

Sir Ian Amory
c/o Mr Tim Baker
Strategic Land Partnerships
Greendale Court
Clyst St Mary
Exeter
EX5 1AW

Our Ref eg12-p657

Date 16 November 2012

Dear Mr Baker,

Key Ecological Considerations for the Masterplanning Stage, Area 3 (South West) Tiverton East Urban Extension, Devon

An extended Phase 1 survey has been conducted at the Tiverton East Urban Extension site on the 19 and 20 April 2012 and protected species surveys have been completed for Areas 1 & 2. A desk study for historic ecological data has also been carried out.

No planning application is being prepared for Area 3 (subsequently referred to as the 'site') at this stage, however, due to the size, rural location and both the known and anticipated ecological interest at the site, some further detailed ecological evaluation of the site is required to manage project risk and to inform the masterplanning process.

Further to our report providing recommendations for further survey to inform a planning application (dated 14th May 2012), this report summarises the key ecological issues relevant at the masterplanning stage and makes recommendations for survey and consultation work to adequately inform the master-plan. A full Ecological Appraisal report will follow.

Masterplanning Stage

Investigative work at this stage should focus on key protected species and habitats that may impose significant constraints on the scope or design of the proposals. Survey work should aim to provide information on the relative values of key protected species assemblages and significant habitats across the site, the spatial distribution of these features and the opportunities and constraints posed to the master-plan and any future application.

Key issues for consideration at the masterplanning stage are identified below. A summary of the extended Phase 1 survey findings is also provided for each of the key species groups or habitats with recommendations for survey scope. Several of the surveys have seasonal constraints and these are highlighted. Some data has a limited 'shelf-life' and, where relevant, this is also highlighted. Further detail of recommended survey methodologies has been provided within our previous fee proposal.

Tidcombe Fen Site of Special Scientific Interest (SSSI)

SSSIs are designated due to their national importance for biodiversity or geology. These sites are afforded protection under the Wildlife and Countryside Act 1981. It is an offence for any person to intentionally or recklessly damage or destroy any of the features of special interest of an SSSI, or to disturb wildlife for which the site was notified. The owner of a SSSI also has legal obligations to manage the site favorably and to request consent from Natural England before carrying out certain potentially damaging works.

Tidcombe Fen lies against the western boundary of the site and is designated for the fen meadow vegetation it supports. A diverse assemblage of other species are associated with this habitat including protected and notable species. Fen meadow of this kind is nationally scarce and rare in Devon. The integrity of fen meadow relies on an adequate groundwater source and particular environmental conditions including soil chemistry. Fen meadow is also of benefit to many protected and notable species and forms a valuable part of the green network in this area.

Natural England classified the fen as being in unfavourable but recovering condition in May 2012.

Masterplanning considerations

Unless the benefits of the proposals can be shown to outweigh any damage to the SSSI, the master-plan designs must seek to avoid harm to the SSSI and to continue to enable the restoration of the SSSI to favourable condition.

Key considerations are:

- Hydrological assessment to enable protection and enhancement of the existing hydrological regime supporting the SSSI;
- Incorporation of a suitable green buffer to protect the SSSI and associated species assemblage from disturbance, lighting, pollution and other damaging impacts associated with the development (this could include enhancement of adjoining wetland habitat).

We recommend that consultation with Natural England is carried out to agree any need for more detailed assessment of the SSSI prior to submission of a planning application, as well as for general mitigation, buffering and future management requirements of the SSSI.

Grand Western Canal County Wildlife Site (CWS) and Local Nature Reserve (LNR)

The LNR and CWS lies off-site along part of the southern boundary of the site.

Masterplanning considerations

Under current planning policy, the value of locally designated sites of nature conservation interest is recognised and the biodiversity of such sites should be protected and enhanced wherever possible.

Key considerations are:

- Providing a suitable green buffer to protect the site, associated species assemblage and amenity value of the site from disturbance, lighting, pollution and other damaging impacts associated with the development;
- Maintaining and enhancing existing connections with green corridors through the surrounding landscape.

We recommend that a consultation with Devon County Council is carried out to agree adequate buffering and protection measures for the LNR and CWS.

Great Crested Newt Survey and Habitat Suitability Index Pond Assessment

Surveys are now complete. No GCN have been found to date although moderate to high numbers of palmate newt (a widespread species) are present.

Masterplanning Considerations

Assuming no significant changes occur to habitats at the site, this survey data will remain relevant for a minimum of 2 years. There are considered to be no constraints to masterplanning from GCN.

Nest Tube Surveys for Dormice

Dormice have been found within both Areas 1 & 2 and as such are highly likely to be present within parts of Areas 3 & 4 due to the proximity of the sites and some connectivity. Dormice and their habitat are protected at a European level under the Habitat Regulations. An initial site assessment for potential for dormice has been carried out as part of the Phase 1 habitat survey.

Suitable habitat for dormice on site comprises the network of native, species-rich hedgerows and a broadleaved woodland corridor (along the disused railway). The site has high potential to support dormice.

Masterplanning Considerations

A mitigation strategy for dormice (where present) would need to maintain the favourable conservation status of the population. This could include retention and buffering of habitat such as woodland and hedgerows, translocation or clearance of habitat under licence and compensatory habitat creation. As a last resort, translocation of individual dormice could be considered.

We recommend that a nest tube survey for dormice (presence/absence survey) is carried out within the most suitable habitat on site, according to English Nature's guidelines (2006). Nest tubes would ideally be in place from June to October or November to deliver a reliable survey effort. Nest tubes would be checked every other month (three checks in total). This survey work may

need to be repeated to support a planning application where data is more than 12 months old but may be negotiable.

Otter and Water Vole Survey

Otters and their places of shelter are protected under the Habitat Regulations. Water Voles are afforded protection under the Wildlife and Countryside Act 1981 against injury, killing and disturbance while using a burrow.

Suitable habitat for otter on site is situated along the Ailsa Brook with connectivity to the canal and the River Lowman along the Ailsa Brook, hedgerows and damp ditches. Parts of Ailsa Brook and several damp ditches on site have limited potential for water vole.

Water vole and otter are present along the River Lowman corridor.

Masterplanning Considerations

Places of shelter for these species, if present, should be retained where possible. A Natural England licence would be required to disturb or damage an otter holt.

Mitigation strategies would require demonstration that favourable conservation status would be maintained. Mitigation may require avoidance and buffering of key riparian habitat or habitat re-creation prior to clearance under licence. Water vole surveys can easily be combined with otter surveys although this species do not represent the same level of constraint to the masterplanning process.

We recommend that a survey for signs of otter be carried out within suitable habitat on site, according to National Rivers Authority (1993) guidelines, in order to determine the usage of the site by otter. We recommend a survey for water vole be combined with an otter survey, in order to determine likely presence or absence of water vole at the site. This survey would ideally be carried out in September when water voles are particularly active, but surveys could be carried out throughout the summer.

Bat Transect Surveys

All British bats are protected under the Habitat Regulations. An initial site assessment for potential for bats has been carried out as part of the Phase 1 habitat survey. Historic records were returned for several species within 4 km of the site, including lesser horseshoe bats and several minor roosts for widespread species. No records of bat roosts were returned for the site itself and no records of greater horseshoe bats were returned within 4 km.

Masterplanning Considerations

Overall the habitat on site is of moderate to high value for bats with good connectivity to surrounding habitat. The site falls within the 'large' category of sites according to Bat Conservation Trust guidelines (2011) where a greater impact to bats using the landscape may occur. As such it is important that adequate information is collected to determine how bats use the site to inform the masterplan.

Key habitats present on site are woodland, the species-rich network of hedgerows, mature trees, cattle-grazed grassland, wetland habitats and buildings. Key areas of bat activity should be retained within the development and suitably buffered and managed.

We recommend that transect surveys for bats be carried out on site, according to Bat Conservation Trust guidelines (2011) in order to determine the usage of the site by bats and the species assemblage present. These surveys should be carried out from June to September. Additional survey, during April and May at a minimum, will be required prior to submission of a planning application.

Tree and Building Inspection for Barn Owls and Bats

We recommend a tree and barn scoping assessment for bats and barn owls to classify the potential for roosting bats or barn owls within each tree or building.

Masterplanning Considerations

Key trees or other features should be retained within the master-plan design where possible.

Badger Survey

Badgers are protected under the Bern Convention (1979), the Protection of Badgers Act (1992), and Schedule 6 of the Wildlife & Countryside Act (1981). Under this legislation it is an offence to destroy, obstruct or disturb a sett or to harm badgers.

Masterplanning Considerations

Several active, possible main setts and further signs of badgers were found on site with a focus of activity along the disused railway and within woodland adjacent to West Manley Lane. Further possible main setts are present off-site and within 500m. Main setts should be retained where possible or a replacement main sett provided within the existing territory. Good connectivity to foraging grounds and opportunity for safe movement through the development should be incorporated.

As such, a detailed survey of badger activity on site is recommended at this stage to classify the status of each sett and further identify the level of usage of the site by badgers. These surveys can be carried out all year although optimal periods are spring and early autumn.

Badgers are highly territorial and bait-marking studies to define territorial boundaries may be required to fully inform mitigation. These can only be carried out from February to April.

Hedgerow Regulations Assessment

The site and surrounding countryside support a diverse, native, species-rich network of hedgerows, many of which are highly likely to be of ecological importance under the Hedgerow Regulations 1997. These regulations protect important hedgerows from removal or uprooting.

Masterplanning Considerations

Hedgerows should be retained and enhanced where possible with ecologically important hedgerows a priority due to their value as wildlife corridors and connective habitat as well as their intrinsic value to biodiversity.

A detailed assessment is recommended to determine the extent of ecologically important hedgerows on site. This survey can be adequately carried out from late April to August although the earlier in the season the better as woodland ground flora is more likely to be in evidence.

I trust this summary provides sufficient information to inform your decisions at this stage but please don't hesitate to contact me if you require any additional information.

Yours sincerely

For and on behalf of Environmental Gain Ltd



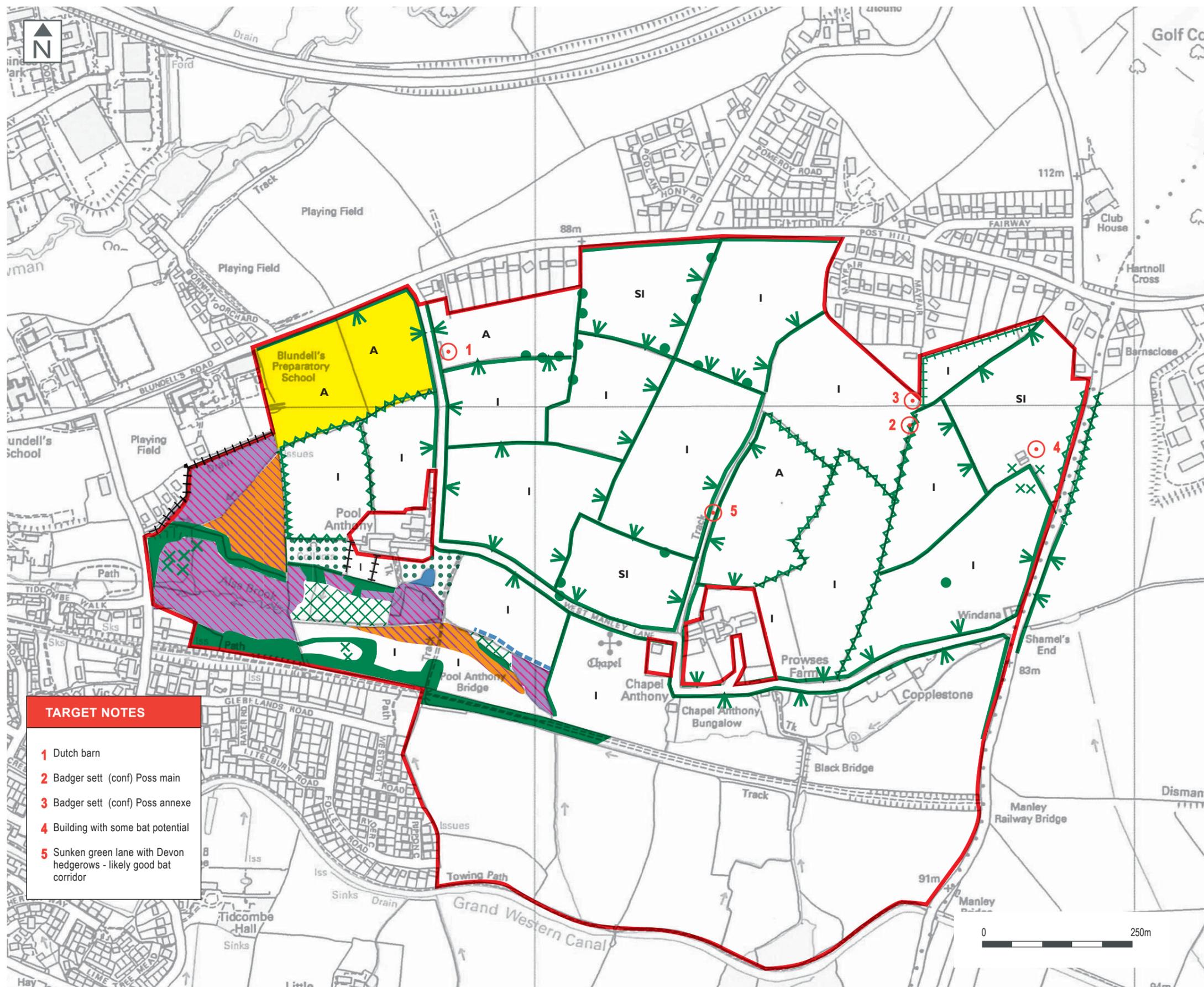
Jen Weaver, BSc (Hons), MIEEM

Project Manager - Ecology

CC N Wood, Managing Director, Environmental Gain Ltd

Enc.

Environmental Gain Ltd is an Associate Member of the Institute of Environmental Management and Assessment (IEMA).



- Site boundary
- Broadleaved woodland
- Broadleaved trees
- Orchard
- Dense scrub
- Scattered scrub
- ▼ Native, intact, species-rich hedge with trees
- - - Native, defunct, species-poor hedge
- Native, intact, species-poor hedge
- ▲ Native, intact, species-rich hedge
- + + + Species-poor hedge and trees
- A Amenity grassland
- A Arable
- Marshy grassland
- I Improved grassland
- SI Rough semi-improved grassland
- Fen
- Standing water
- - - Dry ditch
- + + + Fence
- ⊙ 1-5 Target notes

- TARGET NOTES**
- 1 Dutch barn
 - 2 Badger sett (conf) Poss main
 - 3 Badger sett (conf) Poss annexe
 - 4 Building with some bat potential
 - 5 Sunken green lane with Devon hedgerows - likely good bat corridor

ON BEHALF OF
Strategic Land Partnerships

PROJECT
**Tiverton East Urban Extension
(Area 3 - South West)**

TITLE
Extended Phase 1 Habitat Survey

SCALE	DATE	PROJECT NO	APPROVED
See scale bar	June 2012	eg12464	TP