Plant Red Data List for Great 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 UK legislation. Great crested newts (*Triturus cristatus*) and their habitat are afforded full protection under 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 2017 (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 by great crested newts, 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 (*Bufo bufo*) are Priority Species.

Reptiles

Slow-worm (*Anguis fragilis*), viviparous/common lizard (*Zootoca vivipara*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) 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 245 species assessed, 70 were placed on the Red List of high conservation concern, 103 on the Amber List of medium conservation concern and 72 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”.

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:

Common name	Scientific name	IUCN Red List*	Priority Species
Greater horseshoe	<i>Rhinolophus ferrumequinum</i>	LC	Yes
Lesser horseshoe	<i>Rhinolophus hipposideros</i>	LC	Yes
Daubenton’s	<i>Myotis daubentonii</i>	LC	No
Brandt’s	<i>Myotis brandtii</i>	LC	No
Whiskered	<i>Myotis mystacinus</i>	LC	No
Natterer’s	<i>Myotis nattereri</i>	LC	No
Bechstein’s	<i>Myotis bechsteinii</i>	NT	Yes
Alcathoe bat	<i>Myotis alcathoe</i>	DD	No
Greater mouse-eared	<i>Myotis myotis</i>	LC	No
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	LC	No
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	LC	Yes
Nathusius’ pipistrelle	<i>Pipistrellus nathusii</i>	LC	No
Serotine	<i>Eptesicus serotinus</i>	LC	No

Common name	Scientific name	IUCN Red List*	Priority Species
Noctule	<i>Nyctalus noctula</i>	LC	Yes
Leisler's	<i>Nyctalus leisleri</i>	LC	No
Barbastelle	<i>Barbastella barbastellus</i>	NT	Yes
Brown long-eared	<i>Plecotus auritus</i>	LC	Yes
Grey long-eared	<i>Plecotus austriacus</i>	LC	No

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

All bat species are afforded full protection under UK legislation, including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (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.

Otter

Otters (*Lutra lutra*) are fully protected under UK 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 2017 (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 a Priority Species.

Water vole

Water vole (*Arvicola amphibious*) is afforded full protection under the Wildlife and Countryside Act 1981 (as amended), which make it illegal to:

- Kill, injure or take a water vole.
- intentionally or recklessly destroy, damage or obstruct access to any structure or place that is used by a water vole for shelter or protection.
- intentionally or recklessly disturb a water vole whilst it is in a place used for shelter or protection.

Water vole is a Priority Species.

Common/Hazel dormouse

The hazel dormouse (*Muscardinus avellanarius*) is fully protected under UK 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 2017 (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.

Hazel dormouse is a Priority Species.



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