

Draft Heads of Terms

Section 106

Ecology

- Off-site ecological mitigation and management as detailed at the attached appendix - Offsite Mitigation Measures.

Highway Improvements

- Funding towards off-site highway improvements as detailed in the accompanying Transport Assessment.

Additional Information - P/2013/0019 (07.01.2013)



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DRAFT HEAD OF TERMS S 106(Sect 106 Draft)

Proposed Replacement Golf Course Facilities, Churston

**Offsite Mitigation Measures –
Churston Barony Land**

A Report on Bloor Homes and Churston Golf Club

October 2012

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1.0 SUMMARY

The Ecological Assessment carried out for the proposed replacement golf course facilities at Churston Golf Club determined that extension of the golf club into farmland (currently owned by the Churston Barony) would result in the loss of areas of cattle / sheep grazed pasture important for foraging Greater Horseshoe bats. Loss of permanently grazed cattle pasture is of particular significance for Greater Horseshoe bats as they are heavily dependent on the invertebrate prey that cattle dung generates.

The fields where grazing will be lost fall to the south and south east of the development site and amount to an area of 4.36ha / 10.77acres. As it has not been possible to incorporate replacement grazed pasture within the scheme design for the proposed development, the requirement for offsite mitigation was identified at an early stage.

After discussion with Natural England and the Churston Barony, an area to the west of the development site has been identified where replacement grazed pasture can be provided. See accompanying Figure 1. The Churston Barony has agreed to manage this area (which amounts to 4.35ha / 10.76acres) for the benefit of Greater Horseshoe bats. The fields are currently used for silage / hay and aftermath grazing.

The area highlighted in Figure 1 is considered to be suitable as it is in close proximity to the development site (450m approx to the south west) with good connections in the form of hedgerows and an old disused railway line. This means bats will not have to travel far and should be able to navigate easily to the alternative foraging habitat.

The management prescriptions for these offsite fields are detailed below and will be formalised under a S106 agreement.

An additional area of offsite cattle grazed pasture also shown on Figure 1 is to be provided and managed by the golf club and is located in-between Churston Court Farm and the western boundary of the proposed development footprint. This area amounts to 1.53ha and replaces what is currently improved grassland, a horse ménage and a wooden stable block. The golf club will be responsible for management of the area under a Landscape and Ecological Management Plan (LEMP).

2.0 MANAGEMENT PRESCRIPTIONS

It is understood that as of 01/01/2012 hedgerows within the offsite fields owned by the Churston Barony have been subject to an environmental stewardship agreement for hedgerow management covering a period of ten years. Once this stewardship agreement runs out the Barony has agreed to put the hedgerows into a subsequent stewardship agreement. If not available the hedgerows will continue to be managed in the same manner as that adopted for the previous stewardship agreement but instead management will be transferred to and regulated under the S106 agreement. This is to ensure that linear features used by Greater Horseshoe bats for navigation are managed and maintained in the long term.

The measures to be included in the S106 agreement and detailed below have been taken from information provided by Natural England on higher level stewardship option HK15. This is the recommended option for management of farmland to benefit Greater Horseshoe bats. The management measures will be adopted in perpetuity and will help to offset the loss of cattle grazed pasture within the proposed development site by providing an alternative source of cattle dung and associated invertebrate prey during critical times of year ¹.

Please note that the prescriptions will not prevent trimming of the 'Churston Water Course' as required periodically by the Environment Agency.

2.1 Grassland Management

Applies to fields 1815, 1513, 0911, 1706, 0504 and 0495. Please see Figure 1 for locations of fields.

- From year 1 onwards, manage the sward by grazing to achieve a variable sward height of between 5cm and 15cm from April to October;
- Field operations and stocking must not damage the soil structure or cause heavy poaching. Small areas of bare ground on up to 5% of the field are acceptable. Take particular care when the land is waterlogged;

¹ Please note longer grassland swards are to be provided within the modified golf course and will be managed for floristic diversity and to encourage invertebrate prey for bats.

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- Well-rotted farmyard manure may be applied at a maximum rate of 12.5 tonnes / ha / yr. Alternatively, inorganic nitrogen fertiliser may be applied at max rate of 25 kg-N, 12.5 kg-phosphate and 12.5 kg-potash / ha / y. There must be no other application of nutrients such as fertilisers, other organic manures or waste materials (including sewage sludge). Do not apply manures or fertilisers within 10 metres of a watercourse or between 1 April and 30 June. (not suitable on unimproved / semi-improved pasture with botanical interest);
 - Do not top, roll or harrow;
 - Ploughing, sub-surface cultivation and reseeding are not permitted;
 - Do not install new drainage or modify existing drainage systems. This includes sub soiling and mole ploughing. Routine maintenance of functioning drainage systems is allowed;
 - Control undesirable species such as Creeping Thistle / Spear Thistle / Curled Dock / Broad-leaved Dock / Common Ragwort / Common Nettle so that by year 2, their cover is less than 10% of the area. Agree all methods of control with Natural England;
 - Retain all standing and fallen dead wood unless it presents a genuine safety hazard;
 - Lightly graze with cattle during the spring (March to May) rotating stock around fields to provide good pasture conditions for cockchafer and other grassland insects;
 - Exclude livestock from the land during the month of June to encourage wild flora to flower and set seed and for a tussocky sward to develop to support a variety of insects;
 - Graze cattle again from July to September / October at around 2 -3 cattle per ha to provide plentiful dung to maximise dung fauna prey for bats prior to hibernation;
 - There will be no cutting for hay or silage with exception to field 0495 which will be cut for hay once a year and subsequently grazed off however a 2 metre wide buffer will be left around the edge of this field which will be left uncut;
 - No insecticides permitted (to protect valuable insect food sources for the bats);
 - Manage stock without the use of wormers based on Avermectin compounds (e.g. Ivermectin) as such chemicals remain active in the dung, preventing the colonisation by dung beetles. In particular, do not use bolus type Avermectin wormers. Please consult a Vet should there be concerns about the potential risk to the welfare of livestock;

- Rotate livestock between fields to aid parasite control, for example by alternating cattle, sheep, and horses in the same field.

2.2 Hedgerow Management

Hedgerows within the offsite mitigation area are currently managed under an environmental stewardship agreement. The options under which they are currently being managed are:

- HBI I - Management of hedgerows of very high environmental value (both sides);
- EB1 – Hedgerow management on both sides of a hedge;
- EB2 – Hedgerow management on one side of a hedge.

The management measures required under each of these options are detailed below:

HBI I

- Allow hedges to reach and then maintain a minimum height of 3 metres and minimum width of 3-6 metres (measured from the centre of the hedge) by year 3;
- Trim hedges between 31 December and 28 February only;
- Trim hedges no more than one year in three. Trimming of hedges should be rotated to avoid cutting all hedges in the same year;
- For those hedges containing fast-growing species or where the hedge has been left untrimmed for more than three years, trim using a circular saw / cutter bar machine;
- Remove cuttings from the edge of the hedge after trimming;
- Plant / tag hedgerow trees each year across the holding where trees already exist in a hedge. If planting new trees, use native and locally common species;
- Retain all mature growth of ivy on trees;
- Retain all standing deadwood unless it presents a genuine safety hazard.

EB1 and EB2

- Maintain hedgerows to a height and width customary to the local landscape, but not less than 1.5 m in height (except when laid or coppiced as part of a regular management cycle);

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- Do not cultivate or apply fertilisers, manures or pesticides to land within 2 m of the centre of the hedge;
 - Maintain hedgebanks in a style that is customary to the area. Where a bank is present, measure the height of the hedgerow from the top of the bank;
 - Cut each hedgerow no more than once every 2 calendar years. Do not cut all hedgerows managed under this option in the same year;
 - Do not cut hedgerows during the bird breeding season (1 March to 31 August);
 - Where already present, leave saplings to grow into hedgerow trees at intervals, for example four trees randomly spaced over 200 m, where this fits in with the local landscape character;
 - Take care to minimise poaching by livestock and any channelling of surface run-off along the side of the hedgerow;
 - Hedge laying and coppicing are permitted in a style customary to the local landscape, but should be completed before 1 March. However, in exceptional circumstances, work may continue up to 1 April, provided a survey is conducted to ensure that there are no nesting birds present.

Please refer to Figure 1 for locations of hedges and the associated management options being implemented under the current stewardship agreement.

As previously mentioned once the stewardship agreement lapses, a new agreement will be applied for but if unavailable the above hedgerow management measures will be transferred and regulated under the S106 agreement.

3.0 MONITORING

The offsite fields should be visited in years 1, 3, 5 and 10 and every 5 years thereafter post development to determine if implementation of the management measures for grassland has been successful. The following should be used as indicators of success.

- From 1 September to 28 February at least 10% of the whole field should have grasses that are allowed to go to seed and with the seed heads left undisturbed;
- Flowering heads of wildflowers, including Red Clover but excluding undesirable species between April 1 and August 31 should be frequent;
- By year 1, there should be areas of fresh dung between April and October;

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- Detrimental indicators (e.g. burrows, bare patches, scrub growth, poaching and erosion) cover less than 5% of the area.

A visit on year 10 is necessary as this is when the current environmental stewardship agreement expires and when management prescriptions for hedgerows may need to be transferred to the S106

As management measures for hedgerows are currently under environmental stewardship it has been assumed that the success of these measures will be monitored separately by Natural England, up until the date when the stewardship agreement expires.

Should any variation to any of the above measures be required this should first be discussed and agreed with the Local Planning Authority to determine an appropriate way forward. The Local Planning Authority may wish to consult Natural England should they require further advice.

APPENDIX I: MEASURES REQUIRED TO FACILITATE OFFSITE MITIGATION

To facilitate the offsite mitigation measures the following has been discussed and agreed between the Churston Barony and Natural England.

1. The offsite mitigation area on Churston Barony Settlement land is shown on Figure 1. This area is currently within the tenant farmer Entry level stewardship (ELS) and Higher Level Stewardship (HLS) areas for his approved environmental stewardship agreement. Various alterations to the stewardship agreement will have to be made and this has been discussed and agreed in principle with Phil Stocks (Natural England) and has outline agreement with the tenant farmer.
2. The field parcel numbers as shown on Figure 1 correlate with the ELS / HLS plans, but 1706 is currently in domestic garden use by way of a sub-letting. This field is to be brought into the Compensatory Area with ongoing management under the S.106 agreement to be equivalent to HK15.
3. 1815, 1513, 0911 and 0504 are currently HK15 and HR6 under the HLS. HR6 has to be deleted from the stewardship agreement since it is inter-dependant with HK15. The HK15 prescriptions will have to be deleted from the stewardship agreement but ongoing management in accordance with that shall be regulated by the S.106 agreement.
4. 0495 is currently in ELS with EK3 and EK5 applying. That will have to be deleted from the stewardship agreement and such ongoing usage be regulated by the S.106 agreement.
5. 0495 may in addition be cut once per year for hay with a 2 metre wide verge around the periphery being left uncut and subsequently grazed off. This will be regulated by the S.106 agreement.
6. Hedgerows- Some have HBI1 under HLS and others HBI or 2 under ELS. Those prescriptions may remain under the present environmental stewardship agreement. When that expires they may be similarly so treated under a future environmental stewardship agreement [if available] but if not the ongoing management in accordance with those prescriptions shall become regulated by the S.106 agreement.

7. Churston Water Course- The indicative route of this intermittent water course where it passes through the offsite mitigation area is shown by a broken blue line. The ongoing surface treatment to be regulated by the S.106 agreement shall permit this to be trimmed out as may be required by the Environment Agency from time to time to prevent surface water flooding on the A.3022 and within Churston Ferrers village.
8. It is proposed that a separate S.106 agreement will be set out for matters on Churston Barony land with Churston Golf Club having its own S.106 agreement for areas within its control.

