

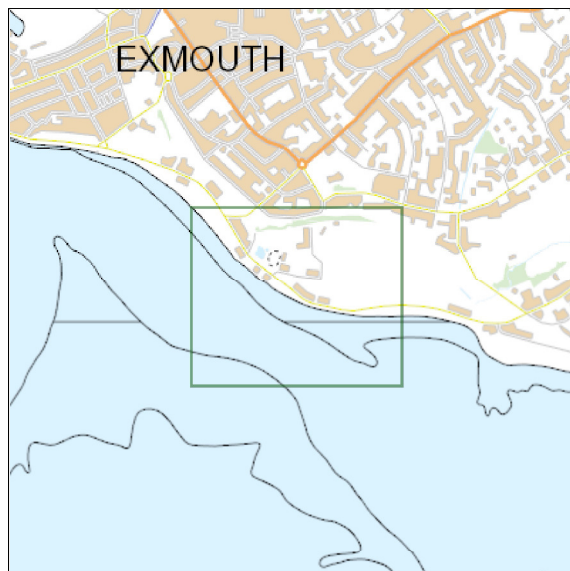
**Ward** Exmouth Littleham

**Reference** 20/0324/VAR

**Applicant** Mr Aiden Johnson-Hugill

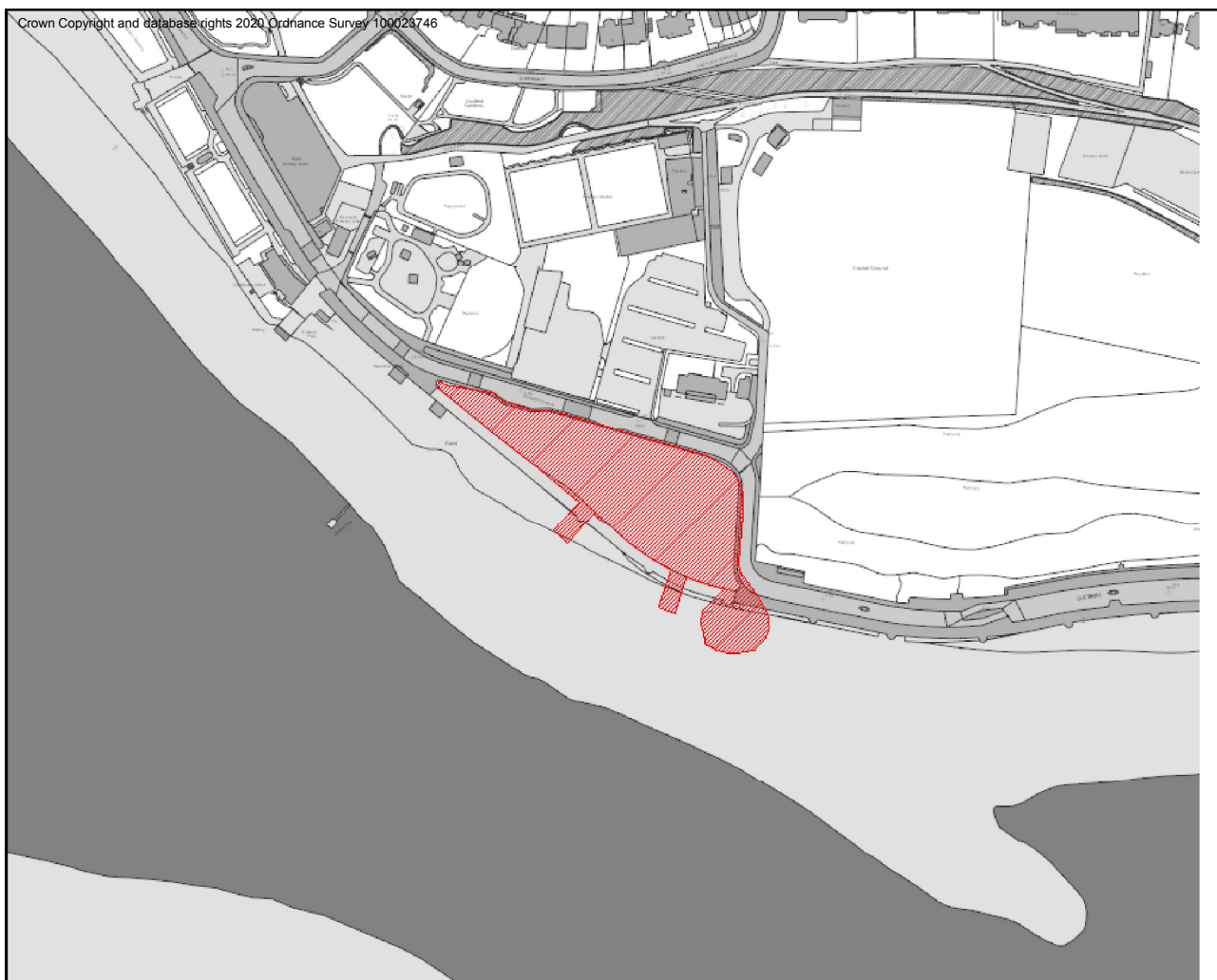
**Location** Queen's Drive Space Queens Drive Exmouth

**Proposal** Variation of condition 2 (approved plans), planning permission 18/0376/MFUL (watersports centre, cafe, restaurant and retail) to allow addition of glass canopy with retractable walls and roof over first floor terrace, fenestration changes, changes to parking arrangements and the addition of 2 no. electric car charging points.



**RECOMMENDATION:**

- 1. Approval with conditions**
- 2. Adopt the updated appropriate assessment**



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Exmouth Littleham (Exmouth)</b>	<b>20/0324/VAR</b>	<b>Target Date: 19.05.2020</b>
<b>Applicant:</b>	<b>Mr Aiden Johnson-Hugill</b>	
<b>Location:</b>	<b>Queen's Drive Space Queens Drive</b>	
<b>Proposal:</b>	<b>Variation of condition 2 (approved plans), planning permission 18/0376/MFUL (watersports centre, cafe, restaurant and retail) to allow addition of glass canopy with retractable walls and roof over first floor terrace, fenestration changes, changes to parking arrangements and the addition of 2 no. electric car charging points.</b>	

**RECOMMENDATION:** 1. Approval with conditions  
2. Adopt the updated appropriate assessment

### **EXECUTIVE SUMMARY**

**This application is before members as the Council retains a financial interest in the site being the freeholder and as objections have been received to the application.**

**The site represents part of the wider Exmouth regeneration area adjacent to the re-routed part of Queen's Drive, where permission has previously been granted for a watersports centre, café and restaurant together with a new car park under reference 18/0376/MFUL; that permission is currently being implemented.**

**This application seeks to vary condition 2 (approved plans) of application 18/0376/MFUL to enable a glass canopy with retractable roof to be built over the approved external terrace area to enable the restaurant seating area to be extended and used in all weathers. Permission is also sought to provide additional electric vehicle charging points and amend the fenestration on the building to provide more louvres.**

**Whilst the proposed structure on the roof terrace has been submitted as an afterthought and does not follow the existing design of the building, the lightweight structure, flanked by a parapet wall when viewed from the north, would allow views through it and is of a scale that would not take away from the original design and materials of the building such that it is considered acceptable in relation to Policy D1 of the EDDC Local Plan.**

**The use of the terrace all year round will result in a greater level of noise and light impact but given the small nature of the area and distance to nearby properties, the proposal will not result in any detrimental impact that could justify refusal of planning permission, particularly given the economic benefits provided from wider use of the area.**

**The loss of two parking spaces (over that previously approved) to provide access to the substation is regrettable, however, there is sufficient parking provision in the locality to make up for this loss, it is welcomed that there would be an additional 2 electric vehicle charging points in the strive towards a low carbon future.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council  
Meeting 02.03.20

No objection

### **Technical Consultations**

Conservation  
No comment.

Contaminated Land Officer  
No contaminated land concerns anticipated with this variation application

South West Water  
I refer to the above application and would advise that South West Water has no objection.

Natural England  
Thank you for your email of 3 June 2020 consulting Natural England on the Appropriate Assessment (AA) for the above development, in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017.

We concur with the conclusion that with the mitigation measures proposed, and these being secured, there will be no adverse effect on the integrity of the European sites.

However, from the information contained in the variation of condition application and the AA, we are unclear how these measures will be secured e.g. through planning condition. If this AA has been based on revised documentation such as a CEMP or a shadow HRA from the applicants, these documents will need to be referenced in the decision notice so that the mitigation measures are enforceable.

### **Devon County Highway Authority**

The amendments drafted under this variation planning application include 2 spaces lost for access to the sub-station and 5 parking spaces lost for the marine storage. I do not believe the loss of these 7 parking spaces will create an undue impact upon the local highway network.

I also do not believe the other modifications proposed in this application from the original permitted application 18/0376/MFUL impact upon the local highway network. Therefore the County Highway Authority has no objection to 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

Three representations have been received one in support the other two raise the following concerns:

- Light pollution on properties to the north
- Car park is for members only and should be public
- Loss of vista along the sea front
- Wrong site for this development given climate change and the front will be covered in sand a lot of the time

#### **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 49 (The Historic Environment)

EN10 (Conservation Areas)

EN5 (Wildlife Habitats and Features)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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

Strategy 47 (Nature Conservation and Geology)

EN22 (Surface Run-Off Implications of New Development)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

E20 (Provision of Visitor Attractions)

E12 (Neighbourhood Centres and Shops)

EN21 (River and Coastal Flooding)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

#### Other Plans

Exmouth Town Centre and Seafront Masterplan

Made Exmouth Neighbourhood Plan

#### **Relevant Planning History**

13/1819/MOUT - Outline permission for construction of a water sports centre with storage (1450m<sup>2</sup>); holiday accommodation with parking and gardens (3000m<sup>2</sup>); indoor leisure activity buildings (1165m<sup>2</sup>) with external attractions and staff parking; new cafe, restaurant and retail use (1200m<sup>2</sup>); a minimum 250 space car park; landscaping; realignment of Queens Drive and continuation of pedestrian promenade; improved connectivity to the Maer and beach; and the selected demolition of existing buildings. Outline planning application with all matters reserved except layout. - Application approved 24/1/14

15/2487/MFUL - Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT. - Application approved 21/3/16

17/0099/MRES- Reserved matters application pursuant to outline application 13/1819/MOUT seeking approval of access, appearance, landscaping and scale for the construction of new buildings including water sports centre, holiday accommodation, indoor leisure and retail uses 13/4/17

18/0376/MFUL - Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping - Approved

#### **Site Location and Description**

The site is located off Queens Drive, on an area formerly used as a car park but is now a construction site implementing application 18/0376/MFUL. The surrounding land is largely flat, and Exmouth beach is on the opposite side of Queens Drive (now re-routed to behind the site) to the site. To the

east, the site is adjoined by The Maer, which is a County Wildlife Site (CWS) and a Local Natural Reserve (LNR). The aforementioned beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area. On the opposite site of the estuary, around 1 kilometre from the site, is Dawlish Warren, which is also a SSSI.

The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth, but has no residential properties adjoining it. There are, however, some beach huts, and other beach/tourism related buildings located reasonably close to the site.

### **Proposed Development**

This application seeks full planning permission for the variation of condition 2 of planning application 18/0376/MFUL to allow provision of a covered external seating area on the terrace on the western side of the building. Some fenestration changes to the existing building are proposed together with the provision of an additional 2 no. electrical vehicle charging points and revision of the approved parking arrangements.

### **ANALYSIS**

The principle of the proposed development has already been accepted through the granting of planning application 18/0376/MFUL, together with the design, mass and scale of the building, its layout and the provision of car parking. Therefore, the main considerations in the determination of this application are the impact of the proposed addition to the outside terrace and fenestration changes on its surroundings, the design in relation to the previously granted building and the layout of the re-arranged car parking on highway safety and parking provision in the area. Comments on the previously adopted appropriate assessment and impact on the flood zones are also key consideration.

### **Impact on surroundings and residential amenity**

The building form is defined into two key areas; the first to the west is the two storey restaurant and café area. The second area is the water sports zone with wet changing training, storage and space for retail, or other water sports users.

It is proposed to construct an enclosed canopy with retractable roof over the balcony/terraced area on the western end of the building to enable it to be used as an extended seating area for the upstairs restaurant that can be used in all weathers day and night.

When viewed from the north (looking towards the sea) the walls around the terrace would form a mini parapet so that only the top layer of glazing would be visible. Concerns by officers and the public have been expressed regarding light spill, however, it has been confirmed that there would be fabric shades inside the building that would limit the amount of light spill, the exact details of these could be secured by condition.

The foremost change in view of the building would be on approach from the west when walking along or driving along the esplanade. As approved the restaurant would have had a solid wall with only doors to access the outside area, this would be replaced by full length glazing, however, this is

not considered to be detrimental to the character and appearance of the area and would assimilate well with the design of the overall building.

Accordingly, whilst the proposal has been submitted as an afterthought and does not follow the existing design of the building, the lightweight structure would allow views through it and is of a scale that would not take away from the original design and materials of the building. In any case, given the small nature of the area, enclosed nature and distances to the closest residential dwellings, it is not considered that light spill will be harmful to the area or residential amenity.

The fenestration changes in the form of louvres over the windows is considered minor in nature and would add to the design of the building such that they are considered acceptable in accordance with Policy D1 of the EDDC Local Plan.

### **Flood Risk**

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system, and is therefore at high risk of flooding from the sea, and some risk of fluvial flooding, however given the site is with the Exmouth regeneration area and the previous permission that has now been implemented, it is considered that the amendments to the design and layout would not increase the risk of flooding given that the proposed canopy would be located at first floor level.

Accordingly, with the flood risk condition carried over from application 18/0376/MFUL, the proposed development is considered acceptable in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan and advice contained in the NPPF.

### **Impact on highway safety/parking layout**

This application proposes to amend the layout of the car park to remove 2 no. parking spaces to allow access to the substation and installation of two additional electrical units to charge electric vehicles. The applicant's agent has also clarified that the car park would be for public use and not be a private car park for members only.

Whilst the loss of the 2 no. parking spaces is regrettable, there is ample parking on the opposite side of the re-routed Queens Drive to cater for the needs of the centre and the general public, especially as there are no locally or nationally prescribed parking standards for this type of development.

It is of the building owner to manage the car park and with adequate spaces to serve the development, there is no planning justification to insist that the car park be open to the wider public.

The proposal is therefore considered to be acceptable in relation to Policy TC7 of the EDDC Local Plan.

### **Appropriate assessment**

The proposal relates to a variation to a major development located within close proximity to the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the RAMSAR Convention (Ramsar Site).

Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application (as it was on the original

application 18/0376/MFUL). Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Impact Assessment (AIA) 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. This has also been requested and re-affirmed in the consultation response from Natural England.

East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and concludes the following:

In providing an assessment of the likely environmental impacts from the proposed development, it is pertinent to note that the site of the proposed development forms part of a much larger area which benefits from an extant planning permission (ref 13/1819/MOUT) for a masterplan development which involved the construction of a water sports centre, a hotel and holiday accommodation, leisure and retail uses. The watersports element was approved under application 18/0376/MUL which considered the following:

The impacts from this water sports centre are considered to be from:

- o New pedestrian and ramped access points onto the beach
- o Any environmental impacts during construction
- o Increasing in the use of the Estuary as a result of the water sports building/ uses

Whilst the proposed water sports centre and associated uses could have significant direct/ indirect impacts upon the aforementioned sites, the 2017 Environmental Impact Assessment Regulations does allow for regard to be had to any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

In this regard the applicant puts forward a number of mitigation measures to reduce the overall impact which were previously considered to be appropriate measures contained within the Environmental Statement which accompanied the previous outline planning application for a greater scale of development on this site and which were secured through a condition. In addition it was previously recognised and accepted by Natural England that whilst the water sports facility may increase the use of the Estuary on this part of the beach, it would be located away from the most sensitive part of the estuary and could provide a benefit in providing a facility that would discourage the use of the most sensitive part of the estuary for water sports activities (further up the estuary).

The mitigation measures proposed incorporate opportunities to encourage best practice and as part of a more strategic approach to access management, refocus activity from sensitive areas, times of year and/or tide helping to reduce any likely significant impacts. These measures can be summarised as the following:

Operational Parameters:

- o The Water sports Centre will focus activity in the areas adjacent to Exmouth Beach in an area known to be used by lower numbers of birds for which the estuary is designated. This facility will therefore move Water sports users away from the more sensitive parts of the estuary.
- o All activities would operate in accordance with existing and proposed guidelines for water-based activities within the estuary. This would include adherence to the 'water sports zones' identified in the South-East Devon European Sites Mitigation Strategy (Footprint Ecology, 2013);



'Fowl Play' kiteboarding guidelines (East Devon District Council, undated), PWC code of conduct (East Devon District Council, undated); the Exe Estuary Code (Exe Estuary Management Partnership, undated); and the emerging review of zonation and codes of conduct (Exe Estuary Management Partnership, undated).

- o Grenadier is committed to creating a joint strategy for the Mamhead Slipway and proposed water sports centre slipway to optimise their use and ensure users are directed to the appropriate location.
- o The existing facility in Exmouth would cease to operate once the new centre was open therefore preventing the development of multiple centres.

#### Educational Parameters:

- o On the opening of the Water sports Centre, promotional material would be produced to educate users on the ecological sensitivity of the estuary and to promote the water sports centre as a preferred location for water craft to launch and recover. This will result in more educated and informed users of the estuary who understand the environmental sensitivities and their potential impacts.
- o Commitments would be made to ensure staff working at the Water sports Centre are trained to educate users regarding the use of the beach access ramp as the preferred launch and recovery site and the importance of protecting the conservation interests of the estuary.
- o Signage would be placed in and around the Water sports Centre and adjacent to the steps and access ramp promoting the information set out above.
- o For other slipways within EDDC's control, signage would be erected which could discourage the use of these slipways (particularly in winter months when nesting is taking place).

#### Other Parameters:

- o The requirement for a Construction and Environmental Management Plan (CEMP) to be put in place to ensure that building works were carried out sensitively;
- o The requirement for a Landscape and Ecological Management Plan (LEMP) to be put in place and to introduce measures to limit the impacts on the Exe Estuary through issues such as noise, night time lighting, vibration, and habitat creation measures;
- o The use of an Ecology Clerk of Works who would be appointed to provide oversight and coordination during the construction works on all issues likely to affect the ecology of the site and the wider area.

In having regard for the likely impacts of the proposal on these environmentally sensitive sites coupled with the range of mitigation measures put forward which can be secured through the imposition of an appropriately worded condition, the proposed development is unlikely to have any significant effects. The addition of the roof canopy over the external seating area, fenestration changes and alterations to the layout of the car park are not considered to create any additional impact or require any further mitigation measures than were secured under the original permission.

This amended Appropriate Assessment has been sent to Natural England for their comments.

## **CONCLUSION**

The proposed amendments are considered acceptable, not diluting the design or impacting negatively on the character and appearance of the surroundings nor residential amenity. Providing

a greater number of electrical charging point for vehicles will assist in the transition to a low carbon future and as such the loss of two parking spaces is also considered to be acceptable.

## **RECOMMENDATION**

### **1. Adopt the appropriate assessment appended to this report and**

### **2. APPROVE subject to the following conditions:**

1. The development hereby permitted shall be begun before 7th June 2021 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. The development hereby approved shall be undertaken in accordance with the conclusions and recommendations of the Flood Risk Assessment, prepared by WSP and dated January 2018.  
(Reason - In order to ensure that the development does not result in an increased flood risk, and to comply with the provisions of Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.)
4. 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 to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.)
5. The works shall be undertaken in accordance with the agreed details indicated in the drainage strategy Rev P1 dated 16.01.2019 received on 26.07.2019.  
(Reason - To ensure that the development does not result in an increased flood risk, to ensure that the use of a soakaway is suitable, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.)
6. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

(Reason - To protect the amenity of local residents from noise, and to comply with the provisions of Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.)

7. The works shall be carried out in accordance with the approved Construction and Environment Management Plan (CEMP) method statement (Project 23622) received on 26th July 2019.  
(Reason - This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the National Planning Policy Framework and in accordance with Policies EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)
8. The individual retail units shall remain, in terms of size, as approved and no internal dividing walls shall be removed to create larger units unless varied by a further grant of planning permission.  
(Reason - To ensure that there is no adverse impact on the town centre and to maintain a variety of individual uses in accordance with Policy E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan.)
9. The 64sq m retail unit hereby approved only sell goods associated with seafront and watersports leisure activities unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In order to protect the vitality and viability of Exmouth Town Centre in accordance with Policy E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan and the National Planning Policy Framework.)
10. The works shall be carried out in accordance with the approved Construction and Environment Management Plan (CEMP) method statement (Project 23622) received on 26th July 2019.  
(Reason - To ensure that appropriate procedures are in place for all traffic attracted to the site and so that construction traffic does not unreasonably impact upon its the local highway network or the living conditions of neighbouring dwellings in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
11. Development shall be carried out in accordance with the approved materials indicated on drawing number 3521-PBWC-03-XX-DR-A-3204 received on 26th July 2019 and the samples of cladding (Western Red Cedar)and Yennadon/Pilsamoor Stone cladding received on 5th August 2019.  
(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. Notwithstanding the operational parameters outlined in Paragraph 3.3.7 of the Ecological Impact Assessment Report dated January 2018 prior to commencement of any part of the development hereby approved, a Landscape Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include (but not be limited to) educational parameters for all users of the water sports centre and users of the

section of beach immediately to the south of the water sports centre including users of the new ramp and steps to advise of the importance of the conservation interests of the estuary and the impending tidal conditions. The development shall thereafter be carried out in accordance with the approved details.

(Reason - To provide ecological enhancement and education of users of the site in the interests of ecology and biodiversity in accordance with Policy EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan and the guidance contained within the National Planning Policy Framework.)

13. Prior to first use of the restaurant a scheme for minimising light spill in a northerly direction from the glass canopy structure on the roof terrace shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented in full prior to first use of the restaurant and thereafter retained as such in perpetuity.

(Reason: To ensure the proposal does not detrimentally impact upon the character and appearance of the surroundings in terms of light spill in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

The historical planning application is referenced under 18/0376/MFUL for which the approved plans were as follows:-

Type of Plan    number    dated

3521-PBWC-03-01-DR-A-6110 REV P10 Proposed Floor Plans 11.04.19  
3521-PBWC-03-00-DR-A- 6113 P10 Proposed Floor Plans 11.04.18  
3521-PBWC-03-01-DR-A-6111 REV P8 Proposed Floor Plans 11.04.19  
3521-PBWC-03-XX-DR-A-6114 REV P5 Proposed Elevation 12.02.18  
3521-PBWC-03-XX-DR-A-6116 REV P2 Proposed Combined Plans12.02.18  
3521-PBWC-03-00-DR-A-6001 REV P5 : LOCATION 25.04.18  
3521-PBWC-03-00-DR-A-6004 REV P4 : PHASE 1 ROAD DIVERSION 25.04.18  
3521-PBWC-02-00-DR-A-6002 REV P4 : EXISTING BLOCK PLAN 25.04.18  
3521-PBWC-03-XX-DR-A-6120 REV P4 : RAMP+STEP DETAILS 11.04.19  
326/01 B : PROPOSED LANDSCAPE SOFTWORK 24.04.18  
326/02 B : PROPOSED LANDSCAPE HARDWORK 24.04.18  
326/03 B : LANDSCAPE SECTIONS 24.04.18

The historical planning application is referenced under 19/2136/VAR for which the approved plans were as follows:-

Type of Plan    number    dated

3251-PBWC-03-XX-DR-6117 Combined Plans 25.09.19

This decision notice for the variation should be read in conjunction with these previously approved plans.

Plans relating to this application:

3521-PBWC-03- XX-DR-A-9033 Rev: P8	Perspective Drawing	13.02.20
3521-PBWC-03- XX-DR-A-3111 Rev: P8	Proposed Elevation	13.02.20
3521-PBWC-03- XX-DR-A-3110 Rev: P11	Proposed Elevation	13.02.20
3521-PBWC-03- XX-DR-A-3113 Rev: P5	Proposed Elevation	13.02.20
3521-PWBC-03- XX-DR-A-9032 P7	Perspective Drawing	13.02.20
3521-PBWC-03- XX-DR-A-9031 Rev: P5	Perspective Drawing	13.02.20
3521-PBWC-03- 02-DR-A-6112 Rev: P7	Proposed roof plans	13.02.20
3521-PBWC-03- 00-DR-A-6003 Rev: P24	Proposed Block Plan	13.02.20

List of Background Papers

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

<b>Appropriate Assessment</b>	
The Conservation of Habitats and Species Regulations 2017, Section (63)	
Application Reference	20/0011/VAR
Brief description of proposal	Variation of condition 2 (approved plans) of planning permission 18/2174/MOUT (Exmouth Tidal Defence Scheme) to allow changes to design, layout and materials of defences
Location	Royal Avenue Car Park, Camperdown Terrace And The Esplanade, Exmouth
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</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> Screening for Likely Significant Effect on Royal Avenue Car Park, Camperdown Terrace And The Esplanade, Exmouth	
<b>Risk Assessment</b>	
Could the Qualifying Features of the European site be affected by the proposal?  Consider both construction and operational stages.	Yes – potential for direct impacts on the SPA/SAC – <i>full Appropriate Assessment will be required – See Step 2 Appropriate Assessment.</i>
<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 would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at Royal Avenue Car Park, Camperdown Terrace And The Esplanade, Exmouth in the absence of mitigation.</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 Appropriate Assessment of the plan or proposal is necessary.</p>
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Local Authority Officer		Date:
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<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>
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	<p>As identified by the applicant in their environmental statement the proposed tidal defence scheme is within 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.</p> <p>A Habitats Regulations Assessment (HRA) has been submitted as part of the application which outlines how development in each area could impact on the overwintering bird species. 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 Impact Assessment (AIA) 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.</p> <p>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 HRA (the majority of which has been used in this AIA) and concludes the following:</p> <p>Construction phase:</p> <p>Revetment repairs in Area A1 would be relatively small scale and localised and can be carried out by a small workforce using wheelbarrows which could have an impact on the sea grass beds, however, given the limited distance repairs are required over it is considered that these grasses could be avoided and therefore there would be no impact.</p> <p>More significant works are required in Area A2 as the lower half of the revetment requires repair, it is likely that machinery would be required which would damage the sea grasses. The Environmental Statement concludes that damaged grasses would grow back within 3 years, furthermore, to limit the impact the works could be undertaken early in the growing season or by placing bog mats over the grasses to limit damage by vehicles. The applicants agree that the lifting and placement of bog mats to protect seagrass could result in ground disturbance affecting the rhizomes of the seagrass if it is present within the works area. They are therefore seeking to undertake the majority of these works from the land, reducing the amount of time that the bog mats will be required (if at all) and avoiding the need for lifting and replacing. This will be detailed in the EAP and the method statements once the detailed design is finalised at this location. Given the measures that could be put in place to limit the impact and the relatively short period of time for regrowth it is considered that there would be no impact.</p> <p>Construction of two rock groynes in Area C would result in disturbance to gravels from construction machinery on the shore line, this does not support habitat features for the SPA, however it is important to note that the re-instatement of the groynes may have an impact on the geomorphology and dune systems in the Dawlish Warren SAC. A report was commissioned by the applicants into how the groynes may impact the Dawlish Warren SAC, it concludes the following:</p>
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'The review has highlighted the significant links between the behaviour of the wider area and that of the local study area. In particular the frontage is critically influenced by the change in the distal end of Dawlish Warren. Given the developing management strategy for Dawlish Warren, it might be expected that significant change will continue to the distal end. As sediment is added to the Warren, this may encourage the distal end to grow forward, further towards the east, and, in this case, some of the existing pressures on the study frontage might in time reduce. However, should the additional sediment merely extend the present alignment of the distal end, then flows pressure principally during the flood over the upper tide but potentially at the sub-tidal level may increase. This linkage and the behaviour of the distal end, the channel and the response of the Exmouth frontage will require monitoring'.

As such it is considered that the re-instatement of the groynes are not likely to have a significant impact on the tidal processes affecting Dawlish Warren, however, with all modelling there is a risk that unforeseen circumstances could occur and it is recommended that regular monitoring of the tidal processes at Dawlish Warren are undertaken and could be conditioned as part of this application.

#### Exe Estuary SPA Coastal Squeeze

The need for the Exmouth Flood Defence Scheme was identified in the Exe Estuary Flood and Coastal Erosion Risk Management Strategy which sets out the short, medium and long term aims for the Exe Estuary as a whole. A HRA was undertaken for this Strategy document which identified that there would be loss of internationally designated intertidal habitat in the footprint of new defences and due to coastal squeeze within the Exe Estuary European Marine site as a result of HTL policies, with associated impacts on waterbirds and therefore an effect on the integrity of the site.

The scheme proposed in this Planning Application does not deviate from that outlined in the Exe Strategy; therefore, there are no changes to the impacts reported and no alteration to the amount of compensatory habitat required. The Environment Agency has been seeking opportunities for habitat creation to compensate for Coastal Squeeze in the Exe Estuary. A site in the Lower Otter Estuary has been identified and is being progressed by the Environment Agency. This will be functional by the time any significant impacts from coastal squeeze from Exmouth TDS are observed therefore it will offset the loss of intertidal habitats and there will be no impact.

#### Exe Estuary SPA Indirect Disturbance to Supporting Habitats (and SPA Wintering Bird Species) due to Pollutants

The main risk would be from a spillage event during construction; this would affect water quality and therefore the prey species available for foraging. All construction activities will adhere to the Contractors Method Statement which will include a protocol for spillages. This will adhere to the guidelines set out in CIRIA's Environment Good Practice on Site, 3rd Edition; and Construction Industry Publication (CIP) Construction Environmental Manual. The application of the above measures will reduce the risk of a pollution event to zero and therefore there would be no impact.

#### Exe Estuary SPA - Noise and Visual Disturbance to Wintering Bird Species

Some of the works in Area C are proposed during the wintering bird period; however this is located 420m from the nearest works. Noise and visual impacts

are not predicted over this distance and therefore there will be no impact. The groynes will be constructed in April and May therefore there will be no impact. Table 2.6 identifies that the following species are present within 300m of the proposed works: cormorant, curlew, dark-bellied brent goose, dunlin, grey plover, oystercatcher, red-breasted merganser, Slavonian grebe, redshank and wigeon.

All construction activities in Areas A and B that have the potential to disturb birds will be carried out between April and September, with Piling in Area B between June and August. All of these elements will be completed before the wintering bird commences, as such there would be no wintering bird species present (or present in very low numbers and not during any sensitive period and no disturbance is expected. There will therefore be no impact.

The construction compound in Area A will be in place for 50 weeks, including during the overwintering period. There would be downward security lighting at the main site compound and this will be reviewed to determine whether the lighting would be motion activated. There is already street lighting along the estuaryside throughout the Royal Avenue Car Park, the presence of lighting at the compound will have no impact.

The increase in vehicles to the main construction compound has the potential to disturb birds through noise and increased visual disturbance. Traffic movements are described in the construction methodology section of the ES (Table 4.3). At present there is already disturbance from movement of vehicles to boatyard, HGV and coach parking, and people walking. During the wintering bird period construction there would be 20 each way lorry movements per week and a maximum of 14 personnel car movements which is not a significant increase in traffic volumes from the baseline. Furthermore the compound is set back 20m from the boundary of the estuary therefore any increase in noise impacts would not cause a startle response. The additional vehicles to the compound will not result in a change from the baseline conditions and there will be no impact.

#### Operation Phase

##### Exe Estuary SPA Indirect Disturbance to Supporting Habitats (and SPA Wintering Bird Species) due to Pollutants

There would be no activity associated with the operational phase of the Exmouth TDS other than routine inspections. Therefore, there would be no potential source of pollutants. There would therefore be no deterioration to the supporting habitats of the Exe Estuary SPA or Dawlish Warren SAC, and therefore no impact on prey resource availability or density.

##### Exe Estuary SPA - Disturbance to Wintering Bird Species

There would be no activity associated with the operational phase of the Exmouth TDS other than routine inspections. These would comprise a maximum of two people walking the scheme, and making observations and would most likely be undertaken outside of the wintering bird period. The inspections would be mainly carried out from the land; however it is likely that the revetments and gabions will need to be inspected from the shore. This would be undertaken as part of the ongoing existing asset checks, and will be carried out during the summer months at low tide when birds will be at a significant distance from the structures. Given that there are already revetment and gabions which are already

inspected this would have no noticeable increase against the baseline levels of disturbance from people and therefore there would be no impact.

All trees in Area A that require removal for construction will be replaced on completion of the works as shown on the Landscape General Arrangement Plan drawings.

During operation, the physical presence of the sea defence and defensive planting will reduce levels of disturbance by reducing ease of access to the foreshore where it is currently an issue in Key bird Areas. All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds.

All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds. Therefore there will be no change to the baseline and no impact from this planting.

Where the footpath is to be raised between 60 and 75cm, there is no vegetation present between the path and the estuary therefore there is already disturbance to birds from the presence of people. At present there is vegetation alongside the boatyard which diffuses the views of people. This vegetation will be removed for construction and will be replanted once works are complete. While the vegetation is re-establishing to its pre-construction height there will be no background to reduce the visibility of the path. This could lead to an increased level of disturbance to birds on the estuary and will have a likely significant effect. This impact can be mitigated through the installation of a camouflage material, similar to that used at bird hides. This will provide an artificial backdrop whilst the vegetation establishes, and will ensure that additional visual disturbance does not occur. The works would also not result in any increase in access along the foreshore over and above that which currently exists. Therefore, there would be no increase in disturbance, furthermore the combination of walls and defensive planting will reduce public access in locations that are sensitive to birds. No impact.

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.

Table 3.1: Consideration of Impacts in Relation to the Conservation Objectives for the Exe Estuary SPA

Feature	Conservation objective	Construction
Wintering Slavonian grebe	Subject to natural change, to maintain or restore the extent and distribution of the habitats of the qualifying features.	The footprint of the Exmouth TDS lies within the existing or on land outside of the site, and hence does not result in any change to the extent and distribution of the habitats of wintering Slavonian grebe. Objective achieved.

		Subject to natural change, to maintain or restore the structure and function of the habitats of the qualifying features.	The footprint of the Exmouth TDS lies within the existing or on land outside of the site, and hence does not result in any change to the extent and distribution of the habitats of wintering Slavonian grebe. Objective achieved.
		Subject to natural change, to maintain or restore the supporting processes on which the habitats of the qualifying features rely	The revetment repairs in Area A2 have the potential to damage seagrass beds which provide prey species for Slavonian Grebe, mitigation measures including the timing of works as early as possible in the growing season and use of bog mats will limit the opportunity for damage. Objective achieved.
		Subject to natural change, to maintain or restore the populations of the qualifying features.	No change to the supporting habitat would occur (see above). No disturbance to Slavonian grebe has been identified as a result of the noise and visual disturbance associated with the Exmouth TDS and therefore there would be no effect on the population of wintering Slavonian grebe. Objective achieved.
		Subject to natural change, to maintain or restore the distribution of the qualifying features within the site.	As there is no change to the extent, distribution, structure, and function of supporting habitats and no disturbance to Slavonian grebe during the Exmouth TDS, there would therefore be no change to the distribution of Slavonian grebe across the site. Objective achieved.
	Over winter, the area regularly supports 23,513 individual waterfowl including: black-tailed godwit, dunlin, lapwing, grey plover, oystercatcher, red-breasted merganser,	Subject to natural change, to maintain or restore the extent and distribution of the habitats of the qualifying features.	The footprint of the Exmouth TDS lies within the existing or on land outside of the site, and hence does not result in any change to the extent and distribution of the habitats of any species of the wintering bird assemblage. Objective achieved.
		Subject to natural change, to maintain or restore the structure and function of the habitats of the qualifying features.	The footprint of the Exmouth TDS lies within the existing or on land outside of the site, and hence does not result in any change to the extent and distribution of the habitats of any species of the

wigeon, dark-bellied brent goose, cormorant, avocet, Slavonian grebe, and whimbrel		wintering bird assemblage. Objective achieved.
	Subject to natural change, to maintain or restore the supporting processes on which the habitats of the qualifying features rely.	No change to the supporting habitat would occur (see above). No disturbance to the waterfowl assemblage has been identified as a result of the noise and visual disturbance associated with the Exmouth TDS and therefore there would be no effect on the population of wintering Slavonian grebe. Objective achieved.
	Subject to natural change, to maintain or restore the populations of the qualifying features.	As there is no change to the extent, distribution, structure, and function of supporting habitats and no disturbance to Slavonian grebe during the Exmouth TDS, there would therefore be no change to the distribution of Slavonian grebe across the site. Objective achieved.
	Subject to natural change, to maintain or restore the distribution of the qualifying features within the site.	As there is no change to the extent, distribution, structure, and function of supporting habitats and no disturbance to the waterfowl assemblage during the Exmouth TDS, there would therefore be no change to the distribution of the waterfowl assemblage across the site. Objective achieved.

Table 3.2 considers the impacts assessed in Section 3.4 in relation to the achievement of the conservation objectives for the Exe Estuary SPA.

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
<ul style="list-style-type: none"> <li>• Avocet</li> <li>• Bar-tailed godwit</li> <li>• Black-tailed godwit</li> <li>• Lapwing</li> <li>• Whimbrel</li> </ul>	Habitat loss	No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.
		No impact and no likely significant effect. All of these species are located at least 1km upstream, and therefore Coastal Squeeze will not affect the habitats on which these species rely on. There will be no

			impact.
		Habitat alteration	No impact and no likely significant effect. As described in Section 10.5 of the ES, there will be temporary disturbance to the seagrass beds in Area A from the working area of the revetment repairs. Avocet rely on prey that use the seagrass as a nursery habitat, however the nearest record of Avocet is over 2km upstream, therefore they are not likely to be utilising the seagrass in the site area. None of the other species rely on this food source and therefore a likely significant effect is not expected.
		Disturbance (e.g. access, noise)	Likely significant effect. Construction activities would not be visible and no experience of increased noise would extend to the areas where these species are found within the estuary given their distance from the works. As these species and the populations will not be disturbed, a likely significant effect is not expected.
	<ul style="list-style-type: none"> <li>• <b>Cormorant</b></li> <li>• <b>Curlew</b></li> <li>• <b>Dark-bellied brent goose</b></li> <li>• <b>Dunlin</b></li> <li>• <b>Grey plover</b></li> <li>• <b>Red-breasted merganser</b></li> <li>• <b>Slavonian grebe</b></li> <li>• <b>Wigeon</b></li> <li>• <b>Redshank</b></li> </ul>	Habitat loss	No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groynes will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.
			<b>Potential for a likely significant effect.</b> Coastal squeeze as a result of “
		Habitat alteration	<b>Potential for a likely significant effect.</b> As described in Section 10.5 of the ES, there will be temporary disturbance to the seagrass beds in Area A from the working area of the revetment repairs. Dark-bellied brent geese and wigeon are known to forage on this habitat within and adjacent to the proposed works <sup>1</sup> . The disturbance to this habitat could have a Likely Significant Effect on these species. None of the other species rely on this food source and therefore a likely significant effect is not expected.
			<b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for wintering birds.
		Disturbance (e.g. access, noise)	<b>Potential for a likely significant effect.</b> The revetment repairs in Area A, construction of the wall in Area A, and piling and gabion replacement in Area B would potentially be visible. The presence of plant and

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<sup>1</sup> Goss-Custard (2007) National Cycle Network – Exe Estuary Proposals. Assessment of the anticipated Effects on the Exe Estuary Special Protection Area

		<p>personnel on the shore or working on top of the defences could potentially result in disturbance to populations of these species. As such a potential likely significant effect could occur.</p> <p>During operation, the physical presence of the sea defence and defensive planting will reduce levels of disturbance by reducing ease of access to the foreshore where it is currently an issue in Key bird Areas.</p> <p>All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds. Therefore there will be no change to the baseline and no impact from this planting.</p> <p>Where the footpath is to be raised between 60 and 75cm, there is no vegetation present between the path and the estuary therefore there is already disturbance to birds from the presence of people. At present there is vegetation alongside the boatyard which diffuses the views of people. This vegetation will be removed for construction and will be replanted once works are complete. While the vegetation is re-establishing to its pre-construction height there will be no background to reduce the visibility of the path. This could lead to an increased level of disturbance to birds on the estuary and will have a likely significant effect.</p>				
	<p><b>• Oystercatcher</b></p>	<table border="1"> <tr> <td data-bbox="678 1220 805 1624">Habitat loss</td> <td data-bbox="805 1220 1556 1624"> <p>No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> Coastal squeeze as a result of“</p> </td> </tr> <tr> <td data-bbox="678 1624 805 2027">Habitat alteration</td> <td data-bbox="805 1624 1556 2027"> <p>No impact and no likely significant effect. There was one record of oystercatcher on the intertidal at Camperdown Creek where the gabions are to be replaced. Construction access on the foreshore will not disturb the gravelly sand habitats at this location therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for oystercatcher.</p> </td> </tr> </table>	Habitat loss	<p>No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> Coastal squeeze as a result of“</p>	Habitat alteration	<p>No impact and no likely significant effect. There was one record of oystercatcher on the intertidal at Camperdown Creek where the gabions are to be replaced. Construction access on the foreshore will not disturb the gravelly sand habitats at this location therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for oystercatcher.</p>
Habitat loss	<p>No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> Coastal squeeze as a result of“</p>					
Habitat alteration	<p>No impact and no likely significant effect. There was one record of oystercatcher on the intertidal at Camperdown Creek where the gabions are to be replaced. Construction access on the foreshore will not disturb the gravelly sand habitats at this location therefore a likely significant effect is not expected.</p> <p><b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for oystercatcher.</p>					



		Disturbance (e.g. access, noise)	<p><b>Potential for a likely significant effect.</b> The revetment repairs in Area A, construction of the wall in Area A, and piling and gabion replacement in Area B would be visible across intertidal areas. The presence of plant and personnel along the shore or working on top of the revetment could potentially result in disturbance to populations of these species. As such a potential likely significant effect could occur.</p> <p>During operation, the physical presence of the sea defence and defensive planting will reduce levels of disturbance by reducing ease of access to the foreshore where it is currently an issue in Key bird Areas. All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds.</p> <p>All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds. Therefore there will be no change to the baseline and no impact from this planting.</p> <p>Where the footpath is to be raised between 60 and 75cm, there is no vegetation present between the path and the estuary therefore there is already disturbance to birds from the presence of people. At present there is vegetation alongside the boatyard which diffuses the views of people. This vegetation will be removed for construction and will be replanted once works are complete. While the vegetation is re-establishing to its pre-construction height there will be no background to reduce the visibility of the path. This could lead to an increased level of disturbance to birds on the estuary and will have a likely significant effect a likely significant effect is not expected.</p>
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**Table 2.2: Exe Estuary Ramsar Screening**

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
Bird assemblage - winter	Habitat loss	No impact and no likely significant effect. All of the permanent works associated with the sea walls are located within the footprint of the existing. The groyne will result in additional loss of gravels, which is not a supporting habitat for these species. There will be no direct loss of supporting habitats as a result of this project therefore a

			likely significant effect is not expected.
			<b>Potential for a likely significant effect.</b> Coastal Squeeze as a result of “
		Habitat alteration	<p><b>Potential for a likely significant effect.</b> As described in Section 10.5 of the ES, there will be temporary disturbance to the seagrass beds in Area A from the working area of the revetment repairs. Dark-bellied brent geese and wigeon are known to forage on this habitat within and adjacent to the proposed works.<sup>2</sup> The disturbance to this habitat could have a Likely Significant Effect on these species.</p> <p>There was one record of oystercatcher on the intertidal at Camperdown Creek where the gabions are to be replaced. Construction access on the foreshore will not disturb the gravelly sand habitats at this location therefore a likely significant effect is not expected.</p> <p>None of the other species rely on this food source and therefore a likely significant effect is not expected.</p>
			<p><b>Potential for a likely significant effect.</b> The presence of plant and machinery during reinstatement works could result in the accidental or incidental discharge to an alteration of the supporting habitat for wintering birds.</p>
		Disturbance (e.g. access, noise)	<p><b>Potential for a likely significant effect.</b> The revetment repairs in Area A, Construction of the wall in Area A and piling and gabion replacement in Area B would potentially be visible. The presence of plant and personnel on the shore or working on top of the defences could potentially result in disturbance to populations of these species. As such a potential likely significant effect could occur.</p> <p>During operation, the physical presence of the sea defence and defensive planting will reduce levels of disturbance by reducing ease of access to the foreshore where it is currently an issue in Key bird Areas. All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds.</p> <p>All trees that require removal to enable construction along Area A and will be replaced with similar sized trees once construction is complete, however it should be noted that as the trees are tall and spaced out they do not currently provide any screening for birds. Therefore there will be no change to the baseline and no impact from this planting.</p> <p>Where the footpath is to be raised between 60 and 75cm, there is no vegetation present between the path and the estuary therefore there is already disturbance to birds from the presence of people. At present there is vegetation</p>

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<sup>2</sup> Goss-Custard (2007) National Cycle Network – Exe Estuary Proposals. Assessment of the anticipated Effects on the Exe Estuary Special Protection Area

alongside the boatyard which diffuses the views of people. This vegetation will be removed for construction and will be replanted once works are complete. While the vegetation is re-establishing to its pre-construction height there will be no background to reduce the visibility of the path. This could lead to an increased level of disturbance to birds on the estuary and will have a likely significant effect

**Table 2.3: Dawlish Warren SAC Screening**

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
Dunes along the shoreline with <i>Ammophila arenaria</i> (“white dunes”)	Habitat loss	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
		No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat loss within the Dawlish Warren site; a likely significant effect is not expected.
	Habitat alteration	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.
		No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat alteration within the Dawlish Warren site; a likely significant effect is not expected.
Fixed dunes with	Habitat loss	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC.

	herbaceous vegetation (“grey dunes”)		Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat loss within the Dawlish Warren site; a likely significant effect is not expected.
		Habitat alteration	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat alteration within the Dawlish Warren site; a likely significant effect is not expected.
	Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat, and there is no change to the activities or access in the area of this habitat as a result of the Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.	
	Humid dune slacks	Habitat loss	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat loss within the Dawlish Warren site; a likely significant effect is not expected.
		Habitat alteration	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal

			processes and no subsequent habitat alteration within the Dawlish Warren site; a likely significant effect is not expected.
		Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat, and there is no change to the activities or access in the area of this habitat as a result of the Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.
	Petalwort	Habitat loss	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat loss within the Dawlish Warren site; a likely significant effect is not expected.
		Habitat alteration	No impact and no likely significant effect. The project site and works are located 440m away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.
			No impact and no likely significant effect. There would be no indirect changes to geomorphology and coastal processes and no subsequent habitat alteration within the Dawlish Warren site; a likely significant effect is not expected.
		Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat, and there is no change to the activities or access in the area of this habitat as a result of the Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.
	<b>Table 2.4: East Devon Pebblebed Heaths SAC Screening</b>		

	Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
	Northern Atlantic wet heaths with <i>Erica tetralix</i>	Habitat loss	No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
Habitat alteration		No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.	
Disturbance (e.g. access, noise)		No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat (in particular as no disturbance effects would extend over 4.8km), and there is no change to the activities or access in the area of this habitat as a result of Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.	
	European dry heaths	Habitat loss	No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat loss will occur a likely significant effect is not expected.
Habitat alteration		No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this habitat and no habitat alteration will occur a likely significant effect is not expected.	
Disturbance (e.g. access, noise)		No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat (in particular as no disturbance effects would extend over 4.8km), and there is no change to the activities or access in the area of this habitat as a result of Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.	
	Southern	Habitat	No impact and no likely significant effect. The project

	damselfly	loss	site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this species where it is present within the site and no habitat loss will occur to its supporting habitat a likely significant effect is not expected.
		Habitat alteration	No impact and no likely significant effect. The project site and works are located 4.8km away from the site boundary and no works will occur within the SAC. Given that no works are occurring in or close to this species where it is present within the site and no habitat alteration will occur to its supporting habitat a likely significant effect is not expected.
		Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat (in particular as no disturbance effects would extend over 4.8km), and there is no change to the activities or access in the area of this habitat as a result of Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.

**Table 2.5: East Devon Heaths SPA Screening**

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
Dartford warbler	Habitat loss	No impact and no likely significant effect. This species has not been recorded in the site area or the surrounding area, and the designated site and any suitable nesting and foraging habitat is located in excess of 4km from the site and proposed reinstatement works. Therefore, no habitat loss would occur that could affect this species and a likely significant effect on these species is not expected.
	Habitat alteration	No impact and no likely significant effect. This species has not been recorded in the site area or the surrounding area, and the designated site and any suitable nesting and foraging habitat is located in excess of 4km from the site and proposed reinstatement works. Therefore, no habitat alteration would occur that could affect this species and a likely significant effect on these species is not expected.
	Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works would be in excess of 4.8km away and would not be discernible at any level, particularly given the intervening settlement of Exmouth. There is



			also no change to the activities or access in the site that could impact on this species as a result of the Exmouth TDS. As this species and its population will not be disturbed, a likely significant effect is not expected.
	Nightjar	Habitat loss	No impact and no likely significant effect. This species has not been recorded in the site area or the surrounding area, and the designated site and any suitable nesting and foraging habitat is located in excess of 4km from the site and proposed reinstatement works. Therefore, no habitat loss would occur that could affect this species and a likely significant effect on these species is not expected.
		Habitat alteration	No impact and no likely significant effect. This species has not been recorded in the site area or the surrounding area, and the designated site and any suitable nesting and foraging habitat is located in excess of 4km from the site and proposed reinstatement works. Therefore, no habitat alteration would occur that could affect this species and a likely significant effect on these species is not expected.
		Disturbance (e.g. access, noise)	No impact and no likely significant effect. The proposed works do not impact (through noise, vibration, or visual) on vegetation or the associated communities supported by this habitat (in particular as no disturbance effects would extend over 4.8km), and there is no change to the activities or access in the area of this habitat as a result of Exmouth TDS. As this habitat and its community will not be disturbed, a likely significant effect is not expected.
<p>When considered against the criterion for the Exe Estuary Ramsar site (see Table 2.8), and taking into consideration the assessment of the effects on the achievement of favourable condition of the sites, it is concluded that <u>no adverse effect on the integrity of the Exe Estuary Ramsar site</u> would occur.</p>			
<p>In-combination Assessment</p>			
<p>Based on the nature of impacts of the proposed development, the potential cumulative impacts associated with the development have been considered with reference to other proposed developments in the surrounding area. All key developments that are currently within the planning system have been screened to determine whether they are likely to result in cumulative effects</p> <ul style="list-style-type: none"> <li>• <b>Exmouth Regeneration</b></li> <li>• <b>Mamhead slipway rock installation</b></li> <li>• <b>Exe Estuary Flood and Coastal Risk Management Strategy Other flood defence proposals around the estuary, such as at Starcross and Cockwood</b></li> <li>• <b>Exmouth Beach Management Plan</b></li> </ul>			

	<ul style="list-style-type: none"> <li>• <b>A search for projects within the planning register of EDDC was made on 4<sup>th</sup> July 2018.</b></li> <li>• <b>Coastal and marine habitat loss or alteration;</b></li> <li>• <b>Disturbance to birds.</b></li> </ul> <p>It is considered on the basis of the information available that the proposed Exmouth TDS will have no 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>Conclusion</b>	
List of mitigation measures and safeguards	<ul style="list-style-type: none"> <li>• Use of bog matting to reduce impact on sea grasses</li> <li>• Timing of works at start of sea grass growing season</li> <li>• Monitoring for at least 2 years of sea grasses to ensure re-growth and a feedback mechanism for works to take place should the sea grasses not re-grow as necessary</li> <li>• Monitoring of Dawlish Warren SAC and the distal end together with build up of sediment to ascertain whether coastal processes have been effected by the re-instatement of the two groynes and a feedback mechanism for work to take place should the impacts be different than anticipated</li> <li>• Provision of temporary camouflage netting to mimic bird habitat adjacent to boatyard until habitat re-establishes itself</li> <li>• Piling in Area B to take place in July and August (outside overwintering period)</li> <li>• Any activities that cause noise/vibration to be undertaken outside overwintering period</li> <li>• Groynes constructed in April/May outside overwintering period</li> </ul>
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Royal Avenue Car Park, Camperdown Terrace And The Esplanade, Exmouth can be ruled out.
Conclusion of Appropriate Assessment	East Devon District Council 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.
Local Authority Officer	Date:
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-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)