

Technical note

Land to the North of Exeter

Addendum to Ecological Impact Assessment -
Addressing Exeter City Council Consultation Response



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This technical note has been produced as an addendum to the Ecological Impact Assessment report for Land to the North of Exeter, produced by Richard Green Ecology in October 2023, in response to a consultation response from Dale Cooper, Principal Officer at Exeter City Council (ECC) added to the planning portal on 05/03/2024, in relation to outline planning application 23/1380/OUT and appeal number 23/1380.

Mr Cooper objected to proposals for the following reasons:

- *Significant harm to biodiversity both at the site level and on the city's biodiversity network.*
- *Insufficient information on the potential impact of lighting on the functionality of the proposed retained habitat features and enhancements with regards to bats and other wildlife.*
- *Insufficient information has been provided with regards to the grassland habitat assessment and BNG condition assessment, and updated survey information is required for roosting bats.*
- *The proposals do not sufficiently minimise impacts on and provide net gains for biodiversity in line with the NPPF para 180(d) and 186(d).*
- *Insufficient information to assess the balance between ensuring adequate recreation onsite to mitigate the potential impacts of increased recreation on the nearby County Wildlife Sites, and the biodiversity mitigation and enhancements necessary onsite to mitigate the potential effects of the proposals on biodiversity.*
- *Insufficient information provided with regards to dormouse mitigation/compensation.*

Mr Cooper provided a list of further information required to make a full assessment of the proposals with respect to the objections above. These are summarised below in italic font, and our response is provided directly beneath each numbered item. Please refer to the consultation response document for the full comments from Mr Cooper.

- 1) *A lighting assessment is required that establishes the location(s) of the sensitive ecological features; the baseline lux levels (if any lighting is currently present); and where lighting is likely to be required. The primary areas of concern are those where for health and safety reasons and for highway adoption they will require lighting, they are:*
 - i) *Along Stoke Hill and at the site access: will lighting be required along any length of Stoke Hill including at the main access point? In the absence of survey information on this lane, it must be assumed to provide an important corridor for Annex II bats, and either assurance the lane will remain dark or that the predicted effect on bats will not be significant is required. The latter may require additional survey work if excessive lighting cannot be ruled out.*
 - ii) *Internal adopted highways: what will be the predicted effect from the proposed internal roads along the western boundary and the retained/enhancement habitat in the south of the site if they are required to be lit to adoption standard.*
 - iii) *Proposed cycle tracks/footpaths: These would likely require lighting. What would be the predicted effect of these on the key habitat features retained and enhanced onsite and offsite.*

The illustrative master plan reflects the fact that the proposal is in the outline design stage and does not include detailed measurements of the proposed distances between development and key bat commuting habitats. The developer is aware of the requirement to produce a sensitive lighting plan to avoid illumination of retained and created bat foraging and commuting habitats, avoiding boundary hedgerows, attenuation ponds and public green spaces. The outline design includes tree planting between houses and apartment blocks to reduce illumination through the provision of natural screening. A lighting plan, in conjunction with a landscaping plan will be developed in accordance with current guidance (Bat Conservation Trust and Institute of Lighting Professionals, 2023, and Devon County Council, 2022), at full application/reserved matters stage.

- i) Lighting will not be required along Stoke Hill or the access point. The bat activity surveys included walked transects, also referred to as night-time bat walkover (NBW) surveys, of the site boundary adjacent to Stoke Hill. Bat call registrations alongside the boundary were low when compared to other areas surveyed, such as the field boundaries to the north and west, outside of the development boundary, although, on the assumption that the road itself provides an important corridor for Annex II / light sensitive bats, this dark corridor would remain. The road would receive occasional light spill from vehicles accessing the site in the dark. The risk of collision with vehicles would be very low, given the likely low frequency of vehicle movements at night, which would be restricted to a 30-mph speed limit. These risks are unlikely to have any significant effect on bats using the road as a corridor, as vehicles would only cause short-term, temporary disturbance, and bats could return once the vehicles have passed.
 - ii) As the application is at the outline stage, the location and design of lighting has not been considered in detail. It is expected that detailed lighting design would be secured by a planning condition. The design will be sensitive to the presence of bats and follow the mitigation hierarchy, i.e., avoiding lighting where possible, mitigating by using sensitive lighting designs and locations where lighting is required, including retaining dark corridors around/through the site, and compensating for lit areas by planting additional bat foraging and commuting habitats around and within the site.
 - iii) It is not proposed to illuminate the cycle tracks or footpaths within the site. It is expected that white reflective markings will be used at ground level, allowing cyclists to follow the paths using standard bicycle lights, which would intermittently cause minor illumination of the paths at low level.
- 2) *Species abundance/frequency of the grassland has not been provided and the habitat description lacks detail. Species abundance using the DAFOR scale, and a more detailed description may be sufficient. If there is a possibility the grassland in MG5, a National Vegetation Classification (NVC) survey may be required. The 6th March 2023 survey update was also not conducted at an appropriate time of year to assess the grassland and should be updated.*

Richard Green Ecology Ltd has been commissioned to undertake an NVC survey of the site during the botanical growing season in 2024. This will include a reassessment of the habitat and condition in accordance with UK Habitat Classification survey and DEFRA habitat condition assessment methodology. These results would inform a detailed site design and biodiversity enhancement plan which will be sympathetic to the habitats present.

- 3) *The illustrative master plan appears to show good sized buffers although the eastern boundary adjacent to Mincinglake Plantation CWS appear to be narrower in places than the others. Please could an Ecological Mitigation and Enhancement Plan be submitted that shows minimum buffer widths. Given the value of the boundaries in the context of the County Wildlife sites, Annex II Bats, dormice and the importance of the habitat network in general to the city, a minimum 15m in line with that recommended for Ancient Woodlands is in my view justified to ensure their functionality is maintained long-term.*

The final design to be submitted at full application/reserved matters stage, along with the sensitive lighting plan will show minimum buffer widths around development. It is agreed that the importance of the habitat network must be considered, and the placement of attenuation features and open spaces have been incorporated into the outline design with the aims of providing habitats suitable for reptiles, badger, hedgehog, harvest mouse, amphibians and bats, with larger areas of potential bat foraging habitat created alongside commuting routes at the site boundaries. In addition, tree, scrub, and hedgerow planting would maintain or improve connectivity and provide food sources for bats, dormice and birds, also providing nesting opportunities for dormice and birds, and potential roosting opportunities for bats in the longer term. It is possible that short sections of buffer zones alongside boundaries would be less than 15 m in width, but greater than 10 m, however, the lengths of these areas would be minimal and in places which would allow bats and dormice to take alternative routes without expending excessive energy. It is expected that an Ecological Mitigation and Enhancement Plan be made a condition of a planning decision.

- 4) *The calculation of biodiversity value using the BNG metric is welcome (although please could the metric itself be submitted). While mandatory BNG of 10% does not apply to this development, the requirements of the NPPF do still apply. The BNG submitted shows a significant net loss in biodiversity of 43.7%, which is not acceptable. More detail is required at this stage to ensure it can be appropriately secured, and it will need to demonstrate what enhancement and compensation measures will be required to bring the measure of net gain to an acceptable level. Please note that additional faunal enhancements can also be considered pre-mandatory net gain, and it is suggested some substantial provision is considered, for example wildlife towers/bespoke bat barn(s), as well as potential offsite habitat or faunal enhancements provision if it is not possible to demonstrate a gain greater than 0% on the site alone. The updated survey and the condition assessment were conducted on 6th March 2023, which is sub-optimal for the habitat type present.*

The metric spreadsheet has now been submitted to ECC. The applicant intends to use off-site land adjacent to the north-west to provide biodiversity enhancements, whilst also addressing potential recreational impacts on the neighbouring County Wildlife Site through the provision of footpaths separated by native scrub and tree planting. Although the illustrative master plan suggests that footpaths would be created to link the site with Mincinglake Plantation CWS, these features will not be included in the final design. Instead, the development will aim to provide amenity and recreational

value that is separate from Mincinglake Plantation CWS, in accordance with Exeter Core Strategy policies CP16 and CP17.

Integrated bat and bird boxes would be installed at a ratio of one per dwelling. Suitable reptile habitat, including long grassland and hibernacula, would be created, also improving foraging opportunities for badger and hedgehog, providing refugia for hedgehog and small mammals. Native tree planting, hedgerow creation (in excess of that required to compensate for the loss of dormouse habitat) and native scrub creation would be incorporated into the final site design, in addition to the attenuation ponds which are likely to enhance the site's ecological value for great crested newt and providing foraging opportunities for bats, reptiles, hedgehog, and badger. It is also recommended that additional bat roosting provision be created, such as a dedicated bat loft/house.

- 5) *As noted above, Mincinglake Plantation CWS and Lower Covert CWS are located adjacent to the site, and Savoy Hill CWS and Lower Rolleston CWS are located within walking distance. Given the relatively small size of the proposals and green space provision proposed, there is likely to be opportunities onsite to address the potential effects of increased recreational pressure on the CWSs; however, more detail is required especially in the context of 1 and 4 above to ensure an acceptable multifunctional space is achievable that balances recreation and biodiversity.*

The final detailed site layout would include ecologically valuable recreational areas within the development boundary and neighbouring ownership boundary, designed to be separate from nearby County Wildlife Sites to minimise recreational impacts to those sites.

- 6) *The age of the survey data is questionable. Surveys will be three years old this coming season. In terms of determining the application, I accept the baseline is largely unchanged based on the March 2023 survey update, and since dormice, Annex II bats and reptiles were previously recorded, the impact assessment and necessary mitigation is unlikely to change significantly based on updates. With respect to bats in trees and the common pipistrelle and lesser horseshoe roosts recorded onsite, further survey is necessary before the application can be determined.*

Please note that updates of dormice, reptiles and bat activity surveys are, however, not likely to be acceptable beyond three years as in that time the populations may have changed significantly. It is strongly recommended this coming survey season that updates are undertaken as this could impact the acceptability of a future Reserved Matters application. In addition, dormouse surveys are generally not accepted by NE for licencing purposes if more than three years old. These updates can form a condition.

No trees of high suitability for roosting bats were identified by the ground-level assessment for potential roosting features (PRFs), undertaken in both 2021 and 2023. It is considered that one veteran oak tree *Quercus robur* containing PRFs of moderate suitability for roosting bats is likely to be affected by the proposals, i.e., by potential isolation from surrounding habitats and/or impacts from lighting. No evidence of bats was found in this tree when surveyed with an endoscope in 2021. Any trees affected by the final design, whether to be lost, isolated or lit, will be surveyed prior to development to ensure no roosts will be affected, or to inform a bat mitigation licence, if required, i.e., if bats are found to be roosting. Compensation will be provided for any bat roosts affected, e.g., by providing bat boxes on retained trees.

Bat emergence surveys of Drake's Barn have not been undertaken since 2021 because it is not proposed to demolish or convert the barn. It is considered that bat use of the barn is likely to have significantly changed. However, if there should be a proposal in future to impact the bat roosts within the barn, further surveys would be required to provide information for planning and licence applications.

Drake's Barn is considered to be used as a day roost by low numbers of common pipistrelle bats, and as a night roost by low numbers of lesser horseshoe bats. Less than 20 bat droppings were observed in 2021, and no evidence of bat use was observed in 2023. Its value as a bat roost is therefore low and its functional loss is unlikely to have any significant effect on the conservation status of bats using it. It is considered that the inside of the barn is too well lit by natural daylight to be used as a day roost by lesser horseshoe bats, and the number of internal crevices is limited. As the barn is not in regular use by light sensitive bat species, additional occasional illuminance is unlikely to significantly affect use of the barn. However, ecological input will be sought to design a sensitive lighting plan. Should the barn be physically or functionally lost, a bat mitigation licence will be required, which will require updated surveys and suitable compensation for any roosts lost. This could include a dedicated bat loft/house in an area of the site which would receive less footfall or lighting, to provide alternative and improved night and day roosting opportunities for a range of bat species, alongside the boundary in the southern part of the site, for example.

As acknowledged by Mr Cooper, the impact assessments and necessary mitigation for protected species confirmed as present on the site are unlikely to change significantly. The dormouse survey was designed to confirm presence or absence, rather than to assess the population, for which there is no accepted survey method or effort. As presence has been confirmed, it is assumed that dormice are present in all connected suitable habitat on the site (as per guidance on gov.uk), using hedgerows and tree lines to forage and commute, and

hibernating at ground level. Compensation and mitigation measures for dormice would be agreed with Natural England as part of a dormouse mitigation licence, proportionate to the proposed impacts. It is not considered necessary to undertake further surveys for dormice, as it is not likely nor expected that they would no longer be present on the site. Gov.uk states that surveys up to 3 years old are acceptable if the habitats have not significantly changed. Natural England are about to start a pilot 'district licensing' project for dormice, i.e., assuming presence in suitable habitats in known ranges, so they may accept an assessment of likely presence in the future. If not, further surveys will be undertaken to inform a licence application. The mitigation licence application form (A35) suggests that an application may be more complicated if surveys are limited or constrained. However, given the relatively small area of habitat to be removed (c. 25 m length of hedgerow), and the availability of land upon which compensatory habitat can be created on the site, it is not considered that an application and mitigation strategy would be particularly complicated. Prior to development, the current extent of mixed scrub on the site would be maintained, to prevent the succession of additional dormouse habitat which might require future clearance.

The reptile survey confirmed that the site supports a good population of slow worms, a low population of common lizard and a low population of grass snakes (Froglife, 1999, Richard Green Ecology Ltd, 2023). The site is cut for silage twice per year, and intermittently grazed by sheep, which regularly causes disturbance to the habitat. It is therefore considered unlikely that the reptile population would have increased significantly since the survey was undertaken, and it is likely that reptiles are confined to the longer areas of grassland on the site, i.e., around the field boundaries. The proposed site layout allows for longer areas of grassland to be retained and created on the site, and the final site design would include the provision of reptile hibernacula, to be detailed in a reptile mitigation strategy.

Given the diversity of bat species and the occasional presence of rarer species observed during the bat activity surveys, the importance of the bat assemblage on the site is of regional importance based on the scoring system in Bat Mitigation Guidelines (CIEEM, 2023). However, the central areas of the fields are of low value for bats. The areas of higher value to bats include the boundaries of the site (hedgerows and woodland) and grassland/habitats adjacent to the site. The delay caused by a full suite of bat activity surveys undertaken in 2024 would not be proportionate to the low level of additional information provided, and ultimately the provision of a detailed mitigation strategy for bats, including a sensitive lighting strategy, roosting provision in buildings, and enhanced on-site and off-site habitat (e.g., tree and hedge planting, wildflower grassland, attenuation ponds) would maintain the favourable conservation status of all bat species that may use the site. As described above, the provision of a secure, dedicated bat roost would provide biodiversity enhancement.

- 7) *Insufficient information has been provided with regards to the location and amount of mitigation required for dormice in respect of compensatory habitat for direct loss and habitat measures to reduce potential harm from cats. This is required so an assessment can be made as to whether the LPA agrees the application is likely to be licensable in line with the Natural England/www.gov guidance.*

A detailed landscape plan has not yet been developed. However, it is expected that 25 m of species-rich hedgerow with trees would be removed. The detailed design would include the replacement of habitat of greater value, with the addition of improved nesting and feeding sites (e.g., species-rich hedgerows that provide food sources at different times of the year, native scrub planting with undisturbed grassland edges) and the provision of wooden nest boxes, strategically positioned to reduce the risk of predation from cats, to improve the site's carrying capacity for nesting dormice.