

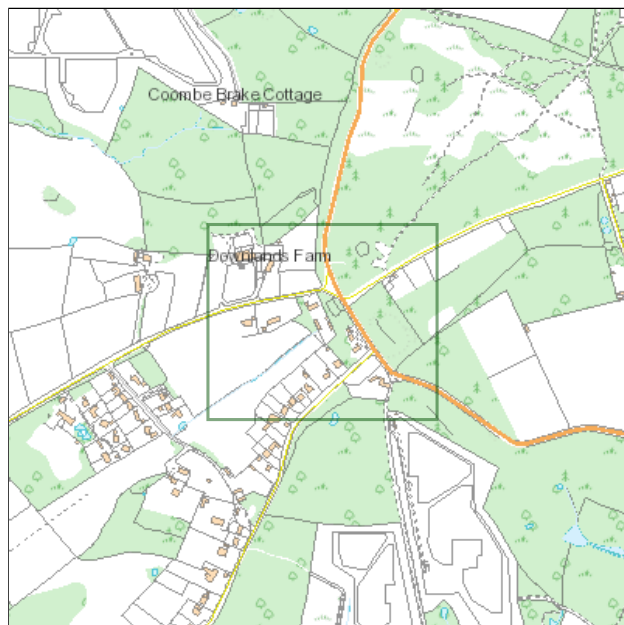
**Ward** Woodbury And Lymptstone

**Reference** 21/2830/FUL

**Applicant** Mr and Mrs Stott

**Location** Pine Hollow Hulham Road Exmouth EX8 5DX

**Proposal** Change of use to a glamping site comprising 2no. glamping pods, a refurbished stable for facilities and toilet building, with associated access and parking (retrospective) (resubmission of planning ref. 21/0856/FUL).



**RECOMMENDATION:** 1. Adopt the appropriate assessment  
2. Refusal

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		<b>Committee Date: 13<sup>th</sup> April 2022</b>
<b>Woodbury And Lympstone (Lympstone)</b>	<b>21/2830/FUL</b>	<b>Target Date: 21.12.2021</b>
<b>Applicant:</b>	<b>Mr and Mrs Stott</b>	
<b>Location:</b>	<b>Pine Hollow Hulham Road</b>	
<b>Proposal:</b>	<b>Change of use to a glamping site comprising 2no. glamping pods, a refurbished stable for facilities and toilet building, with associated access and parking (retrospective) (resubmission of planning ref. 21/0856/FUL).</b>	

**RECOMMENDATION:** 1. Adopt the appropriate assessment  
2. Refusal

### **EXECUTIVE SUMMARY**

This application is before Members as the officer recommendation is contrary to the view of one of the Ward Members.

The site lies outside the built up area boundary of Exmouth on its north eastern fringe with open countryside and the Pebblebed Heaths on the opposite side of the B3179. The application site forms part of what now has been subsumed as garden having previously been used for ancillary stables and equine use prior to the current owners taking ownership. The stables have been converted to a games room, lounge area and outdoor (under cover) hot tub, two accommodation buildings have been constructed on the eastern boundary of the site.

Whilst there is policy support for holiday or overnight accommodation within the Local Plan (E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities) refers, there is a presumption in favour of new holiday accommodation being directed to the most sustainable locations within towns and villages of the District, as defined by those settlements with Built-up Area Boundaries, as best fulfilling this requirement. The only exceptions to this applies in respect of the conversion and re-use of existing buildings in the countryside (Policy D8), where the proposal would add to accommodation on existing tourism bases such as caravan parks (Policy E19) or where the proposal would be a form of farm diversification (Policy E4). The proposal is for new build holiday accommodation which is not supported by any of the aforementioned policies where there are no existing tourism accommodation facilities already on site. One of the stipulations of Policy E16 is that the proposal is accessible on foot, by

bicycle and public transport in the interests of sustainability. Officers are of the opinion that whilst relatively close to Exmouth, the site is not readily accessible and that people using the holiday accommodation are likely to be highly dependent on the use of the private car.

The site lies close to the Pebblebed Heaths, which lie on the opposite side of the B3179, being within such close proximity, the development has the potential to disturb features of interest for which the SSSI, SAC and SPA are classified. There is a duty imposed on Local Planning Authorities to undertake an Appropriate Assessment of the likely impacts of the proposal within the framework of an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) when determining applications which have the potential to impact upon them. In this instance, due to the close proximity of the site to the protected areas, and being within the 400m zone where new dwellings (and occupancy restricted C3 uses) are not allowed under the Council's adopted Mitigation Strategy, an Appropriate Assessment has been undertaken and concluded that as an authority we are not able to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA.

The proposal is likely to lead to unmitigated harm to the protected sites. The National Planning Policy Framework, at paragraph 175 indicates that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused. Furthermore, as set out in Planning Practice Guidance, as competent authority under the Habitats Regulations, the authority may only allow the proposal to proceed having ruled out adverse effects on the integrity of the protected sites, or, having failed to rule them out where there are imperative reasons of overriding public interest, these have been discounted in the report and therefore development must be refused.

The application is therefore recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Lympstone Parish Council object due to the waste products soakaway and concerns of additional water flow into the Brook.

#### Clerk To Exmouth Town Council (Adjoining)

Exmouth Town Council have no objection to the application.

#### Woodbury And Lympstone - Cllr Ben Ingham

I recommend this application for approval.

I see its effect, extra to what was already there, minimal and of negligible consequence.

Further comments:

I disagree with the recommendation. I recommend approval.

Woodbury And Lympstone - Cllr Geoff Jung

21/2830/FUL

I have viewed the documents for 21/2830/FUL for the change of use to a glamping site comprising 2no. glamping pods, a refurbished stable for facilities and toilet building, with associated access and parking (retrospective) (resubmission of planning ref. 21/0856/FUL) at Pine Hollow Hulham Road

I understand the previous application 21/0856/FUL failed to be supported by planning officers for 3 reasons. One was the perceived dependency on private car in this unaccusable location. Two it was near the SSSI designated site of the Pebblebed Heaths (with 400metres). Three, the access on to the highway.

These issues I do feel have been addressed by this second application, so I am unable to support the application.

However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

Thank you for your report and recommendation.

As Natural England object to this application because of the proximity to the Pebblebed Heaths, I fully understand why this application is recommended to comply to the NE I therefore support your recommendation to refuse

**Technical Consultations**

EDDC Trees

As per my colleagues comments in regards to withdrawn application 21/0856/FUL:

I have no objections to the application but it should be borne in mind that there is a Tree Preservation Order in place on trees to the east of the site. The presence of the glamping pods may increase pressure for works to be carried out to these trees and there is no guarantee that consent will be given.

Environmental Health

Due to the close proximity of neighbouring noise sensitive properties to the proposed site, prior to the first use of the development a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA).

The aim of the Noise Management Plan will be to put in place reasonable measures to reduce the noise impact from sources associated with the use of the site. The Plan should outline the approaches used to managing excessive noise and disturbances including vehicle movements and people noise.

The Plan will be used to manage, prevent and control noise disturbances from the site impacting on neighbouring noise sensitive properties. Once approved, the site shall be operated in compliance with the management plan.

Reason: To protect the amenity of residents from noise.

Natural England

## SUMMARY OF NATURAL ENGLAND'S ADVICE

### OBJECTION

Natural England objects to this proposal. As submitted, we consider it will:

- o have an adverse effect on the integrity of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and the East Devon Heaths Special Protection Area (SPA); and

- o damage or destroy the interest features for which East Devon Pebblebed Heaths Site of Special Scientific Interest has been notified.

An appropriate assessment (AA) should now be undertaken, to assess the implications of the proposal for the European sites, in view of the site's conservation objectives.

Natural England's further advice is set out below.

We have reached this view for the following reasons:

As advised previously, the proposals are 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and Exe Estuary SPA/Ramsar European sites due to the risk of increased recreational pressure that could be caused by residential and tourist accommodation.

On the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA and Exe Estuary RAMSAR site.

However, because the application site is within 400 m of the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI), the proposals are likely to cause direct impacts that cannot be mitigated through the SouthEast Devon European Sites Mitigation Strategy (SEDEMS).

An appropriate assessment (AA) should now be undertaken, to assess the implications of the proposal for the European site(s), in view of the site's conservation objectives. Natural England is a statutory consultee at the appropriate assessment stage of the Habitats Regulations Assessment process. The following advice is provided to assist your authority to undertake an appropriate assessment.

### FURTHER ADVICE

Strategy 47 (Nature Conservation and Geology) in the East Devon Local Plan 2013 - 2031 states that new residential uses will not be allowed on or within 400 metres of the Pebblebed Heaths Special Protection Area.

The proposed development is sited approximately 70m from the designated sites, well within the South-east Devon European Site Mitigation Strategy 400m 'development

exclusion zone'. The mitigation strategy recognises that there will be a combination of factors that are impossible to mitigate for at very close proximity, which include cat predation, increased fire incidence and increased recreational pressure (leading to disturbance, trampling, dog fouling etc).

In this specific location, hydrological and water quality impacts are unlikely as the application site appears to drain away from the protected site. We recognise that visitors using these 'glamping pods' are very unlikely to bring cats.

Due to the close proximity to the protected site and easy access by public footpaths, however, occupiers of the pods are highly likely to visit the protected site for recreation. Also, it is understood that occupiers are permitted to bring dogs. There is therefore a risk of impacts, for instance from trampling and damage to vegetation and nitrogen from dog fouling. In addition, disturbance by dogs, walkers and off-road cyclists to ground nesting nightjar and Dartford warbler, and increase in fire risk (through BBQ's for example). The evidence is summarised in chapter 2 of the South-east Devon European Site Mitigation Strategy.

The mitigation measures provided through the South-east Devon European Site Mitigation Strategy (see link here to page 114) are not sufficient for developments within walking distance of the Pebblebed Heaths, for instance though providing alternative green space.

The only mitigation measure that appears to be proposed is to provide visitors with a copy of The Pebblebed Heaths Visitor Map. This Visitor Map refers to 'codes' for behaviour, which are voluntary and could not be enforced. The behaviour of the visitors cannot be controlled by the applicants or by planning condition.

If the conclusion of your Habitats Regulations Assessment for this resubmitted application remains that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Your authority may now wish to consider the exceptional tests set out within regulation 64. The guidance has been recently updated and can be found at: <https://www.gov.uk/guidance/habitatsregulations-assessments-protecting-a-european-site>

#### Natural England response to Appropriate Assessment

Thank you for your email received on 20 December 2021, consulting Natural England on your Appropriate Assessment. **SUMMARY OF NATURAL ENGLAND'S ADVICE**  
We concur with your Appropriate Assessment that:

- On the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have

an adverse effect on the integrity of the Exe Estuary SPA and Exe Estuary RAMSAR site.

- It is not possible to ascertain that the current proposals will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) or East Devon Heaths Special Protection Area (SPA).

### **HABITATS REGULATIONS ASSESSMENT**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it **cannot** be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives **and** the proposal must be carried out for imperative reasons of overriding public interest.

#### Devon County Highway Authority

Following the resubmission of this application, a visibility splay and swept path plan now produced, shows the turning of off-carriageway vehicles, the hammer-head turning head and parking spaces, together with a suitable visibility splay for this existing access.

I believe traffic arriving from Exmouth town, which should be the usual direction, will have the best visibility, traffic arriving from the other direction is more limited in visibility, especially from the Budleigh Salterton arm, but the access is existing and the number of glamping pods is low creating a minimal intensification in trip generation.

The application is retrospective therefore given that no concerns have been raised to the County Highway Authority (CHA) from development commencement, I believe overall the CHA is now satisfied with this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

#### Other Representations

There have been thirty representations received 26 of which support the proposal and four are neutral. The letters of support raise the following matters:

- Important for local businesses to be allowed to grow
- Exmouth needs to maintain visitors for its economy to grow to re-cover from the past few years
- Exmouth needs good quality visitor accommodation
- The development would work in harmony with the protected landscape
- The low numbers of visitors would not impact on SSSI
- No impact on area

#### PLANNING HISTORY

Reference	Description	Decision	Date
21/0856/FUL	Change of use to a glamping site comprising 2 no glamping pods and a facilities and toilet building (retrospective application)	Withdrawn	23.08.2021

#### POLICIES

##### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

Strategy 47 (Nature Conservation and Geology)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

D2 (Landscape Requirements)

TC7 (Adequacy of Road Network and Site Access)

EN14 (Control of Pollution)

##### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance



## **Site Location and Description**

The site lies outside the built up area boundary of Exmouth on its north eastern fringe with open countryside and the Pebblebed Heaths on the opposite side of the B3179. The application site forms part of what now has been subsumed as garden having previously been used for ancillary stables and equine use prior to the current owners taking ownership. The stables have been converted to a games room, lounge area and outdoor (under cover) hot tub, two accommodation buildings have been constructed on the eastern boundary of the site. The site is served by a shared access with the main dwelling off Hulham Road, the site and dwelling also share the paved parking and turning area.

There are residential properties to the west in a ribbon fashion fronting onto the public highway towards Exmouth.

## **Proposed Development**

This application seeks permission to change the use of the site to enable the two accommodation buildings and ancillary games room, lounge area and hot tub to be used for tourism purposes. Improvements to the access in terms of maintaining the visibility spays are also proposed.

## **Main considerations**

The main considerations in the determination of this application relate to the following:

- The principle of the proposed development;
- The impact of the proposal on the Pebblebed Heaths;
- The impact of the proposal on its surroundings including residential amenity;
- The impact on highway safety; and
- Other issues

## **Principle**

In planning policy terms the site is located in the countryside, outside of the built-up area of Exmouth and Lympstone to which Strategy 7 (Development in the Countryside) of the East Devon Local Plan applies. Strategy 7 states that countryside is defined as all those parts of the plan area that are outside the built-up area boundaries and outside of site specific allocations. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Whilst there is policy support for holiday or overnight accommodation within the Local Plan (E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities refers), there is a presumption in favour of new holiday accommodation being directed to the most sustainable locations within towns and villages of the District, as defined by those settlements with Built-up Area Boundaries, as best fulfilling this requirement. The only exceptions to this applies in respect of the conversion and re-use of existing buildings in the countryside (Policy D8), where the proposals would

add to accommodation on existing tourism bases such as caravan parks (Policy E19) or where the proposal would be a form of farm diversification (Policy E4).

The proposal is for new build holiday accommodation which is not supported by any of the aforementioned policies where there are no existing tourism accommodation facilities already on site. One of the stipulations of Policy E16 is that the proposal is accessible on foot, by bicycle and public transport in the interests of sustainability. Officers are of the opinion that whilst relatively close to Exmouth, the site is not readily accessible due to the nature of the roads being fairly narrow with limited footpaths and lighting and vehicles travelling at high speed. The site is a considerable distance to any services and facilities and as such people using the holiday accommodation are likely to be highly dependent on the use of the private car.

In light of the above, it is considered that the proposal for holiday accommodation is in an unsustainable location and contrary to Strategy 7 and policies E16 and TC2 (Accessibility of New Development) of the East Devon Local Plan. This weighs against the proposal.

### **Impact on the Pebblebed Heaths**

The site lies close to the Pebblebed Heaths, which lie on the opposite side of the B3179, being within such close proximity, the development has the potential to disturb features of interest for which the SSSI, SAC and SPA are classified. Members of the public who would occupy the holiday accommodation pods would be able to reach the protected areas on foot by crossing the public highway and have close access to a number of registered footpaths and bridleways to enjoy the landscape. This would mean crossing the, sometimes busy, B3179, however close to the application site is the East Devon Way, a popular and registered walking route that also requires walkers to cross this road to continue their journey along the route. It is not unreasonable therefore for people to walk the very short distance across the road to access the Pebblebed Heaths.

Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan outline the approach to protecting the European Designated Sites of the Exe Estuary and Pebblebed Heaths. The Strategy states the following in relation to the Pebblebed Heaths:

*‘To help preserve the integrity of the East Devon Pebblebed Heaths, specifically on account of the impact 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.’*

Alongside Strategy 47, the Council have drawn up and adopted the South-East Devon European Site Mitigation Strategy. The details the impacts from development on the Pebblebed Heaths and proposes mitigation to address those impacts. Money is collected from new development to mitigate those impacts.

The South-East Devon European Site Mitigation Strategy (MS) describes how the Pebblebed Heaths cover some 1400 hectares and make up the largest block of lowland heath in Devon. Collectively, the sites are designated for a variety of interest features including the north Atlantic wet heaths with cross-leaved heath, European dry

heaths, populations of southern damselfly, nightjar and Dartford warbler. The overarching conservation objective for the SPA is to avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive. For the SAC, the overarching objective is to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.

The MS sets out how the interest features of the protected sites are at risk from recreation through disturbance, wildfires, nutrient inputs, trampling, fly tipping, and other visitor impacts. The proposal would result in an increase in the number of dwellings that, in combination with other development has the potential to increase recreation use and the impacts associated with such a use. Although the proposal is for the accommodation to be restricted to holiday use only, an Inspector in the appeal at Ellergarth against the refusal of holiday accommodation (18/2445/FUL) located close to the Pebblebed Heaths concluded that.. 'there is no substantive evidence that the effects on the protected sites would be any different.'

All of the protected sites are within 400m of the application site, paragraph 18.47 of the East Devon Local Plan 2013-2031 (LP) indicates new dwellings will not be allowed in this 400m protected zone. Whilst it is noted that the paragraph indicates that this restriction is specifically on account of the impacts of domestic cats through bird predation, the MS points out other impacts associated with housing close to the heathland boundary. Furthermore, Natural England advice in respect of this proposal explains that the exclusion zone recognises that urban impacts relate to a combination of factors including increased fire incidence and increased recreational pressure. Therefore, avoiding an increase in pets at the property would not necessarily avoid an increase in adverse effects on the protected sites. This was also addressed in the appeal decision for 18/2445/FUL where the Inspector stated the following:

*'I note that the paragraph indicates that this restriction is specifically on account of the impacts of domestic cats through bird predation, and the appellant has suggested a planning condition could be used to prevent occupiers of the accommodation having pets.'*

*'Nevertheless, whilst they may not be expressly articulated in the LP, I have already noted that the MS points out other impacts associated with housing close to the heathlands boundary. Furthermore, Natural England advice in respect of tyhis proposed explains that the exclusion zone recognises that urban impacts relates to a combination of factors including increased fire incidence and increased recreational pressure. Therefore, avoiding an increase in pets at the property would not necessarily avoid an increase in adverse effects on the protected sites.'*

The applicant has argued that the need to cross the busy A-road means that visitors to the site are unlikely to access the Pebblebed Heaths. In relation to the 400m distance and potential obstacles to accessing the Pebblebed heaths, the same Inspector concluded the following:

*‘Various factors, including the need to cross a stream, extend the distance from the site to the protected sites to over 400m when measured on the ground. However, Natural England’s response to the application was made in the knowledge that intervening features meant that access routes to the protected sites were in excess of 500m from the site. As the facts were placed before them, and as a Statutory Nature Conservation Body under the Habitats Regulations, I attribute their objection considerable weight.*

*It may well be that the risks associated with recreational impacts would be no different for those visitors originating from within the 400m protection zone and those outside. However, even though the vast majority of people visiting the protected sites do so by car, the MS indicates that there are fewer opportunities to divert or limit the impacts associated with housing within the 400m zone, for example by providing alternative sites for recreation.*

*Given the established trip patterns, measures such as car park management may well be the most effective form of mitigation. However, that is not reason to allow new (occupancy restricted) dwellings close to the protected sites where such mitigation may not be effective. Therefore, whilst a Unilateral Undertaking has been provided to make a contribution to wider management projects, there is no substantive evidence that this would be effective in mitigating adverse effects from this proposal.’*

And,

*‘It has been suggested that local residents may be more likely to care for their immediate environment and be less likely to camp illegally or light fires. However, this is not substantiated by evidence and, in any case, as the proposal is for holiday accommodation, it is of little relevance.’*

*‘For the above reasons, following appropriate assessment, I conclude that the proposal, in combination with other development, is likely to lead to significant adverse effects on the integrity of the protected sites that cannot be adequately mitigated.’*

*‘The proposal is likely to lead to unmitigated harm to the protected sites. The National Planning Policy Framework, at paragraph 175 indicates that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused. Furthermore, as set out in Planning Practice Guidance, as competent authority under the Habitat Regulations, I may only allow the proposal to proceed having ruled out adverse effects on the integrity of the protected sites, or having failed to rule them out where there are imperative reasons of overriding public interest.*

*I have attached significant weight to the preservation of this non-designated heritage asset and setting. However, the evidence before me does not suggest that the building is so important that its retention could be regarded as an imperative reason of overriding public interest. Therefore, the benefits do not*

*outweigh the harm to the protected sites and the proposal would conflict with LP Strategy 47 that seeks to ensure the conservation of biodiversity and habitats'.*

As detailed above, there is a duty imposed on Local Planning Authorities to undertake an appropriate assessment of the likely impacts of the proposal within the framework of an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) when determining applications which have the potential to impact upon them. In this instance, due to the close proximity of the site to the protected areas, and being within the 400m zone where new dwellings (and occupancy restricted C3 uses) are not allowed under the MS an Appropriate Assessment has been undertaken and concluded that as an authority we are not able to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA. This appropriate assessment was sent to Natural England who have advised the following:

*'Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.*

*Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.*

*Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.'*

Accordingly, the conclusions of the appropriate assessment are agreed with meaning that it is incumbent on the Local Planning Authority to undertake an assessment as to whether the proposal represents development that must be undertaken on this site and is imperative that it takes place in the public interest. Only if these two scenarios are fulfilled should the proposal be supported.

The proposal represents two holiday accommodation pods of a limited size accommodating a maximum of 8 people on site at any one time, it is officers consideration that there are a number of others sites available to accommodate such development in and around Exmouth i.e holiday accommodation within the built up area boundary or development on an established holiday park. Furthermore, it is not considered that the proposed development is so important in the public interest that it needs to take place. It is acknowledged that there has been some local support for the proposal, however this is purely on the grounds of supporting a small business not in terms of that the tourism industry is dependent upon this site and not allowing permission would have serve impacts.

Even though the number of visitors that could be accommodated on site would be low, the impact of allowing any accommodation within the 400m buffer zone has significant consequences on future decision making should the committee feel that this proposal is acceptable, allowing any accommodation would undermine the MS and the protected landscapes as a whole especially when there are a wealth of opportunity for enhanced visitor accommodation and attractions in Exmouth and further afield outside of the buffer zone.

Therefore, in conclusion, the proposal is likely to lead to unmitigated harm to the protected sites. The National Planning Policy Framework, at paragraph 175 indicates that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused. Furthermore, as set out in Planning Practice Guidance, as competent authority under the Habitats Regulations, the authority may only allow the proposal to proceed having ruled out adverse effects on the integrity of the protected sites, or, having failed to rule them out where there are imperative reasons of overriding public interest, these have been discounted above and therefore development must be refused.

### **Impact on surroundings including residential amenity**

The application site represents the extended garden area of Pine Hollow having formerly been in use for stabling and associated activities ancillary to the use of the dwelling house. It is relatively well screened from its surroundings by mature trees and hedgerows, there are glimpse views form the main B3179 but at a distance and from passing vehicles, allied to this the holiday accommodation pods are of limited scale and constructed of timber such that they assimilate well within their surroundings and are not harmful. The stables have been converted and modernised using timber boarding along with the existing render to provide the ancillary facilities necessary to accompany the accommodation such as a lounge are, hot tub, toilets/wash facilities and games room, the relatively modest scale of these facilities means that they do not detrimentally impact upon their surroundings.

The nearest residential properties to the site are Marleycombe (70m+) to the west and Pine Ridge (45m+) to the south, however, as all of the properties in this area sit on large plots with significant amounts of mature trees and vegetation, the proposed development would not impact on the living conditions of the aforementioned properties, furthermore any associated noise from the guests of the accommodation would be deadened by the intervening tress and distance to the receptors such it would not be of detriment. In fact one of the residents has written to support the application.

Accordingly, the proposed development is considered acceptable in relation to Policy D1 of the EDDC Local Plan.

### **Impact on highway safety**

This application proposed to utilise the existing access onto the highway that serves the existing dwelling known as Pine Hollow and formulate an access way towards the holiday accommodation pods and provide 4 no. dedicated parking spaces; three or four spaces would remain to serve the existing dwelling.

The existing access has limited visibility from and of emerging vehicles especially in an easterly direction towards the junction of Hulham Road with the B3179, it is proposed to maintain the visibility splay with no vegetation or obstacles exceeding 0.6 metre high above ground levels so to enable vehicles to retain a view of approaching traffic and enable approaching traffic to witness a vehicle seeking to exit the site. The history of the site indicates that the access was used by residential traffic and horse related traffic including a horse box. Devon County Highways raised concerns on the previously submitted application that was withdrawn regarding visibility, however, with the amended proposal aligning with their requirements the Highways Engineer raises no objections subject to appropriate safeguarding conditions

Accordingly, the proposed development is considered acceptable in relation to Policy TC7 of the EDDC Local Plan.

### **Other issues**

There is a belt of trees on the eastern boundary of the site which are covered by a tree preservation order (TPO). The tree officer has raised concerns that the siting of the holiday accommodation pods would cause pressure on pruning of the trees at a later date to avoid the pods being struck by falling branches, however he does not object to the proposal. If the application were to be approved there is scope for the pods to be moved further away from the trees to lessen the impact of falling branches, however, as the application is recommended for refusal officers have not approached this subject with the applicant.

### **CONCLUSION**

The location of the site distanced from services and infrastructure and suitable walking routes to access such serves means that as it lies in an unsustainable location for new build holiday accommodation, it would not add to or support and existing on site tourism development. Furthermore, its location within 70 metres of the protected Pebblebed Heaths is likely to lead to unmitigated harm to the protected sites. The National Planning Policy Framework, at paragraph 175 indicates that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused. Furthermore, as set out in Planning Practice Guidance, as competent authority under the Habitats Regulations, the authority may only allow the proposal to proceed having ruled out adverse effects on the integrity of the protected sites, or, having failed to rule them out where there

are imperative reasons of overriding public interest, these have been discounted and therefore development must be refused.

Whilst there would be some benefits to the tourism sector through introducing good quality visitor accommodation into the area which could in turn increase visitor spend in the local economy, these benefits are not considered to outweigh the harm identified by the location of the proposed development

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed holiday accommodation would take place outside of a built up area boundary and take place in the open countryside, as defined by Strategy 7 of the East Devon Local Plan, in such locations new build holiday accommodation is not supported by Policy E16 of the Plan because the location would be distanced from services and infrastructure to support the occupiers of the accommodation, furthermore there are no footways or public transport linkages for occupiers to be able to access such services. The proposal would not therefore constitute sustainable development and occupiers would be heavily reliant upon the private motor vehicles during their stay. The proposal is therefore contrary to Strategy 7 (Development in the Countryside), Policy E16 (Proposals for Overnight Accommodation) and TC2 (Accessibility of New Development) of the East Devon Local Plan, together with guidance contained in the National Planning Policy Framework.
2. By virtue of the proposed development being within 400 metres of the East Devon Pebblebed Heaths, it is likely to lead to the deterioration of habitats and loss or disturbance of wildlife within the East Devon Pebblebed Heaths Site of Special Scientific Interest, East Devon Pebblebed Heaths Special Area of Conservation and East Devon Heaths Special Protection Area arising from the increased residential occupancy of the building and increased recreational use. These effects cannot be avoided or mitigated other than by avoiding residential development. As such the proposed development is contrary to Strategy 47 (Nature Conservation and Geology) of the Local Plan 2013-2031 and the Conservation of Habitats and Species Regulations 2010.

## **NOTE FOR APPLICANT**

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:



1823/10 : with visiblity splay	Proposed Block Plan	26.10.21
1823/4	Location Plan	26.10.21
1823/6 rev 1	Proposed Block Plan	26.10.21
1823/7 : ground	Proposed Floor Plans	26.10.21
1823/8	Proposed roof plans	26.10.21
1823/9	Proposed Elevation	26.10.21

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.

<b>Appropriate Assessment</b>		
<b>The Conservation of Habitats and Species Regulations 2017, Section (63)</b>		
Application Reference	<b>21/2830/FUL</b>	
Brief description of proposal	<b>Change of use to a glamping site comprising 2no. glamping pods, a refurbished stable for facilities and toilet building, with associated access and parking (retrospective) (resubmission of planning ref. 21/0856/FUL)</b>	
Location	<b>Pine Hollow, Hulham Road, Exmouth, EX8 5DX</b>	
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the Exe Estuary SPA site alone (UK9010081)</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
<b>Step 1</b> <b>Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites</b>		
<b>Risk Assessment</b>		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes – This proposal for the retention of two units of glamping holiday accommodation has the potential to disturb features of interest for which the SSSI, SAC and SPA designations apply to the East Devon Pebblebed Heaths at its <b>operational</b> stage.</p> <p>The South East Devon Mitigation Strategy (MS) describes how the Pebblebed Heaths cover some 1400 hectares and make up the largest block of lowland heath in Devon. Collectively the sites are designated for a variety of interest features including the north Atlantic wet heaths with cross-leaved heath, European dry heaths, populations of southern damselfly, nightjar and Dartford Warbler.</p> <p>The overarching conservation objective for the SPA is to avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>For the SAC, the overarching objective is to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.</p> <p>The MS sets out how the interest features of the protected sites are at risk from recreation through disturbance, wildfires, nutrient inputs, trampling, fly tipping, and</p>	

	<p>other visitor impacts. Therefore it is considered that given the proximity of the Pine Hollow site to the Pebblebed Heaths (approximately 70 metres) the aforementioned features of the European site may be affected by the proposal from increased recreational pressure from tourists using the holiday accommodation which is the subject of the planning application.</p> <p>Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013 - 2031 states that new residential uses will not be allowed on or within 400 metres of the Pebblebed Heaths Special Protection Area.</p>
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### Conclusion of Screening

Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>East Devon District Council concludes that the proposal <b>would be</b> 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and Exe Estuary SPA/Ramsar European sites due to the risk of increased recreational pressure that could be caused by residential and tourist accommodation.</p> <p>In addition, because the application site is within 400 m of the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI), the proposals are likely to cause <i>direct</i> impacts that cannot be mitigated through the <i>South East Devon European Sites Mitigation Strategy</i> (SEDEMS)</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - <a href="http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf">http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</a></p> <p>An <b>Appropriate Assessment</b> of the plan or proposal <b>is necessary</b>.</p>	
Local Authority Officer	P. Golding	Date: 01.12.2021

## Step 2

### Appropriate Assessment

NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

### In-combination and Alone Effects

Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<p><b>In-Combination Effects:</b></p> <p>Natural England have advised that the proposals are 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and Exe Estuary SPA/Ramsar European sites due to the risk of increased recreational pressure that could be caused by residential and tourist accommodation.</p> <p>Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use. In – combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many</p>
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	<p>houses equates to around 65,000 additional people contributing to recreational impacts.</p> <p><b>Alone Effects:</b></p> <p>The application site is sited approximately 70 metres from the designated sites and is well within the South-East Devon European Site Mitigation Strategy 400 metre 'development exclusion zone'. The mitigation strategy recognises that there will be a combination of factors that are impossible to mitigate for at very close proximity, which include cat predation, increased fire incidence and increased recreational pressure (leading to disturbance, trampling, dog fouling etc). Options for mitigation within 400 metres are limited as it is impossible to divert or limit the impacts, for example by providing alternative access sites.</p> <p>The advice received from Natural England is that in this specific location, hydrological and water quality impacts are unlikely as the application site appears to drain away from the protected site. They also recognise that visitors using these 'glamping pods' are very unlikely to bring cats.</p> <p>However it is considered that due to the close proximity of the site to the Pebblebed Heaths and easy access by public footpaths (the nearest being approx. 190 metres away), occupiers of the holiday accommodation are highly likely to visit the protected site for recreation which in combination with other development has the potential for increased recreation use and the impacts associated with such a use.</p> <p>Also, it is understood that occupiers would be permitted to bring dogs. There is therefore a risk of impacts, for instance from trampling and damage to vegetation and nitrogen from dog fouling. In addition, disturbance by dogs, walkers and off-road cyclists to ground nesting nightjar and Dartford warbler, and increase in fire risk (through BBQ's for example). The evidence is summarised in chapter 2 of the South-east Devon European Site Mitigation Strategy.</p> <p>This proposal is likely to lead to unmitigated harm to the protected sites with harm to biodiversity resulting from increased recreational pressures such that adverse effects on the integrity of the protected sites cannot be ruled out.</p>
Mitigation of in-combination effects.	<p>In respect of the Pebblebed Heaths, the mitigation measures provided through the South East Devon European Site Mitigation Strategy are not sufficient for developments within walking distance of the Pebblebed Heaths, for instance through providing alternative green space.</p> <p>The only mitigation measure that appears to be proposed is to provide visitors with a copy of The Pebblebed Heaths Visitor Map. This Visitor Map refers to 'codes' for behaviour, which are voluntary and could not be enforced. The behaviour of the visitors cannot be controlled by the applicants or by planning condition.</p> <p>On this basis, it is considered that given the proximity of the site to Pebblebed Heaths, well within the 400 metre exclusion zone, that the proposals are likely to have a significant effect on when considered either alone or in combination, upon the qualifying features of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) European sites due to the risk of increased recreational pressure that could be caused by tourist accommodation.</p>

	<p>In respect of the Exe Estuary, The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p> <p>Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.</p>
<b>Assessment of Impacts with Mitigation Measures</b>	
Mitigation measures included in the proposal.	<p>In respect of the Pebbledbed Heaths the ecological report submitted with the application sets out a number of mitigation measures within the proposal which include:</p> <ul style="list-style-type: none"> <li>Users of the glamping pods would be provided on arrival with copies of a visitor map which would be provided on any promotional website for the glamping pods alongside links to the Pebbledbed Heaths Conservation Trust website. This would help to alleviate, through educating visitors the potential risks.</li> <li>No pets other than dogs would be permitted.</li> <li>It should also be noted that the argument has been put forward that whilst within the exclusion zone, the Pebbledbed Heaths are no more accessible than if located in any other area in Exmouth and that the additional recreational pressure from the development, consisting of a maximum of 8 visitors at a time for 40 weeks of the year would have a negligible effect on the Pebbledbed Heaths.</li> <li>There is no direct public access to the Pebbledbed Heaths other than across a busy and dangerous B road.</li> </ul> <p>In respect of the Exe Estuary Joint approach standard mitigation contribution required</p> <ul style="list-style-type: none"> <li>Residential units £354 x 2 (the additional number of units)= £708</li> </ul>
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	<p><b>Pebbledbed Heaths:</b></p> <p><b>No-</b> As advised by Natural England, The mitigation measures provided through the South-east Devon European Site Mitigation Strategy outlined on page 114 are not sufficient for developments within walking distance of the Pebbledbed Heaths.</p> <p>It is acknowledged that the tourism use of the site is relatively small scale and that the two glamping pods could accommodate a maximum of 8 visitors at a time, over 40 weeks of the year. The fact that there is no direct access from the site to the Pebbledbed Heaths from the site and no footways and an intervening busy B3180 road that would have to be negotiated to get to the Pebbledbed Heaths is also acknowledged. However the nearest public footpath (the Lymphstone Bridleway 24) which runs across the SAC and SPA is located only 190 metres away from the site which could be accessed on foot or by car. Indeed there is a small visitor car park on the opposite side of B3180 that can be accessed by a lightly trafficked C road where the footpath starts. It is accepted that the route to the nearest footpath may deter some visitors to the site but ultimately it is possible</p>

	<p>to access the Pebblebed Heaths from the glamping site and the applicants would not have control over where tourists decide to visit.</p> <p>The MS makes it clear that siting development away from sensitive sites can be effective in avoiding issues relating to the impacts of development. This has led to the development exclusion zone of 400 metres, reinforced by Strategy 47- Nature Conservation and Geology of the East Devon Local Plan as a measure to provide protection for the Pebblebed Heaths. The MS explains that the choice of 400m for the heathland sites has been a pragmatic one, recognising that urban impacts relate to a combination of factors that are impossible to mitigate for at very close proximity, which include cat predation, increased fire incidence and increased recreational pressure (leading to disturbance, trampling, dog fouling etc). These urban impacts are considered to equally apply to tourism development as well as residential development. Options for mitigation within 400m are limited as it is impossible to divert or limit the impacts, for example by providing alternative access sites, etc.</p> <p>The only mitigation measure that appears to be proposed is to provide visitors with a copy of The Pebblebed Heaths Visitor Map. This Visitor Map refers to 'codes' for behaviour, which are voluntary and could not be enforced. The behaviour of the visitors cannot be controlled by the applicants or by planning condition.</p> <p><b>Exe Estuary:</b></p> <p><b>Yes</b> - the Joint Approach contribution offered is considered to be sufficient.</p>	
<b>Conclusion</b>		
List of mitigation measures and safeguards	Total Joint Approach contribution of £708 <i>here</i> has been secured by Unilateral Undertaking	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) <b>cannot</b> be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be adverse effects on the integrity of the Pebblebed Heaths SPA/SAC and that given the proximity of the site to the European designated sites, that the impacts from increased recreational pressure from the tourist accommodation could not be mitigated.	
Local Authority Officer	P. Golding	Date: 07.12.2021
21 day consultation to be sent to Natural England Hub on completion of this form.		

### Appendix 1. List of interest features:

#### Exe Estuary SPA

**Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):**

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

**Migratory species that are a primary reason for selection of this site**

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

**Waterfowl Assemblage**

>20,000 waterfowl over winter

**Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.**

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

**SPA Conservation Objectives**

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

- ☐ ☐ **The extent and distribution of the habitats of the qualifying features**
- ☐ ☐ **The structure and function of the habitats of the qualifying features**
- ☐ ☐ **The supporting processes on which the habitats of the qualifying features rely**
- ☐ ☐ **The population of each of the qualifying features, and,**
- ☐ ☐ **The distribution of the qualifying features within the site.**

**Dawlish Warren SAC**

**Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):**

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'). (Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus*-*Glaucium flavum* shingle community

SD2 *Cakile maritima*-*Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria*-*Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra*-*Galium verum* fixed dune grassland

SD12 *Carex arenaria*-*Festuca ovina*-*Agrostis capillaris* dune grassland

SD19 *Phleum arenarium*-*Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens*-*Calliergon cuspidatum* dune-slack community

SD16 *Salix repens*-*Holcus lanatus* dune slack community

SD17 *Potentilla anserina*-*Carex nigra* dune-slack community

**Habitats Directive Annex II species that are a primary reason for selection of this site:**

Petalwort (*Petalophyllum ralfsii*)

**SAC Conservation Objectives**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

**List of interest features:**

**East Devon Heaths SPA:**

**A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)**

**A302 *Sylvia undata*; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)**

**Objectives:**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- Ø The extent and distribution of the habitats of the qualifying features
- Ø The structure and function of the habitats of the qualifying features
- Ø The supporting processes on which the habitats of the qualifying features rely
- Ø The population of each of the qualifying features, and,
- Ø The distribution of the qualifying features within the site.

**East Devon Pebblebed Heaths SAC:**

**This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.**

**Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:**

**H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath**

**H4030. European dry heaths**



**Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:**

**S1044. *Coenagrion mercuriale*; Southern damselfly**

**Objectives:**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- Ø The extent and distribution of qualifying natural habitats and habitats of qualifying species
- Ø The structure and function (including typical species) of qualifying natural habitats
- Ø The structure and function of the habitats of qualifying species
- Ø The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- Ø The populations of qualifying species, and,
- Ø The distribution of qualifying species within the site.

**Exe Estuary SPA**

**Qualifying Features:**

**A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)**

**A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)**

**A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)**

**A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)**

**A141 *Pluvialis squatarola*; Grey plover (Non-breeding)**

**A149 *Calidris alpina alpina*; Dunlin (Non-breeding)**

**A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)**

**Waterbird assemblage**

**Objectives:**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- Ø The extent and distribution of the habitats of the qualifying features
- Ø The structure and function of the habitats of the qualifying features
- Ø The supporting processes on which the habitats of the qualifying features rely
- Ø The population of each of the qualifying features, and,
- Ø The distribution of the qualifying features within the site.

**Exe Estuary Ramsar**

**Principal Features (updated 1999)**

**The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.**

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268\*), including internationally important numbers\* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers\* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c)