

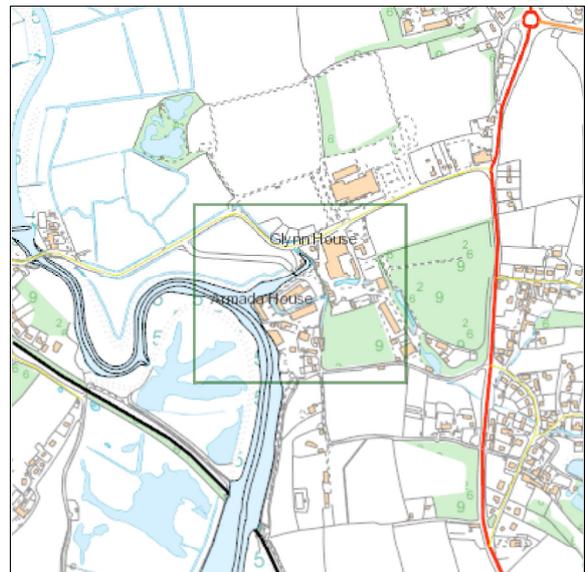
**Ward** Clyst Valley

**Reference** 18/2504/MFUL

**Applicant** Mr Mark Tremlett

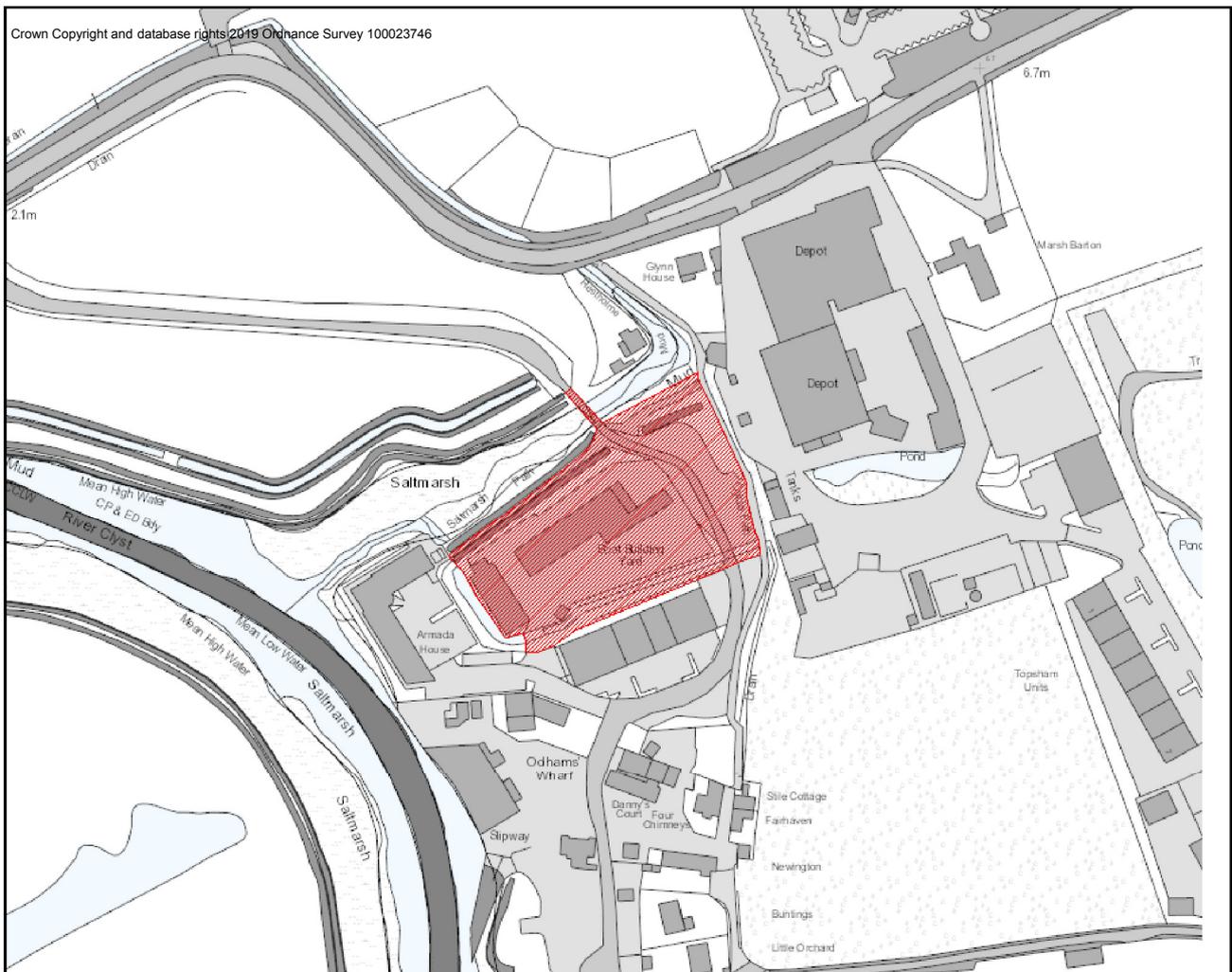
**Location** Armada House Odhams Wharf Ebford

**Proposal** Demolition of existing industrial unit and construction of replacement building, raising of site levels and construction of new bridge



**RECOMMENDATION:**

- 1. That the Habitat Regulations Appropriate Assessment attached to this Committee report be adopted;**
- 2. That the application be APPROVED subject to conditions.**



		<b>Committee Date: 1<sup>st</sup> October 2019</b>	
<b>Clyst Valley (Clyst St George)</b>	<b>18/2504/MFUL</b>	<b>Target 04.02.2019</b>	<b>Date:</b>
<b>Applicant:</b>	<b>Mr Mark Tremlett</b>		
<b>Location:</b>	<b>Armada House Odhams Wharf</b>		
<b>Proposal:</b>	<b>Demolition of existing industrial unit and construction of replacement building, raising of site levels and construction of new bridge</b>		

**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment attached to this Committee report be adopted;
2. That the application be **APPROVED** subject to conditions.

**EXECUTIVE SUMMARY**

This application is before Members as it is a major application and the officer recommendation differs from the view of the Parish Council.

Planning permission is sought for the redevelopment of an existing industrial unit involving the demolition of the unit, re-profiling and raising of the land and the construction of a new building to house 5 new industrial units with associated parking, road ways and other works. Permission is also sought for the replacement of the existing bridge into the Business Park with a new bridge and footpath.

The site lies outside of any identified development boundary but within an existing business park. No development is proposed outside of the existing build development, although the whole of the site is located within a floodzone and Green Wedge, with the bridge and access road lying within the Exe Estuary SPA/Ramsar site boundary.

Development or redevelopment of industrial units within existing business parks has policy support both within the local plan and 'made' Clyst St. George Neighbourhood Plan, and there is therefore no objection to the principle of the proposal.

Permission has previously been approved for three office buildings on the site, one of which has been built, and this application seeks an alternative to the previous approval.

Although the proposed building is approximately 4m higher than the existing building, it is of an almost identical height to that that previously approved which was three storeys with a flat roof. The proposed building has a similar footprint, but with a pitched roof. As such whilst the building will be more prominent than the existing building, the applicant has benefitted from a previous consent for construction of 3 building of a similar height. As per the previous consent the ground levels would be raised by around 2 metres to take the floor levels out of the flood zone, and overall it is not considered that the current proposal would be any more visually intrusive or harmful than that previously consented.

The proposed replacement bridge will be more significant than the existing which is no longer appropriate to accommodate the levels of traffic generated by the business park. It will require some disturbance of the protected landscapes, particularly during the construction period, however it will provide a safer access and will facilitate a reduction in traffic using the southern access the business park which is via a narrow lane that forms part of the national cycle network and where there is currently a conflict between vehicles and pedestrians/cyclists.

Whilst the concerns expressed by the Parish Council are appreciated, the proposed development will have no greater visual impact than the consented scheme and will generate new employment and support the expansion of an existing established and successful local business which is a significant factor in the planning balance.

Natural England have agreed the Appropriate Assessment and mitigation needed to ensure no likely significant effects on the Exe Estuary and its designations.

Overall it is considered that subject to appropriate mitigation works and conditions the proposed development is acceptable and the application is therefore recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

14/01/19 - The Parish Council wishes to object to this application.;

In addition to the various issues raised by other consultees in relation to environmental and other matters, we are concerned on the overall height and mass relative to the existing building. The proposed ridge height is much higher than the existing unit and this will cause visual harm to surrounding area which has a negative effect to the area, in particular the river setting.

## **Technical Consultations**

Natural England

04/03/19 - Our ref: 271772

Your ref: 18/2504/MFUL

Dear planning team,

Planning consultation: AMENDMENTS - Demolition of existing industrial unit & construction of replacement building with raising of site levels & construction of new bridge.

Location: Land At Odhams Wharf, Ebford.

Thank you for your consultation on the above, which was received by Natural England on 25 January 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Insufficient information provided There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Exe Estuary Special Protection Area (SPA) which is a European site. The site is also listed as the Exe Estuary Ramsar site<sup>1</sup> and also notified at a national level as Exe Estuary Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>2</sup>. The Conservation objectives for each European site

1 Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

2 Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could

potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

#### Additional Information required

The proposed development site is under 100m from the Goosemoor/ Bowling Green Marsh RSPB reserve, part of the Exe Estuary SPA and Ramsar Site. The reserve supports large aggregations of foraging and roosting waterbirds throughout most of the year, and thus are essential to the integrity of the entire SPA. This lower, tidal part of the river valley is also an important flyway for SPA birds that commute a little further up the valley to forage.

The conclusion in the submitted additional information 'Wintering Birds Wildlife Assessment' alludes to no LSE and no requirement for any avoidance or mitigation. The report fails to demonstrate the following:

- awareness of the close proximity of large aggregations of qualifying features;
- the potential ways in which construction can impact on qualifying features, nor explores which causes of potential disturbance or other impacts relate to this proposal, nor why these would not affect these qualifying features;
- consideration of the SPA features, their conservation objectives; advice on operations, seasonality table; and doesn't reference any other material to support the conclusion;
- describe or consider legal aspects, i.e. HRA.

On this basis, the applicant will need to either provide sufficient information including survey work to inform an HRA through to AA level, or provide sufficient information to convince the planning authority that the noise, movement and lighting from demolition and construction of large structures very close to critically important parts of the SPA will avoid resulting in impacts, without any avoidance or mitigation.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Further comments 12.06.19:

Planning consultation: UPDATED WILDLIFE REPORT - Demolition of existing industrial unit & construction of replacement building with raising of site levels & construction of new bridge.

Location: Land At Odhams Wharf, Ebford.

Thank you for your consultation on the Wintering Birds Wildlife Assessment Updated 7th May 2019, which was received by Natural England on 07 May 2019. Please accept our apologies for the delay in responding.

Natural England has also received a copy of the 10.02.2009 Wildlife Report which was referenced in the 2019 report and further information via an email dated 8.06.2019.

Our advice is that because the proposed bridge replacement and the access road to be used by vehicles, cycles and pedestrians are within the Exe Estuary SPA/Ramsar site boundary a Habitats Regulations Assessment must be undertaken by the Local Planning Authority.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- o the proposal is not necessary for the management of the European site
- o that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

- o The proposed development site is under 100m from the Goosemoor/ Bowling Green Marsh RSPB reserve, part of the Exe Estuary SPA and Ramsar Site. The reserve supports large aggregations of foraging and roosting waterbirds throughout most of the year, and thus are essential to the integrity of the entire SPA. This lower, tidal part of the river valley is also an important flyway for SPA birds that commute a little further up the valley to forage.

o It is accepted that the surveys carried out demonstrate that the two fields to the north of Odhams Wharf and the creek alongside the development are used by extremely low numbers of birds.

o We advised on previous planning application 09/2412/MFUL that it was reasonable for this proposal to conclude that the development was not likely to have a significant effect on the SPA/Ramsar features (wintering birds).

o Existing development, such as Armada House, provide some screening of this site from birds using the Goosemoor and the River Clyst mudflats.

#### FURTHER ADVICE

In view of the sensitive location of this site all available measures to avoid disturbance to wading birds and wildfowl should be adopted, including:

o Timing the bridge construction works across the creek to avoid sensitive periods for wintering birds. These period vary by bird species but are generally October to March;

o Minimising disturbing activity on the unscreened access road crossing the SPA fields, for example by providing alternative pedestrian and cycle access via the cycle path to the east of the site as part of the Travel Plan.

The above items can be achieved through suitable conditions.

Further comments 12.06.19:

Thank you for your consultation on your Amended Appropriate Assessment (AA), which was received by Natural England on 14 August 2019. We have also had regard to the Traffic Assessment and supporting letter received 13 August 2019.

To clarify, we advise that there would be no likely significant effect on Dawlish Warren SAC or the Pebblebed Heaths SPA/SAC.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

#### MITIGATION MEASURES

We concur that all the mitigation measures set out in the Appropriate Assessment are required to make the development acceptable. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

As set out in our previous letter we also advise the following is secured by condition:

- Given the proximity of the proposal to the protected sites and the associated potential for damage as a result of storage or disposal of materials, and operation of machinery or plant within the SSSI, no storage of machinery and materials shall take place within

the protected sites. No operation of machinery and plant shall take place outside of the access road/bridge.

The following informative is also advised:

- The applicant is advised that should storage, access or encroachment within the Exe Estuary SSSI be found to occur as a result of the proposals during or after the works, this will be considered an offence under Section 28 of the Wildlife and Countryside Act 1981 (as amended) whereby the applicant may be liable on summary conviction to a maximum fine of £20,000 or on conviction on indictment to an unlimited fine. All contractors working on site should be made aware of this informative and provided with a map that clearly shows the boundaries of the Exe Estuary SSSI in relation to the development site.

### South West Water

30/01/19 - I refer to the above and would advise that South West Water has no comment other than to acknowledge the response from the Applicant to our original response.

26/11/18 - With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

### Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity (see under "view associated documents" tab. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

### Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

## Surface Water Services

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,

Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m<sup>2</sup>. Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.

2. Discharge to a surface waterbody; or where not reasonably practicable,

Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)

3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,

Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)

4. Discharge to a combined sewer.( Subject to Sewerage Undertaker carrying out capacity evaluation)

South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

I trust this clarifies the water and drainage material planning considerations for your LPA, however if you have any questions or queries, please do not hesitate to contact me either via e-mail: [developerservicesplanning@southwestwater.co.uk](mailto:developerservicesplanning@southwestwater.co.uk) or direct line: 01392 443983.

Please quote reference number MPP231118 EX3 0PB in all communications and correspondence.

County Highway Authority

18/02/19 - The site is situated off the C527.

The proposed layout utilises the existing access, and as a replacement building, I do not foresee a huge increase in the traffic intensification. Dedicated parking is to be provided with a turning head in order to turn. I would recommend the supply of cycle parking especially with the Exe-Estuary nearby.

Should this application be approved, the estuary footway bridge to be provided may well require the County Highway Authority (CHA) to check the structural integrity through calculations before access is opened to the general public. I would also advise the Environment Agency of the bridge intentions to access the flood risk.

Overall, however the CHA has no objections to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel to in accordance with the East Devon Local Plan.

DCC Flood Risk SuDS Consultation

04/02/19 - Recommendation:

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

The applicant is proposing to culvert the existing ordinary watercourse which flows adjacent to the site. It is understood that this watercourse 'backs-up' during high tides and so water stores within the channel. This storage will be lost if the watercourse is piped. Therefore, the applicant should reconsider the proposals to ensure that this watercourse remains open. The applicant should clarify the necessity of the access road in the southwest of the site. The site is already accessed via the east and another access may require another culvert.

The Design and Access Statement refers to a surface water attenuation pond to the southwest of the site. However, it is not understood where this attenuation pond is located. The applicant should clarify this.

Where brownfield sites are being developed, peak flow control should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the applicant should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate. It is noted that pervious paving has been proposed for the car parking spaces, but a further reduction in flow from this site could be achieved.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

The applicant is advised to refer to Devon County Council's Sustainable Drainage Design Guidance, which can be found at the following address:  
<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>

### Environment Agency

27.11.2018:

Environment Agency position

We object to this proposal on the grounds that insufficient information has been submitted. We will object until a more comprehensive Flood Risk Assessment (FRA) is submitted which demonstrates that the development is safe from flooding over its lifetime.

Further comments 14.02.2019:

Unfortunately still object to the proposed development, due to concerns around the culverting of the attenuation leat along the southern boundary of the site.

Reason

Our general policy is that culverting is only permitted for essential access purposes. The proposed culverting to facilitate car parking/landscaping does not fall within this category. We would advise exploring options to maintain an open channel as the attenuation leat along the southern and western boundaries. The open channel provides an important, and critical, storage area at times of high tide, when tide-locking scenarios are realised.

It will be necessary to calculate the capacity required in the leat during a tidal cycle involving a 200 year tide level plus climate change that could also coincide with a severe rainfall event resulting in surface water draining into the channel from the catchment area to the south east of the site.

#### Overcoming our objection

The applicant can overcome our objection by submitting an FRA which address the above points and demonstrates that the proposed development will be safe from flooding over its lifetime without increasing flood risk elsewhere.

Further comments 30.04.2019:

#### Environment Agency position

We are happy to remove our previous objection to the proposal (dated 26 November 2018 & 14 February 2019).

#### Reason

We have reviewed the newly submitted documents and approve the revised strategy to retain the attenuation leat as an open channel, with no change to the existing capacity of the watercourse.

However, we would like to recommend that a 300mm freeboard is used to set finished floor levels of the development rather than the current 143mm proposed.

#### Environmental Health

26/02/19 - I have considered this application and recommend the following conditions to be attached to any permission granted:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

#### Contaminated Land Officer

28/11/18 - I have considered the application and the Stage 2 report submitted by Paulex. The report suggests that there is contamination on the site which has not

been able to be quantified at this stage and therefore further work will need to be done should the application be approved. I therefore recommend that standard condition CT3 is included on any approval in order that any contamination encountered is appropriately remediated.

08/03/19 - No additional comments.

EDDC Landscape Architect - Chris Hariades

10/12/18 - 1 INTRODUCTION

This report forms the EDDC's landscape response to the Full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

## 2 LANDSCAPE RESPONSE

No comments on submitted details.

## 3 RECOMMENDATIONS

In the event that approval is recommended, the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage.

c) Details of locations, heights, light levels and specifications of proposed external lighting.

d) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.

e) Plant schedule indicating form size and density of planting

f) Specification for soil quality, cultivation, planting, seed sowing, mulching and means of plant support and protection during establishment period.

2) In addition, the following standard EDDC landscape conditions should apply:

L01N, Landscaping - full permissions

L02N Landscaping - groundworks

L06N Landscaping - fences and boundaries

L11N Landscaping - landscape management which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.

Inspection and management arrangements for existing and proposed trees and hedgerows.

- Management and maintenance of grass areas.
- Management and enhancement of biodiversity value.
- Management and maintenance of any boundary structures, drainage swales and other external infrastructure.

L15N Landscape condition for full planning permissions (omitting non relevant parts/sections)

Other Representations

One representation has been received from RSPB raising a number of concerns, summarised below

- Demolition and construction works can be very disturbing
- Additional traffic potential increase in disturbance
- Potential light spill onto channel which is part of European site
- New footpaths leading to disturbance of birds using channel
- Enabling pedestrian access along access track and over new bridge will result in likely disturbance due to increased activity
- 5 separate business units will result in increased activity and disturbance
- Potential pollution of channel

**PLANNING HISTORY**

<b>Reference Date</b>	<b>Description</b>	<b>Decision</b>	
15/0700/MFUL	Demolition of existing industrial building and construction of 3no. office blocks. Raising of site levels and construction of new bridge (re-submission of planning application 09/2412/MFUL	Approved	17.07.2015
09/2412/MFUL	Demolition of existing industrial building and construction of 3no. office blocks, raising of site levels and construction of new bridge	Approved	12.04.2010

## **POLICIES**

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

Strategy 7 (Development in the Countryside)  
Strategy 8 (Development in Green Wedges)

D1 (Design and Local Distinctiveness)

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

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

E5 (Small Scale Economic Development in Rural Areas)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Clyst St George Parish Neighbourhood Plan 2015 – 2031

Clyst St George Parish Neighbourhood Plan

CGS1 – Sustainable Development

CGS3 – Flood Risk

CGS5 – Development Outside the Settlement Areas

CGS6 – Protection of Trees and Woodland

CGS9 – Design Matters

CGS17 – Parking Standards for New Development

CGS19 – Business Development

### Government Planning Documents

NPPF (National Planning Policy Framework 2018)

National Planning Practice Guidance

## **Site Location and Description**

The site is located between Ebford and Topsham outside the development limits of any settlement and classified as countryside for the purposes of the Development Plan. The site lies adjacent to the Exe Estuary which is designated as a Special Protection Area which doubles as a Ramsar site and SSSI. The site also lies outside any formal local plan employment land designated area and is shown in the Local Plan as being within a Green Wedge and Coastal Preservation Area where development will be restricted.

Whilst the site is not designated within the local plan, it has been used for storage and industrial purposes as part of the wider adjoining employment/business parks for many

years. As such, the site is adjoined by business units to the east, south and west with the river to the north.

The site can also be characterised as being 'brownfield' previously developed land within an existing industrial and employment area with a mix of light industrial, general industrial, boat and marine based industries. The current use of the site is a builder's yard. A large industrial building occupies the western portion of the site. This building has a floor area of 800 square metres. The total site area extends to 0.8ha (2 acres).

The site can currently be accessed from the Class C highway leading to Topsham or from a privately maintained road leading to the A376 near Ebford. The former road access to the site is via a small bridge over an inlet of the River Clyst. This bridge has a current weight limit which restricts heavy industrial traffic thereby forcing vehicles to use the private road to the south. The access onto the Topsham Road does however benefit from excellent visibility.

The existing building on the site has a height to its ridge of approximately 5m at an overall length of approximately 64m and maximum depth of 19m.

### **Proposal**

Planning permission is sought for the demolition of two existing buildings and the construction of a new building to house 5 industrial units (B1, B2, B8 uses) of varying sizes with associated ground works and parking. The proposed building would measure around 68m in length by 20m depth, with an overall height of 9.2m. In order to raise the units above the flood level, it is proposed to raise the levels across the whole site by approximately 2m using imported recycled hardcore. Tarmac roads and permeable surface parking areas are proposed together with additional drainage works including the piping of the existing attenuation culvert to the south of the site and further landscaping.

Permission is also sought for the replacement of the existing access bridge to the industrial area which is in need of substantial improvement with a new more substantial and wider structure which would be capable of accommodating the traffic attracted to the site. A footpath/cycle path is proposed to link the site to the national Cycle network to the east of the site.

### **ANALYSIS**

The main issues to be considered in the determination of this application relate to:-

- Principle of development
- Visual impact and design considerations
- Nature conservation and protected habitats
- Traffic impact and access
- Flood risk
- Drainage
- Impact on neighbouring properties
- Contaminated land

## Principle of the Proposed Development

The site is already in use for industrial purposes and is located within a well-established business park. The land to the south and west has been developed for B1 offices and light industrial uses and the site has benefitted from planning permission for the redevelopment to provide 3 office blocks. In addition the area nearby has a history of maritime uses including boat building. Whilst the site has no formal designation it is clearly an area of brownfield land already within an established industrial area. The demolition of the existing building and its replacement with a new building would not extend the existing industrial use into open grassland areas surrounding the site. The site is relatively close to major areas of population in Exmouth and Exeter and is served by public transport on the A376 corridor and benefitted from a previous consent for 3 office blocks.

The site is recognised in the Clyst St George Neighbourhood Plan (Policy CSG19 – Business Development) which states:

Business development on the business parks listed below (and identified on Map 9) will be supported provided it is in keeping with those uses and business activity already on the site and does not lead to the outward expansion of the site. The following locations are currently in use as business parks:

- A. Addlepool Farm
- B. Clyst Works
- C. Danny's Court
- D. Darts Farm
- E. Knowle House, (Devon & Somerset Fire H.Q.)
- F. Newcourt Barton
- G. Sandygate Farm
- H. Tremletts

All business/commercial development should:

- i. respect the character of its surroundings by way of its scale and design;
- ii. not harm the surrounding landscape;
- iii. not have an adverse effect on its neighbours;
- iv. not have an unacceptable adverse impact on the transport network and parking; and
- v. safeguard residential amenity and road safety;
- vi. promote access on foot or by bicycle; and
- vii. reduce flooding and improve water quality in main rivers.

The site is referenced as Site C (Danny's Court) on Map 9 referenced within the above policy.

This policy supports the principle of re-development of the site, and the proposal does not expand the site outside of its current boundaries. With regard to assessment against criteria i-vii of the policy, these are considered below.

The creation of improved employment facilities (that will enable the existing businesses to grow and expand) weighs heavily in favour of the principle of the

proposal and the expansion of rural businesses is supported in both local and national planning policy, and it is considered that the proposal would provide positive support to the local economy. As such, and whilst the site lies outside of any formal development boundary it lies within an established business park and constitutes previously developed land and as such it is considered that there is no in-principle objection to the proposed development.

### Visual Impact and Design

The site occupies a prominent position in the local landscape given the flat nature of the landscape.

The existing new buildings to the west in particular are prominent in terms of their bulk and shape. They are not however prominent with regard to design and materials. The welcome use of natural materials for external cladding (timber cladding with dark grey aluminium windows under a dark grey roof) will help to provide a distinctive development which will complement the existing office buildings to the west and south.

Whilst the proposed building would be constructed on ground raised 2m above the current ground levels (to take the site out of the flood zone), and the building ridge would therefore be approximately 4m higher than the existing building, the visual impact from the proposal would be acceptable. The landscape officer has raised no objection to the visual impact from the building and it is material to the consideration of this current application that the ridge height is almost identical to the height of the previously approved 3 office buildings on the site. Given this, and given that views of the site from the north will be in the consent of the adjoining buildings and business park, the height and profile of the new building is not considered to be unreasonably intrusive.

In addition, the development will be well contained within existing site boundaries and whilst there will be a visual impact this is considered to be acceptable in this context and will not be harmful to the Green Wedge or Coastal Preservation Area to an extent that harm would occur.

Additional landscaping along the northern boundary of the site will also help to soften the impact of the new buildings and form a buffer between the employment site and the land to the north which will retain an open landscape form.

The proposal also has the potential to have a significant effect on the neighbouring protected landscapes, particularly in terms of lighting once the development is operational, and noise during the construction phase. With this in mind and to ensure that any development takes place during the least sensitive periods of the year, it is considered that appropriate management procedures will be required and can be conditioned.

### Traffic Impact and Access

The existing access via the bridge over the water is of a poor standard and appearance. It is also well known that access from the south in the past has proved

problematic and it is for these reasons that the previous consent also included consent to provide a new bridge as a replacement to the existing.

The provision of a new bridge is needed and to that end it is recommended that as a first phase of development the new bridge would be put in place. This would allow all construction traffic to access the site from Topsham Road rather than the southerly route which is narrow and generally not suitable for additional traffic. The southern access also forms part of the National Cycle network, and therefore any additional traffic using this narrow lane would be likely to result in conflict between leisure and business users of the road.

Although the Highway Authority have not raised specific concerns in respect of this issue, it is considered that the use of the southern road would be likely to result in significant local amenity issues if heavy traffic during construction and general traffic afterwards was forced to use this route. It will of course be difficult to prevent employees using this southerly access but the northern access route is much more likely to be used following the provision of a new bridge and the good visibility at the junction with Topsham Road.

There are no other highway or road safety concerns and the proposal includes provision of suitable car parking provision at 36 spaces.

### Flood Risk

Whilst the site is located within an identified floodzone, it is proposed to raise the land levels to create a flood defence, the details of which have been considered and found to be acceptable by the Environment Agency. These improvements were also proposed and approved as part of the previous application in 2015.

This form of flood defence has been undertaken in other parts of the site, particularly the redevelopment of sites to the south and west and whilst some raising of the ground has already been undertaken on the site boundary with the river culvert, raising of this site will complete the flood defences at the northern end of Odhams Wharf.

### Drainage

The proposed development will connect to the public sewer within the site which is considered to be appropriate in this situation, and whilst some additional works may be required the principle of the scheme is acceptable.

The submitted surface water arrangements are also considered to be suitable with the proposed infiltration method of discharge into the ground being acceptable.

### Residential Amenity

The application site is centrally located within the business park, with the nearest residential property some distance from the site. Whilst any construction works have the potential to cause noise and disruption for the occupiers of neighbouring residents, this is transitory and in the long term the only likely impact would arise from additional traffic movements.

Other potential issues, such as noise and light pollution can be suitably controlled by condition.

### Contaminated Land

The application is accompanied by a contamination assessment study, and phase 2 site investigation assessment, both of which were undertaken some time ago. Despite the time since the studies were undertaken, it is considered that the general situation is unlikely to have substantially changed in the intervening period. However given the sites previous industrial use there is potential for some contamination of the land, and with this in mind it is considered that a suitable condition should be included on any approval.

### Nature Conservation, Protected Habitats and Appropriate Assessment

Part of the site, bridge and access road, are within the Exe Estuary Special Protection Area, and an Appropriate Assessment has therefore been undertaken to assess any impact arising from the proposed development. This has found that whilst the proposal will have some impact on the protected area, this is unlikely to be significant and can be mitigated by appropriate conditions.

The nature of this application and its location with part of the site lying within the European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (attached to this report) is required and has been undertaken and found to be acceptable by Natural England on the basis of the mitigation measures proposed (CEMP, restricted hours of working and noise and lighting restrictions) being secured through conditions. Natural England conclude that the proposed development will consequently not have an adverse effect on the integrity of Exe Estuary SPA and Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC, East Devon Heaths SPA, Dawlish Warren SAC.

Some concern has been raised in respect of the impact of the proposals on the nearby RSPB reserve at Goosemoor/Bowling Green Marsh, and whilst this is appreciated it is considered that subject to appropriate conditions/the mitigation outlined in the Appropriate Assessment, including working hours/times and methods, and appropriate lighting the proposal is acceptable and will not be harmful to ecology.

### **CONCLUSION**

The proposed re-development of the site to create more modern and fit for purpose business units is considered to be acceptable in principle and would accord within both neighbourhood and local plan policies which encourage a prosperous rural economy and support employment initiatives on existing business sites.

The replacement of the access bridge to the business park will improve access arrangements, and will provide a safer entrance, and which should also reduce the numbers of large vehicles using the narrow lane to the south of the site, thereby having the potential to improve highway safety and reduce conflict between vehicles and cyclists on this road.

Whilst the site levels are proposed to be raised, and the building will be taller than the existing building, its visual impact is considered to be acceptable and in any case proposes a building no taller than 3 officer buildings that were approved on the site in 2015.

An Appropriate Assessment has been prepared and agreed with Natural England given the relationship to the Exe Estuary and its wildlife designations. Subject to securing the mitigation within the Appropriate Assessment, the proposal will not have a harmful impact upon ecology.

Subject to appropriate conditions relating to construction methods and working arrangements, suitable landscaping and materials and external lighting, the proposal is considered to be acceptable and is recommended for approval.

### **RECOMMENDATION**

**1. That the Habitat Regulations Appropriate Assessment attached to this Committee report be adopted;**

**2. That the application be APPROVED subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.)
4. Notwithstanding the operational working arrangements identified within any approved Construction and Environmental Management Plan, no works in respect of building demolition and/or works to the bridge shall take place other than between the months of April to September inclusive. Other construction works shall be limited to between April and December inclusive.  
(Reason – To mitigate any potential impact on protected landscapes and nesting birds in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031)

5. Before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
6. Notwithstanding the submitted information, full details of the proposed new bridge shall be submitted to and agreed in writing by the Local Planning Authority prior to any works taking place on site. Once agreed the new bridge shall be constructed as a first phase of development prior to any other works taking place on site, and shall form the primary means of access to the site for all construction vehicles. The southerly access route to Ebford shall only be used in emergency situations by any construction traffic.  
(Reason – To ensure that the bridge is robust enough to carry traffic during development and to ensure adequate access is provided for all construction traffic and future movement of staff and other visitors to the site in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until condition 1. Site Characterisation (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

#### Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

8. Prior to any construction works commencing on car parking and footways the surface details and samples of materials to be used shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

(Reason - The development will generate vehicle movements and car parking requirements and it is necessary to ensure that in the interests of the visual appearance of the site and to ensure permeable materials are used to avoid potential surface water run-off and increased flood risk before development begins in accordance with Policies D1 (Design and Local Distinctiveness) (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) and the guidance contained in the National Planning Policy Framework.)

9. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

10. Secure Cycle/Scooter Storage. No development shall take place above foundation level until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

(Reason: To promote sustainable travel to in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the National Planning Policy Framework.)

11. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Details of any floodlighting or other external lighting (including lux levels) on the site shall be submitted to and approved in writing by the Local Planning Authority prior to its erection on the site. Development shall be carried out in accordance with the approved details. No other external lighting shall be erected on the site without the prior written approval of the Local Planning Authority. The site shall

not be lit other than during business hours unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interest of the character and appearance of the locality and to avoid excessive light pollution in this sensitive area of countryside in accordance with policy D1 (Design and Local Distinctiveness) (Design and Local Distinctiveness) of the East Devon Local Plan.)

13. Prior to the first occupation of the building hereby approved the proposed cycle and pedestrian footpath to the site from the Sustrans cycle path on the eastern boundary shall be constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.  
(Reason – in the interests of providing a safe and suitable pedestrian and cycle access to the site, in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)
14. Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.  
(Reason - To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment and in accordance with Policy EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.)
15. The development shall not take place other than in complete accordance with the Wintering Birds Environmental Assessment prepared by JD Goss-Custard dated 30.10.2009, as revised by further reports dated January 2019, and updated 7 May 2019.  
(Reason - In the interests of the protection of wading birds and wildfowl in accordance with Policy EN5 (Wildlife Habitats and Features) and the guidance contained in the National Planning Policy Framework.)
16. The development shall not take place other than in complete accordance with the Flood Risk Assessment (E04984 CLK Flood Risk Assessment dated 27.03.2019) and additional information submitted in the Response to SWW Consultation document E04984/TN01 dated 23.01.2019.  
(Reason - In the interests of flood prevention in accordance with Policy EN21 (River and Coastal Flooding) and the guidance contained in the National Planning Policy Framework.)

#### 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 positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

The applicant is advised that should storage, access or encroachment within the Exe Estuary SSSI be found to occur as a result of the proposals during or after the works,

this will be considered an offence under Section 28 of the Wildlife and Countryside Act 1981 (as amended) whereby the applicant may be liable on summary conviction to a maximum fine of £20,000 or on conviction on indictment to an unlimited fine. All contractors working on site should be made aware of this informative and provided with a map that clearly shows the boundaries of the Exe Estuary SSSI in relation to the development site.

Plans relating to this application:

ELEVATION+SITE CROSS SECTION	Combined Plans	05.11.18
ELEVATIONS	Proposed Elevation	05.11.18
201 REV P7 : PLANS+SECTIONS	Combined Plans	05.11.18
RESPONSE TO SWW CONSULTATION (ADDITIONAL)	General Correspondence	24.01.19
TQRQM183062149 12528	Location Plan	05.11.18
	Proposed Floor Plans	05.11.18
	Proposed Site Plan	05.11.18
SWW SEWER MAP	Other Plans	26.11.18
agent email with plan (additional info)	Location Plan	23.07.19
Foul water drainage site plan I	Other Plans	01.04.19
001 rev P1 : proposed surface water drainage strategy	Other Plans	01.04.19
rev C - 12.03.2019	Proposed Site Plan	01.04.19
amended	Flood Risk Assessment	01.04.19
Transport Impact Note	Additional Information	13.08.19

Wildlife Report

General  
Correspondence

08.05.19

List of Background Papers

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

## Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017,  
Section (63)

<b>Application Reference</b>	18/2504/MFUL
<b>Brief description of proposal</b>	<b>Demolition of existing industrial unit and construction of replacement building, raising of site levels and construction of new bridge</b>
<b>Location</b>	Land at Odhams Wharf Ebford
<b>Site is:</b>	<b>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</b> <b>Within 10km of the Exe Estuary SPA site alone (UK9010081)</b> <b>Within 10km of the East Devon Heaths SPA (UK9010121)</b> <b>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</b> <b>Within 10km of the Exe Estuary Ramsar (UK 542)</b>  (See Appendix 1 for list of interest features of the SPA/SAC)
Step 1 Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites	
<b>Risk Assessment</b>	
<b>Could the Qualifying Features of the European site be affected by the proposal?</b>  <b>Consider both construction and operational stages.</b>	<b>The proposal is for an employment use within 10km of the Protected Landscapes, the employment units will not generate any increase in recreation impacts on the Protected Landscapes in themselves.</b>  <b>The access road and bridge lie within the Protected Landscape, and the proposal will result in an overall reduction vehicle movements, the levels of which have been assessed through the submitted transport impact note. This has been considered and mitigation measures proposed. The use of the access to serve the employment uses are unlikely to increase any recreational impact on the Protected Landscapes.</b>  <b>The development will result in an overall reduction in traffic, movements and disturbance and employment/industrial activity adjacent to the Exe</b>

	<p>Estuary. It would remove an open storage area from the site. There may be some disturbance from staff and visitors using the protected landscapes during break times.</p> <p>Additional noise and disturbance is likely during demolition and construction periods.</p>
<b>Conclusion of Screening</b>	
<p>Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?</p>	<p>East Devon District Council concludes that there may be <b>Likely Significant Effects</b> 'alone' and/or 'in-combination' on features associated with the proposal at Land at Odhams Wharf, Ebford</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>Exeter City Council - <a href="https://exeter.gov.uk/media/4153/sedesms.pdf">https://exeter.gov.uk/media/4153/sedesms.pdf</a></p> <p>Teignbridge District Council - <a href="https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlsh-warren-habitat-mitigation/evidence-base/">https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlsh-warren-habitat-mitigation/evidence-base/</a></p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>
<p>Local Authority Officer</p>	<p>Date:</p>
<p><b>Step 2</b>  <b>Appropriate Assessment</b>  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.</p>	
<b>In-combination Effects</b>	
<p>Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects</p>	<p>Whilst there is additional housing and tourist accommodation within 10km of the SPA/SAC which will add to the existing issues of damage and disturbance arising from recreational use, the proposal being of an industrial/business nature is not considered to add to the recreational pressure or to have an adverse effect on the integrity of the Exe Estuary SPA, Dawlish Warren SAC and Ramsar sites alone or in combination with other plans or projects.</p>

<b>individually or severally.</b>	
<b>Mitigation of in-combination effects.</b>	
<b>Assessment of Impacts with Mitigation Measures</b>	
<b>Mitigation measures included in the proposal.</b>	<p><b>As identified part of the application site (the access road and bridge) lies within close to the Exe Estuary Special Protection Area (SPA) and Ramsar site. These sites are designated for their overwintering wildfowl and waders. In addition the works are within close proximity to the Dawlish Warren Special Area of Conservation (SAC), designated for its coastal geomorphology and dune systems.</b></p> <p><b>A Wintering Birds Environmental Assessment, and updated Wintering Birds Wildlife Assessment (7 May 2019) have been submitted as part of the application which outlines how the development could impact on the overwintering bird species.</b></p> <p><b>In addition a Transport Impact Note has been prepared in respect of the proposed traffic generation arising from the proposed development. This concludes that the proposed development will result in an overall reduction in traffic movements attracted to the site.</b></p> <p><b>Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application. Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Assessment (AA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which is likely to have a significant effect upon a European site.</b></p> <p><b>East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and Dawlish Warren, building upon the content contained in the Wintering Birds Wildlife Assessment submissions, and advice from Natural England and conclude the following:</b></p> <p><b>Construction phase:</b>  <b>Working practices and procedures shall be undertaken in accordance with a Construction and Environment Management Plan (CEMP) prepared and submitted to the satisfaction of the Local Planning Authority. In addition building demolition and bridge work activities will be limited to the months of April to September inclusive, and no construction activities will be undertaken between the end of December and the beginning of April.</b></p> <p><b>Operation Phase</b>  <b>All lighting of the site shall be undertaken in accordance with a scheme reviewed by an appropriately qualified ecologist and submitted to and approved by the Local Planning Authority, and designed to meet zone E2</b></p>

	<p>(rural/suburban) standards within the Guidance Note for the Reduction of Obtrusive Light 2011.</p> <p>Alternative pedestrian and cycle access will be encouraged to minimise usage of the access road and the gate access from the Sustrans cycle path moved in accordance with advice provided and as indicated on the amended site plan</p> <p>Effect on Achievement of Conservation Objectives and Site Integrity Table 3.2 considers the impacts assessed above in relation to the achievement of the conservation objectives for the Exe Estuary SPA. Given that no influences or changes arise which could result in the failure to achieve any of the conservation objectives for any of the qualifying habitats or species, it is concluded that no adverse effect on the integrity of the Exe Estuary SPA would occur.</p>	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	<p>Yes – the site has been previously developed, and whilst the construction works may result in some minor disturbance the above mitigation measures are considered to be appropriate to overcome any significant effects of the proposed development.</p> <p>Alternative pedestrian and cycle routes are proposed</p> <p>The reduction in vehicular traffic movements arising from the proposal will reduce the overall impact on Goosemoor Nature Reserve and the protected species and other wildlife within it.</p>	
<b>Conclusion</b>		
List of mitigation measures and safeguards	<p>CEMP submission Hours of working restricted Restricted months of demolition and construction works Noise and lighting limitations Alternative cycle and pedestrian access Reduction in traffic movements</p>	
The Integrity Test	<p>Adverse impacts on features necessary to maintain the integrity of the land at Odhams Wharf Business Park can be ruled out.</p>	
Conclusion of Appropriate Assessment	<p>East Devon District Council concludes that there would be <b>NO</b> adverse effect on integrity of the Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites <b>provided</b> the mitigation measures are secured as above.</p>	
Local Authority Officer		Date:
<p><b>21 day consultation to be sent to Natural England Hub on completion of this form.</b></p>		

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-Calliargon 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;

- 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.

#### 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;

- 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.

### 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;

- 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.

## 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)