

## Agenda for Planning Committee Monday, 9th February, 2026, 10.00 am

(This meeting has been rescheduled from 27 January 2026)



### Members of Planning Committee

Councillors B Bailey, I Barlow, K Bloxham, C Brown,  
S Chamberlain, M Chapman, B Collins,  
O Davey (Chair), S Gazzard, J Heath,  
M Howe, S Hughes, S Hunt, Y Levine,  
S Smith and E Wragg (Vice-Chair)

East Devon District Council  
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Honiton  
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**Venue:** Council Chamber, Blackdown House, Honiton

**Contact:** Wendy Harris, Democratic Services Officer  
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(or group number 01395 517546)

Issued: Friday, 30 January 2026; Re-issued Monday, 2 February 2026

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

### [Speaking on planning applications](#)

Individuals who have previously registered to speak will continue to have the opportunity to do so at the meeting. If a registered speaker is unable to attend and does not wish to provide a written statement to be read on their behalf, their speaking slot will be offered to others.

Public speaking registration will therefore reopen at 10am on Monday, 2 February 2026 and will remain open until 12 noon on Thursday, 5 February 2026 for anyone who has not previously registered. Please note, however, that a speaking slot cannot be guaranteed.

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list) on the Friday before the meeting. Applications with registered speakers will be taken first.

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Monday, 2 February up until 12 noon on Thursday, 5 February 2026 by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

#### Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk) or by phoning 01395 517525. A member of the Democratic Services Team will contact you if your request to speak has been successful.

**1 Speakers' list and revised running order for the applications** (Pages 5 - 6)

**2 Minutes of the previous meeting** (Pages 7 - 10)

Minutes of the Planning Committee meeting held on 16 December 2025.

**3 Apologies**

**4 Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

**5 Matters of urgency**

Information on [matters of urgency](#) is available online

**6 Confidential/exempt item(s)**

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

**7 Planning appeal statistics** (Pages 11 - 30)

Update from the Development Manager

#### **Applications for Determination**

**8 25/1060/MOUT (Major) FENITON** (Pages 31 - 77)

Land north of Beechwood Farm, Green Lane, Feniton.

**9 24/0841/MFUL (Major) HONITON ST PAULS (APPLICATION DEFERRED TO A LATER DATE)** (Pages 78 - 195)

Land west of Tower Road & east of Cuckoo Down Lane, Honiton.

10 **25/1820/FUL (Minor) SEATON** (Pages 196 - 213)

Toilets, West Walk Castle Hill, Seaton.

**The following applications will not be considered before 1.30pm**

11 **25/1788/MOUT (Major) SEATON** (Pages 214 - 335)

Land to the south of Harepath Hill, Seaton.

12 **25/1601/OUT (Minor) WOODBURY & LYMPSTONE** (Pages 336 - 363)

Car park land south of Underhill Close, Lympstone.

13 **25/2165/FUL (Minor) TRINITY** (Pages 364 - 373)

Ware Farm Manor, Ware, Lyme Regis.

14 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**The Vice Chair to move the following:**

“That under Section 100(A) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).”

**PART B**

15 **Verbal update regarding Planning Appeal to Members**

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**



# Planning Committee, Monday, 9 February 2026 – 10am

## Speakers' list and revised running order for the planning applications

### Agenda item 9 **THIS APPLICATION HAS BEEN DEFERRED TO A LATER DATE**

Application number: 24/0841/MFUL **(Major)** Pages 77 - 194

Ward: Honiton St Pauls

Address: Land west of Tower Road & East of Cuckoo Down Lane, Honiton

Ward Member: Councillor Tony McCollum / Councillor John O'Leary

### Agenda item 8

Application number: 25/1060/MOUT **(Major)** Pages 30 - 76

Ward: Feniton

Address: Land north of Beechwood Farm, Green Lane, Feniton

Ward Member: Councillor Alasdair Bruce

|                       |                                                                              |
|-----------------------|------------------------------------------------------------------------------|
| Objectors             | Jayne Blackmore                                                              |
|                       | Anthony Harper                                                               |
|                       | Hayley Roberts                                                               |
| Parish Council Rep    | Councillor Martyn Smith, Chair, Feniton Parish Council<br>Tel: 07821 476 020 |
| Agent                 | Olly Ansell, Grassroots Planning Tel: 01179 300 413                          |
| Adjoining Ward Member | Councillor Peter Faithfull                                                   |
| Ward Member           | Councillor Alasdair Bruce                                                    |

### Agenda item 10

Application number: 25/1820/FUL **(Minor)** Pages 195 - 212

Ward: Seaton

Address: Toilets, West Walk, Castle Hill, Seaton

Ward Member: Councillor Marcus Hartnell / Councillor Dan Ledger

Committee Ward Member: Councillor Steve Hunt

|             |                            |
|-------------|----------------------------|
| Ward Member | Councillor Marcus Hartnell |
|-------------|----------------------------|

THE FOLLOWING APPLICATIONS WILL **NOT** BE CONSIDERED BEFORE 1.30PM

**Agenda item 11**

**Application number: 25/1788/MOUT (Major) Pages 213 - 290**

**Ward: Seaton**

**Address: Land to the south of Harepath Hill, Seaton**

**Ward Member: Councillor Marcus Hartnell / Councillor Dan Ledger**

**Committee Ward Member: Councillor Steve Hunt**

|                    |                                                         |
|--------------------|---------------------------------------------------------|
| <b>Objector</b>    | Margaret Leppard                                        |
| <b>Applicant</b>   | Graham Hutton, Baker Estates Limited Tel: 01626 241 404 |
| <b>Ward Member</b> | Councillor Marcus Hartnell                              |

**Agenda item 13**

**Application number: 25/2165/FUL (Minor) Pages 319 - 328**

**Ward: Trinity**

**Address: Ware Farm Manor, Ware, Lyme Regis**

**Ward Member: Councillor Susan Westerman**

|                    |                               |
|--------------------|-------------------------------|
| <b>Objector</b>    | Ian Thomas Tel: 07884 494 474 |
| <b>Agent</b>       | Sebastian Cope                |
| <b>Ward Member</b> | Councillor Susan Westerman    |

**Agenda item 12**

**Application number: 25/1601/OUT (Minor) Pages 291 - 318**

**Ward: Woodbury & Lympstone**

**Address: Car park land south of Underhill Close, Lympstone**

**Ward Member: Councillor Ben Ingham / Councillor Geoff Jung**

|                    |                                                |
|--------------------|------------------------------------------------|
| <b>Ward Member</b> | Councillor Geoff Jung<br>Councillor Ben Ingham |
|--------------------|------------------------------------------------|

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 16 December 2025**

#### **Attendance list at end of document**

The meeting started at 10.04 am and ended at 12.55 pm

#### **55 Minutes of the previous meeting**

The minutes of the Planning Committee meeting held on 18 November 2025 were confirmed as a true record.

#### **56 Declarations of interest**

There were no declarations of interest.

#### **57 Matters of urgency**

There were no matters of urgency.

#### **58 Confidential/exempt item(s)**

There was one confidential item recorded under minute 64.

#### **59 Planning appeal statistics**

The Committee noted the appeal statistics report and received brief updates on two appeals. The first related to planning application 24/2067/MFUL for the installation of 50MW battery units on land to the west of Wareham Road, Scouse Farm, Axminster. This was originally scheduled as a joint inquiry with application 24/0096/MFUL for a Battery Energy System (BESS) on land just south of Hazelhurst, Raymonds Hill, Axminster. However, as the application 24/2067/MFUL was withdrawn, it is just the appeal in respect of application 24/0096/MFUL which will now be heard at the public inquiry next year.

The second appeal related to planning application 24/1278/FUL for the construction of a new dwelling and associated landscaping at land adjacent Upper Spilsby, Exeter Road, Ottery St Mary. The Inspector allowed this appeal on the basis that the dwelling was of exceptional quality and met policy criteria for isolated homes in the countryside.

The Development Manager also noted that, although not indicated in the report, the appeal for planning application 25/0128/FUL for 30 EV charging points and associated battery farm at Greendale Business Park would also be heard by inquiry next year.

#### **60 21/2045/FUL (Other) TALE VALE**

**Applicant:**  
C/O Agent

**Location:**  
Land north of The Shrubbery, Escot Park, Ottery St Mary

**Proposal:**

Change of use from agricultural land to outdoor leisure pursuits and associated operational development.

**RESOLVED:**

Approved in accordance with officer recommendation subject to an amendment to Condition 3 to read as follows:

- With regard to the clay shooting activities, or any other shooting activities permitted by this permission, the following shall apply:
  - a. The mean Shot Noise Level (SNL) must not exceed a maximum A-weighted sound pressure level of 55dB(A), when measured or determined at the boundary of any noise sensitive property during a continuous measurement period of 30 minutes.

For information, the SNL will be obtained by using the 25 loudest shot level readings taken within the continuous measurement period (30 minutes) using the maximum A-weighted sound pressure level caused by the firing of the shot. Any measurements and calculations shall be carried out in accordance with the CIEH 'Clay Target Shooting: Guidance on the Control of Noise'.

- b. The use of the clay target shooting hereby permitted shall be carried out only between the following hours:
  - Monday to Saturdays: 10:00hrs to 16:30hrs
  - Sundays or any Public or Bank Holidays: 10:00hrs to 14:30hrs
- c. Only the firing of 410 gauge, subsonic cartridges is permitted within the site unless otherwise agreed in writing by the Local Planning Authority.
- d. No more than two people may simultaneously fire shots (for the avoidance of doubt, this number does not relate to the overall group size, only to the number of people who can fire a shot at the same time) within the application site.

(Reason – To ensure that the noise produced by shooting activities on the site is not harmful to the amenity of local residents, the setting of near-by listed buildings or to the rural setting of the site, and to accord with the provisions of Strategies 46 (Landscape Conservation and AONB's) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and their Setting) and EN14 (Control of the adopted East Devon Local Plan 2013-2031) of the adopted East Devon Local Plan 2013-2031, in addition to guidance contained within the National Planning Policy Framework 2024).

61 **25/1942/PIP (Other) WOODBURY & LYMPSTONE**

**Applicant:**

Mr John Guyan.

**Location:**

Land south of Orchard Cottage, Exmouth Road, Exton.

**Proposal:**

Permission in principle for demolition of garage and construction of one dwelling.

**RESOLVED:**

1. The Appropriate Assessment be adopted.
2. Approved in accordance with officer recommendation.

62 **25/2039/LBC (Other) WOODBURY & LYMPSTONE**

**Applicant:**

Mrs J Young.

**Location:**

Jasmine Cottage, The Strand, Lymington, Exmouth, EX8 5JR.

**Proposal:**

Replace existing passageway roof and install three rooflights; construct wall at end of passageway and insert one window on north elevation; removal of partition walls in utility and construct new partition wall and door opening to create wet room; create new level floor across the passageway; install double doors in existing opening between dining and lounge to create bedroom.

**RESOLVED:**

Approved with conditions in accordance with officer recommendation.

63 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

The Committee agreed that under Section 100(A)(4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt and private information (as set out against the Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the item in private session (Part B).

64 **Verbal update regarding Planning Appeal to Members**

The Development Manager and Planning Solicitor provided the Committee with an update to an ongoing appeal.

**Attendance List**

**Councillors present:**

B Bailey  
I Barlow  
K Bloxham  
C Brown  
B Collins  
O Davey (Chair)  
S Gazzard  
J Heath  
M Howe  
S Hughes  
Y Levine  
S Smith  
E Wragg (Vice-Chair)

**Councillors also present (for some or all the meeting)**

R Collins  
P Faithfull  
G Jung

**Officers in attendance:**

Wendy Harris, Democratic Services Officer  
Damian Hunter, Planning Solicitor  
Wendy Ormsby, Development Manager

**Councillor apologies:**

S Chamberlain

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL  
LIST OF PLANNING APPEALS LODGED**

Agenda Item 7

**Ref:** 25/1198/LBC                      **Date Received** 04.12.2025  
**Appellant:** Mr And Mrs Walker  
**Appeal Site:** 1 Ivy Cottages Talaton Exeter EX5 2SD  
**Proposal:** Proposed open fronted porch on front north elevation.  
**Planning** 6002257  
**Inspectorate Ref:**

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**Ref:** 25/0180/OUT                      **Date Received** 10.12.2025  
**Appellant:** Mr Paul Gamble  
**Appeal Site:** Land South of Knights Lane All Saints EX13 7LS  
**Proposal:** Outline application for proposed self-build dwelling and associated works (All matters reserved)  
**Planning** 6002448  
**Inspectorate Ref:**

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**Ref:** 25/2085/TRE                      **Date Received** 16.12.2025  
**Appellant:** Mr Malcolm Pratt  
**Appeal Site:** 6 Lower Wheathill Sidmouth Devon EX10 9UA  
**Proposal:** T2, Monterey pine: Fell and undertake replacement planting scheme  
**Planning** APP/TPO/U1105/11019  
**Inspectorate Ref:**

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**Ref:** 25/0839/FUL                      **Date Received** 18.12.2025  
**Appellant:** Mr Maddicks  
**Appeal Site:** 1 Broad Street Ottery St Mary EX11 1BR  
**Proposal:** Proposed part change of use of ground floor, with shop remaining. Change of use of first floor from offices to two storey dwelling. Revised application of 24/1817/FUL.  
**Planning** 6002857  
**Inspectorate Ref:**

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**Ref:** 25/0509/MOUT                      **Date Received** 18.12.2025  
**Appellant:** Bloor Homes (Exeter)  
**Appeal Site:** Land At Ottery Road Feniton  
**Proposal:** Erection of up to 85 dwellings, a community eco-hut and associated infrastructure (outline) with vehicular access to be determined; all other matters reserved  
**Planning** 6002860  
**Inspectorate Ref:**

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**Ref:** 24/2650/MFUL **Date Received** 23.12.2025  
**Appellant:** Sky UK Development Ltd  
**Appeal Site:** Land At Newlands Farm Crewkerne Road Axminster EX13 5SF  
**Proposal:** Construction and operation of up to a 80MW Battery Energy Storage System (BESS), comprising battery container units; inverter-transformer skid units, electrical substation buildings; substation compound; access roads; water storage tanks; fencing; CCTV; landscaping, and all ancillary grid infrastructure and associated works.

**Planning  
Inspectorate Ref:**

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**Ref:** 25/1834/FUL **Date Received** 30.12.2025  
**Appellant:** Mr Malcolm Pratt  
**Appeal Site:** 6 Lower Wheathill Sidmouth Devon EX10 9UA  
**Proposal:** Proposed two storey extension to north east elevation and two storey extension to north west (Re-submission of 25/0479/FUL), with the addition of a single storey link and garage extension.  
**Planning  
Inspectorate Ref:** 6003191

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**Ref:** 25/0711/FUL **Date Received** 07.01.2026  
**Appellant:** Mr Henry Gent (Mosshayne Farm Partnership)  
**Appeal Site:** Mosshayne Farm West Clyst Devon EX1 3TR  
**Proposal:** Siting of temporary rural workers dwelling (retrospective)  
**Planning  
Inspectorate Ref:**

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**EAST DEVON DISTRICT COUNCIL  
LIST OF PLANNING APPEALS DECIDED**

**Ref:** 25/0841/FUL      **Appeal Ref:** 25/00063/HH  
**Appellant:** James Hortop  
**Appeal Site:** Moorlands Farm Mincombe Post Sidbury EX10 0QW  
**Proposal:** Construction of two storey extension with first floor balcony, single storey attached garage and single storey garden room link.  
**Decision:** **Appeal Allowed**      **Date:** 02.12.2025  
**Procedure:** **(with conditions)**  
Householder  
**Remarks:** Delegated refusal, amenity reasons overruled (EDLP Policy D1, emerging LP Policies DS01, HN07).

The Inspector considered that the proposed extension would maintain the overall appearance of the existing building through the use of consistent materials, roof pitch, and design elements. It would also introduce a significantly extended horizontal form and incorporate a single component with a ridge height approximately 1.5 metres above the existing roofline. Nevertheless, owing to its cohesive design and continuous front boundary treatment, the development would present as a single dwelling, preserving its contemporary bungalow character.

The Inspector concluded that that the proposed development would be appropriate in design terms and would accord with Policy D1 of the East Devon Local Plan. Amongst other matters, this policy requires high quality design that respects the key characteristics and special qualities of the area in which the development is proposed, and ensures that the scale, massing, height, fenestration and materials of buildings relate well to their context. It would also accord with Emerging Policy DS01 of the Draft Local Plan, which contains similar tests in relation to design.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/D/25/3371831  
**Inspectorate Ref:**

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**Ref:** 25/0675/FUL      **Appeal Ref:** 25/00070/REF  
**Appellant:** Mr N Hillier  
**Appeal Site:** Sidmouth Garage Connaught Road Sidmouth EX10 8TT  
**Proposal:** Conversion of existing building to ground floor flat. Demolition of workshops to be replaced with new dwelling and staircase to existing first floor flat.  
**Decision:** **Appeal Withdrawn**      **Date:** 03.12.2025  
**Procedure:**  
**Remarks:**  
**BVPI 204:** **No**  
**Planning** 6000799  
**Inspectorate Ref:**

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|                     |                                                                                                            |                    |              |
|---------------------|------------------------------------------------------------------------------------------------------------|--------------------|--------------|
| <b>Ref:</b>         | 24/1798/FUL                                                                                                | <b>Appeal Ref:</b> | 25/00053/REF |
| <b>Appellant:</b>   | MA & EJ Bennett                                                                                            |                    |              |
| <b>Appeal Site:</b> | Higher Ponchydown Farm Blackborough Devon EX15 2HE                                                         |                    |              |
| <b>Proposal:</b>    | Retrospective siting of a temporary agricultural workers dwelling                                          |                    |              |
| <b>Decision:</b>    | <b>Appeal Allowed<br/>(with conditions)<br/>temporary</b>                                                  | <b>Date:</b>       | 05.12.2025   |
| <b>Procedure:</b>   | Hearing                                                                                                    |                    |              |
| <b>Remarks:</b>     | Delegated refusal, agricultural justification reasons overruled (EDLP Policies H4, TC2, Strategies 5B, 7). |                    |              |

The Inspector noted the fact that whilst the farm has been run without two workers being housed on the farm caused the Council to cast doubt on the proven need for a second dwelling, policy H4 nevertheless states that a temporary dwelling, such as a mobile home, may be permitted to allow time to establish that there is a genuine functional need.

The Inspector concluded that the evidence indicated that there is an essential agricultural need for a second dwelling and the proposal is for a temporary agricultural workers' dwelling. Even if the proven need for the dwelling was in doubt, the proposal would therefore comply with policy H4.

The Inspector imposed a condition limiting the permission to a period of three years.

|                          |                        |
|--------------------------|------------------------|
| <b>BVPI 204:</b>         | <b>Yes</b>             |
| <b>Planning</b>          | APP/U1105/W/25/3369499 |
| <b>Inspectorate Ref:</b> |                        |

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|                          |                                                                          |                    |                 |
|--------------------------|--------------------------------------------------------------------------|--------------------|-----------------|
| <b>Ref:</b>              | 25/0134/LBC                                                              | <b>Appeal Ref:</b> | 25/00038/LBCREF |
| <b>Appellant:</b>        | Miss Joanne Nosworthy                                                    |                    |                 |
| <b>Appeal Site:</b>      | 3 School Cottages Woodbury Salterton Exeter EX5 1PG                      |                    |                 |
| <b>Proposal:</b>         | Install 6no. solar panels on rear south east elevation                   |                    |                 |
| <b>Decision:</b>         | <b>Appeal Dismissed</b>                                                  | <b>Date:</b>       | 11.12.2025      |
| <b>Procedure:</b>        | Written representations                                                  |                    |                 |
| <b>Remarks:</b>          | Delegated refusal, conservation reasons upheld (EDLP Policies EN8, EN9). |                    |                 |
| <b>BVPI 204:</b>         | <b>No</b>                                                                |                    |                 |
| <b>Planning</b>          | APP/U1105/Y/25/3366515                                                   |                    |                 |
| <b>Inspectorate Ref:</b> |                                                                          |                    |                 |

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**Ref:** 25/0468/FUL      **Appeal Ref:** 25/00066/REF  
**Appellant:** Christine And David Joyce  
**Appeal Site:** Woodhouse Farm Stables Hawkchurch EX13 5UF  
**Proposal:** Construction of new dwelling to replace mobile home granted under certificate of lawfulness ref. LP5/179/GCG/AL (02/Y0002)  
**Decision:** **Appeal Dismissed**      **Date:** 11.12.2025  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, landscape and amenity reasons upheld (EDLP Policy D1, Strategy 7).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/25/3372790  
**Inspectorate Ref:**

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**Ref:** 24/2707/OUT      **Appeal Ref:** 25/00050/REF  
**Appellant:** Mr Rory Bristow  
**Appeal Site:** Springfield Oil Mill Lane Clyst St Mary Exeter EX5 1AG  
**Proposal:** Outline proposal for a single detached dwelling, associated parking, garage and garden with all matters reserved other than access  
**Decision:** **Appeal Dismissed**      **Date:** 15.12.2025  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility reasons upheld (EDLP Policy TC2, Strategies 5B, 7).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/25/3369108  
**Inspectorate Ref:**

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**Ref:** 25/0820/FUL      **Appeal Ref:** 25/00060/REF  
**Appellant:** Mr Simon Blissett  
**Appeal Site:** 7 Chapel Street Budleigh Salterton EX9 6LX  
**Proposal:** Change of use of a fish and chip shop (ground floor) (use Class E) to one dwelling (Use Class C3), including the demolition of the rear outbuildings.  
**Decision:** **Appeal Dismissed**      **Date:** 18.12.2025  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, shopping character, vitality and viability reasons upheld (EDLP Policy E9, Strategy 32).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/25/3371049  
**Inspectorate Ref:**

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**Ref:** 25/0518/TRE      **Appeal Ref:** 25/00039/TRE  
**Appellant:** Mr Bob Reynolds  
**Appeal Site:** Peak Lodge Peak House Cotmaton Road Sidmouth EX10 8SY  
**Proposal:** T1, Turkey Oak: fell to ground level (replacement planting: English Oak).  
**Decision:** **Appeal Dismissed**      **Date:** 07.01.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld.  
**BVPI 204:** **No**  
**Planning** APP/TPO/U1105/10608  
**Inspectorate Ref:**

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**Ref:** 22/F0373      **Appeal Ref:** 25/00048/ENFAPP  
**Appellant:** Darin Richards  
**Appeal Site:** Land adj. Huntsland Farm (also known as Valley View Paddock) Church Hill Pinhoe Exeter  
**Proposal:** Appeal against enforcement notice served in respect of operational development and the material change of use of the land from agricultural use to a mixed use of agriculture and residential and storage use without planning permission.  
**Decision:** **Appeal Dismissed**      **Date:** 07.01.2026  
**Procedure:** Inquiry  
**Remarks:** Enforcement Notice upheld.  
**BVPI 204:** **No**  
**Planning** APP/U1105/C/25/3368794  
**Inspectorate Ref:**

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**Ref:** 25/0287/LBC      **Appeal Ref:** 25/00058/LBCREF  
**Appellant:** Mrs Martha Loak  
**Appeal Site:** Stafford Barton House Swan Hill Road Colyford EX24 6HE  
**Proposal:** Create 1no. door opening in south gable elevation with stone reveals using limestone lintel and stone quoins with 2no. stone steps leading to the patio. Install new partition wall to create new boot room.  
**Decision:** **Split Decision**      **Date:** 09.01.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, conservation reasons upheld (EDLP Policies EN8, EN9, emerging LP Policies HE01, HE02).  
  
The Inspector allowed the appeal insofar as it relates to installation of the partition wall and the Council had raised no objection to this part of the scheme.  
**BVPI 204:** **No**  
**Planning** APP/U1105/Y/25/3370721  
**Inspectorate Ref:**

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**Ref:** 25/0950/FUL **Appeal Ref:** 25/00073/REF  
**Appellant:** Ms Emma Harries  
**Appeal Site:** Pulmans Farm Beacon Honiton EX14 4TX  
**Proposal:** Replacement of extension to rear (retrospective).  
**Decision:** **Appeal Dismissed** **Date:** 09.01.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, conservation and landscape reasons upheld (EDLP Policies EN8, EN9, Strategy 46).  
**BVPI 204:** **Yes**  
**Planning** 6001090  
**Inspectorate Ref:**

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**Ref:** 25/0946/LBC **Appeal Ref:** 25/00074/LBCREF  
**Appellant:** Ms Emma Harries  
**Appeal Site:** Pulmans Farm Beacon Honiton EX14 4TX  
**Proposal:** Replacement of extension to rear (retrospective).  
**Decision:** **Appeal Dismissed** **Date:** 09.01.2026  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, conservation reasons upheld (EDLP Policies EN8, EN9).  
**BVPI 204:** **No**  
**Planning** 6000978  
**Inspectorate Ref:**

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## East Devon District Council List of Appeals in Progress

**App.No:** 23/1270/CPE  
**Appeal Ref:** APP/U1105/X/24/3339119  
**Appellant:** Mr and Mrs C M Summers  
**Address:** The Olde Dairy Hunthays Farm Awliscombe Honiton EX14 3QB  
**Proposal;** Application for a Lawful Development Certificate (CLUED) submitted under section 171B(3) of the Town and Country Planning Act 1990 (as amended) for the use of the building known as The Olde Dairy as an independent dwelling.  
**Start Date:** 14 March 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 28 March 2024  
**Statement Due Date:** 25 April 2024

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**App.No:** 24/0439/TRE  
**Appeal Ref:** APP/TPO/U1105/10189  
**Appellant:** Mr Steven Richards  
**Address:** Land South Of 15 Halsdon Avenue Exmouth Devon EX8 3DL  
**Proposal;** G7.1 and G7.2 Lime:  
i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia. Establish radial spread of approx. 2.5m.  
ii) Repeat management on cycle of not less than 5 years, and not more than 7 years.  
**Start Date:** 26 July 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 9 August 2024

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**App.No:** 21/F0311  
**Appeal Ref:** APP/U1105/C/25/3360742 & APP/U1105/F/25/3360464  
**Appellant:** Julia Gardiner  
**Address:** 55 High Street, Honiton EX14 1PW  
**Proposal;** Appeals against enforcement notices served in respect of the installation of windows in a listed building  
**Start Date:** 10 March 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 24 March 2025  
**Statement Due Date:** 21 April 2025

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**App.No:** 23/F0111  
**Appeal Ref:** APP/U1105/C/25/3361991  
**Appellant:** Mr Robert Hobson  
**Address:** Land at Broad Down, north of Wiscombe Linhay Farm, Southleigh, Colyton EX24 6JF  
**Proposal;** Appeal against an enforcement notice served in respect of siting and storage of non-agricultural items on the land including a static caravan, shipping containers, a porta cabin, a storage/toilet block and a commercial vehicle.  
**Start Date:** 25 March 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 8 April 2025  
**Statement Due Date:** 6 May 2025

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**Ref.No:** 24/F0114  
**Appeal Ref:** APP/U1105/C/25/3365463  
**Appellant:** FWS Carter & Sons  
**Address:** NHS Drive Through Vaccination Centre Greendale Farm Sidmouth Road Farringdon Exeter  
**Proposal;** Appeal against enforcement notice served in respect of the retention of the building.  
**Start Date:** 16 May 2025  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 30 May 2025  
**Statement Due Date:** 27 June 2025  
**Inquiry Date:** 21 October 2025

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**Ref.No:** 22/F0379  
**Appeal Ref:** APP/U1105/C/25/3365468  
**Appellant:** FWS Carter & Sons  
**Address:** Land north of unit 4 Greendale Farm Shop Sidmouth Road  
Farringdon Exeter EX5 2JU  
**Proposal;** Appeal against an enforcement notice served in respect of  
the construction of a building on the land.  
**Start Date:** 16 May 2025  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 30 May 2025  
**Statement Due Date:** 27 June 2025  
**Inquiry Date:** 21 October 2025

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**App.No:** 25/0649/CPL  
**Appeal Ref:** APP/U1105/X/25/3368421  
**Appellant:** Mr John Sidhu  
**Address:** Bridewell Cottage Hawkchurch Axminster EX13 5XL  
**Proposal;** Certificate of lawfulness for proposed repairs to Cottage as  
already approved per undertaking given in 1972 and since in  
detailed communications  
**Start Date:** 2 July 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 9 July 2025  
**Statement Due Date:** 6 August 2025

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**App.No:** 24/2091/FUL  
**Appeal Ref:** APP/U1105/W/25/3369195  
**Appellant:** Edward Fane Trefusis  
**Address:** Land east side of Oak Hill East Budleigh  
**Proposal;** Change of use of land for the siting of three holiday cabins  
and conversion of existing forestry building to provide for  
holiday use, creation of parking area, bat building, bin storage  
and landscaping.  
**Start Date:** 18 July 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 25 July 2025  
**Statement Due Date:** 22 August 2025

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**App.No:** 24/0096/MFUL  
**Appeal Ref:** APP/U1105/W/25/3369854  
**Appellant:** Clearstone Energy  
**Address:** Land south of Hazelhurst Raymonds Hill Axminster  
**Proposal;** Proposed construction, operation and maintenance of a Battery Energy Storage System (BESS) with associated infrastructure and works including highway access, landscaping and biodiversity enhancements.  
**Start Date:** 25 July 2025  
**Procedure:** Inquiry  
**Questionnaire Due Date:** 1 August 2025  
**Statement Due Date:** 29 August 2025  
**Inquiry Date:** 10 March 2026

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**App.No:** 23/2574/TRE  
**Appeal Ref:** APP/TPO/U1105/10036  
**Appellant:** Deborah Whiston  
**Address:** 5 Kingsholme Colyford Devon EX24 6RJ  
**Proposal;** Fell one Ash Tree.  
**Start Date:** 6 August 2025  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 20 August 2025

---

**App.No:** 25/0456/FUL  
**Appeal Ref:** APP/U1105/W/25/3371346  
**Appellant:** Mr Jeff Slade  
**Address:** Land and buildings at Barton Farm Village Way Aylesbeare  
**Proposal;** Change of use from agricultural building to 2no. dwellings, including associated works, parking and landscaping  
**Start Date:** 20 August 2025  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 27 August 2025  
**Statement Due Date:** 24 September 2025

---

**App.No:** 25/1295/FUL  
**Appeal Ref:** 6000652  
**Appellant:** Ms C Mostyn  
**Address:** Land Adjacent Fieldside Rhode Lane Uplyme  
**Proposal;** Construction of new dwelling with associated works  
**Start Date:** 10 September 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 17 September 2025  
**Statement Due Date:** 15 October 2025

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**App.No:** 25/0345/FUL  
**Appeal Ref:** 6000688  
**Appellant:** Juliet Hendry  
**Address:** Greenwell Lodge Woodhouse Hill Uplyme DT7 3SL  
**Proposal;** Change of use (retrospective) of an existing self-contained garden cabin to include holiday accommodation use  
**Start Date:** 16 September 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 23 September 2025  
**Statement Due Date:** 21 October 2025

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**App.No:** 25/0468/FUL  
**Appeal Ref:** APP/U1105/W/25/3372790  
**Appellant:** Christine And David Joyce  
**Address:** Woodhouse Farm Stables Hawkchurch EX13 5UF  
**Proposal;** Construction of new dwelling to replace mobile home granted under certificate of lawfulness ref. LP5/179/GCG/AL (02/Y0002)  
**Start Date:** 17 September 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 24 September 2025  
**Statement Due Date:** 22 October 2025

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**App.No:** 25/0606/FUL  
**Appeal Ref:** 6000719  
**Appellant:** Mrs Claire Howarth  
**Address:** 2 The Orchard Tipton St John Sidmouth EX10 0AZ  
**Proposal;** Alterations to roof to allow for creation of first floor.  
**Start Date:** 17 September 2025  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 24 September 2025

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**App.No:** 24/1372/FUL  
**Appeal Ref:** 6000802  
**Appellant:** Adrian Clarke  
**Address:** Land north of Dennesdene Close Exmouth  
**Proposal;** Proposed construction of detached bungalow  
**Start Date:** 1 October 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 8 October 2025  
**Statement Due Date:** 5 November 2025

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**App.No:** 25/0682/PIP  
**Appeal Ref:** 6000858  
**Appellant:** Mr May  
**Address:** Land West of Rewe Cross Green Lane Netherexe  
**Proposal;** Planning in principle for the erection of a minimum of 1no.  
and a maximum of 4no. affordable self-build (SCB) dwellings  
**Start Date:** 15 October 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 22 October 2025  
**Statement Due Date:** 19 November 2025

---

**App.No:** 25/1422/FUL  
**Appeal Ref:** 6001019  
**Appellant:** Mr & Mrs Kirk  
**Address:** 2 Sidlands Sidmouth Devon EX10 8UE  
**Proposal;** Increase in roof pitch, addition of dormers to the South elevation, roof lights on the North elevation and addition of cladding.  
**Start Date:** 15 October 2025  
**Procedure:** Householder  
**Questionnaire Due Date:** 22 October 2025

---

**App.No:** 23/1277/FUL  
**Appeal Ref:** 6001016  
**Appellant:** Miss Julie Rhodes  
**Address:** Bystock Court Old Bystock Drive Exmouth Devon EX8 5EQ  
**Proposal;** Proposed 4 no. cottages  
**Start Date:** 16 October 2025  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 23 October 2025  
**Statement Due Date:** 20 November 2025

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**App.No:** 24/2290/FUL  
**Appeal Ref:** 6001134  
**Appellant:** Will Hallett  
**Address:** Land Adjacent Grove Cottage Shute  
**Proposal;** Full planning application for the construction of 1 no. dwelling, within existing walls, and means of access and associated works  
**Start Date:** 22 October 2025  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 29 October 2025  
**Statement Due Date:** 26 November 2025

---

**App.No:** 25/0609/PDQ  
**Appeal Ref:** 6001237  
**Appellant:** Mr Rupert Thistlewayte  
**Address:** Land Opposite Cadhay Barton Cadhay Ottery St Mary  
**Proposal;** Prior approval for the change of use of 2no. agricultural buildings into 3no. residential dwelling and associated operation development to enable the buildings to function as dwellinghouses  
**Start Date:** 28 October 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 4 November 2025  
**Statement Due Date:** 2 December 2025

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**App.No:** 25/1062/FUL  
**Appeal Ref:** 6001291  
**Appellant:** Mr Steve Richards  
**Address:** Land south of 15 Halsdon Avenue Exmouth  
**Proposal;** To erect a single-storey 1-bed detached dwelling with associated amenity space.  
**Start Date:** 28 October 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 4 November 2025  
**Statement Due Date:** 2 December 2025

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**App.No:** 25/1228/PIP  
**Appeal Ref:** 6001310  
**Appellant:** Mr S Wright  
**Address:** Cherrytrees 25 Village Way Aylesbeare Exeter EX5 2FD  
**Proposal;** Permission in principle for the erection of 2no. self-build dwellings and associated works  
**Start Date:** 28 October 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 4 November 2025  
**Statement Due Date:** 2 December 2025

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**App.No:** 25/1001/FUL  
**Appeal Ref:** 6001320  
**Appellant:** Simon and Sue Potter  
**Address:** Northleigh Farm Northleigh Devon EX24 6BL  
**Proposal;** Proposed conversion of a redundant agricultural building to form 1 no. self-build residential dwelling and associated works  
**Start Date:** 30 October 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 6 November 2025  
**Statement Due Date:** 4 December 2025

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**App.No:** 25/1102/FUL  
**Appeal Ref:** 6001341  
**Appellant:** Mr Pincombe  
**Address:** Longbrook Cottage Longbrook Lane Lymptstone Exmouth EX8 5LJ  
**Proposal;** Proposed two storey rear extension and landscaping provision.  
**Start Date:** 31 October 2025  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 7 November 2025

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**App.No:** 25/0057/OUT  
**Appeal Ref:** 6001406  
**Appellant:** Mr Paul Hunt  
**Address:** Land Adjoining West Hayes Eastfield West Hill EX11 1GG  
**Proposal;** Outline application for the erection of 9 dwellings, including 4 affordable dwellings and associated parking. Approval sought for access, appearance, layout and scale (matters reserved: landscaping)  
**Start Date:** 6 November 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 November 2025  
**Statement Due Date:** 11 December 2025

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**App.No:** 24/0785/FUL  
**Appeal Ref:** 6001345  
**Appellant:** Mr Stephen Drinkall  
**Address:** Flat, The York Inn 21 Imperial Road Exmouth EX8 1BY  
**Proposal;** 2no proposed one-bedroom apartments over an existing public house  
**Start Date:** 11 November 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 18 November 2025  
**Statement Due Date:** 16 December 2025

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**App.No:** 24/1912/FUL  
**Appeal Ref:** 6001716  
**Appellant:** Mr Constantinou  
**Address:** Maycoes Branscombe Devon EX12 3DN  
**Proposal;** Erection of replacement gabion retaining structure.  
**Start Date:** 18 November 2025  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 25 November 2025

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**App.No:** 25/1187/CPL  
**Appeal Ref:** APP/U1105/X/25/3375504  
**Appellant:** David Hawes  
**Address:** 6 Bakers Cottages Longmeadow Road Lympstone EX8 5LP  
**Proposal;** Certificate of Proposed Lawful Use for an outbuilding to be used for storing garden equipment, tools and as a log store.  
**Start Date:** 1 December 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 8 December 2025  
**Statement Due Date:** 12 January 2026

---

**App.No:** 25/0809/FUL  
**Appeal Ref:** 6002034  
**Appellant:** Lawrence Arnold  
**Address:** 1 Silver Street Ottery St Mary EX11 1DB  
**Proposal;** Change of use from office/retail (class E) to 2no. new dwellings (class C3) on the 1st and 2nd floor including self-contained stairwell  
**Start Date:** 1 December 2025  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 8 December 2025  
**Statement Due Date:** 5 January 2026

---

**App.No:** 25/0128/FUL  
**Appeal Ref:** APP/U1105/W/25/3375541  
**Appellant:** FWS Carter & Sons Ltd  
**Address:** Greendale Business Park Land south of Sidmouth Road Aylesbeare  
**Proposal;** Proposed 30 no. EV charging points, 2 HGV filling station points, and battery farm (enclosed within a building) with associated parking spaces, internal road network/hardstanding, boundary planting, and access and egress onto the Greendale Business Park Private Road Network.  
**Start Date:** 2 December 2025  
**Procedure:** Inquiry  
**Questionnaire Due Date:** 9 December 2025  
**Statement Due Date:** 6 January 2026  
**Inquiry Date:** 3 March 2026

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**App.No:** 25/0686/FUL  
**Appeal Ref:** 6002059  
**Appellant:** Mr Richard Morgans  
**Address:** Forge House Wilmington Honiton EX14 9JR  
**Proposal;** Creation of new access, driveway and parking area  
**Start Date:** 2 December 2025  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 9 December 2025  
**Statement Due Date:** 6 January 2026

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**App.No:** 25/0180/OUT  
**Appeal Ref:** 6002448  
**Appellant:** Mr Paul Gamble  
**Address:** Land South of Knights Lane All Saints EX13 7LS  
**Proposal;** Outline application for proposed self-build dwelling and associated works (All matters reserved)  
**Start Date:** 16 December 2025  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 23 December 2025  
**Statement Due Date:** 20 January 2026

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**App.No:** 25/1834/FUL  
**Appeal Ref:** 6003191  
**Appellant:** Mr Malcolm Pratt  
**Address:** 6 Lower Wheathill Sidmouth Devon EX10 9UA  
**Proposal;** Proposed two storey extension to north east elevation and two storey extension to north west (Re-submission of 25/0479/FUL), with the addition of a single storey link and garage extension.  
**Start Date:** 2 January 2026  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 9 January 2026

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**App.No:** 25/1198/LBC  
**Appeal Ref:** 6002257  
**Appellant:** Mr And Mrs Walker  
**Address:** 1 Ivy Cottages Talaton Exeter EX5 2SD  
**Proposal;** Proposed open fronted porch on front north elevation.  
**Start Date:** 6 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 January 2026  
**Statement Due Date:** 10 February 2026

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**App.No:** 25/0839/FUL  
**Appeal Ref:** 6002857  
**Appellant:** Mr Maddicks  
**Address:** 1 Broad Street Ottery St Mary EX11 1BR  
**Proposal;** Proposed part change of use of ground floor, with shop remaining. Change of use of first floor from offices to two storey dwelling. Revised application of 24/1817/FUL.  
**Start Date:** 6 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 January 2026  
**Statement Due Date:** 10 February 2026

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**App.No:** 25/0509/MOUT  
**Appeal Ref:** 6002860  
**Appellant:** Bloor Homes (Exeter)  
**Address:** Land At Ottery Road Feniton  
**Proposal;** Erection of up to 85 dwellings, a community eco-hut and associated infrastructure (outline) with vehicular access to be determined; all other matters reserved  
**Start Date:** 6 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 January 2026  
**Statement Due Date:** 10 February 2026

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**App.No:** 25/2085/TRE  
**Appeal Ref:** APP/TPO/U1105/11019  
**Appellant:** Mr Malcolm Pratt  
**Address:** 6 Lower Wheathill Sidmouth Devon EX10 9UA  
**Proposal;** T2, Monterey pine: Fell and undertake replacement planting scheme  
**Start Date:** 8 January 2026  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 22 January 2026

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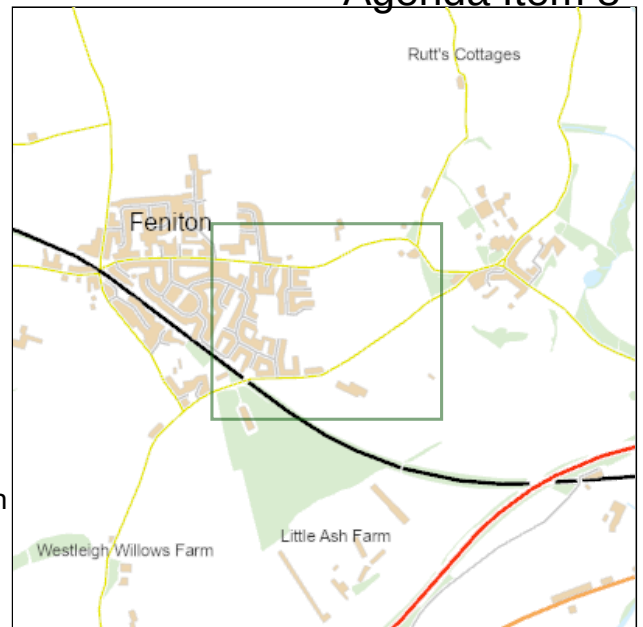
**Ward** Feniton

**Reference** 25/1060/MOUT

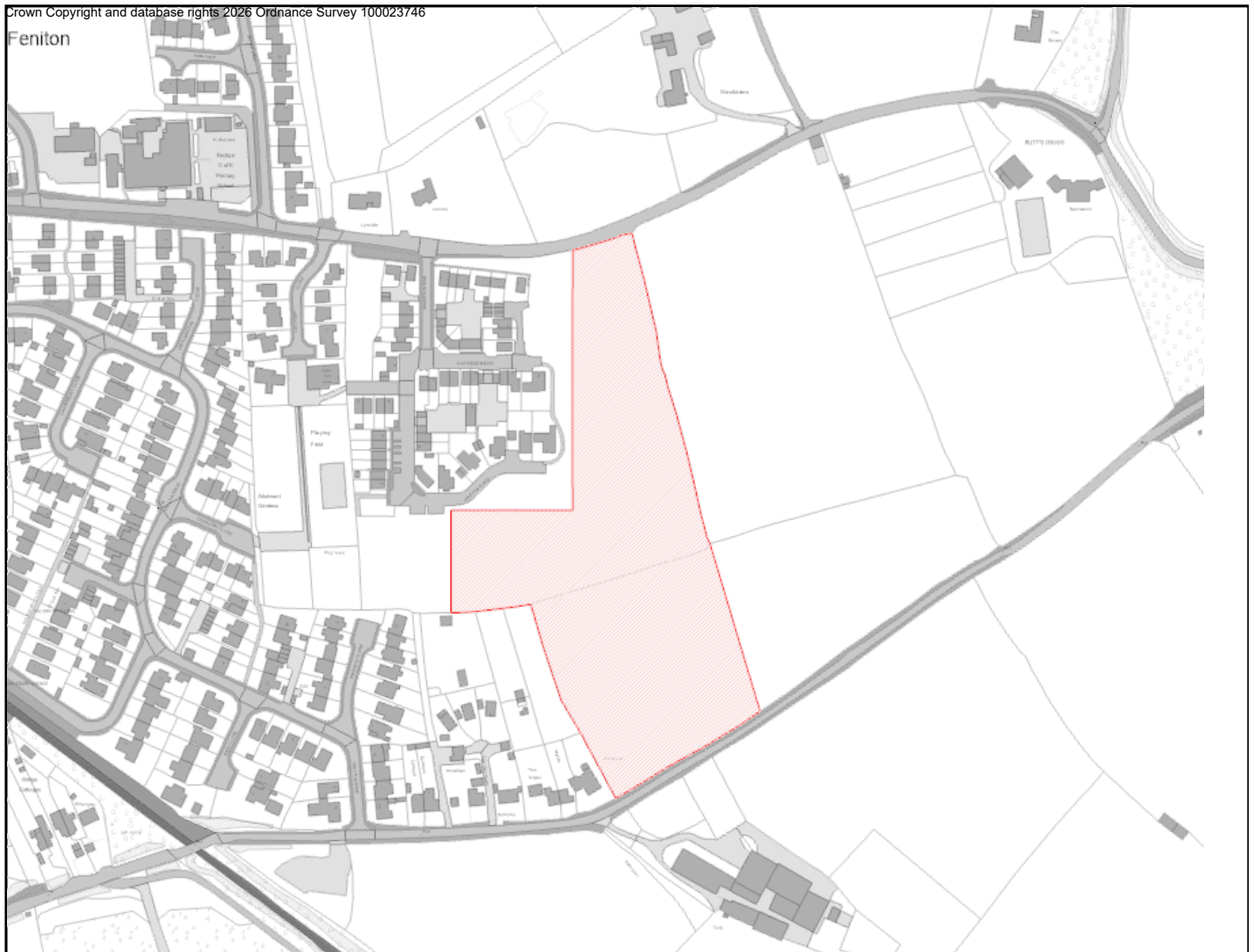
**Applicant** South West Strategic Developments Ltd

**Location** Land North Of Beechwood Farm Green Lane Feniton

**Proposal** Construction of up to 60 dwellings (including affordable), provision of public open space (including dedicated ecological areas) and drainage and ancillary works (outline application with all matters reserved except for access)



**RECOMMENDATION: Resolution to adopt the appropriate assessment, and approve subject to conditions and completion of a s106.**



|                              |                                                                                                                                                                                                                                            |                                    |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
|                              |                                                                                                                                                                                                                                            | <b>Committee Date: 27.01.2025</b>  |
| <b>Feniton<br/>(Feniton)</b> | <b>25/1060/MOUT</b>                                                                                                                                                                                                                        | <b>Target Date:<br/>20.08.2025</b> |
| <b>Applicant:</b>            | <b>South West Strategic Developments Ltd</b>                                                                                                                                                                                               |                                    |
| <b>Location:</b>             | <b>Land North Of Beechwood Farm Green Lane</b>                                                                                                                                                                                             |                                    |
| <b>Proposal:</b>             | <b>Construction of up to 60 dwellings (including affordable), provision of public open space (including dedicated ecological areas) and drainage and ancillary works (outline application with all matters reserved except for access)</b> |                                    |

**RECOMMENDATION:** Resolution to adopt the appropriate assessment, and approve subject to conditions and completion of a s106.

#### **EXECUTIVE SUMMARY**

This proposal seeks outline planning permission for the construction of up to 60 dwellings, including affordable housing, together with public open space, ecological areas, drainage infrastructure, and ancillary works on land north of Beechwood Farm, Green Lane, Feniton. All matters are reserved except for access, which is proposed via Green Lane.

The site lies outside the Built-Up Area Boundary defined in the adopted East Devon Local Plan and Feniton Neighbourhood Plan, resulting in a clear conflict with the spatial strategy of both plans. However, the site is identified as an allocation within the Regulation 19 draft of the emerging Local Plan, which, while indicative of the Council's intended direction of growth of this settlement, currently carries limited weight due to its stage in preparation.

The Council's inability to demonstrate a five-year housing land supply is a significant material consideration. The shortfall is substantial, and under paragraph 11 of the National Planning Policy Framework (NPPF), the presumption in favour of sustainable development applies. In such circumstances, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The proposal would deliver a meaningful contribution to housing supply, including affordable housing through a combination of on-site provision and off-site contributions, which carries considerable weight in the planning balance.

The development would generate economic benefits during the construction phase and longer-term social benefits through the provision of market and affordable homes. The scheme incorporates sustainability measures such as renewable energy technologies, electric vehicle charging, and biodiversity enhancements, aligning with national and local policy objectives.

Notwithstanding these benefits, the proposal raises concerns regarding its impact on local character, infrastructure capacity, and flood risk. The site lies within a Critical Drainage Area. The applicant has submitted a comprehensive drainage strategy; the Lead Local Flood Authority has no raised objections to the scheme subject to conditions. The scheme would also be compatible with the Feniton Flood Alleviation Scheme. Foul drainage upgrades will also be required prior to occupation, secured through a Grampian condition.

Local opposition is significant, citing highway safety, school capacity, reliance on private car travel, and cumulative growth in Feniton. Technical consultees in the main, however, have not raised objections subject to conditions and mitigation measures. The County Highway Authority confirms that the proposed access meets design standards and that visibility splays are acceptable. Contributions towards affordable housing, play space and habitat mitigation will be secured via a Section 106 agreement, alongside affordable housing, biodiversity net gain, and open space provision.

While the development would extend the settlement into open countryside and result in some harm to landscape character and visual amenity, these impacts are assessed as moderate and capable of mitigation through landscaping and design controls. The site is well-related to existing development and offers reasonable connectivity to local services and public transport.

On balance, and having regard to the significant housing land supply shortfall, the benefits of delivering housing and affordable homes are considered to outweigh the identified harms. The recommendation is therefore to adopt the Appropriate Assessment and approve the application subject to conditions and completion of a Section 106 agreement securing the necessary mitigation and infrastructure.

## **CONSULTATIONS**

### **Local Consultations**

#### **Feniton - Cllr Alasdair Bruce**

Whilst recognising that this site is identified as a potential site allocated within the emerging local plan, it still represents a gross over development of the village of Feniton and, in my opinion, further harms the identity, character and sustainability of this village.

Once again, I find myself referring to the same issues that impact on Feniton every time a major development threatens. They do not go away. It is clear that this village has taken its fair share of development in the recent past and that which is currently

passed by planning. The school is still full with no means of expanding, there is still only one small spar shop, there is still only one pub. The lanes are still narrow and often clogged with traffic at peak times. Almost all journeys for employment, school drop offs and shopping are undertaken by car as there is reliable public service. More hard surfaces will exacerbate the problem of flooding in the village. I would urge the planning committee to look at Feniton again in the hard light of reality given what I and many others have said on this application. I remain convinced that, like a number of sites in the emerging local plan, this one has not been properly considered and is there simply to satisfy the government's demand for more and more housing irrespective of the long term harm it might cause.

I urge the committee to refuse this application.

Cllr Alasdair Bruce  
Ward member

#### Parish/Town Council

The Parish Council strongly objects to this application.

With the recent approval of 36 houses at Burlands Mead, the addition of another 60 is far far higher than the village can cope with at this time. We are also awaiting the appeal decision on another 85 houses that EDDC failed to determine.

Although the site is included in the Reg 19 version of the Local Plan, it is envisaged that the allocations are for up to 2040. It is already accepted, by EDDC, that the numbers of houses allocated to Feniton in the draft local plan are very much higher than any other tier 4 settlement, so to give permission to the whole of the 15 year allocation, before the Local Plan is even agreed would be totally unacceptable.

The absence of employment in the village will mean that there will be very high levels of out-commuting, increasing massively the carbon footprint of the village -.

Contrary to the NPPF.

The lack of any medical facility and limited shopping and leisure opportunities in the village result in high levels of trip generation for these purposes.

The lack of reliable and frequent public transport in the village will mean that additional residents will be highly dependent on private car use generating more traffic on the wholly inadequate country lanes that serve the village.

The village school is already at capacity and unable to expand in its current location.

The entrance to and exit from the site are onto Green Lane.

Green Lane itself is a narrow country lane which separates the village from open countryside. Along much of its length 2 vehicles cannot pass and there are no footways. At its western end the lane passes over two narrow humped railway bridges. At its eastern end it becomes a narrow sunken lane between high rock cliffs. Access along this lane is constrained and creating additional traffic here makes no sense and will increase danger and inconvenience. The western junction onto Ottery Road is unconventional, narrow and again without footways, causing danger to pedestrians using the route. The Parish Council therefore contends that access to the site is unacceptable and potentially unsafe.

The Parish Council do not believe the arrangements for storm and foul water are adequate.

The problems of both, in Feniton are well documented with known overloading of the sewerage system and pumping station at times of high rainfall. The incidence of raw sewage backing up into people's homes and discharging onto the highway and into

local watercourses cannot continue. The sewage treatment works for Feniton is noted as being in the top 5 of the most polluting works discharging into the River Otter. Works to deal with this are not scheduled until 2030. It would be unacceptable to allow further sewage into the current system until the upgrades to the treatment works are completed.

The efficacy of the incomplete and untested flood alleviation scheme is unknown at this stage and consent for any additional new dwellings in the village should not be granted until such time as the systems have been thoroughly tested and assessed.

### **Technical Summary**

**NHS (Eastern Locality)** requests a £15,527 S106 contribution to mitigate the impact of the proposed development on local healthcare services, which are already operating at full capacity. They argue that new housing increases demand without corresponding funding, as NHS contracts are based on previous year activity and cannot account for future growth. Without mitigation, service quality and waiting times will worsen for all patients. The Trust cites national and local policy support for sustainable communities, which includes access to timely healthcare. They reference appeal decisions confirming such contributions meet CIL tests. The funding gap created by new residents must be addressed to maintain safe and sustainable service delivery. They ask for confirmation that the contribution will be secured via the S106 agreement.

**NHS England** - NHS Devon has reviewed the application from a primary care perspective and confirmed that local GP surgeries currently have sufficient capacity to accommodate the population increase generated by the proposed development. This assessment is based on existing infrastructure and does not reflect operational pressures or patient activity levels. However, NHS Devon notes that this position may change if other planning applications come forward before a decision is made, potentially increasing patient list sizes beyond current capacity. At present, no contribution towards NHS Primary Care is required, but the Council is advised to consider a contingency of £659 per dwelling in any viability assessments. NHS Devon reserves the right to reassess capacity and request contributions at a later stage should circumstances change. The assessment is based solely on infrastructure capacity and not on workforce or service delivery factors.

**DCC Historic Environment Team** confirm that the site contains archaeological remains of prehistoric and Romano-British origin, including field systems and possible burial activity. Although these features have been degraded by agriculture, they are still of interest and will be lost to development. The team recommends a staged programme of archaeological work, starting with trial trenching to assess significance. A Written Scheme of Investigation (WSI) should be submitted and approved prior to development. Conditions should also secure post-excavation analysis and publication of findings. These measures are necessary to comply with national and local heritage policies.

**Devon County Council Waste Planning** highlights that the proposal qualifies as major development and must comply with Policy W4 of the Devon Waste Plan. A Waste Audit Statement is required to ensure sustainable waste management during construction and operation. Although a Site Waste Management Plan has been

submitted for part of the application, it lacks detail on construction waste. The audit must include waste types, volumes, reuse and recycling targets, disposal methods, and monitoring arrangements. A pre-commencement condition is recommended to secure this. The aim is to reduce waste generation and promote on-site reuse. The Waste Planning Authority is available for further guidance.

**Police Architectural Liaison Officer** advises that crime prevention principles should be embedded in the detailed design. Rear parking courts are discouraged unless well-lit and overlooked, as they can attract anti-social behaviour. Boundary treatments should clearly define public and private space to prevent conflict and misuse. Pedestrian routes must be wide, well-lit, and free from concealment risks caused by planting. Communal parking should be in small, visible clusters near homes. Play areas should be safely accessible and overlooked. Lighting and defensible space are key to promoting safety and reducing fear of crime.

**Devon and Cornwall Police** state the proposed development of 60 dwellings is expected to increase the local population by approximately 136 residents, based on an average household size of 2.26 persons. This growth will generate additional demand on policing services across East Devon, including emergency and non-emergency responses, crime recording, anti-social behaviour management, and the deployment of technologies such as mobile CCTV and ANPR. The Police have indicated that these impacts cannot be absorbed within existing resources and will require additional officer deployment to maintain service levels comparable to other residential areas in the district. To mitigate these impacts, a financial contribution of £2,754.15 is sought, covering the cost of equipping new officers and providing additional vehicles. No contribution towards premises has been requested at this stage, as current facilities can accommodate the anticipated increase in usage, although this position may change in the future.

**Devon County Education** advise the proposed development of 60 family dwellings is expected to generate approximately 15 primary school pupils and 9 secondary school pupils, which will impact local education provision. Devon County Council has confirmed that existing primary and secondary schools have sufficient capacity to accommodate these pupils, so no contribution towards education infrastructure is sought on that basis. However, as the development is located more than 2.25 miles from The King's School, a contribution towards secondary school transport costs is required. This is calculated at £31,378, based on 9 pupils over five years at £3.67 per day for 190 academic days annually. All contributions will be subject to indexation and calculated in accordance with established educational formulae to ensure compliance with CIL Regulation 122. The County Council also reserves the right to recover legal costs associated with the preparation and completion of the agreement.

**Conservation Officer** raises no objection, noting that the site lies east of the modern settlement and is well separated from the historic core of Feniton. The nearest listed buildings, including St Andrew's Church, are buffered by agricultural land. The submitted heritage impact assessment concludes there will be no harm to the setting of these assets. As the application is in outline form with access only considered, no further comments are made. The proposal is not considered to affect



the significance of designated heritage assets. Therefore, the development is acceptable in conservation terms.

**EDDC District Ecologist** finds the ecological documentation broadly acceptable but recommends several conditions. The site supports protected species including dormice, bats, badgers, and slow worms, and lies within 10 km of sensitive European sites. Mitigation measures include dark corridors, advance planting, and habitat compensation. A dormouse licence will be required due to hedgerow removal, and bat activity surveys highlight the need for lighting controls. Biodiversity net gain is achievable, with significant onsite enhancements proposed. A long-term Habitat Management and Monitoring Plan and Construction Ecological Management Plan must be secured. Ecological enhancements such as bird boxes, bee bricks, and hedgehog highways are also recommended.

**Natural England** advises that the development lies within the zone of influence for recreational pressure on European protected sites. An appropriate assessment must be undertaken by the Local Planning Authority to confirm that strategic mitigation measures are secured. If confirmed, Natural England is likely to be satisfied that no adverse effect on site integrity will occur. They note that bespoke mitigation outside the strategic solution would require further consultation. Use of Impact Risk Zones is encouraged to streamline future consultations. General advice on protected species and natural environment issues is also provided. Natural England remains available for further comment if needed.

**County Highway Authority** raises no objection to the principle of development or the proposed access off Green Lane. Visibility splays exceed design standards and the site is well located near local services and public transport. The proposed footway improvements are welcomed, though further enhancements to sustainable travel links are encouraged. A connection to the adjacent development at Vineton Place is supported in principle. Conditions are recommended to secure drainage details, a Construction Management Plan, and cycle storage. The Authority expects continued dialogue to improve pedestrian and cycle connectivity. No highway safety concerns are identified based on traffic data.

**Flood Risk Management Team** Since our previous consultation response on 16 October 2025, the applicant has engaged with us through email correspondence and a meeting held on 18 December 2025. They have indicated that, should the development be delivered in phases, they will liaise with the Local Planning Authority to ensure conditions are appropriately worded. In such a scenario, they acknowledge that the surface water drainage system will need to reflect the impermeable areas being developed at each stage, which may require a temporary reduction in discharge rates. The applicant proposes to discharge surface water into the attenuation tank adjacent to the site and accepts that, at Reserved Matters stage, modelling will be required to demonstrate that this additional discharge will not adversely affect the existing system. They also recognise the need to assess sustainable drainage features such as rain gardens, tree pits, and permeable paving (potentially lined and underdrained) across the development, and confirm that soil types and planting for these SuDS features will be addressed at Reserved Matters stage.

In relation to the proposed ditches along the eastern edge of the site, the applicant understands that further discussion will be required if planning permission is granted, including consideration of the frequency of overland flows from upslope. They note that the basin includes 0.5m of freeboard, which provides 0.2m of additional capacity beyond the minimum requirement of 0.3m, and have suggested that bunding of the adjacent Public Open Space could help manage flows before they enter the basin. While they are aware that these ditches could connect into the drainage system, they accept that check dams would need to be incorporated if this occurs.

The applicant acknowledges that the proposed orifice control above the Hydro-Brake is very small and that measures will be necessary to reduce the risk of blockage, particularly if overland flows are permitted into the basin. They also confirm that re-profiling of the site will be required to avoid deep drainage and that swales can be underdrained if necessary. Finally, they have confirmed that exceedance flows will not be routed through rear gardens, and this commitment will need to be maintained in future Reserved Matters submissions. Condition suggested.

**Housing Strategy/Enabling Officer** objects to the proposed 30% affordable housing provision, which falls short of the 50% required by both the Local Plan and Neighbourhood Plan. The tenure mix should favour social rent, which is more affordable locally. The applicant is expected to engage with the housing team to ensure the mix meets identified needs. All affordable units must meet M4(2) standards, with some M4(3) provision welcomed. Affordable housing should be integrated across the site in small clusters to promote social cohesion. The Council's current plan prioritises increasing affordable housing availability. The proposal is not policy compliant in its current form.

**Environmental Health Officer** requires a Construction and Environmental Management Plan (CEMP) to be approved before works begin. The CEMP must address air quality, dust, noise, vibration, lighting, pollution control, and monitoring. Construction hours are restricted to weekdays and Saturday mornings, with no work on Sundays or bank holidays. Burning on site and high-frequency reversing alarms are prohibited. The CEMP must be implemented throughout the development. These measures are necessary to protect residential amenity. Compliance with the approved plan will be monitored.

**EDDC Landscape Architect** considers the proposal acceptable subject to conditions securing detailed landscape design and long-term management. The Landscape and Visual Appraisal is robust and identifies moderate adverse impacts reducing over time. Mitigation includes new hedgebanks, offsite tree planting, and improved pedestrian links. A green infrastructure strategy and Landscape and Ecology Management Plan (LEMP) are required. Lighting must be designed to protect dark skies and bat corridors. Soil management and SuDS details must be provided. The proposal integrates well with the surrounding landscape if recommended measures are implemented.

**Engineering Projects Manager** supports the drainage proposals, noting they will reduce existing nuisance flooding in Feniton. The system will intercept overland flow

currently affecting Warwick Close, the allotments, and Wells Avenue. Runoff will be attenuated before discharge into the watercourse. The updated plans are considered effective in managing flood risk. The scheme complements the wider flood alleviation strategy. No objections are raised from an engineering perspective.

### Other Representations

At the time of writing there have been 88 objections received— in summary;

### Objections

- Green Lane is narrow, single-track in places, with blind corners and two humpback railway bridges; no pavements or lighting.
- Increased traffic (estimated 100–120+ vehicles plus service/delivery vans) would create severe safety risks for pedestrians, cyclists, horse riders, and schoolchildren.
- Junctions at Ottery Road and Broad Lane have poor visibility; congestion and reversing already common.
- Developer's traffic estimates (28 peak movements) considered unrealistic by residents.
- Construction traffic would worsen road damage and safety issues.
- Primary school full; secondary schools oversubscribed; no capacity or funding for expansion.
- No GP surgery in Feniton; surrounding practices and NHS dentists at capacity (local dentist closing).
- Public transport inadequate: trains every 2 hours, unreliable; buses infrequent (Sidmouth twice daily, Taunton weekly).
- Limited local amenities (one shop, pub, takeaway); residents rely on car travel for essentials.
- Flood alleviation scheme designed for existing housing only; untested and may redirect water to Ottery Road, cutting off access.
- Additional impermeable surfaces risk increasing runoff and flooding.
- Sewerage system already failing: frequent overflows, tankers removing waste, raw sewage discharge into roads and ditches.
- Development on greenfield land; loss of agricultural land and hedgerows.
- Impact on wildlife: bats (including protected species), hedgehogs, birds; concerns over habitat destruction and lighting effects.
- Would harm rural character and amenity value of Green Lane, used for recreation and safe walking routes.
- Feniton classified as Tier 4 settlement—intended for modest growth only.
- Previous Planning Inspector decisions (2014, 2024) deemed Feniton unsuitable for large-scale housing.
- Proposal conflicts with Local Plan objectives (sustainable transport, net zero, infrastructure provision).
- Heavy reliance on car travel undermines sustainability claims.
- Very limited community consultation (12 responses cited).
- Existing unfinished housing at Acland Park and approved Burlands Mead site—questioning the need for more development.

- Perception of opportunistic land-grabbing and speculative timing before effects of other developments assessed.

## **PLANNING HISTORY**

| <b>Reference</b> | <b>Description</b>                                                                                                                                                                                                                                                             | <b>Decision</b>     | <b>Date</b> |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------|
| 24/0331/MFUL     | Amendments to phase 4 of the Flood alleviation scheme (consented under ref; 14/2882/MFUL) - works comprising the construction of channels, culverts and swales and mitigation works including flood defences, inlet water storage areas, infrastructure and outfall structure. | Approve             | 09/08/2024  |
| 14/2882/MFUL     | Flood alleviation works comprising the construction of channels, culverts and swales and mitigation works to individual properties including flood defences and by pass channel.                                                                                               | Approve             | 11.02.2015  |
| 13/0591/MFUL     | Proposed erection of 83 no. residential dwellings and their associated roads, sewers, landscaping, open space, parking & garage                                                                                                                                                | Dismissed at appeal | 07.04.2014  |

## **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon) Adopted  
 Strategy 2 (Scale and Distribution of Residential Development) Adopted  
 Strategy 3 (Sustainable Development) Adopted  
 Strategy 4 (Balanced Communities) Adopted  
 Strategy 5 (Environment) Adopted  
 Strategy 5B (Sustainable Transport) Adopted  
 Strategy 7 (Development in the Countryside) Adopted  
 Strategy 27 (Development at the Small Towns and Larger Villages) Adopted  
 Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted  
Strategy 43 (Open Space Standards) Adopted  
Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted  
Strategy 47 (Nature Conservation and Geology) Adopted  
Strategy 48 (Local Distinctiveness in the Built Environment) Adopted  
Strategy 49 (The Historic Environment) Adopted  
Strategy 50 (Infrastructure Delivery) Adopted  
D1 (Design and Local Distinctiveness) Adopted  
D2 (Landscape Requirements) Adopted  
D3 (Trees and Development Sites) Adopted  
EN5 (Wildlife Habitats and Features) Adopted  
EN13 (Development on High Quality Agricultural Land) Adopted  
EN14 (Control of Pollution) Adopted  
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)  
Adopted  
EN21 (River and Coastal Flooding) Adopted  
EN22 (Surface Run-Off Implications of New Development) Adopted  
H2 (Range and Mix of New Housing Development) Adopted  
RC2 (New Open Space, Sports Facilities and Parks) Adopted  
TC2 (Accessibility of New Development) Adopted  
TC7 (Adequacy of Road Network and Site Access) Adopted  
TC9 (Parking Provision in New Development) Adopted

#### Draft East Devon Local Plan 2020-2042 Policies

#### Neighbourhood Plans

Feniton 'made' Neighbourhood Plan - made May 2018

Policy T1

Policy T2

Policy F1

Policy H1

Policy H3

Policy H4

Policy C2

Policy E1

Policy 02

#### Emerging East Devon Local Plan

#### CHAPTER 3. THE SPATIAL STRATEGY

Strategic Policy SP01: Spatial strategy

Strategic Policy SP02: Levels of future housing development

Strategic Policy SP03: Housing requirement by Designated Neighbourhood Area

Strategic Policy SP05: Development inside Settlement Boundaries

Strategic Policy SP06: Development beyond Settlement Boundaries

#### CHAPTER 5. DEVELOPMENT IN THE TOWNS AND VILLAGES

Strategic Policy SD18: Development allocations at Feniton

#### CHAPTER 6. MITIGATING CLIMATE CHANGE

Strategic Policy CC01: Climate emergency

Strategic Policy CC02: Moving toward Net-zero carbon development

Strategic Policy CC03: Promoting low carbon and renewable energy

#### CHAPTER 7. ADAPTING TO CLIMATE CHANGE

Strategic Policy AR01: Flooding

Strategic Policy AR02: Water efficiency

#### CHAPTER 8. MEETING HOUSING NEEDS

Strategic Policy HN01: Housing to address needs

Strategic Policy HN02: Affordable housing

Policy HN03: Housing to meet the needs of older people

Policy HN04: Accessible and adaptable Housing

Policy HN05: Self-build and custom build housing

#### CHAPTER 9. SUPPORTING THE ECONOMY AND TOWN CENTRES

Strategic Policy SE04: Resisting the loss of employment sites

Strategic Policy SE06: Town Centre Hierarchy

#### CHAPTER 10. HIGH QUALITY DESIGN

Strategic Policy DS01: Design and local distinctiveness

Policy DS02: Housing density and efficient use of land

#### CHAPTER 11. SUSTAINABLE TRANSPORT AND COMMUNICATIONS

Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport

Strategic Policy TR02: Protecting transport sites and routes

Policy TR03: Travel plans, transport statements and transport assessments

Policy TR04: Parking standards

#### CHAPTER 12. OUR OUTSTANDING LANDSCAPE

Strategic Policy OL01: Landscape features

Policy OL09: Control of pollution

Policy OL10: Development on high quality agricultural land

#### CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY

Strategic Policy PB01: Protection of internationally and nationally important wildlife sites

Policy PB02: Protection of regionally and locally important wildlife sites

Policy PB03: Protection of irreplaceable habitats and important features

Strategic Policy PB04: Habitats Regulations Assessment

Strategic Policy PB05: Biodiversity Net Gain

Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network

Policy PB07: Ecological enhancement and biodiversity in the built environment

Policy PB08: Tree, hedges and woodland on development sites

Policy PB09: Monitoring requirements for new planting schemes

## CHAPTER 14. OPEN SPACE AND SPORTS AND RECREATION

Strategic Policy OS01: Access to open space and recreation facilities

Policy OS02: Sport, recreation and open space provision in association with development

Policy OS03: Location of facilities for sport and recreation and open

Policy OS04: New allotments and avoiding the loss of existing ones

Policy OS05: Leisure and recreation developments in the countryside

### Development Plan Documents

East Devon Villages Plan (2018)

### Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

### Site Location and Description

This site is on the eastern edge of Feniton, in the area of open countryside between this newer part of the settlement and 'old' Feniton to the east.

The site covers some 2.80 ha extending from Station Road, which adjoins its northern boundary, to Green Lane, which runs along its southern boundary. It is immediately adjacent to an area of land on which permission was granted in 2012 for 50 dwellings ("the Wainhomes Phase 1 scheme"). This development has since been completed.

The development would site is spread over two existing field parcels. Green Lane is a typical rural lane with hedge bank forming the boundary with the lane and the field parcel. To the south west of the site, also fronting Green Lane are a series of existing residential properties.

### Proposed Development

The proposal for land north of Green Lane, Feniton, seeks outline planning permission for a residential development comprising up to 60 dwellings. All matters have been reserved except for access, which is to be considered at this stage.

The dwellings would include a mix of market and affordable homes, with 30% designated as on site affordable housing through shared ownership and social rent as well as an 15% off site affordable contribution. The housing mix would consist of 1 bedroom apartments and 2, 3, and 4-bedroom houses, all designed to meet or exceed nationally described space standards.

The development aims to integrate sensitively with the existing village, particularly the adjacent housing at Silverton Rise and Vineton Place. It would be accessed via a new vehicular, pedestrian, and cycle route from Green Lane, with additional pedestrian

connections to surrounding residential areas and public open spaces. The indicative layout seeks to promote permeability and connectivity, incorporating a hierarchy of streets, shared surfaces, and walking routes that link to the wider footpath network and local amenities.

Existing boundary hedgerows and trees will be retained and enhanced, with new planting introduced to create buffers and soften the village edge. A community orchard, attenuation basins, swales, and rain gardens would be incorporated into the landscape strategy, supporting biodiversity and sustainable drainage. Public open spaces will be provided throughout the site, including two local areas of play (LAPs), and will be well-overlooked to ensure safety and encourage community use.

Architecturally, the applicant puts forward that the scheme draws inspiration from the traditional character of Feniton, particularly Old Feniton, using materials such as white render, red brick, and slate roof tiles. Buildings will be predominantly two storeys in height, with occasional dwellings featuring rooms in the roof. The design will include features such as porches, chimneys, and varied rooflines to create visual interest and a sense of place.

The proposed layout also incorporates sustainability measures, including the provision of solar PV panels, air source heat pumps, EV charging points, and cycle parking.

Overall, the development aims to create a well-connected, inclusive, and sustainable extension to Feniton, respecting its landscape setting and architectural heritage while delivering much-needed housing in a location well-served by transport and local facilities.

## ANALYSIS

### **The principle of the development**

Strategies 1 and 2 of the East Devon Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. The main focus is on the West End and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development. Feniton does however feature a Built up Area Boundary (BUAB) as designated within the Villages Development Plan Document.

The East Devon Villages Plan was adopted as part of the Development Plan by East Devon District Council on 26 July 2018. This plan, through its policy VP01 - Built-up Area Boundaries, established a boundary for Feniton, amongst other settlements.

The proposed development would comprise major development in the countryside, outside of the defined settlement boundary of Feniton, thereby conflicting with Strategy 7 and Strategy 27 of the local plan. Consequently, the site would not offer an appropriate location for the development proposed having regard to the development



plan's overall settlement strategy and expectation for such development to be contained within a designated built up area boundary.

Feniton has a 'made' neighbourhood plan. The date of 'making' this Plan is 19 July 2018. This was following the successful referendum on 17th May 2018, where 93.71% of residents who voted were in favour of adopting the Plan.

NP Policy H3 Housing developments states within Feniton's BUAB development will usually be supported where they include a range of house types. The NP policies do not specifically allow for any housing development outside of the BUAB.

Given the above residential development of this nature and within this location conflicts with the spatial approach to development as expressed within the adopted development plan. This conflict is attributed weight given that protection of the countryside, preventing sporadic development and ensuring suitable growth are amongst the main objectives of the local plan and National Planning Policy Framework.

### **The need to maintain a healthy housing supply and trajectory going forward**

The need for housing over the next five years is a crucial consideration in planning decisions. According to the National Planning Policy Framework (NPPF) 2024, local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 69(a) of the NPPF. Without an adequate supply of housing an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

Based on current methodologies, the Council's housing land supply position is 3.5 years and this represents a substantial shortfall.

The council must address the housing supply deficit to align with NPPF standards and support the adoption of the emerging Local Plan by 2026.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

### **The 2024 National Planning Policy Framework, as a material consideration**

The National Planning Policy Framework (NPPF) dated December 2024 (as amended) is a material consideration in the determination of planning applications. The NPPF

states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8)

granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (footnote 7) provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As above paragraph makes clear that where the policies of the Local Plan are out of date, which is the case here in the absence of a 5 year housing land supply, then a so called 'tilted balance' is applied, i.e. to grant consent unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

However, it is relevant that areas of particular importance within para (i), as stated within footnote 7, include 'areas at risk of flooding'. As this proposal takes place within a Critical Drainage Area (CDA), an area at risk of flooding, it is necessary to ascertain whether this provides a strong reason for refusing the proposal. If it does, then the 'tilted balance' would be dis engaged.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement. As the Feniton NP was adopted more than five years ago (2018) this would not affect the application of the presumption in favour of sustainable development.

## **The potential for flooding and dealing with surface water**

Feniton NP records that the settlement has been badly affected by flooding, most notably in 2008 and on numerous occasions since. The first documented reference to flooding was in a parish council report of 1912, but probably the worst case of flooding was in 2008 when between 50 and 60 homes were flooded and elderly residents were forced to escape the rising water by climbing up into the attic of their bungalows. NP Policy F1 seeks a design and construction which seeks to minimise adverse impact on existing flooding (including, but not limited to measures such as permeable driveways and dedicated parking spaces, use of soakaways and planting to minimise run-off). Proposals should demonstrate that they have taken full account of and recognise the impact of flood risk, both in terms of fluvial and localised surface water flooding. Development should minimise and do not exacerbate existing surface water flooding issues beyond the site.

At a national level the National Planning Policy Framework (NPPF) clarifies that the sequential approach and associated tests must consider all sources of flood risk when allocating or permitting development. The Planning Practice Guidance (PPG) on Flood Risk and Coastal Change has been updated to reflect this position. This represents a notable shift in the application of the Sequential Test, which now explicitly applies to all areas at risk of flooding, including risks from rivers, the sea, surface water, groundwater, overwhelmed sewers and drainage systems, and artificial sources such as reservoirs and canals. Paragraph 23 of the flood risk section of the PPG now clearly states that the Sequential Test prioritises avoiding development in medium and high-risk flood areas from all sources, including surface water. It further emphasizes that even where a Flood Risk Assessment (FRA) demonstrates that a development can be made safe without increasing risks elsewhere, the Sequential Test must still be satisfied.

The sequential approach aims to direct development to areas with the lowest flood risk, minimising reliance on measures such as flood defences, warnings, and resilience features. This ensures that areas with little or no flood risk are developed first. By prioritising avoidance of high-risk areas, the approach effectively mitigates potential flooding impacts. Even with an FRA confirming the safety of a development throughout its lifespan, the Sequential Test must be applied to avoid placing unnecessary pressure on flood risk management systems. In summary a risk adverse approach is advocated.

The NPPF emphasises steering development toward areas with the lowest risk of flooding, both now and in the future. The August 2022 PPG revisions expanded the definition of "areas at risk of flooding" to now include, explicitly, areas designated as Critical Drainage Areas (CDAs). These revisions also clarified that Flood Zone 1 areas with critical drainage problems, as identified by the Environment Agency (EA), can be treated as flood risk areas. The site is situated within the CDA for Feniton which encapsulates not only the built form but much of the surrounding land.

The Sequential Test must be applied to both major and non-major developments proposed in areas at risk of flooding. However, it is not required if the site has been allocated for development and already assessed during the plan-making stage, provided there have been no significant changes to flood risk levels. This site is not allocated in the adopted Local Plan, although it has been identified for potential

allocation in the emerging Local Plan at regulation 19 stage which is indicative of the direction of travel.

A level 1 Strategic Flood Risk Assessment (SFRA) was carried out by our Policy department in the early part of last year. This process included assessment of this appeal site. It concluded that preferred allocations Fenit 05 and Fenit 08 (i.e. this site) were not shown to be a flood risk.

Existing flood risk management infrastructure should be excluded from initial considerations due to uncertainties regarding its long-term maintenance and funding. Therefore, limited weight can be attributed to these works in the current decision-making process.

LP Policy EN22 (Surface Run-off Implications for New Development) states Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate. Planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable. NP Policy F1 seeks to ensure no adverse impact on existing flooding and satisfactorily mitigate / accommodate surface water run-off arising from the development through the use of Sustainable Drainage Systems (SuDS) where appropriate.

The site is within Fenit's Critical Drainage Area, which requires stringent protective measures against development pressures.

South West Water (SWW) asset records confirm the presence of an adopted surface water sewer system serving the adjacent Silverton Rise development. Accordingly to the applicant SWW has agreed to accept surface water discharge into its network located to the west of the site, with correspondence confirming the point of connection. Discussions with EDDC indicate that the existing drainage arrangement downstream of the Silverton Rise attenuation tank will be modified to integrate with the Fenit Flood Alleviation Scheme (FAS). Under the proposal, flows will discharge from the attenuation tank into the Fenit FAS, and EDDC considers a connection upstream of the existing attenuation tank to be the most appropriate solution.

Surface water runoff from roofs, roads, and hardstanding will be collected and conveyed via a network of pipes and swales to a large attenuation basin located in the western part of the site. This basin includes a forebay, low-flow channel, and ponding areas to provide both storage and water quality benefits. It is designed to accommodate runoff from storms up to the 1 in 100-year event plus 45% climate change allowance, with a maximum water depth of around 1.0 m during a 30-year event and additional freeboard for extreme events.

Discharge from the basin will be controlled by a Hydrobrake flow control device, limiting outflow to greenfield runoff rates (approximately 5.0 l/s for the 100-year event). The controlled discharge would connect to the existing adopted surface water sewer serving the adjacent Wainhomes development. Highway runoff will be directed into conveyance swales underlain by gravel filter drains, which link to the attenuation basin,

while a linear drain along the north-eastern footpath will provide extra protection against exceedance flows. A cutoff ditch would intercept runoff from the northeast greenfield area and route it into the drainage system.

During exceptional rainfall events, any exceedance flows will be routed to open green spaces and the attenuation basin, ensuring that flood risk to properties is minimized. The strategy also includes allowances for urban creep and long-term storage, ensuring compliance with the requirements of the Feniton Critical Drainage Area and the forthcoming Feniton Flood Alleviation Scheme.

The plan states that surface water from the development would discharge into the existing adopted surface water sewer network at greenfield runoff rates, and that the downstream drainage arrangements will be modified to accommodate the new flood alleviation infrastructure being delivered by East Devon District Council. This means the site's controlled discharge would work in tandem with the wider scheme, ensuring that the development does not increase flood risk and supports the objectives of the Critical Drainage Area designation for Feniton.

EDDC's Engineering Projects Manager supports the surface drainage proposals, noting they would reduce existing nuisance flooding in Feniton. The updated plans are considered effective in managing flood risk. The scheme complements the wider flood alleviation strategy.

The proposed development includes a comprehensive drainage strategy designed to manage surface water runoff in accordance with national and local policy requirements. The applicant has confirmed that the system will operate on a sustainable basis, incorporating SuDS (Sustainable Drainage Systems) principles to reduce flood risk and improve water quality.

Surface water will be attenuated on-site through a combination of permeable paving and underground storage tanks, ensuring that discharge rates do not exceed existing greenfield run-off rates. The system is designed to accommodate a 1 in 100-year storm event plus climate change allowance, in line with Environment Agency guidance. Discharge will be controlled via a flow restriction device before connecting to the existing public surface water sewer network.

As surface water is proposed to discharge into the adjacent attenuation tank at Reserved Matters stage, modelling will be required to confirm this does not adversely affect the system.

There would be the need to assess SuDS features such as rain gardens, tree pits, and permeable paving (possibly lined and underdrained) at Reserved Matters stage.

In relation to the proposed ditches along the eastern edge of the site, the applicant understands that further discussion will be required if planning permission is granted, including consideration of the frequency of overland flows from upslope. They note that the basin includes 0.5m of freeboard, which provides 0.2m of additional capacity beyond the minimum requirement of 0.3m, and have suggested that bunding of the adjacent Public Open Space could help manage flows before they enter the basin. While they are aware that these ditches could connect into the drainage system, they accept that check dams would need to be incorporated if this occurs.

The applicant acknowledges that the proposed orifice control above the Hydro-Brake is very small and that measures will be necessary to reduce the risk of blockage, particularly if overland flows are permitted into the basin. They also confirm that re-profiling of the site will be required to avoid deep drainage and that swales can be underdrained if necessary. Finally, they have confirmed that exceedance flows will not be routed through rear gardens, and this commitment will need to be maintained in future Reserved Matters submissions.

Given this the Lead Local Flood Authority raise no objection to this proposal, subject to conditions.

Taking all of the above into account the above the surface water drainage can be adequately dealt with and so the critical drainage area designation should not be a restriction to disengage the 'tilted balance'.

### **Foul Drainage**

The Feniton wastewater treatment works will need to be upgraded and this work is planned to be completed by 2030. Depending upon the progression of other housing developments in the area, the wastewater network may also need to be upgraded for this development. This upgrade is proposed to be a surface water separation scheme, which is planned to be completed 18 months from when a development is given planning permission.

Foul drainage will be managed separately, with connection to the mains sewer subject to agreement with the statutory undertaker.

Foul water flows are intended for disposal via mains sewer. In principle, SWW does not currently hold any objection to foul water disposal through a connection to a public foul Sewer. Further hydraulic modelling on the network needs to be undertaken by SWW to see if there would be need for some further network improvements to be undertaken. If network improvements are needed it is likely to be in the form of surface water separation. SWW have advised it would take 3 months to complete this hydraulic modelling which would then confirm the scope of any relevant improvements. Grampian style conditions are recommended to secure this and any necessary mitigation prior to the occupation of any dwelling.

### **Unbalanced Communities**

Past emerging local plan consultation has shown substantive levels of community objection to larger scales of growth at Feniton, this is likely to be the case in feedback on the current consultation. Though it is acknowledged that those with an interest in promoting sites for development at Feniton may take a counter view. It is highlighted that the Regulation 19 local plan provides for development across East Devon to 2042, but also provides for levels of development beyond this period at the planned new community, taking its development to at least 10,000 new homes. The new plan is, therefore setting policy for housing growth far into the future. The emerging local plan

applies a consistent broad spatial policy approach to development that is in alignment with that of the existing adopted Development Plan, and it is an approach consistent with the National Planning Policy Framework. The emerging local plan is supported and has been informed by a comprehensive Role and Function of Settlement study.

The emerging local plan states at Strategic Policy SP01: Spatial strategy of the emerging plan;

E. Allowing limited development at the Service Villages of Beer, Branscombe, Broadhembury, Chardstock, Clyst St Mary, Dunkeswell, East Budleigh, Exton, **Feniton**, Hawkchurch, Kilminster, Musbury, Newton Poppleford, Otterton, Payhembury, Plymtree, Sidbury, Stoke Canon, Tipton St John, Uplyme, Westclyst, West Hill and Whimble." (authors emphasis)

Clear and reasoned logic sets Feniton in the lowest tier of settlements for growth and development. To accord with the spatial strategy of the new local plan three sites are allocated for development at Feniton (two for housing and one for employment). Emerging Strategic Policy SP05: Development inside Settlement Boundaries, helps set the spatial basis for policy and beyond boundaries is "open countryside" where (as with the existing adopted Development Plan) significant limitations on development apply. The application site falls beyond the new plan settlement boundary for Feniton, in the open countryside where Emerging Strategic Policy SP06: Development beyond Settlement Boundaries applies .

Those settlements that are lower in the hierarchy, specifically including Feniton, should accommodate less. They should accommodate, as Strategic Policy SP01: Spatial strategy of the emerging plan states, under item E, "limited development".

In the new emerging local plan Feniton falls in the Tier 4 settlement category, this is the lowest tier of grouped settlements identified as appropriate for development. Beyond this tier settlements fall in the open countryside where more restrictive policy approaches apply. Feniton, however, one of the less well served by facilities settlements afforded this Tier 4 status, it also has high car dependency. It is correctly appropriate for lower growth levels.

Feniton itself (excluding Old Feniton which is not within a reasonable walking distance) does not benefit from the following services that mean that residents are reliant upon travel outside of Feniton to access, use or buy a wide range of goods and services:

- o a supermarket or large food store
- o a doctor's surgery
- o a church
- o a secondary school
- o a post office
- o a pharmacy
- o a bakers
- o a butchers shop
- o a petrol station

- o a vets
- o a sports hall
- o tennis courts
- o a range of other retail shops
- o a wide range of employment premises.

However, it does need to be recognised in the balance that Feniton does contain a primary school, pub, community centre, sport facilities, train station with linkages and bus stops. Whilst transport methods are of limited service in terms of frequency, together with rail use, there would be some degree of choice of transport mode over the car, albeit cars would likely be dominant.

Although there is some local accessibility to facilities and services and limited public transport links to wider destinations, these constraints reflect the Council's strategy of focusing new development in the most sustainable locations and restricting growth within villages. The proposal would increase housing, placing greater demand on existing services and facilities and likely worsen current deficiencies in public transport. Combined with the limited employment opportunities in the village, this would further disrupt the balance between jobs, housing and community infrastructure.

The existing Local Plan does not allocate sites for development at Feniton. The small scale and limited facilities at the village did not substantiate and generate the need for or appropriateness for allocation. This was specifically so even though fully objectively assessed housing needs, under a deliberate 'policy-on' high employment driven growth agenda (resulting in higher housing provision than trend based data at the time indicated as appropriate) was applied in the district for the existing local plan. The high levels of strategic employment growth under plan policy were directed to the western side of the district close to the city of Exeter.

Emerging Local Plan policy SP06 states that in locations outside of the defined settlement boundaries development will not be permitted unless it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development. Policy SD18 sets out development allocations at Feniton. In terms of preferred allocations for Feniton under the emerging local plan reg 19 stage the following sites Feni 05 (42 dwellings) and Feni 08 (60 dwellings) equalling a total of 102 dwellings. This is expressed through policy SD18 of the emerging Local Plan. Feni 08, this site, was considered to be positioned with good suitable links along the main road to services and facilities.

The recent appeal decision at Colestocks Road, Feniton as a material consideration which given its location within Fention, its recency and relation to East Devon's local plan and emerging local plan has direct relevancy to the decision making process.

At the time of allowing the Colestocks appeal the quantum for housing in Feniton would have been;

Burlands Mead (application with a resolution to approve) = 35 dwellings  
 Colestocks (appeal allowed) = 86 dwellings  
 Completions in Feniton = 25  
 Total for Feniton = 156 dwellings



It should also be noted that a planning application at Ottery Road, Feniton - 25/0509/MOUT for 85 dwellings was refused earlier this year, but notably before the decision at Colestock Road was issued. One of the reasons the planning application at Ottery Road was refused was that it would, by virtue of the 86 dwellings proposed, unbalance the local community of Feniton. At that time allowing the Ottery Road development would have resulted in;

Burlands Mead (application with a resolution to approve) = 35 dwellings  
Completions = 25 dwellings  
Feni\_08 allocation (still in the emerging local plan at that time) = 60 dwellings  
Ottery Road (if approved) = 86 dwellings  
Total for Feniton = 206 dwellings

Were this planning application at Beechwood now granted planning consent for up to 60 dwellings then this would now mean;

Burlands Mead (application with a resolution to approve) = 35 dwellings  
Completions = 25 dwellings  
Colestocks (appeal allowed) = 86 dwellings  
Beechwood (this planning application) = 60 dwellings  
Total to date granted consent for Feniton = 206 dwellings

*How then is this position to be reconciled were planning consent to be forthcoming on this site at Beechwood, as this would now result in the same quantum of development which was previously considered to unbalance the community under the Ottery Road refusal?*

The answer lies in the material change brought about by the Colestocks appeal and subsequent reassessment of allocations within the Emerging Local Plan. The Strategic Planning Committee, on 2nd September 2025, considered this shift and recommended retaining the Feni\_08 allocation, noting that the site performed well in assessment terms and that deletion could be vulnerable to challenge.

This paper to Strategic Planning Committee reported that the allocation site Feni\_08 was found to perform well in assessment terms, alongside other potential sites in Feniton. However, there is notable local opposition to the scale of development proposed for the village, including objections specific to this site. Despite these concerns, officers concluded that policy amendments were not warranted based on the objections received. The recent appeal decision at Colestocks Road introduced a new dynamic: with that site approved and Feni\_05 already allocated, there was an argument that Feniton's housing needs are met, potentially justifying the deletion of Feni\_08. Nevertheless, officers cautioned that such a deletion could be vulnerable to challenge, particularly if objections are based on site-specific concerns rather than broader strategic planning issues.

It was reported that, in his appeal decision, the Planning Inspector acknowledged that the proposed development conflicted with both adopted and emerging spatial strategy

policies, stating: “it is not disputed between the main parties that the proposed development would conflict with the adopted and emerging development plan policies relating to the Council's spatial strategy and I have no basis to find otherwise” (para 14). However, he also highlighted the uncertainty surrounding the emerging Local Plan, noting: “there is no certainty that the emerging allocations will become adopted, given that the second round of Regulation 19 consultation and the examination itself remains to be conducted” (para 15).

The Inspector further observed that the cumulative housing figure for Feniton—206 dwellings, including the appeal site and other commitments—would exceed that of any other Tier 4 settlement. Despite this, he allowed the appeal, citing the development's benefits, particularly its contribution to housing supply and the provision of 50% affordable housing (para 86 onward). He remarked that these benefits outweighed the policy conflict and uncertainty.

Importantly, the Inspector did not offer a definitive view on whether the spatial strategy for Feniton would be appropriate or what level of growth would be acceptable. Instead, he acknowledged the strategic framework of both the existing and emerging plans and concluded that, given the uncertainty, the appeal's approval was not unacceptable.

In light of these considerations, the Strategic Planning Committee was invited to reflect on the implications for site Feni\_08. Officers advised that, when assessed independently, the site performs well and does not appear to produce a disproportionate or strategically harmful outcome. Therefore, in view of the Inspector's decision and the broader planning context, the recommendation was to retain the allocation. This position was endorsed by the Strategic Planning Committee and now constitutes a material consideration in evaluating the current application.

On balance, and considering the Inspector's reasoning, the evolving status of the emerging Local Plan, and the Strategic Planning Committee's endorsement of this allocation, it is concluded that the proposed development at Beechwood is acceptable insofar that it would not result in an unbalanced or unsustainable level of growth for Feniton given the quantum of growth it has experienced. This accounts for previous planning consents recently granted in and around Feniton.

### **Impact on character and appearance**

NP Policy E1 acknowledges Feniton's unique topography, its status as a rural farming settlement of long standing and its sense of 'remoteness' (to quote the Planning Inspectorate's report following the Joint Inquiry). These all contribute to making Feniton the unique place that it is. Accordingly, development proposals which change the characteristics and essential qualities of the natural environment (including biodiversity, habitats, built heritage and landscape) will only be supported under the NP where they: i) demonstrate no adverse impact on those characteristics or that any adverse impacts are satisfactorily mitigated (for example, through appropriate landscaping, habitat creation or replacement and natural planting consistent with local biodiversity and species); ii) enhance the natural environment where there is the opportunity to do so.

The site lies on the eastern edge of Feniton, positioned on the opposite slope of the landscape “bowl” to the west. It occupies an area of open countryside between this part of the settlement and ‘old’ Feniton further east.

The site extends from Station Road along its northern boundary to Green Lane on its southern boundary. Indicative layouts show approximately 60 dwellings of one to two storeys, designed to reflect the form and character of the adjacent development.

According to the Landscape Character Assessment (LCA), the site falls within character type 4D: “Valley floors – lowland plains.” This area exhibits many of the key characteristics of that type, including mixed farmland, gently sloping landform, and a “surprising feeling of remoteness” along sections of Green Lane between the older and newer parts of Feniton.

Further east, the landscape transitions to character type 3B: “Valley slopes – lower rolling farmed and settled slopes.” The area around the site shares some features of this classification.

As noted by a previous Inspector, Green Lane and Station Road resemble the “winding, often sunken lanes” typical of LCA type 3B rather than the “wide low roadside hedges and banks” associated with type 4D. There is little evidence of the “long views over low hedges” expected in 4D; views from Green Lane and Station Road are largely confined to gated gaps in boundary hedges.

Feniton is largely contained within a natural bowl, meaning most existing buildings are screened from wider views. The Wainhomes Phase 1 scheme is more visible as it occupies rising ground. The proposed site sits at a higher level still, offering only limited views of the village to provide visual context for the new dwellings. Development here would advance the settlement edge eastward, reducing the open countryside that currently separates it from old Feniton and diminishing the sense of remoteness experienced along Green Lane.

From Public Footpath FP8 at the top of Long Park Hill, panoramic views eastwards include the appeal site. Due to the topography, much of Feniton remains hidden, though the Wainhomes Phase 1 dwellings are visible. From this vantage point, the existing estate would form the foreground to the proposed development, with a clear gap retained between the new housing and the wooded ridge separating old and new Feniton. Nevertheless, the new dwellings would extend built development into previously open countryside, eroding its rural character.

The Wainhomes Phase 1 development, now completed, has already removed a corner of the adjoining northern field, leaving it irregular and uncharacteristic of the locality. The current proposal would restore rectilinear proportions by “squaring off” the built form, meaning it would not significantly harm the traditional field pattern.

However, the scheme would alter the character of this part of Feniton by replacing open countryside with housing, encroaching into the gap between the two settlement areas, and bringing development closer to Green Lane. This would reduce the sense of remoteness and adversely affect views from Green Lane, Station Road, FP8, the

proposed “Green Link” between Green Lane and Station Road, and from the allotments and recreation ground on Feniton’s eastern edge.

The Landscape Officer accepts the Landscape and Visual Appraisal (LVA) findings:

- Landscape effects: Moderate adverse on the site, reducing to minor adverse after 10 years; negligible on wider landscape character.
- Visual effects: Moderate adverse for non-motorised users of Green Lane, reducing to minor adverse after 10 years; low-negligible for other receptors.
- Residential receptors: Not assessed in the LVA, but likely no more than moderate-low adverse after 10 years, given limited views (4 dwellings) and reasonable separation distances.

In terms of mitigation it is suggest that a new hedgebank should be created and planted along the eastern edge of the southern portion of the development.

While the proposal would restore a more regular field pattern and integrate with the adjacent Wainhomes Phase 1 development, it would nonetheless result in the loss of open countryside and a noticeable eastward extension of the settlement. This would diminish the rural character of the area, reduce the sense of remoteness along Green Lane, and introduce adverse visual impacts from several public viewpoints. Although these effects are predicted to lessen over time with mitigation, the development would overall conflict with Policy D1 of the Local Plan by eroding important landscape characteristics.

### **Whether the proposed occupiers are in suitable range of services and facilities so as to not be reliant on private modes of transport**

The government published Manual for Streets states 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot'. Not only is the distance of important but so too is the nature and character of the route.

The provisions of Local Plan Strategy 5B (Sustainable Transport) require that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport and would need to be of a form, incorporate proposals for, and be at locations where it would encourage and allow for efficient, safe and accessible means of transport with low environmental impact, including (among other things), walking and cycling. These provisions are largely supplemented by those of Policy TC2 (Accessibility of New Development) which require new development to be located so as to be accessible by pedestrians and cyclists, as well as public transport, and also well related to compatible land uses so as to minimise the need for car travel.

Taking into account positions of bus stops, services to other settlements and close proximity of the railway there are considered suitable modes of transport to facilities and services. These are accessible via pavements with street lighting. The route is relatively levels which good passive surveillance. In terms of sheer distance it is

approximately 700m to the crossing junction with the railway and this is around the core of the settlement where other shops and transport connectivity nodes are.

The indicative layout shows several pedestrian link points along its west boundary. What development would be needed to be provided meaning connectivity on the 'phase 1 Wainhomes' side is not clear. However, these are required to suitably integrate this development and therefore a s106 should set out how these links would be facilitated and secure these in perpetuity.

The proposal therefore complies with policy TC2 in this regard.

### **Impact on trees**

There are few arboricultural constraints on site and it is considered that the site offers a significant potential for a net gain in green infrastructure. Any forthcoming design should be based on BS 5837.

The Arboricultural Impact Assessment for land off Broad Road, Feniton, has been prepared in accordance with BS5837:2012 and relates to an outline application for up to 60 dwellings and associated infrastructure. The site comprises agricultural fields bordered by mature hedgerows and trees. The tree stock is generally of moderate arboricultural merit, with the most significant features being three Category A oaks located on the western and northern boundaries and an off-site Category A Monterey pine to the south. Several Category B trees also contribute positively to the site's character. One tree and one tree group within the site are protected by Tree Preservation Orders (references 18/0138/TPO T1 and T2). The site is not within a conservation area.

To facilitate the proposed development, sections of hedgerows H1, H5 and H8, all categorised as C, will need to be removed. These removals will result in some short-term loss of amenity, but this will be mitigated through a comprehensive landscaping scheme that includes replacement planting of trees and hedgerows. In addition, one tree, T1 (Beech), will require crown lifting to five metres on its southern side to achieve visibility splays and highway clearance. All pruning works would be undertaken in accordance with BS3998:2010 and have to be agreed with the local planning authority's arboricultural officer.

The assessment notes that regrading works associated with the drainage scheme may encroach into root protection areas along the western boundary. A detailed Arboricultural Method Statement will therefore be required at the reserved matters stage to ensure that level changes do not adversely affect retained trees. The routing of services has not yet been confirmed, and any future proposals will need to comply with NJUG Vol. 4 and BS5837 guidance to avoid harm to tree roots.

Other considerations include minor shading from retained tree groups, which is not considered significant, and seasonal leaf fall, which can be managed through routine maintenance. Future pressure on retained trees is expected to be minimal, although cyclical pruning of T1 will be necessary to maintain highway clearance. All trees should

be checked for protected species such as bats and nesting birds prior to any works to avoid contravening wildlife legislation.

The report concludes that the proposed development can be accommodated without unacceptable harm to arboricultural interests, provided that mitigation measures and best practice standards are implemented. Conditions should secure the retention of Category A and B trees and those subject to TPOs, the submission of an Arboricultural Method Statement for works within root protection areas would mitigate the impact of the development.

Subject to the mitigation as recommended above the application would accord with LP Policy D3.

## **Ecology**

Protected species are a material consideration, and their presence and extent of use should be determined prior to issuing a planning decision. ODPM Circular 06/2005 states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

BS 42020:2013 Biodiversity — Code of practice for planning and development, states in section 6.4.5: ...where a PEA contains recommendations that further detailed survey work is necessary in order to inform a planning application, this work should be undertaken before determination of the planning application.

The Ecology Officer has reviewed the ecological documentation submitted in support of the outline planning application for up to 60 dwellings at Land North of Beechwood Farm. The application includes an Ecological Impact Assessment (EclA), Biodiversity Net Gain Assessment, and a draft Habitat Management and Monitoring Plan. The site lies within 10 km of sensitive Special Protection Areas (SPAs), necessitating a Habitat Mitigation payment to offset recreational impacts. Surveys confirm the presence of protected species including dormice, badgers, bats, nesting birds, slow worms, and potentially hedgehogs and amphibians, with particular emphasis on the importance of hedgerows H3 and H7 for bat activity.

Key ecological concerns focus on the need for robust mitigation and enhancement measures. Hedgerow H3 is identified as a critical commuting route for the light-sensitive barbastelle bat, requiring a minimum 10 m dark corridor on both sides. Lighting design must adhere to strict lux limits to preserve these corridors. Dormouse habitat loss due to hedgerow removal necessitates a mitigation licence and compensatory planting, ideally undertaken in advance using mature plants to minimise habitat delay. Additional recommendations include precautionary methods for reptiles and amphibians, and the integration of biodiversity features such as bird and bat boxes, bee bricks, and hedgehog highways.

## **Derogation tests**

Natural England can only issue a licence if the following tests have been met:

- the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible. There is also a consensus that in order to provide housing, thereby meeting a public interest, greenfield sites such as this would need to be developed. Given what has been reported for this site (see above), the fact suitable mitigation measures are proposed and both of these elements have been found acceptable by the councils ecologist there is no reason why a license would not be issued (if one would be needed) or why Article 12 would be infringed.

Consequently, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

Based on the information received and proposed mitigation measures the council ecologist raises no objection. Taking into account all of the above the proposal is considered to accord with policy EN5 of the East Devon Local Plan, NP8 of the NP, the NPPF and reflective of guidance within circular 06/2005.

The Biodiversity Net Gain assessment indicates a potential onsite gain of over 12% for both habitat and hedgerow units, subject to compliance with trading rules. However, several enhancements are considered significant and will require a final Habitat Management and Monitoring Plan (HMMP), secured via a Section 106 agreement. The draft HMMP is broadly acceptable but must be refined based on final site design. Long-term ecological management will be governed by a Landscape and Ecology Management Plan (LEMP) and a Construction and Ecological Management Plan (CECoMP), both of which must be approved prior to commencement.

The ecological response supports the application subject to strict adherence to mitigation and enhancement measures, particularly regarding lighting, dormouse habitat compensation, and biodiversity features. A series of planning conditions have been recommended to ensure compliance with ecological best practice and local policy, including detailed monitoring and reporting requirements over a 30-year period. These measures aim to secure biodiversity net gain and safeguard protected species throughout the development life time.

Biodiversity Net Gain (BNG) and BMV land

If consented, the development would be subject to the mandatory biodiversity net gain (BNG) general condition. As such, it would need to demonstrate it can provide at least 10% gain for all habitat types within the redline boundary, which includes habitats and hedges.

## **Affordable Housing**

For the proposal to be compliant with the existing local plan, and given that it is outside of any identified Built Up Area Boundary (BUAB), then under strategy 34 of the Local Plan an affordable housing target of 50% applies.

Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. Policy H2 of the adopted Feniton Neighbourhood Plan requires Social Rent tenure. Therefore, the rented units should be provided as Social Rent tenure as this is more affordable to local incomes in East Devon. This needs to be secured in the Section 106 agreement. There are currently 5857 households registered on the Council's housing register Devon Home Choice in Bands A - E. Housing need is increasing in East Devon. This application would help meet some of this need provided this contribution can be suitably secured.

The initial offer was for 30% affordable housing. However, after negotiations the potential for a split 35% onsite and 15% offsite affordable housing contribution. Our housing enabling officer was content to support the principle of this approach and this offer has been confirmed by the applicant. As this is inline with our recent approach the proposal is considered acceptable in this regard.

## **The impact on highway safety and the road network**

NP Policy T1 Proposals for new development will only be supported where they demonstrate that they will, in proportion to the scale of development proposed: i) minimise any adverse impact of additional traffic, such as increased volume of traffic at peak times which could lead to congestion, increased levels of pollution or increased speeds which may compromise pedestrian and cyclist safety; ii) improve accessibility to and safe use of pedestrian and cycle routes through enhancement of existing or provision of new routes. Additionally, proposals should not exacerbate existing parking problems in and around old and new Feniton.

Devon County Council have been consulted on this proposal and have raised no objections. They have identified that visibility splays exceed design standards and the site is well located near local services and public transport. The proposed footway improvements are welcomed, though further enhancements to sustainable travel links are encouraged. A connection to the adjacent development at Vineton Place is supported in principle. Conditions are recommended to secure drainage details, a Construction Management Plan, and cycle storage. No highway safety concerns are identified based on traffic data.



Therefore, the proposal is considered acceptable in terms of highway safety and connectivity.

## **Open Space**

With regards to public open space strategy 43 of the local plan states for the quantum of development proposed on site space within a rural area is to be provided.

Population increase will be used to determine the relative demand created by different developments. For residential development contributions these will be on a per-dwelling basis and the level of contribution will be higher for larger housing than for small houses or flats. This will be determined by the average occupancy rates where the average occupancy acts as a multiplier reflecting population increase. The assumed average occupancy rates are as follows:

- o a 1 bed dwelling = 1.5 persons,
- o a 2 to 4 bed dwelling = 2.22 persons,
- o a 5+ bed dwelling = 2.5 persons.

A s106 should secure that provision of amenity open space should be provided at reserved matters stage and secure its ongoing maintenance. The LPA reserve the right to enter into negotiations with the appellant regarding the provision of any formalised play space areas. The indicative plans show areas dedicated to open space and this should be feasible when it comes to assessing the overall layout. Therefore, at this stage there is no reason why open space could not be provided and so this would not conflict with strategy 43.

## **Archaeology**

Policy EN7 of the LP establishes that when considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken

The county Archaeologist has suggested conditions to require a staged programme of archaeological work, starting with trial trenching to assess significance. A Written Scheme of Investigation (WSI) should be submitted and approved prior to development. Conditions should also secure post-excavation analysis and publication of findings. Subject to conditions the proposal would accord with policy EN7.

## **Mitigation secured via a S106**

Strategy 50 (Infrastructure Delivery) of the LP seeks to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts. NP Policy C2 states developer contributions generated from Section 106 planning obligations or the Community Infrastructure Levy (CIL),

where relevant and feasible, should contribute towards the local priority amenity and facility projects identified to East Devon District Council by Feniton Parish Council.

A s106 should secure the following in order to mitigate the impact of this development;

- o Affordable housing, 35% on site and 15% off site contribution
- o Travel Plan
- o Habitat Mitigation on Pebblebed Heaths
- o Open space and management of.
- O Pedestrian connections

Any recommendation would therefore comprise of a resolution to approved subject to completion of a s106 to secure the above.

It is noted that Education and the NHS have requested monitory contributions to mitigate the development. However, it needs to be made clear that this is dealt with via CIL in accordance with these regulations.

The correspondence from the Police has also made clear that they require a contribution citing case law as justification. Officers are currently considering whether this meets with CIL regulations and shall provide an update to members.

## **Planning Balance**

Planning legislation establishes that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise.

The proposed development conflicts with the development plan as it seeks to build residential housing in the countryside outside the defined Built-Up Area Boundary (BUAB) for Feniton. Consequently, the proposal conflicts with adopted Local Plan. It also conflicts, as a matter of principle, with the requirements of the NP and villages SPD. Whilst it is an allocation within the emerging local plan, and so indicative of the direction of travel, limited weight can be placed on this at this time due to its stage in adoption.

Some moderate harm has been identified to the character and appearance of the area, however the landscape architect has identified that landscaping conditions can mitigate this to an acceptable degree.

The National Planning Policy Framework emphasises the need to significantly boost the supply of housing across England. This proposal would deliver a meaningful number of dwellings, including affordable housing, addressing the need for housing in the district. It would also generate short-term economic benefits during the construction phase and longer-term social benefits by providing much-needed housing. The provision of affordable housing, a key priority of the NPPF and government policy, carries substantial weight in the planning balance.

It is also widely accepted that releasing additional greenfield sites will be necessary to meet the Council's ongoing housing trajectory. While the proposal conflicts with both the Local Plan and the Feniton Neighbourhood Plan by developing outside the BUAB, the district cannot currently demonstrate a sufficient five-year housing land supply and the identified shortfall is significant. This is a compelling material consideration in favour of the development.

The cumulative impact of allowing the development, in addition to the other recently approved development at Burlands Mead and Colestocks, has been taken into account. It has been recognised that increase of private modes of transport is likely. However, bringing forward this site is in line with the allocation of the emerging local plan and significant weight should be given to meeting the district supply of housing and provision of affordable housing. Taking this into account the development has not been found to demonstrably unbalance the community and so this does not weigh against the proposal.

The site lies within a Critical Drainage Area (CDA) raising potential flood risk and there have been concern raised regarding the ability of surface water to be adequately dealt with. However, the lead local flood team are satisfied that suitable details could be submitted at reserved matters stage and the proposal would work in tandem with the Council's own flood mitigation strategy to facilitate disposal of surface water. As demonstrated at the Colestocks appeal, comprehensive surface water conditions can ensure the suitable details are secured prior to commencement. This CDA designation should not withhold consent being granted.

Accordingly, in this case the so called 'tilted balance' of the NPPF is engaged and this directs decision makers to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

This site, although outside of a BUAB, nevertheless can demonstrate good linkages with the services and facilities in offer within Feniton. Whilst leading to encroachment into the countryside the harm to the character and appearance, can be mitigated to an acceptable degree. The construction phase and ecological impact can be controlled via condition, as can impact on trees, archaeology and highway issues.

Those benefits relating to additional housing generally in the district and the affordable dwellings would be substantial.

Further, the proposed development would also be likely to generate moderate economic benefits, particularly during the construction phase, including through providing direct and indirect jobs, albeit only for the duration of that phase.

Therefore, acknowledge the conflict with the development plan the resulting harms would not significantly and demonstrably outweigh the benefits of the proposal. The officer recommendation is a resolution to approve subject to conditions, adopting the following AA and completion of a s106.

## **Appropriate Assessment**

An Appropriate Assessment is required for development as it is within 10k of these designated sites the proposed development and could give rise to recreation activity. The Appropriate Assessment must consider the conservation objectives for the affected European site(s) and the effect the proposed development would have on the delivery of those objectives. In the light of the conclusions about the effects on the delivery of the conservation objectives the competent authority must decide if the integrity of the site would be affected. There is no definition of site integrity in the Habitats Regulations - the definition that is most commonly used is in Circular 06/2005 is '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (AA) is required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation would be secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

The draft heads of terms submitted within this application makes clear that such contributions would form part of the s106

## **RECOMMENDATION**

A resolution to adopt the Appropriate Assessment and APPROVE subject to the following conditions and completion of a s106:

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990.

3. 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.)
4. Prior to occupation of the first dwelling the access shall be constructed in accordance with plan no. 01-PHL-1001 REV A. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with plan no. 2007-039-SK05-E where the visibility splays provide intervisibility at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway shall be 43 metres in both directions.  
REASON: To ensure a safe and satisfactory means of access, to provide adequate visibility from and of emerging vehicles and prevent mud and other debris being carried onto the public highway, in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.
5. Works shall proceed strictly in accordance with the Ecological Impact Assessment conducted by GE Consulting Services and dated 2<sup>nd</sup> May 2025, in particular the ecological mitigation and enhancement measures detailed therein. No dwelling shall be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes tubes and bird boxes (1 bat or bird box per dwelling per 2 dwellings), bird boxes (1 per dwelling), and permeable fencing has been installed/constructed, and compliance with any ecological method statements in accordance with details within the submitted LEMP and CEoMP.  
REASON: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.
6. A landscape and ecological management plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. It should include the location and design of biodiversity features including bird boxes and bat boxes (1 bat or bird box per dwelling at a ratio of 1 per dwelling), integrated bat tubes (1 tube per 2 dwellings), permeable fencing, and other features to be shown clearly on submitted plans. The LEMP shall include biodiversity measures as referred to in the Ecological Impact Assessment and shall include the following:

- a) Details of the body or organisation responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- d) Landscape and ecological management aims and objectives for the site.
- e) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
  - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
  - New trees, woodland areas, hedges and amenity planting areas.
  - Grassland, wildflower and any other habitat areas proposed.
- g) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- h) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
- i) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- j) Arrangements for inspection and monitoring of the site and maintenance practices.
- k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- m) A Green infrastructure/ Landscape strategy plan showing existing vegetation to be retained and removed, new tree and native structure planting and other habitat creation areas, existing watercourses and new SuDS drainage provision together with public open space and foot/ cycle path routes and connections.
- n) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by a minimum of 4 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

7. A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. This should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

The development shall be carried out in accordance with the approved soil resources plan.

Reason – Pre commencement is required to evaluate soil conditions prior to construction in order to protect soil sources and contribute towards meet sustainability targets, in accordance with Strategy 47 (Nature Conservation and Geology), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

8. No development shall take place (including ground works) until a Construction, Surface Water and Ecological Management Plan (CSWEcoMP) has been submitted to and approved in writing by the local planning authority. The CSWEcoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CSWEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- i) Construction Surface Water Management Plan (no land drainage from the development site shall be permitted to connect, directly or indirectly, to the public sewerage network).

The development shall be carried out in accordance with the approved CSWEcoMP.

REASON: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and to prevent inappropriate connection to the public sewerage system, to protect the health & safety of existing and future residents, and prevent pollution of or detriment to the environment. Such details are need prior to the construction phase.

9. No works shall commence on site until a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The design should clearly demonstrate that all boundary hedges and specified buffer zones remain as dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), without the attenuation of habitat features which long-terms management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To ensure that the development has no adverse effect on protected and notable species, and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).



10. Prior to, or as part of the first reserved matters application for layout a detailed surface water drainage strategy for the site, based on the principles within the Flood Risk Assessment and providing for the highest type of system within the SUDS hierarchy, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:
  1. Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;
  2. Updated soakaway test results in accordance with BRE365, ground water monitoring results in line with DCC groundwater monitoring policy, and evidence of the level of risk for groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins;
  3. The detailed design of Sustainable Drainage Systems (SuDS) to be used on the site in accordance with best practice and the CIRIA SuDs Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features, such features shall not exceed existing run off rates;
  4. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients ;
  5. Details and evidence that an appropriate right of discharge for surface water has been obtained. Details of an appropriate right of discharge - with Further, evidence that the receiving system is in suitable condition and has capacity to accept surface water flows from the site - to include gullies, connections and soakaways, together with means of attenuation on site ;;
  6. Detailed hydraulic calculations for all rainfall events, including those listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the system/watercourse/culvert that will be affected by the proposals. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the drainage layout;
  7. Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow;
  8. Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this;
  9. Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753;
  10. No surface water from the development approved shall be permitted to connect, directly or indirectly, with the public sewerage network, unless with the prior written agreement of the Local Planning Authority;
  11. Details of an implementation and management plan (including timetable). This shall include the anticipated arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure

the effective operation and management of the sustainable drainage system of the sustainable drainage system.

12. If required, a detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

The surface water drainage strategy shall be managed and maintained in accordance with the approved details for the lifetime of the development.

REASON: In order to ensure satisfactory disposal of surface water in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

11. No development shall commence until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In order to ensure satisfactory disposal of surface water. To ensure compliance with Adopted East Devon Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 Surface Run-Off Implications of New Development), and to prevent risk of introduction of hydraulic overload and consequent flooding or pollution arising from this development.
12. Prior to commencement of development a strategy detailing the provision to be made for foul water drainage and the disposal of sewage from the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
  - o The estimated volume of waste water from the development at full occupation;
  - o Any temporary arrangements and the final foul drainage scheme and its management and operation;
  - o A construction quality control plan ;
  - o A timetable for construction;
  - o No foul sewage flows from the development approved shall be permitted to connect, directly or indirectly, with the public sewerage network without confirmation to the Local Planning Authority that improvements necessary to accommodate the development within the public sewerage system have been completed. If it is identified that upgrade works are required to ensure adequate foul sewage capacity, no dwelling shall be occupied until the upgrades to the

public foul sewerage infrastructure have been completed and confirmed in writing to the Local Planning Authority.

There shall be no occupation within the development until foul sewerage provision has been completed in accordance with the approved foul drainage strategy.

Reason: To ensure compliance with Adopted East Devon Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development), and to prevent risk of introduction of hydraulic overload and consequent flooding or pollution arising from this development. This is pre commencement to ensure the strategy is incorporated at an early stage.

13. Prior to development continuing above slab level on any dwelling a Water Conservation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition or any future successor) demonstrating that all dwellings shall be able to achieve a typical water consumption standard of no more than 110 litres per person per day, in line with Building Regulations Optional Requirement G2. The approved strategy shall be implemented in full accordance with the approved details prior to first occupation of any residential dwelling and thereafter shall be retained.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 161, 163 and 164 of the NPPF and adopted policy Strategy 3 (Sustainable Development) of the East Devon Local Plan. The details secured by this condition are considered essential to be agreed prior to the commencement of development of any dwelling on the site so that appropriate measures are put in place to achieve the strategy.

14. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.  
REASON: To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 211 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development, and that any record which advances understanding of heritage assets is made

public available. This is required prior to the commencement phase which could disturb the site.

15. Prior to commencement of development the Planning Authority shall have received and approved a Construction Management Plan (CMP) which shall be implemented and remain in place throughout the development. The CMP shall include:
  1. Traffic Management elements to include:
    - (a) the timetable of the works;
    - (b) daily hours of construction;
    - (c) any road closure;
    - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
    - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
    - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
    - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
    - (h) hours during which no construction traffic will be present at the site;
    - (i) the means of enclosure of the site during construction works; and
    - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
    - (k) details of wheel washing facilities and obligations
    - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
    - (m) Details of the amount and location of construction worker parking.
    - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

2. Environmental elements to include:
  - a. Air Quality
  - b. Dust
  - c. Water Quality
  - d. Lighting
  - e. Noise and Vibration
  - f. Pollution Prevention and Control
  - g. Monitoring Arrangements

Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CMP. 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 and no high frequency audible reversing alarms used on the site.

REASON: To minimise the impact of the development on the highway network in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031 and to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan.

16. Prior to occupation of any of the dwellings hereby approved details of secure cycle/scooter storage facilities shall be submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the cycle and bin storage facilities for that dwelling has been provided in accordance with the approved details.

REASON: To promote sustainable travel in accordance with policy TC2 (Accessibility of New Development) the East Devon Local Plan.

17. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.
- o The predicted annual amount of waste, in tonnes, that will be generated once the development is occupied.
- o Identify the main types of waste generated when development is occupied.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the

development including any groundworks, demolition, construction and operation.

## 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.

### **Biodiversity Net Gain Informative:**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that **development may not begin unless:**

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may begin (the overall plan), and before each phase of development may begin (phase plans).

*Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

(ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

*Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

**For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK ([www.gov.uk](https://www.gov.uk))**

Plans relating to this application:

|                                             |               |          |
|---------------------------------------------|---------------|----------|
| 01-PHL-1001<br>Rev A Highway<br>Access Plan | Other Plans   | 15.05.25 |
| 13225/001                                   | Location Plan | 15.05.25 |

List of Background Papers

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



## **Statement on Human Rights and Equality Issues**

### **Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Equality Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

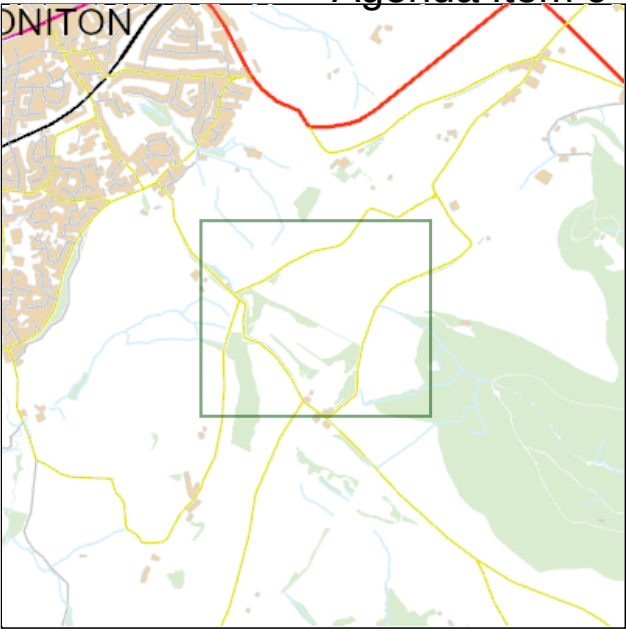
**Ward** Honiton St Pauls

**Reference** 24/0841/MFUL

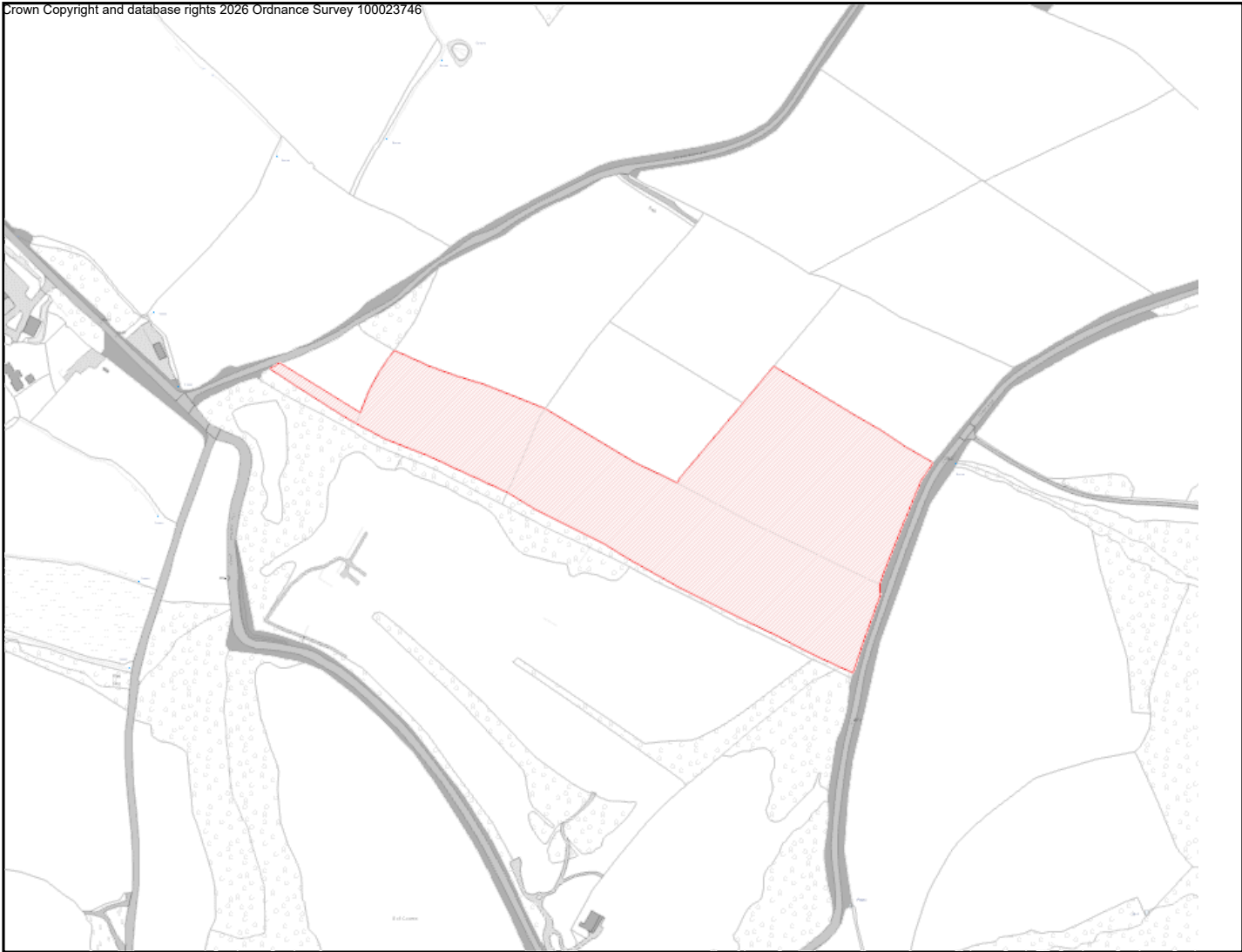
**Applicant** Honiton Town Community Football & Sports Association

**Location** Land West Of Tower Road And East Of Cuckoo Down Lane Honiton

**Proposal** Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works.



**RECOMMENDATION: APPROVE** subject to conditions and completion of s.106 agreement



|                                       |                                                                                                                                                                                      |                                    |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
|                                       |                                                                                                                                                                                      | <b>Committee Date: 27.01.2026</b>  |
| <b>Honiton St Pauls<br/>(Honiton)</b> | <b>24/0841/MFUL</b>                                                                                                                                                                  | <b>Target Date:<br/>25.07.2024</b> |
| <b>Applicant:</b>                     | <b>Honiton Town Community Football &amp; Sports Association</b>                                                                                                                      |                                    |
| <b>Location:</b>                      | <b>Land West Of Tower Road And East Of Cuckoo Down Lane</b>                                                                                                                          |                                    |
| <b>Proposal:</b>                      | <b>Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works.</b> |                                    |

**RECOMMENDATION:**

**APPROVE** subject to conditions and completion of s.106 agreement

**EXECUTIVE SUMMARY**

The application is referred to Planning Committee as the application is considered to be a departure from the development plan.

Permission is sought for the change of use of agricultural land to football pitches together with associated engineering works to provide level and suitably surfaced and drained pitches. In addition, the proposal would include drainage works and landscaping as well as the construction of a clubhouse and car park. Vehicular access would be from Tower Road, to the southeast of the site, with a separate pedestrian access proposed from Cuckoo Down Lane to the northwest.

The site is located to on higher land to the southeast of Honiton and some 640 metres outside of the built-up area boundary, as currently defined. It lies in open countryside on the edge of an inland plateau within the designated East Devon National Landscape (NL) and close to the boundary with the Blackdown Hills NL.

The proposal has been brought forward by the applicants to seek to address the club's needs for additional pitch provision and improved facilities. The Club (Honiton Town Youth Football Club) provide coaching, competitive football and associated activities for ages 5 -18 and are currently based at St. Rita's Fields close to the west of the town centre. The club consider the continued use of this site to be untenable in the longer term as; it lacks space for adequate pitch provision; has no toilets/changing rooms or other basic facilities (and no potential for the provision of these); has poor access for emergency vehicles and a lack of parking provision.

Policies in the adopted Local Plan that address sport and recreation facilities (RC2 and RC4) require provision to be made within/adjoining built-up area boundaries and, amongst other criteria, to be accessible by sustainable modes of transport. Policy OS03 of the emerging Local Plan has similar requirements. The proposal would not meet these criteria and therefore fails to find the explicit policy support required by Stgy. 7 of the current Local Plan or SP06 of the emerging plan, for development in the countryside.

However, evidence in the form of the East Devon Playing Pitch Strategy, 2015 (PPS) identified a significant need for additional youth pitch provision and the Honiton Sports Pitch Strategy, 2017 (SPS) considered how such need might be met. At the time a site at Tower Hill (which included the current application site) was dismissed on sustainability and costs to develop grounds, and expansion at St Rita's was identified as the preferred option. There has been no subsequent pitch development at the existing site since that time, and the identified need remains unmet. A new Playing Pitch Strategy is being prepared and is due for consultation in early 2026, initial findings indicate that the demand for youth pitches remains and will increase moving forwards. It is also noted that there is considerable additional housing development proposed for Honiton in the emerging LP with no specific provision for new sports pitch provision.

The applicant has explored alternative locations, including others identified in the Honiton SPS to meet their needs but consider there are no other suitable or available sites, officer view concurs with the conclusion and that if provision is not made at this site it is likely to remain unmet.

Whilst the proposal would provide a strong benefit in looking to meet an unmet and growing demand for youth pitch provision, with associated well-being and community benefits and has received a strong level of community support, it would also have impacts that need to be weighed against these.

Firstly, the site is not considered to be sustainably located, and most journeys are likely to be undertaken by car. Secondly, there would be some landscape and visual impact on the National Landscape and change to its character as a result of the built form of the car park and clubhouse, the removal of existing landscape features (hedgerow), the land raising and engineered form of the pitches and the use of the site. Although such harm would be localised and control over lighting and requirements for landscaping would help to mitigate this over time, some harm would still arise. Similarly, the initial construction works to form the pitches would result in the loss of a significant extent of native hedgerow which would need to be compensated for with replacement habitat.

In other regards whilst information has been provided on the means of surface and foul drainage further detail is required, the applicant has though indicated that they are not in a position to fund this at this stage and requested further information to be conditioned in the event of an approval. Devon County Council as the Lead Local Flood Authority and the Environment Agency have confirmed that outstanding information could be secured by means of Grampian style conditions.

**The proposal would not result in the loss of Best and Most Versatile (BMV) agricultural land and in all other regards including highway safety, arboricultural and amenity impacts is considered to be acceptable, or can be made so by condition.**

**The provision of additional youth football pitches to serve the town against a longstanding and ongoing need, as well as providing associated facilities not currently available, is a recognised benefit. On the other hand, the location is not considered to be sustainably located, and the proposal would result in a change to the character of the site and some localised landscape harm and ecological impact. It is therefore a very balanced decision that needs to be made but taking in account the benefits of provision and recognising that there are no suitable alternatives it is considered that the proposal can be supported as an exception and subject to the conditions set out at the end of the report. As the proposal would provide significant on-site habitat provision with regards to BNG this would need to be secured by legal agreement.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Honiton Town Council**

Support

Should planning consent be granted would wish to see a planning condition attached requiring the applicant to carry out the development in accordance with the recommendations and mitigation measures in the Ecological appraisal provided.

Members would then wish to be provided with the evidence submitted by the applicant to show compliance with the recommendations of the Ecological appraisal.

#### **Offwell Parish Council (Adjoining Parish Council)**

Offwell Parish Council object to the application, their grounds of objection are summarised as follows:

- Lack of consultation of parish council or nearby residents on proposals by applicant
- Proposal contrary to conclusions of Honiton Playing Pitch Strategy
- Lack of information on proposed water supply and potential impact of use of existing aquifer on other users that rely on this
- The Transport Statement contains inaccuracies in relation to the nature of approach roads; parking requirements and pedestrian accessibility
- Wildlife surveys don't include consideration of netting to protect from golf balls or from noise associated with use
- Opening hours of clubhouse excessive
- Drainage proposals suitability and ground conditions
- Wildlife Impact and BNG requirements

- Lack of archaeological information
- Inconsistencies with submitted statements
- Weather conditions at the site make it less than ideal for intended use
- No details on site security
- Concerns over future proposals for pitch lighting
- Unsustainable location
- Impact on undeveloped and tranquil part of the AONB
- EDDC should work with the applicants to find a more suitable site

The parish council has also provided a detailed critique of the submitted Transport Statement with points raised summarised as:

- Development contrary to a number of paragraphs in the NPPF relating to transport/accessibility
- Significant hedge removal will be required to provide access visibility
- Narrowness of and lack of passing provision on approach roads
- Traffic associated with the site could lead to tailback on the A35 and resulting increased highway safety danger
- Inadequate/unsuitable access by alternative modes of transport
- Lack of public transport provision
- Inadequate parking provision

Honiton St Pauls - Cllr Tony McCullom

As a ward member for St Pauls Ward Honiton, I am in full support of this application for Honiton Youth Football.

Honiton is in need of more youth sport services, this when approved will fulfill one of the needs for increased sports facilities in the town.

If my opinion differs from that of the planning officers then I would like this to go before committee where it can be debated in a frank and open manner.

Honiton St Michaels (Adjoining Ward) - Cllr Jenny Brown

Good morning

I am in favour of this application for the youth football pitches and ancillary buildings.

If the officers opinion is different to mine then I would like it to go to committee where I will keep an open mind until I have heard all the information both for and against.

Honiton St Michaels (Adjoining Ward) - Cllr Violet Bonetta

I support this application. It is important to keep Youth Football in Honiton for the various physical and mental health benefits this provides to our community.

I have interacted with the organisation involved and know how much they are

struggling at the moment in their not fit-for-purpose site, and this proposal will provide the much needed space and facilities for this to continue well into the future.

Honiton St Michaels (Adjoining Ward) - Cllr Roy Collins

Roy Collins supports objectors for this application.

Application to be rejected.

**Technical Consultations**

County Highway Authority

Though there are currently two accesses for the current site as an agricultural field, it is agreed that the most suitable, is a single two-way suitable access point to the west of the two existing access points, due to this point having sufficient visibility both ways of Tower Cross Road, with the visibility splay shown Figure 3 (north-east view) and Figure 4 (south-west view) of the Transport Assessment being acceptable.

Tower Road being the preferred routeing option for vehicles has a number of passing places, though typical two-way traffic frequently passes simultaneous.

A second footway access leads to the Cuckoo down Lane/Lower Marlpits Hill cross-road, with this short stretch of lane facilitating a shared space road to Honiton itself.

The proposed development will mostly be utilised outside of daily peak travelling hours, therefore I do not believe trip generation intensification will be a problem.

The site layout allows for 52 suitable parking spaces and 4 suitable disabled spaces, should the application be approved, I recommend secure cycle storage to encourage sustainable travel and a Construction and Environment Management Plan, (CEMP), to help mitigate the effects of construction.

No objection raised but conditions may be required.

Devon County Archaeologist

No objection but the site is considered to have archaeological potential which could be exposed or destroyed by the works, therefore conditions to secure a Written Scheme of Investigation and Post-investigation Assessment are required.

DCC Flood Risk SuDS Consultation

Concerns raised with the lack of a detailed drainage strategy and the methodology used for that provided. However have advised that in the event that other matters are resolved and the LPA are keen for the development to be approved have suggested conditions that could be imposed to secure the necessary detail.

Have also advised that the applicant would need to secure the in-principle agreement of DCC as the County Highway Authority to allow discharge of surface water from the site to the roadside ditches.

### Environmental Health

No objection subject to conditions to control hours of construction and to prevent burning on site and request for the development to proceed in accordance with the Council's Construction Sites Code of Practice.

### EDDC Trees

No objections subject to condition to protect trees/hedges show for retention being protected during construction and replacement of any same where damage occurs

### EDDC Ecologist

While there have been some concerns with ecological submission for this application, e.g., bat survey effort, and the development would result in the loss of historic hedgerows in a protected landscape with limited buffer zones, it is recognised that the applicant has positively engaged with the ecological assessment process, and the development would provide a much-needed community asset.

Should the application be minded for approval some key ecological requirements need to be embedded and secured including:

- No external floodlighting.
- Limited external lighting around the club house and a detailed lighting plan to demonstrate no lighting impact on nocturnal wildlife.
- Adequate compensatory habitat for hazel dormouse and European protected species licence.
- Appropriately detailed landscape and methodology design with mixture of trees, scrub, and translocated hedgerows maintaining and providing landscape connectivity.
- Appropriately detailed and secured ecological enhancement measures, such as bird/bat/insect bricks and reptile hibernacula.
- Suitable Biodiversity Net Gain (BNG) requirements including legally secured establishment and maintenance of BNG proposals.

A number of conditions are suggested to secure the above and a s.106 agreement would also be required to secure the details of the BNG provision and measures for its ongoing maintenance.

### EDDC Landscape Architect

A number of issues identified with the proposed layout including: the site access arrangements; need for more structural planting and general planting to the Tower Road frontage and materials for use in construction of clubhouse. Lack of information on service provision and ability for off-grid solution here to work. Further information/amendments required to demonstrate how duty to further the special qualities of protected landscapes as required by Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) would be met. In the event that satisfactory amendments are provided a number of conditions are recommended.



### EDDC Senior Leisure Officer

Supports. The new provision would provide a high-quality fit for purpose facility for young footballers within Honiton and surrounding area and address some of the current challenges that users face with existing provision.

Also advises that A new Playing Pitch Strategy is in preparation and will be consulted on in early 2026 and the initial findings from which indicate that there remains latent demand for youth grass pitch provision at Honiton and in the wider East sub-district area and this is increased due to the uncertainty over the future availability of St Rita's Centre pitches for community football teams.

### Environment Agency

No in-principle objection in terms of using a non-mains foul drainage system, but consider that there is a lack of detail on the management of non-mains drainage and whether the drainage features would be fit for purpose, these details should usually be provided prior to determination but accept a Grampian condition could be used.

An environmental permit would be required and an abstraction licence would also be required if water demand is over 20m<sup>3</sup> per day.

Applicant encouraged to provide a clear and detailed statement on the management of the foul drainage from the site and appropriate mitigation measures and to provide details on the proposed borehole.

### National Highways

No objection.

### Sports England

By providing new pitches that could help address established playing pitch deficiencies (East Devon Playing Pitch Strategy) Sport England supports this application. The need for the facility is demonstrated in the application and policy allows for the development of ancillary facilities for sport where there is a clear demand and where they do not compromise the reason for the AONB designation. The site adjoins another sporting use, a Golf Course.

### Other Representations

200 no. representations have been received of which 185 are in support and 15 raise objections to the proposed scheme, these comments are summarised as follows:

#### **Reasons for support**

- The proposals would benefit both the mental and physical health and well-being of the town's youth.
- The proposals would provide state of the art facilities and foster community engagement, benefitting both players and the community at large

- The club's existing football facilities are embarrassing compared with provision in other similar sized towns
- The Local Plan clearly states that the Council recognizes that these kind of recreation and sports facilities are an important community resource that the Local Plan seeks to safeguard, and that an emphasis in provision will be sought in locations where a clear deficiency in facilities currently exists.
- The club provides an important role in allowing children to socialise in a team context
- The proposals would provide a local facility negating the need for players to travel to other towns for better facilities
- Proposals would aid player retention at the club feeding into the senior team as they progress or other local senior teams
- Honiton lacks appropriate sports/football facilities for its size compared with other towns and amount of housing development
- The existing facilities are inadequate and lack basic provision such as toilets, changing space and running water
- There is a lack of parking at the existing site and has poor access for emergency vehicles
- The new site is well located close to the town with the option to walk, cycle to it
- The lack of pitch provision and facilities means that girls teams cannot currently be run
- The proposal gives the opportunities to provide for modern changing and clubhouse facilities and the ability to sell refreshments to help finance the club
- Decent sports provision for children/youth in the town is long overdue
- Were this application to be refused there is a strong possibility that there would be increased pressure on the NHS and criminal justice systems.
- Refusing the application and the closure of the youth club would result in an increase in traffic with children travelling to other towns to play/train.

### **Reasons for objection/concerns**

- The proposal would have a harmful environmental impact, disrupting local wildlife, harming local wildlife and resulting in the loss of green space/harm to the AONB.
- The site is poorly located at the top of a steep hill meaning all users will need to travel by car and where car sharing can not be guaranteed.
- The proposal does not consider impacts and additional strain on existing infrastructure including water, sewage and electricity provision
- The proposed pedestrian access route is steep, unlit and without pavements and where traffic speeds are too high for the road conditions, making it unsafe
- The proposal has not fully considered the space requirements to protect the users of the facilities from stray golf balls on the adjoining site. It is suggested that moving the facility further to the north (next field over) would address this concerns.
- There parking requirements appear to be underestimated and under provided for
- Noise from players and participants would have a harmful impact on the tranquillity of the area and local wildlife

- The roads passed the site are unsafe due to nature and speed of vehicles the proposal will exacerbate this.
- The Transport Statement provided contains inaccuracies in relation to road widths of approach roads.
- Negative impact on AONB
- Noise and light pollution will negatively impact local residents, wildlife and birds.
- Impact of necessary golf ball netting has not been fully considered
- Concerns over whether sufficient funding is in place to complete the project and that public funds may be needed to underwrite the proposal
- The proposed location is elevated and exposed to the elements bringing into question its suitability for youth sport
- There are a number of alternative sites that don't appear to have been fully considered including: Offwell football club, which is nearby is underused and could be used as an alternative facility; Honiton Show Ground and the Old Honiton Show Ground
- Lack of archaeological investigation
- The proposed opening hours for the clubhouse are questionable as these extend beyond the times of day/year when football would be taking place on site
- The site is poorly draining and as such proposed soakaways are unlikely to be effective
- There are question marks over the funding of the proposal
- The proposal will draw public funding away from other more viable sports projects in the town.
- **Devon Wildlife Trust (DWT)** have provided a detailed objection to the proposal on the grounds of: Not clear that the surveys undertaken have been carried out by suitably qualified persons; inadequacy of survey work undertaken and information submitted.

## **PLANNING HISTORY**

| Reference    | Description                                                                                                                       | Decision  | Date     |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------|----------|
| 23/0735/MFUL | The construction of a youth football facility, including clubhouse, parking, storage and football pitches to suit all age groups. | Withdrawn | 07.05.24 |

## **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 5B (Sustainable Transport)

Strategy 23 (Development at Honiton)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

D6 (Locations without Access to Natural Gas)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN13 (Development on High Quality Agricultural Land)

EN22 (Surface Run-Off Implications of New Development)

RC4 (Recreation Facilities in the Countryside and on the Coast)

RC6 (Local Community Facilities)

RC7 (Shared Community Facilities)

RC2 (New Open Space, Sports Facilities and Parks)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Honiton Sports Pitch Strategy – Adopted February 2017

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR03 (Travel plans, transport statements and transport assessments) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty)) Draft

Policy OL10 (Development on high quality agricultural land) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft

Policy PB08 (Tree, hedges and woodland on development sites) Draft

Policy PB09 (Monitoring requirements for new planting scheme) Draft

Strategic Policy OS01 (Access to open space and recreation facilities) Draft

Policy OS03 (Location of facilities for sport and recreation and open) Draft

Policy OS05 (Leisure and recreation developments in the countryside) Draft

### **Site Location and Description**

The application site relates to 2 no. adjoining agricultural fields and part of a third extending to approximately 4.3 hectares. The fields are in arable use and are separated and largely surrounded by native hedgerows with a belt of mature trees along the southwestern boundary with the adjoining golf course.

The land on site slopes up gently from the road at the southeastern boundary to a high point in the centre of the site before falling again toward the northwestern boundary. The surrounding landscape is relatively level, forming part of an inland plateau, but slopes steeply away beyond the northwestern boundary of the site. There are currently two accesses from Tower road, a field access serving each field.

The surrounding landscape is open countryside largely characterised by medium sized fields separated by hedgerows and with some hedgerow trees, it is sparsely populated. The Honiton Golf Course to the south of the site represent an existing recreational use but is largely screened by surrounding tree belts.

The site occupies an elevated position approximately 1 mile to the southeast of Honiton town centre. It lies within the East Devon National Landscape (formerly AONB) and within 100 metres of the Blackdown Hills National Landscape the boundary of which is Cuckoo Down Lane just to the north of the site.

### **Proposed development**

The application seeks to construct a new Youth Football Facility at the site comprising of:

- Playing pitches (pitches are proposed to cover youth age groups and an indicative layout shows 7 no. pitches of varying sizes)
- A clubhouse building – consisting of 2 no. changing rooms, separate official and accessible changing provision, clubhouse and kitchen, toilets, plant room and secure storage
- Parking – 48 no. standard and 4 no. accessible parking spaces
- Associated landscaping and drainage works, to include: site levelling works and drainage including 2 no. attenuation swales, and; additional native tree planting
- Access improvements – Upgrading of existing field access to provide vehicular access to proposed parking area in southeast corner of the site and provision of pedestrian footpath link from southwest corner of site to Cuckoo Down Lane.

### **ANALYSIS**

The main issues in the determination of the application area as follows:

- Principle and policy compliance
- Identified need and ability to meet this
- Impact on the character and appearance of the area/National Landscape Impact
- Highways and Access Issues
- Drainage Issues
- Ecological Impact
- Arboricultural Impact
- Amenity Impact
- Heritage Impact
- Economic benefits
- Health and Well-being/Community Benefits
- Other Issues

### **Principle and policy compliance**

#### **National Planning Policy Framework (NPPF)**

Chapter 8 of the NPPF covers the promotion of healthy and safe communities. Paras. 96 a) requires, amongst other things, that planning policies and decisions should promote social interaction and support healthy lifestyles including through the provision of sports facilities and para. 98a) requires positive planning for the provision of community facilities, including sports venues.

Para. 103 requires planning policies for open space, sport and recreation facilities to be based on robust and up-to-date assessments of need which plans should then seek to accommodate.

Para. 189 covers how development in AONBs (now National Landscapes) should be assessed. In relation to development which is considered 'major' para. 190 states this should be refused other than in exceptional circumstances.

#### **East Devon Local Plan 2013 – 2031**

The development plan for the area comprises the East Devon Local Plan 2013-2031 (EDLP). Whilst Honiton has been designated as a Neighbourhood Area no draft plan has been produced to date.

Strategies 3 and 4 of the EDLP look to secure sustainable development and balanced communities which includes promoting and securing community facilities.

Strategy 23 deals specifically with development at Honiton and seeks to support local aspirations for new social and community facilities.

The application site though is located in open countryside outside of the settlement boundary of Honiton and therefore falls to be considered as development in the open countryside under Strategy 7 of the East Devon Local Plan (EDLP).

Strategy 7 is quite specific by stating,

*'Development in the countryside will only be permitted where it is in accordance*

*with a specific Local or Neighbourhood Plan policy that explicitly permits such development'*

And goes on to say

*'and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'.*

Recreation and Community Policies are set out in Chapter 25 of the Local Plan. They include Policies RC2, RC4 and RC6 which relate to proposals for 'New Open Space, Sports Facilities and Parks', 'Recreation Facilities in the Countryside and on the Coast' and 'Local Community Facilities' respectively and offer support for such subject to meeting the specific criteria of those policies.

Of the aforementioned policies RC2 is considered to be most relevant to the application scheme as this directly relates to 'sports facilities', however all of the policies are considered below.

In the case of policies RC2 and RC6 sites are required to be within or adjoining built-up areas/boundaries to find support. In this regard, what is considered to constitute a site adjoining an urban or built-up area is not defined. However the application site is located over 600 meters from the nearest part of the built-up area boundary of Honiton and at a significantly higher elevation (over 80 metres), as such the site is physically and visually set apart from the town.

Policy RC2 also requires the following criteria to be met:

1. They do not unduly affect the character and appearance of the area and the visual and physical amenities enjoyed by adjoining residential areas.
2. They are accessible by public transport, bicycle and on foot.
3. Appropriate car and cycle parking is provided.
4. The proposed road access to the site provides for safe exit and entry and the local road network can safely accommodate the extra traffic the proposal would generate.
5. The facilities are located without detriment to the best and most versatile agricultural land, nature conservation interest and the conservation of areas of landscape, scientific, archaeological or historic interest.

Policy RC6 contains similar criteria to be met but also for a need to be demonstrated and for the proposal to be well related to the built form of the settlement.

These criteria are considered in detail under the sub-headings below.

With regards to policy RC4 this states that proposals for 'outdoor recreation facilities' in the countryside will be permitted where such a location is required and subject to listed criteria relating to the scale and character of the development in relation to its setting, that it does not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area; that safe parking and access can be provided and that suitable links are provided to adjacent footpaths and bridleways. Where indoor facilities are proposed and require new buildings, these should be in close proximity to existing groups of buildings or an existing settlement.



Policy RC4 does not further define what is considered to constitute ‘outdoor recreation facilities and the only recreational use referenced in the preamble to the policy is horse riding. The applicant has made a case that policy RC4 is relevant but has not met the requirements of policy RC2 which relates specifically to provision of sports facilities. It is though acknowledged that the Honiton SPS (Sports Pitch Strategy) does specifically address policies RC2 and RC4 stating:

*“Policy RC2 allows for the provision of new or enhancing of existing recreation facilities including playing pitches where certain criteria are met. Compliance with this policy will be key for delivery of new sports pitch sites at Honiton.” (para. I.17)*

And at para. I.18,

*“Policy RC4 allows for the provision of new recreation facilities in the countryside and on the coast where certain criteria are met. This policy may apply where sites are more remote from the main urban area of Honiton.”*

Although policy RC4 of the Local Plan may be relevant to the determination of the application, it needs to be determined first whether ‘*the space requirements of the proposal require a countryside location.*’ It also needs to be considered *whether* the proposal meets the accessibility requirements of other policies of the plan. As such compliance is not clear and requires further assessment the proposal has therefore been advertised as a departure from the development plan.

#### East Devon Local Plan 2020-2042 (Regulation 19 Consultation Draft)

The emerging East Devon Local plan covers the period 2020-2042 (DEDLP) and is currently at Reg. 19 consultation stage and therefore could be subject to further change and refinement as the plan advances, as such policies of the plan can only be given limited weight at this stage.

Strategic Policy SP06 reflects Strategy 7 of the EDLP in that it requires support of another specific Local or Neighbourhood plan policy in order to support development beyond settlement boundaries.

Strategic Policy SD03 details strategic land allocations for Honiton, most of these relate to housing or employment allocations. There are none that make specific recreation or sport provision, although ‘Land west of Hayne Lane’ includes 14.6 hectares for employment and community uses.

Open Space and Recreation policies are set out in Chapter 14 of the plan. Policy OS01 states support will be given for the provision of new and enhanced high quality open spaces and to sports and recreation facilities. Key considerations in the policy include accessibility by all members of the community and provision of supporting infrastructure as well as assessment of qualitative and quantitative need.

Policy OS02 deals with how new housing development will be required to help deliver open space and sports provision and is not directly applicable to the current proposal.

Policy OS03 relates to the location of facilities for sport, recreation and open space.

For new facilities the focus is within or adjoining built-up area boundaries and where such facilities are readily accessible to all, with particular emphasis on accessibility by pedestrians and cyclists. In addition, associated built development should be proportionate in scale and close by to existing built development. Para.14.8 in explaining the justification for the policy states that,

*“While new facilities are generally expected to be close to built-up areas, less formal open spaces can be more flexibly located with minimal adverse impacts.”*

Policy OS05, to an extent, reflects policy RC4 of the current plan in supporting outdoor recreation facilities in the countryside/coast where their nature requires such a location and where four tests are met. Like RC4 it does not define what is considered to constitute ‘outdoor recreation facilities’ but does state that,

*“The clear policy expectation is that low impact uses only will be accommodated and such uses should be for countryside related activities.”*

The policy tests to be met are: that any development is in scale and character with its surroundings and does not conflict with countryside, nature or landscape policies or detract from the amenity of the area; safe and convenient pedestrian and cycling access can be provided; on site facilities are provided to meet the needs of the proposal and link with nearby footpaths and bridleways, and; development should not result in net adverse natural environmental impacts.

As with the policies of the current Local Plan, the emerging plan policies similarly seek to focus new sports development at locations close to or within the existing built-up area boundaries and where they can be safely and conveniently accessed by all and particularly by sustainable modes of transport. The proposal is not considered to find clear support from the emerging plan policies due to its location in relation to the built-up area boundary of the town and accessibility issues.

### **Identified need and ability to meet this**

Honiton Town Youth Football Club (HTYFC) provides coaching, competitive football and associated activities for ages 5 -18. The club is currently based at St. Rita’s Fields close to the base of the adult teams at Mountbatten Playing Fields to the west of the town centre. The club has operated from this site for over 20 years

The current base is considered, by the applicant, to be untenable in the longer term as, amongst other things: it lacks space for adequate pitch provision; is leased (current lease has expired); lacks toilets/changing rooms and other basic facilities; has poor access for emergency vehicles and a lack of parking provision.

It is further advised that alternative locations have been explored, including others identified in the Honiton SPS. The Club consider alternative sites to be extremely limited, with none available outside the AONB (National Landscape) designation. The proposed location is brought forward as the club consider this to be the best option to meet their identified needs.

### **East Devon Playing Pitch Strategy (2015)**

This is an evidence-based document prepared to assess existing provision, identify need and guide development to address this. It includes specific assessments of Honiton's needs and includes an action plan for resolving key issues in the Honiton sub-area.

The Playing Pitch Strategy (PPS) identified a need for 9 youth pitches to meet the combined existing and future needs to 2024 for youth football in Honiton. The PPS also identified a number of action points to address the need which included looking to extend the lease at St. Rita's and exploring the possibility for providing additional facilities at that site including improved access, drainage and changing facilities

The Action Plan also considered the wider 'Tower Hill' site (of which the current application site forms part) and states at Action point HO.18,

*"Explore the possibility of addressing all Honiton pitch issues on alternative sites better related to the existing town and outside of the AONB first but if there are no realistic alternatives then some pitches may need to be delivered on Tower Hill."*

It should be noted though that para. D.67 of the PPS confirms that,

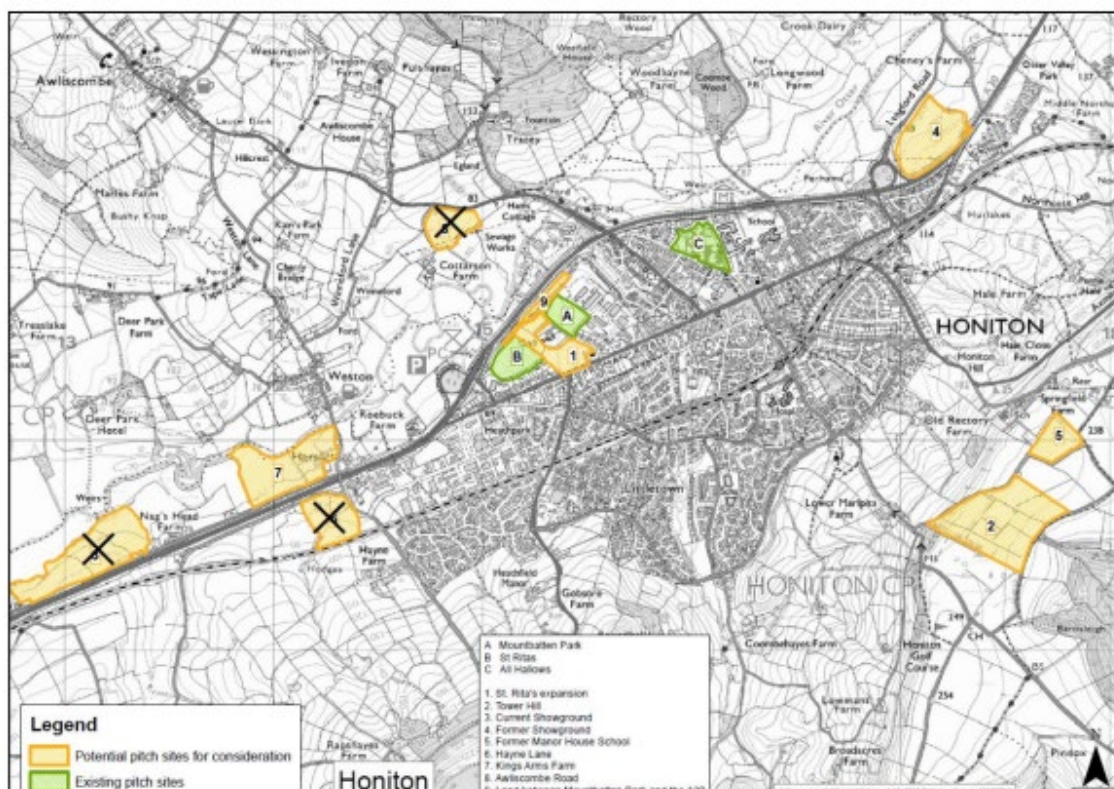
*"...action plans are not guaranteed to be delivered against but they do suggest the best ways of potentially resolving the listed issues. Identification of action plans is not a guarantee that such solutions would gain planning permission. All planning applications are considered on their own merits."*

#### Honiton Sports Pitch Strategy (2017)

The Honiton Sports Pitch Strategy (2017), which has been adopted for use by the Council, sets out the options and makes draft recommendations on how to deliver on the sports pitch needs for Honiton to 2024. These needs having been identified in the East Devon Playing Pitch Strategy 2015 (PPS).

The 2017 Honiton Sports Pitch Strategy (SPS), looked to provide further guidance on delivering on the identified sports pitch needs for the town. The SPS sought to identify potential sites for sports pitch development and this included land at 'Tower Hill' of which the current application site forms part, as well as a number of other sites in and around the town.

Each site identified was then subject to site specific assessment considering key aspects of the site location, access, general topography, current vegetation, soil type and drainage characteristics, size of the site and other mitigating risks or factors that would make the site difficult to potentially develop. Each site was given a weighting with only those with some potential proceeding to the next stage. Tower Hill (Site 2 on the plan below) was taken forward for further consideration at stage 2, this site together with other sites identified in the strategy are shown on the plan below reproduced from the SPS:



The further site assessment considered the technical ability of each potential site to deliver the required pitches and also the suitability and sustainability of each site. At the time the Tower Hill site was identified as requiring significant expenditure to provide suitable drained and levelled pitches a pavilion and changing facilities (although it should be noted that the proposal at that time covered a wider area and greater pitch provision). In terms of suitability and sustainability the following comments were made in relation to the Tower Hill site,

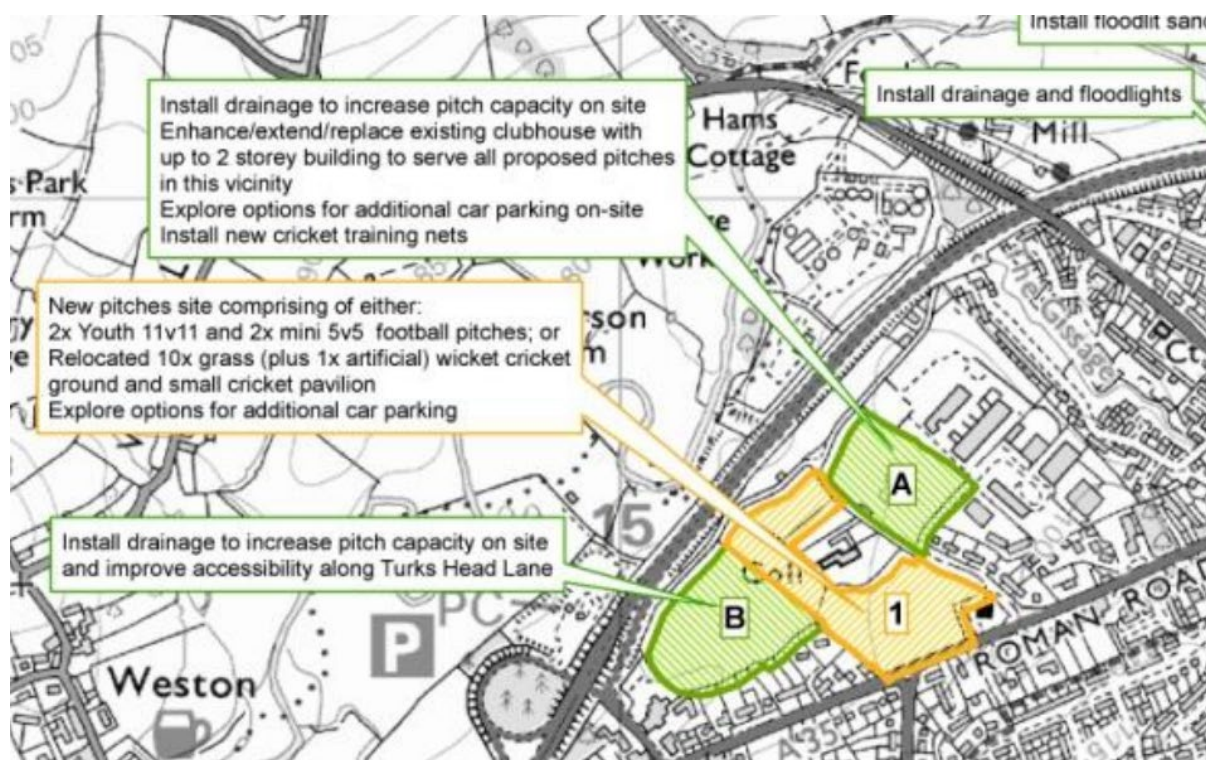
*“The above assessment clearly shows how development of sports facilities at Tower Hill would be contrary to multiple policies of the Local Plan. The lack of accessibility by sustainable means, potential impact on the local road networks and significant anticipated impact on the landscape and AONB make the site wholly inappropriate for sports pitch delivery. Considering the alternative options that are assessed in this report it is therefore not an appropriate site to take sports pitch development.” (para. 2E.15)*

and,

*“No sports pitches should be delivered on this site.” (para. 2E.16)*

The SPS went on to make recommendations as to how need could be met at other new and existing sites. These recommendations included exploring options for extending the lease, or purchasing land at St. Rita's to improve and increase capacity and to improve site access and drainage, as well as exploring the potential to extend the clubhouse and car parking on the adjoining Mountbatten Park site. However, the SPS recognised that land identified for potential expansion at the St.Rita's site was in private ownership and potential deliverability issues associated with these proposals.

The plan below shows an extract showing pitch recommendations for Honiton and recommendations at the existing St.Rita's site:



The submitted Planning Statement explains that there is currently no negotiated lease extension at St. Rita's (this expired in 2021), although it is understood there has been recent agreement to extend the lease. It goes on to state that whilst the club has sought to maximise the use of the existing site and have managed to expand pitch provision that this has required over-marking of pitches resulting in pitch damage from over-use. It is advised that a covenant exists on the St.Rita's site which prevents construction of additional facilities (such as changing rooms), this covenant is advised to be non-negotiable. Finally, the club also raise concerns with the access to the existing site which is narrow and which they state, '*becomes unpassable during the football season*' resulting in occasions where emergency vehicles have been unable to attend incidents at the site.

There is no evidence of other improvements having been secured or pitch provision made against the need identified in the SPS. As such, the identified needs set out in the SPS remain unmet. The SPS states (para. 4I.3) that it will be kept under review and after five years if progress has not been made on certain projects consideration will need to be given as to whether alternative sites should be progressed or not.

An updated Playing Pitch Strategy is currently being undertaken and is due to be consulted upon in early 2026. At this stage, the initial findings from this indicate that there remains latent demand for youth grass pitch provision at Honiton and in the wider East sub-district area and this is increased due to the uncertainty over the future availability of St Rita's Centre pitches for community football teams.



### Alternative Site Search

The PPS for Honiton considered a number of options for pitch provision and for various sports, the applicant has reviewed these and also considered the potential for other sites to meet the club's needs/aspirations. The alternative sites considered recognise the size requirements to meet the club's identified needs; the costs to develop land; that much of the land surrounding the town is subject to National landscape (AONB) designation and that some of this is steeply sloping. The search also excludes land within Flood Zones 2 and 3, due to the need to apply a sequential test for site selection in such locations.

**St Ritass (including expansion)** – The existing set up is considered not to fulfil the club's needs and the applicant advises that the club has approached the owners of the existing site regarding land identified in the SPS for expansion and they are unwilling to sell or lease the land to facilitate pitch expansion.

**Other sites** – A number of other sites have been identified and assessed in the submitted 'Pitch Options Assessment' these are located at both the eastern and western sides of the town as well as the proposed site at Tower Hill and a site at the former Manor House School. None of the sites are considered, by the applicant, to present viable alternatives for reasons including: size constraints; proximity to A30; development costs and engineering drainage requirements; availability and allocation for alternative uses; distance to town centre; flood risk; lack of safe access by alternative modes of transport or a combination of these reasons.

In addition, the applicant has considered other sites that have been brought forward as part of the Housing and Employment Land Availability Assessment (HELAA). However, they have dismissed these on the basis that they are promoted for housing and employment land use and whether allocated, or not, are unlikely to be available for the proposed sports pitch use.

**Proposed site** - the Honiton SPS advises strongly against the suitability of the application site for sports pitch provision, however, it is recognised that there has been a lack of progress in bringing forward other preferred sites identified in the SPS and that as such the identified need at the time has remained unmet and potentially increased.

Sport England has confirmed that the proposals would provide a suitable mix and configuration of pitch sizes to cater for all football demand from U7 to U18; that all pitches meet FA requirements in terms of size, drainage and pitch quality; and that the changing pavilion plans are deemed suitable.

A number of local objectors including the adjoining parish council (Offwell) have highlighted the recent approval of a 3G artificial pitch at Honiton Community College as helping to provide a facility for youth football in Honiton. This pitch would provide flood lit facilities which would be suitable to training purposes for a number of local sports clubs, including youth football. However, it would not make provision against the identified need for grass pitches for youth football.

In conclusion on this matter, it is acknowledged that there is an unmet strategic need for sports pitch provision to serve Honiton, including for additional youth football pitches to serve the town. This need has remained unmet for some time and is likely to increase with additional housing allocations for over 800 new dwellings in the emerging local plan. It is further recognised that the applicant has sought to identify alternative sites that might otherwise meet their identified requirements and that there is a lack of suitable sites. It is also clear that the site benefits from a strong level of community support as well as from Sport England, whose aims include helping people to enjoy and access sport. This lack of provision against identified need weighs strongly in favour of the scheme.

### **Impact on the character and appearance of the area/National Landscape**

The site is undeveloped agricultural land comprising of arable fields separated by native hedgerow with some hedgerow trees. It falls within the East Devon National Landscape Area and despite its relative proximity to Honiton and to an adjoining recreational land use (Honiton Golf Course) the site and surrounding landscape maintains a feeling of remoteness.

The site falls within the Landscape Character Type 1A (Open Inland Plateaux) as defined in the East Devon and Blackdown Hill Landscape Character Assessment (2019). It is located on elevated land above Honiton and in line with the identified key characteristics of the landscape type the local area is predominantly agricultural in character with limited development. The landscape guidelines for this landscape character type include: protecting archaeological sites, skylines and the relatively simple, regular landscape patterns. It also recommends managing hedgerow and 'gapping up' where necessary to retain the landscape pattern.

The proposed site layout provides for raising and levelling of the land and pitch provision which is extremely tight to the existing field boundaries and leaves little room around the site margins. The land would be raised by over 2 metres in height at the north-eastern corner of the site.

The proposals would introduce built form, car parking and associated infrastructure into the site and associated intensive activities, the scale of which could have an urbanising effect that would be at odds with its remote rural setting and which could also affect the character of Tower Road along the site frontage and for some distance to either side.

In addition, the development would require the clearance of two hedges and the widening of the existing field access off Tower Road representing an overall loss of about 280m of hedgerow. Potential views into the site from the wider landscape are generally well screened by intervening vegetation and due to distance, and location of the most intrusive elements of the development at the southern end of the site, it is unlikely that there would be noticeable effects on visual receptors on higher land to the north of the site. Consequently, the main visual receptors are likely to be limited to walkers, cyclists and motorists travelling along Tower Hill Road past the southern site boundary and users of the golf club in the vicinity of the western site boundary. The proposed widening of the site access would open up views into the site from Tower Road in which the proposed car park, pavilion and

pitches would be clearly visible. Any increase in traffic related to the site, which is to be anticipated, could also give rise to an impact on other users of the road i.e. walkers and cyclists and impact on their enjoyment of its character, tranquillity and perceived safety.

The application is supported by a Landscape and Visual Appraisal that has sought to assess the impacts of the development and to quantify the degree of harm that would arise during construction; on completion of the development, and; in the longer term (15 years post completion) once any landscape mitigation measures have established. In terms of landscape effects these are adjudged to be Major/Moderate Adverse during construction, reducing to Moderate Adverse on completion and Moderate/Minor Adverse post 15 years. In relation to visual effects, these are adjudged to be Major/Moderate Adverse during construction, reducing to Moderate/Minor Adverse on completion and Minor Adverse post 15 years. The Appraisal provides a landscape strategy setting out areas where new hedgerow, native tree planting and wildflower seeding could be provided to provide mitigation.

The Council's Landscape Architect has reviewed the proposals and has advised that they would be more suited to an urban edge site where they could be more easily and sustainably accessed by their intended users, rather than in a relatively isolated and elevated location in the countryside within a nationally designated landscape. He has also notes the impacts of the loss of native hedge and the introduction of the clubhouse and car parking as urbanising effects, which would be evident through the widening of the site access. As such and without appropriate mitigation he concludes that the proposal could not be said to conserve natural beauty in accordance with NPPF para. 189 or the duty to further the special qualities of protected landscapes as required by Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA).

In order to seek to meet the duty under Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) a number of recommendations are made including removal of the access to the south side of the site entrance; provision of additional planting/translocation of existing hedgerow; additional structural plating (including native tree planting); changes to materials proposed to the clubhouse and further details on utilities connections. Subject to such these amendments and on the basis that parking provision proposed is adequate, planting mitigation is provided and that there is no floodlighting of the site The Landscape Architect concludes that the impacts of the development could be considered to be localised and give rise to moderate-low adverse landscape and visual effects. A number of conditions are proposed to secure further details of:

- Hard landscaping
- External lighting
- Site levels
- Soil resources
- Planting plans and specifications
- Tree protection and planting details
- A Landscape and Ecological Management Plan



The applicant has been given the opportunity to amend the application scheme to address the comments raised and whilst some further details have been provided not all of the matter have been addressed. Nonetheless, it is considered that the outstanding matters could be addressed by condition should the application be recommended for approval.

#### Major development in the National Landscape (AONB)?

The National Planning Policy Framework (para. 189) requires great weight to be given to conserving and enhancing Areas of Outstanding Natural Beauty (National Landscapes) and states that the scale and extent of development within such areas should be limited. Para. 190 of the NPPF goes on to state that permission for major development should be refused other than in exceptional circumstances and where it can be demonstrated that development is in the public interest. Where a proposal is adjudged to represent major development an assessment of the following is required:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Footnote 67 of the NPPF states that,

*‘For the purposes of paragraphs 190 and 191, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.’*

In relation to the current application whilst it meets the definition of ‘major’ development as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 that does not necessarily equate to it being major development for the purposes of para. 190 of the NPPF. In terms of its nature the proposal represents a sports use which requires a large open area and where impacts resulting from use are not likely to be unusual or unknown. Although its nature differs to the current use of the site it would largely retain the open, undeveloped and ‘green’ nature of the site. In relation to scale the application site covers a large area but, aside from site levelling works, the main operational development is restricted to the southwestern end of the site in the form of the clubhouse and car parking areas, particularly as no lighting of the pitches is proposed. With regards to setting, the location is outside of and divorced from the built form of Honiton, or any other settlement although it does sit alongside an existing recreational use. Taking these matters into account the proposal is not considered to represent major development for the purposes of para. 190.

Notwithstanding the view that the proposal is not considered to represent ‘major’ development, if a contrary view is taken on this point, there would be a need to

demonstrate exceptional circumstances are met and that the development would be in the public interest.

In relation to criteria a) of para. 190 the supporting information sets out a case for the need for the development (assessed above), such need is however local only and there is no evidence presented of the proposal being likely to have any significant impact on the local economy whether refused or permitted. However, the proposal would be likely to give rise to some economic benefits during the construction phase of development. In relation to criteria b) information has been presented in relation to the scope for providing the development outside the designated area and where costs of development are cited, amongst other reasons, for alternative sites being dismissed, no detailed analysis of development cost comparisons of the application site or alternative sites is made but the lack of alternative sites is noted. In relation to criteria c) the application is supported by some information relating to the landscape and environmental effects of the proposal and how these could be moderated. These conclude that, in time (post 15 years) the landscape effects of the development would reduce to moderate/minor adverse and visual effects minor adverse as landscape planting takes effect. The site is not considered to impact on any existing recreational opportunities (see comments on golf course netting).

The applicant acknowledges at para. 7.9 of their Planning Statement that, *'The proposed development will result in some change in landscape character and adverse landscape and visual effects'* and that even after landscape mitigation measures, the development would, in the longer term, still give rise to *'Minor Adverse visual effects and Moderate / Minor landscape effects'*. The Council's landscape architect has also advised that the proposal would give rise to some harm, albeit relatively localised in its extent, and where mitigation could be secured to reduce this to moderate-low adverse landscape and visual effects.

Overall, in terms of landscape impact whilst landscaping mitigation could help to reduce the impacts of the development the proposal would still result in some landscape and visual harm and as such could not be considered to conserve and enhance the landscape character of the area, which is required to be given great weight, such harm weighs against the proposal.

### **Highways and Access Issues**

#### *Accessibility of the site*

Chapter 9 of the NPPF covers the promotion of sustainable transport with paras. 115 and 117 seeking to ensure that sustainable transport modes are prioritised and safe and suitable access to the site can be achieved for all users. Para. 118 also requires provision of suitable supporting information (transport assessment etc.) where significant amounts of movement are likely to be generated.

These requirements are reflected in Stgy 5B and policy TC2 of the EDLP, which respectively seek to ensure development is located where it will encourage and allow for efficient safe and accessible means of transport by pedestrians, cyclists and public transport (among other modes) and is also well related to compatible land uses so as to minimise the need to travel by car.

Draft policy TR01 similarly seeks to prioritise walking and cycling and to ensure new development is located where access to high quality public transport can be facilitated. Policy TR03 of the DEDLP seeks, where significant amounts of vehicle movements would be generated to ensure that development proposals are supported by a transport assessment and travel plan to secure sustainable travel arrangements.

The site is located to the southeast of the town centre on elevated land forming part of an inland plateau. The site is approximately 1 ½ miles from the town centre by car. The indicated pedestrian route via Church Hill, Lower Marlpits Lane and Cuckoo Down Lane is less than a mile and less than 800 metres from the built-up area boundary. There is no public transport serving the site, the nearest bus stops being in the town or on the A35 to the north of the site.

The applicant has prepared a Transport Statement that considers means of access to the site by alternative modes. A new pedestrian access to the site onto Cuckoo Down Lane is proposed providing a pedestrian route (as above) to the town centre. It is suggested that the majority of Honiton is within a 30-minute walk of the site and that the suggested route represents a viable alternative. Whilst recognising the relatively close proximity to the edge of the town 'as the crow flies' the pedestrian access route from the edge of the town is, for the most part via roads which are unlit, narrow and steep in places and without dedicated footway provision, the new proposed path from Cuckoo Down Lane to the main part of the site is very steep. Although some users who live closest to the site may, on occasion, choose to walk or cycle, the distance, lack of footway provision and in particular the steepness of the route leads to the consideration that this is not considered to be a realistic prospect for most users for most journeys. It is anticipated that most users would arrive and leave by car, although there is likely to be some potential for car sharing.

It is considered that the site would fare poorly in accessibility terms. The applicant has sought to demonstrate how accessibility by alternative modes of transport could be improved but the location in relation to the town and in particular its siting on higher land means that access via alternative means to the private car are limited and would not meet the requirements of strategy 5B and policies TC2, RC2 and RC6 of the EDLP and OS03, TR01 and TR03 of the DEDLP in this respect.

#### *Suitability of approach roads and traffic generation*

The site is accessed via Tower Road which connects to the town via Lower Marlpits Hill to the south, or the A35 to the north. Tower road itself is of varying width and has limited passing provision. Concerns have been raised by local residents and Offwell Parish Council that these approach roads are unsuitable to cater for the extent and nature of traffic likely to be generated by the development. In particular concerns are raised regarding the narrow nature of the approach roads, lack of passing provision and the nature and extent of traffic likely to be generated being underestimated. It has been suggested that traffic approaching the site from the town via the A35 will result in queuing on the trunk road and cause a highway safety issue. Whilst these concerns are noted the proposals have been reviewed by both National Highways in relation to impacts on the trunk road network and by Devon County Council.

National Highways has raised no objection and consider that the proposal would represent a relocation of an existing facility and therefore a displacement of journeys from one site to another. In addition, given the nature of the use the majority of the traffic associated with it is considered to arise outside of the weekday and weekend network peak hours. On this basis, National Highways considers the proposal unlikely to result in an adverse impact on the safe operation of the strategic road network.

Devon County Council as the County Highway Authority has commented that Tower Road has a number of passing places (whether these be formal or informal) and that typical two-way traffic can pass simultaneously. They also note that site would largely generate traffic outside of daily peak travelling hours and do not consider trip generation intensification to be a problem.

#### *Site access and parking provision*

There are currently two field accesses that serve the site, each serving one of the fields that adjoins Tower Road. The applicant has carried out pre-application enquiries with the County Highway Authority (CHA) and the proposal seeks to provide a single two-way access point in a similar position to the more southerly of the existing access points access has been brought forward as the most appropriate to serve the development. The CHA has reviewed the access details and considers that this would provide suitable visibility in both directions. In relation to parking provision questions have been raised by the local residents and adjoining parish council in relation to the adequacy of the proposed parking provision, given the likely high reliance on private transport to access the site, and where any under-provision is likely to give rise to unregulated parking on the road and verges in the vicinity of the site. Policy TC9 of the EDLP and TR04 of the DEDLP deal with parking provision in new development but neither specify minimum standards for provision in relation to uses of this nature.

The applicant has within their transport statement assessed the likely parking requirements based on the number of pitches and players and on likely travel to game modes, which includes an allowance for car sharing. On this basis the parking requirements are assessed to be 46 spaces, on average for a typical match day. The application seeks to provide 52 spaces (including 4 accessible parking bays). Offwell parish council and local residents have questioned the adequacy of the proposed provision and over-reliance on car sharing taking place, which they point out cannot be guaranteed. If every child was driven to a game independently by a parent or carer and that vehicle was then parked at the site, then clearly during periods where all of the pitches are in use simultaneously there would be insufficient provision. However, it is accepted that the nature of such uses is that parents/carers share lifts and often take it in turns to provide these and as such this reduces the parking requirement from any theoretical maximum. In general, the proposed provision is considered to be appropriate but the potential impact of pick-up/drop-off traffic is acknowledged, the county highway authority have not however required such specific provision and it is not considered that this could be insisted upon. In relation to major developments, policy TC9 requires provision of EV charging points to be made, nonesuch is indicated on the submitted site plans and it is recognised that the nature of the use is likely to attract only local traffic where EV users are in many circumstances likely to have access to charging provision at home, or elsewhere. Given that it is not clear that the

site would be served by mains electricity it is not clear that there would be sufficient on-site renewable energy generation to make such provision in any case.

In relation to alternative modes of transport pedestrian access is indicatively shown from Cuckoo Down Lane to the northwest of the site. No details of the access junction with the road are provided but some hedge bank removal would be required. The route of the path would follow the southern site boundary and is shown to utilise a proprietary grid system (Aco Groundguard) to provide a suitable surfacing to retain the ground and any surfacing. There is a lack of detail in relation to this aspect of the proposal and it is not clear that the proposed system would work on the very steep nature of this part of the site, or whether this would in fact need to be stepped. In either case this section would not be conducive to cycle access with cyclists needing to dismount and push their bikes up a steep section of slope. The Transport Statement acknowledges the need to provide cycle parking and indicates this could be provided close to the clubhouse entrance, further details of which could be secured by condition.

## **Drainage Issues**

### **Surface Water Drainage**

The application site lies wholly within land defined as Flood Zone 1 and is not identified to be in an area at risk of flooding from any source. However, the submitted Flood Risk Assessment (FRA) does indicate that the soil types found on site makes infiltration slow and that there are pockets within the site prone to localised surface water flooding.

Given the soil permeability, infiltration is suggested to be unsuitable, and it is therefore proposed to direct surface water to existing surface water bodies (drainage ditches) attenuated via on-site swales and hydro brakes to reduce the flow rate. The submitted drainage report indicates that this would result in an overall betterment on the existing run-off rates from the site.

For the clubhouse and parking area however it is proposed to install a rainwater harvesting system to capture some of the rainwater for re-use with overflow going via soakaway crates positioned below the car parking area to the detention basin north of the clubhouse.

Devon County Council in their role as the Lead Local Flood Authority (LLFA) objected to the original proposals on the basis that sufficient information had not been provided to demonstrate that infiltration is not viable. They also highlighted the need for the applicant to use up to date information to calculate the required size/capacity of surface water drainage features and to provide additional information in relation to exceedance pathways and overland flow routes in the event of rainfall in excess of the design standard. In the absence of such information, they advised that the proposals did not adequately demonstrate that the requirements of policy EN22 of the EDLP have been met.

Policy EN22 requires that the surface water run-off implications of any new development have been fully considered and found to be acceptable. The policy also requires any remedial measures to be secured using sustainable drainage principles

and for there to be clear arrangements in place for the ongoing maintenance of these. Policy AR01 of the eLP seeks to ensure that on all developments space is provided for the inclusion of SuDS designed to reduce the volume and rate of runoff to less than greenfield rates, and that surface water run-off is managed as close to the source as possible.

In response the applicants have provided some updated drainage information in the form of revised plans for clubhouse and wider site drainage and a revised Preliminary FRA and drainage strategy. The LLFA has reviewed the additional information and confirmed that this still lacks details to demonstrate conformity with the requirements of policy EN22, in particular how the greenfield run-off rates and storage calculations have been derived and the ownership of the ditches to which the attenuated flows would be discharged. The applicant has subsequently confirmed that the ditches to which the drainage flow would discharge are in the ownership of the highways authority. The ditch on the west side of Tower Road (adjacent to the site) connecting to a larger ditch on the east side of the road by existing pipework under the road. Consent to discharge to these ditches would be required but there is no evidence that this consent has been sought or granted.

### Foul Drainage

Policy EN18 of the EDLP requires a suitable foul drainage system of adequate capacity to be in place to serve new development and that where non-mains drainage is proposed this will not be permitted unless they can be appropriately drained. Policy EN14 seeks to control pollution from all sources and policy OL09 of the eLP has similar aims.

It is proposed to connect the foul drainage from the clubhouse to a new package treatment plant (PTP), positioned to the southwest corner of the clubhouse. The application is supported by a completed Foul Drainage Assessment form which includes information to demonstrate that a mains connection is not available in the vicinity of the site. The Environment Agency (EA) has reviewed the submitted proposal and whilst raising no objection in principle has recommended that clarity is sought on the discharge proposals for the PTP, as no details of where any discharge from the PTP would flow to were originally provided.

The applicant has now indicated where the discharge from the STP would go to – the attenuation basin to the north of the car park and from here via existing pipework under the adjacent road, and in a south easterly direction – the same as for the attenuated surface water flows.

The EA has advised that the ditch does not appear to flow all year around and that the plans also indicate that an environmental reed bed may be required, but that this detail is to be confirmed. The EA have therefore expressed concern that there is no clear approach to the management of non-mains drainage and that with the lack of proposed flows and loads estimations there can be no certainty that the drainage basin features would be fit for purpose, to take both surface water and foul flows. Such information should normally be provided up front for a full application so that a fully informed decision can be made on whether it is an appropriate way to manage the foul flows.

In response the applicant has advised that there is no funding left to provide additional technical reports/responses at this stage but that in the event of an approval further funding would become available to allow these matters to be addressed and have requested that any further details are secured by condition, including the use of Grampian style conditions, this they consider would represent a proportionate approach.

Planning Practice Guidance (Paragraph: 009 Reference ID: 21a-009-20140306) advises that,

*“Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability.”*

However, it goes on to confirm that

*“It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.”*

In terms of the outfall to the roadside ditches, which the drainage strategy information provided to date indicates would take the outfall from both the foul and surface water drainage related to the site, the LLFA have, in their most recent correspondence, indicated that they would accept conditioning of a detailed drainage design. This indicates that they consider that a suitable drainage design could be achieved. Likewise, the EA has confirmed that similarly they consider that there is likely to be some solution to the foul drainage and that if the LPA are similarly content that a solution can be found then they would not object to such matters being controlled by condition. They have however reiterated the need for the applicant to separately seek the consent of the EA for an environmental permit and where there is no guarantee that such would be permitted – this though is a separate permitting regime that sits outside the planning system.

The applicant, in support of their view that further drainage details could be secured by condition, has referenced an appeal decision elsewhere in the district, at Land east of Colestocks Road, Sherwood Cross, Feniton (APP/U1105/W/24/3357849). In that case the Inspector in allowing the appeal included a Grampian style condition relating to surface water drainage where there was no agreement for point of discharge to existing off-site drainage infrastructure in place and where there was some uncertainty over the ownership of sections of the drainage to which the site would connect. The Inspector took on board the LLFA's lack of in principle objection and that the information provided at the time indicated that a betterment in greenfield run-off rates could be achieved. Similarly, the drainage information submitted to date indicates that a betterment in greenfield run-off rates

could be achieved and the LLFA has advised that further drainage details could, in their view, be conditioned.

Subject to the use of Grampian style conditions as discussed above it is considered that surface and foul drainage could be managed in accordance with development plan policy.

### **Ecological Impact**

The application site comprises of arable fields surrounded by native hedgerows and with a belt of mature tree planting to the southern boundary and other hedgerow trees within some of the other hedgerows.

The site does not lie within any area specifically designated for ecology/wildlife purposes but does fall within the defined landscape connectivity zone for Horseshoe Bats and close to the sustenance zone for Bechstein's bats which are both notifiable species associated with the Beer Quarry and Caves Special Area of Conservation.

The application is supported by an Ecological Impact Assessment which has built upon earlier ecological work including: Ecological Appraisal informed by a biological records centre data search and separate Bat Activity Survey and Dormouse Survey reports. A Biodiversity Net Gain (BNG) Design Stage report is also provided.

The survey reports indicate the site is used by foraging and commuting bats including Annex II greater horseshoe, barbastelle and lesser horseshoe bats, and nesting dormice. It also considers the site has high potential to support nesting birds but low habitat suitability for common reptiles, common amphibians and badgers.

The Council's Ecologist has reviewed the submitted survey report and whilst noting the recommendations made within these and that the fields that form the majority of the site are themselves of low ecological value highlights that the hedgerow boundaries are a habitat of principal importance under section 41 of the Natural Environment and Rural Communities Act (2006), a Devon Biodiversity Action Plan (DBAP) habitat, and considered 'Important' under the Hedgerow Regulations 1997. The proposal would require the removal of approximately 220 metres of such habitat as well as reduction of other sections to afford visibility at the site access.

In relation to bats the survey work carried out identifies that the site, in particular hedgerows, provides suitable foraging and commuting habitats for bats and that it supports at least 11 species of bat (including Annex II species). The EclA report makes recommendations in relation to the retention of hedgerows on the site's outer boundaries; the timing of works, and; provision of an area of rough grassland to assist with foraging and connectivity.

In relation to impact on species associated with the Beer Quarry and Caves SAC, the site lies within the landscape connectivity consultation zone and the potential impact of the development has therefore been considered and screened under the Habitat Regulations. On the basis that the proposal would maintain the hedges around the periphery of the site and would not include significant lighting impacts i.e. no external floodlighting is proposed, it is considered that the proposal can be screened out from



requiring Appropriate Assessment and a Stage 1 screening report is appended to this report.

With regards to dormice, survey work identified this species to be present within the southern hedgerow but they are assumed to be in all suitable habitats including all hedges and the area of woodland within and surrounding the site. The removal of the extent of hedgerow proposed (circa 220m) would require a European protected species licence (EPSL) from Natural England.

Before granting planning permission a Local Planning Authority must consider the 'three tests' under the Conservation and Habitats Regulations 2017 and whether the proposals are likely to be acceptable to 'derogate' from the legal protection afforded to the affected species. If these are not satisfied, a licence cannot be issued, and the developer may not be able to implement a grant of planning permission.

The proposals are assessed against the three tests as follows:

*1. The activity is for a certain purpose*

The activities are required to allow the development of the site for the purpose of the football pitch provision and in order to meet an identified need for the same. The extent of the site and the pitch requirements are such that without the proposed hedgerow removal it would not be possible to fit all the development on the site. There are recognised community benefits that would arise from the scheme and the proposals are of public rather than merely private interest.

*2. There is no satisfactory alternative to the activity that will cause less harm to the species*

As the extent of land forming the site is limited there is no alternative layout of the proposed pitches which would result in the removal of less habitat, or as a consequence result in less harm to the relevant species. The applicant has sought to demonstrate that there are no alternative sites available that could provide for the same extent of development.

*3. The development does not harm the long-term conservation status of the species*

In respect of the final consideration, recommendations are made for mitigation and compensation which includes enhancing existing hedges through infill planting, provision of new hedges, and scrub planting and provision of 15 dormouse nest boxes. Additionally, a new species rich hedge is also proposed along the western boundary. However, the dormouse survey report also notes scope to provide additional hedgerows along the northern sections of the site, and to create a small, wooded area beyond the western boundary, but limited details of such have been provided as part of the submitted proposals. Natural England's dormouse mitigation requires that dormouse compensation measures are "expected to result in no net loss of dormouse habitat" and, where no net loss is not demonstrated, robust justification provided on how the favourable conservation status will be maintained.

EDDC's ecologist has reviewed the details submitted and based on these considers that mitigation measures for protected species including bats and dormice could be provided and that those proposed are broadly acceptable, provided that outstanding concerns are addressed. Those concerns relate to the need for clarification with respect to the methodology for hedge translocation, the precise location and specification of new hedgerows, and the alignment of compensatory planting with Biodiversity Net Gain (BNG) proposals. However, it is advised that were the application otherwise considered to be acceptable that such matters could be addressed by condition and conditions to secure the following are suggested:

- A Construction and Ecological Management Plan (CECoMP);
- Provision of a lighting scheme
- No development prior to securing an Natural England licence
- A Habitat Management and Monitoring Plan (HMMP)

Overall, in terms of ecology impacts, whilst there remains a need for further detail on aspects of the mitigation and enhancement measures, sufficient information has been provided to demonstrate that an acceptable scheme can be achieved which would mitigate the ecological impacts of the development and provide suitable compensation and enhancement.

Similarly, it is considered that the proposals can be screened out from giving rise to likely significant effect on the Beer Quarry and Caves SAC. On this basis the development can be considered to accord with Stgy 47 and policy EN5 of the EDLP, Policies PB01, PB03, PB04 and PB07 of the eLP and para. 193 of the NPPF.

#### Biodiversity Net Gain (BNG)

Biodiversity Net Gain (BNG), requirements brought forward under the Environment Act 2021 and amendments to the Town and Country Planning Act 1990, mean that, subject to some exemptions, all planning permissions will be subject to a conditional requirement to provide a minimum 10% increase in biodiversity value. The Biodiversity Net Gain (BNG) can be delivered on site, or where this cannot be achieved off-site through a registered credit scheme.

In this case, the application has been submitted with the biodiversity metric completed using the standard metric and a BNG Design Stage Report. The Council's ecologist reviewed the submitted information and identified some discrepancies and amendments have been made in response to these. It is advised that whilst a final Biodiversity Gain Plan needs to be drawn up this would need to take into account detailed landscaping proposals which are not available at this stage and further clarification would be needed to demonstrate that the 10% BNG is in addition to any separately required protected species compensation i.e. measures already required to compensate for impact on existing bat/dormouse habitat. If this shows that the BNG provision would fall short of the minimum 10% net gain for area and hedgerow habitats it would be feasible to make up any shortfall through the purchase of off-site credits – although the applicant is advised to consider the potential costs of this in drawing up any detailed landscaping plan.

In accordance with Schedule 7A of the Town and Country Planning Act 1990, development may not commence until a Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority. That plan would need to align with any final BNG documentation which takes on board the landscaping details/requirements and demonstrates how a minimum 10% net gain would be achieved and maintained for 30 years. Given that the proposal would deliver significant on-site gains this would need to be secured by means of a legal agreement this would also need to secure a BNG monitoring contribution. The contribution amount is determined on the size of the site as well as whether provision is made on-site, off-site or a combination of the two. A Habitat Management and Monitoring Plan (HMMP) would also need to be secured by condition.

### **Arboricultural Impact**

The southern boundary of the site is formed by a belt of mature trees that provide a prominent and positive landscape feature, elsewhere other field boundaries are formed by mature hedge planting with further group of trees or individual specimens growing with the hedgerows, particularly those bounding the northeastern field.

A tree survey, Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement has been prepared and submitted as part of the application. In terms of below ground constraints, it is considered that the rooting environment of trees has been restricted due to historical ploughing of the fields and as such the Root Protection Areas of trees is likely to be offset. This being the case the proposed groundworks and level changes within the site are considered unlikely to compromise the rooting environment of the trees. On this basis it is considered that subject to conditions to secure tree protection measures that the proposal would comply with the requirements of policy D3 of the Local Plan and the relevant parts of PB08 of the eLP.

### **Amenity Impact**

The site occupies a location where it is generally set away from residential development. There are though some isolated residential properties in the wider vicinity of the site including: Lower Marl pits Farm (250m to west) Colwell (350m to east), Cuckoo Down House (420m north) and Highlands (530m to northeast). In addition, there are other properties located along Tower Road route between the site and the A35 and where this would serve as the principal access route to the site. Honiton Golf Course immediately adjoins the site to the south.

Given the separation distance from the site to the nearest residential properties any impacts arising from the use of the site are likely to be from noise and increased activity/traffic. In relation to noise there would be an increase on the background noise level at the site both during the construction phase and when the pitches have been formed and are in use. In the first instance such noise impact could be intrusive but would be time limited and could be controlled by a suitable Construction and Environmental Management Plan (CEMP). In relation to noise for pitch use this again would be intrusive and its impact on the National Landscape character is discussed above but given that the periods of use would be limited and the distance to residential properties any harm arising is unlikely to result in significant amenity harm.

The increase in traffic will be notable when the pitches are in use but will not significantly impact on residential amenity.

Impacts on residential amenity are considered to be acceptable.

### **Heritage Impact**

There are no listed buildings or Scheduled Ancient Monuments on or in the immediate vicinity of the site. The nearest listed buildings are: St. Michael and All Angels Church (grade II\*) located approximately 600m to the northwest of the site and on a much lower contour, and; Old rectory Farm (grade II) located over 550 metres to the north of the site and again on a lower contour. Given the separation distance, difference in elevation and that the development proposed is relatively low lying it is not considered that the setting of these designated heritage assets would be harmed.

Devon County Council's Historic Environment Service has advised that the proposed development lies in an area of known archaeological potential, in a landscape where prehistoric cremations have been discovered and on the plateau where evidence for iron ore extraction may have taken place from the Roman through to the medieval period and may survive. This being the case, groundworks have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. It is therefore recommended that a programme of archaeological work to investigate, record and analyse any archaeological evidence that would otherwise be destroyed by the proposed development is secured. Such mitigation should take the form of a Written Scheme of Investigation (WSI) and as this has not been provided up front this would need to be secured by means of a pre-commencement condition so as to accord with policy EN6 of the EDLP and paragraph 211 of the NPPF. An additional condition requiring the post-excavation works to be undertaken and completed to an agreed timeframe is also required.

Subject to conditions as mentioned above, impacts on heritage assets are considered to be acceptable.

### **Economic benefits**

Honiton Youth Football club operates as a registered charity and is therefore reliant on grants, sponsorship and donations for funding and on volunteers to run it. Whilst this clearly has positive benefits for the local community, in terms of economic benefits it does mean that the proposal would not result in any direct job creation.

Additionally, as a replacement facility, unlike say a residential proposal, it would not result in additional households in the locality who might support other local businesses or services. However, it is recognised that there would be economic benefits arising from the construction phase of the development through support of construction and associated jobs. Such benefits though would be modest in scale and time limited and as a result overall economic benefits would be of limited weight.

## **Health and Well-being/Community Benefits**

The need for additional youth pitch provision has been set out above and it is acknowledged that the existing set-up at St. Rita's fails to meet the club's needs and aspirations and further that these needs have been identified for some time but remain unmet.

The NPPF places a strong emphasis on promoting healthy and safe communities, including the provision of and access to '*...a network of high-quality open spaces and opportunities for sport and physical activity*' (para. 102). This paragraph also goes on to state that,

*"...Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate."*

In terms of the EDLP, the relevant policies are discussed in the policy compliance section above but again there is in principle support for delivery of sport and recreational development to meet identified need and community aspirations.

The East Devon Playing Pitch Strategy 2015 (PPS) and following on from this the Honiton Sports Pitch Strategy 2017 (SPS) respectively assessed need and makes recommendations for delivery against this need. These policy documents are discussed in detail above, however, there is acknowledgement that the need identified for youth football pitches in the PPS has not been met and that the options for delivery as outlined in the SPS have not come forward. It is further accepted that an update to the PPS is overdue.

Sport England have provided comments in support of the proposal and have highlighted the lack of security of tenure at the club's current site and need for additional pitch provision, they have also highlighted health and safety concerns relating to the use of the current site and lack of welfare facilities.

The provision of this facility would undoubtedly give rise to potential health and wellbeing benefits by improving the quality of the existing youth football facilities; improving the related welfare facilities and increasing opportunities for participation in the sport. Whilst there are some potential safety benefits related to improved access these are likely to be offset by similar issues for pedestrians seeking to access the proposed site.

The proposal has elicited significant support, albeit this appears to be primarily from those with an active interest in the club (parents, carer's etc.), as opposed to more widespread community support. Nevertheless, this doesn't diminish the strength of support expressed.

The applicant has intimated that failure to find appropriate alternative facilities would threaten the ongoing operations of the club and it is noted that the lease has expired on their current site. However, it is understood that there is an offer of a new lease

from the Landlord for the St Rita's site (to EDDC) and that in turn a sub lease to the club has been offered for the continued use of the St. Rita's site. This being the case were the current application not to be successful it would appear that the club could continue to operate from the current site, albeit the deficiencies with this would not have been addressed.

It is considered that the proposal, by providing improved quality and quantity of provision would give increase opportunities for participation in youth football and as a result health and wellbeing benefits which weight in favour of the scheme. However, as there appears to be no barrier to the continued operation of the club from their current site this reduces the weight that can be afforded to this benefit.

## **Other Issues**

### Sustainable construction/Renewables

Stgy 38 of the EDLP follows guidance in National Planning Policy that seeks to support the transition to a low carbon future including through the design of new buildings and the use of renewables. Policy CC02, amongst other policies of the eLP, also seeks to minimise the carbon footprint of the development and requires applications to demonstrate how relevant standards would be met to achieve this requirement.

The proposal includes the provision of solar panels on the south facing roof slope of the clubhouse building to meet its energy generation needs. The applicant has been asked to confirm how any additional energy demand, over and above that provided by the proposed solar PVs, would be met. In response, they have suggested that the energy requirements of the building would be minimal and could be met by the proposed PVs and associated battery storage.

### Water supply

In relation to water supply the application indicates this would be supplied primarily through the use of a rainwater harvesting system. This is detailed on the drainage plans for the clubhouse and would be capable of use for non-potable water needs i.e. toilet flushing, laundry, watering etc.

No details of the means of meeting the potable water requirements of the site have been provided and where it is understood that no mains supply is available. It is possible that a borehole supply could be sought but no details of a borehole location, depth or extraction rate have been provided. In addition, the proposal would need an abstraction licence from the Environment Agency if it was proposing to withdraw more than 20m<sup>3</sup> a day.

The applicant has been asked to explain how it is proposed to meet the potable water requirements of the development and whether there has been any initial testing in relation to the feasibility of water extraction, the following comments have been provided:

*"At this stage no direct samples have been taken from the proposed borehole, as the borehole has not been commissioned due to lack of current lease on the land."*

*However the borehole will draw from the same groundwater table that is already in use by a number of other nearby properties, which have historically demonstrated reliable and potable water quality without indication of contamination.*

*The proposed borehole is on elevated ground where the superficial geology comprises predominately clay with flint. The clay layers are of low permeability and provide a natural barrier, limiting direct surface infiltration and reducing risk to the underlying water table. The site is located within a rural impact area and there is no known agricultural, industrial, chemical or waste handling activity within the groundwater catchment that would be reasonably expected to compromise water safety.*

*We intend to commission a borehole and test for water quality as part of the initial, post planning activities. Should any treatment be required to ensure compliance, filtration or disinfection equipment will be installed and monitored to ensure continued water safety.*

*Alternatively given the very limited need for drinking water, this could be provided via bottled water. However, we believe that treatment or transported water will not be required for the reasons previously stated."*

At this stage, how the potable water needs of the development would be met remain unclear. However, as there is a reasonable likelihood that a solution can be found it is considered that the matter could be controlled by a Grampian style condition requiring a scheme for the provision of potable water to be agreed prior to the initial beneficial use of the clubhouse.

### BMV land

The NPPF at para. 180 states that planning policies and decisions should contribute to and enhance the natural and local environment, including by ‘...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.’ Furthermore, ‘... where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality’ and ‘the availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

Policy EN13 of the EDLP states that BMV land will be protected from development not associated with agriculture or forestry and that planning permission for such development will only be granted exceptionally if there is an overriding need for the development and either sufficient land of lower grade is unavailable or such land has other environmental value that outweighs agricultural consideration or the benefits of the development justify the loss of high quality agricultural land. Policy OL10 of the emerging Local Plan has similar requirements.

The application relates to land classified as undifferentiated grade 3 land and as such requires further assessment, to determine whether or not it represents BMV (Best and

Most Versatile) agricultural land. BMV land being defined in the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification.

The applicant has provided an Agricultural Land Classification report, which included desktop and site review. The report concludes that the site should be classified as Grade 4 agricultural land. This is based on the wetness of the soil and the soil texture (Silty Clay and Clay soils). On this basis the proposal would not result in the loss of BMV land.

#### Other uses of the clubhouse/site

The submitted Design and Access Statement refers to discussions with other local community groups '*...with an aim to share the facilities and clubhouse across multiple organisations*'. In principle, making efficient and effective use of buildings is encouraged and support for such is found in policy RC7 of the Local Plan and CF01 of the eLP. However, the appropriateness of encouraging alternative/additional uses needs to be considered in light of the sustainability of the building's location and accessibility to it by alternative modes of transport. As set out above, users of the building/site would be highly reliant on the use of private transport to access it and expanding the use for other purposes, where the transport and sustainability implications of such have not been assessed, is not considered to be appropriate. In the event that the proposal was found to be acceptable in other regards it would be necessary to restrict the use of the site only for use as a clubhouse in association with the football club use rather than an open Local Community (F2) use.

#### Conflict with adjoining golf course use

The site lies adjacent to Honiton golf course and the 6<sup>th</sup> fairway in particular which runs parallel to the site's southern boundary. The boundary is defined by a line of mature trees (Oak, Ash, Beech and Holly) that have grown up from an historic hedge bank. Whilst the tree line provides an effective visual screen there are gaps between trees and foliage and this is more evident in autumn/winter.

Health and safety Concerns have been raised on behalf of the golf course and others in relation to the potential danger arising from siting of the facility immediately adjacent to the course. This concern relates to the potential impact of stray golf balls from the course entering the site.

The application site plan includes annotation on the golf course side of the shared boundary stating, '*Golf ball netting protection TBC with golf club*'. However, no further details of who would provide this, what form it would take and how it might be maintained has been provided. In response to a request for further information in this regard the applicant has stated that,

*"Regarding Golf Ball Netting, the landowner and his legal representative has written to the golf course advising them that it is not his/our responsibility to prevent the Golf Course members hitting golf balls into his land and potentially endangering his tenants. He has told them that they are not permitted to hit golf balls onto his land and need to take appropriate actions to prevent this happening. If the golf club determine that this requires netting, it will be supplied and fitted by the Golf Club. Since the Golf Club*



*raised this issue (via their objection) the landowner has instructed the Golf Course to cease this activity of hitting golf balls onto his land immediately regardless of whether the football club move up there (as it is a potential risk to current tenants)."*

They go on to advise that neither the landowner or the Football Club assumes any responsibility for any negligence of members of the golf club in this regard.

There is recognition of this issue from both parties. However, despite the current use of the site appearing not to give rise to the same level of potential conflict and the introduction of the proposed use giving rise to the concern, it is acknowledged that the responsibility for preventing a safety issue arising lies with the golf club. As such, it would be for them to look to address this issue. Any proposals for safety mitigation measures would however fall outside of the remit of this application.

### Gas Pipeline

A major Hazard gas pipeline runs on land on the opposite side of Tower Road to the east of the application site. The eastern part of the site falls within the Health And Safety Executives (HSE) outer consultation zone for the pipeline. The HSE's web based app service has been completed and does not advise against the granting of permission based on the use of the site and number of people likely to be present at any one time.

### S.106 issues

As the application includes the provision of significant on-site Biodiversity gains, as well as the potential for off-site provision, these would need to be secured by means of a legal agreement and which would also need to secure a BNG monitoring contribution. The amount of the monitoring contribution will depend on whether any off-site provision is required but the monitoring fees would be based on those set out in the report to EDDC cabinet dated 5<sup>th</sup> March 2025 and which is available to view on the BNG section of the EDDC website.

## **PLANNING BALANCE AND CONCLUSIONS**

It is a requirement of planning law that planning decisions are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The application proposes development in open countryside outside of any built-up area boundary as defined in the adopted or emerging East Devon Local Plans. The site is not allocated for development and whilst the development is considered to derive some limited support from certain policies of the Adopted Plan namely RC4 and RC6 its location set apart from the built-up area of the town, and where opportunities to safely access the site by sustainable means are limited, means that the proposal would be contrary to Strategies 5B and 7 of the adopted Local Plan which seek to restrict development in the countryside, unless explicitly supported by other local or neighbourhood plan policies, and ensure development takes place where it can be safely accessed by sustainable transport.

In terms of the environmental impacts, the location of the site and lack of safe alternative means of access means that users of the site are most likely to arrive by

car. The application does include some provision to improve pedestrian access to the site but due to the steepness of the route, lack of footways and lighting this is unlikely to be favoured. The location therefore weighs against the proposal. If approved a condition could be imposed to secure an active travel plan to promote opportunities for car sharing and to minimise trip generation.

In addition to the accessibility issues relating to the location of the site, the development is proposed within a designated National Landscape and so is afforded the highest status of protection and where Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) places a duty on authorities to “*seek to further*” the purposes for which the landscape is designated, in this instance to conserve and enhance its natural beauty. The development would involve the removal of significant extent of established hedgerow within the site and raising of levels, particularly towards the eastern end of the site. However, whilst the pitches would be tight to the site boundaries the development would otherwise be relatively well contained by boundary planting where the outer hedgerows would be retained and where additional planting, particularly at the southeastern end of the pitches and along the Tower Road frontage could be secured by condition. In looking to meet the statutory duty consideration has also been given to the potential for delivering the development on alternative sites outside the NL designation but where no suitable alternatives have been identified. Whilst the proposal could not be said to enhance the landscape, with suitable landscaping and control over external lighting the level of harm could be reduced to a localised and moderate to moderate-low adverse landscape effect so as to conserve the natural beauty of the wider landscape.

The proposal would also give rise to ecological impacts through the removal of habitat, particularly the loss of hedgerow, which is likely to impact dormice and bats and where a protected species licence would be required. Given the identified need for the pitch provision, the lack of suitable alternatives and that compensation and mitigation measures could be secured by condition the derogation test is capable of being met.

Overall, the proposals would result in some environmental harm but where such harm could be reduced and mitigated through the imposition of suitable conditions and a legal agreement to secure the required BNG provision.

With regards to social impacts the current facilities used by the club are limiting the opportunities for engagement in youth football and where there is an acknowledged under-supply of pitch provision. This under-supply has been present for a number of years and where no alternative means of meeting the demand has been brought forward. The provision of additional pitches and a clubhouse to serve the club would expand opportunities for engagement in youth football in the town which would help to deliver both community and health and well-being benefits and therefore in turn provide positive social benefits. The proposal benefits from a strong level of community support (although objections are also noted) as well as from Sport England, whose aims include helping people to enjoy and access sport. The proposed provision against an identified need weighs strongly in favour of the scheme.

The proposal would deliver some limited economic benefits during the construction phase of the development and deriving from construction-based employment. In the longer-term economic benefits would be limited as the club is run as a charity.

Considering all the likely impacts and benefits of the proposal this is a finely balanced decision. The location of the site in open countryside, within a National Landscape and where users are likely to rely on private transport to access the facilities clearly weighs against the proposal. On the other hand, there is a clear, long standing and unmet demand for additional youth pitch provision to serve the town and where the options for expansion at the club's current site or alternative provision elsewhere are extremely limited by land availability and by other matter such as topography and flood risk. It is unfortunate that the applicant has been unable to provide additional details relating to drainage and landscaping at this stage, but it is recognised that there are financial costs in doing so without any guarantee of permission being granted. In terms of technical issues including drainage, ecology and landscaping it is considered that sufficient information has been provided to allow determination of the application and where the relevant technical consultees have confirmed that, in the event of a positive recommendation that any outstanding matters could be addressed by suitably worded conditions and a legal agreement. On this basis and very much on balance, it is considered that the application can be supported and is recommended for approval.

### **RECOMMENDATION**

APPROVE subject to a legal agreement to secure appropriate BNG provision and monitoring costs for the same and 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.)

### **Pre-commencement conditions**

3. Notwithstanding details submitted as part of the application, no development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) Evidence confirming an agreement to discharge surface water from the site into an appropriate receiving system.
  - (b) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
  - (c) A detailed drainage design of the proposed new football pitches.
  - (d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

- (e) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (f) A plan indicating how exceedance flows will be safely managed at the site.

Development shall take place in accordance with the approved details and the development shall not be brought into use until the approved drainage scheme has been fully implemented and shall thereafter be retained and maintained in accordance with the agreed details.

( Reason: To ensure that details of an appropriate means of dealing with surface water drainage are secured prior to commencement and where such details are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and policy EN22 (Surface Run-off Implications of New Development) of the Adopted East Devon Local Plan 2013-2031.)

4. Notwithstanding details submitted as part of the application, no development hereby permitted shall commence until full details of the means of managing foul drainage has been submitted to and approved in writing by the Local Planning Authority, such details shall include:

- o Evidence confirming an agreement to discharge any waste water from the site into an appropriate receiving system and point of connection;
- o The estimated volume of waste water from the development when fully operational;
- o Details of the ongoing management and maintenance of the system

Development shall proceed in accordance with the details as approved and the approved system shall be brought into use and operational prior to the initial use of the clubhouse and shall thereafter be retained and maintained in accordance with the agreed maintenance details.

Reason: To ensure that details of an appropriate means of dealing with foul drainage are secured prior to commencement and where such details are required in the interests of avoiding pollution of the environment and water quality in accordance with the requirements of Policy EN14 - Control of Pollution, EN18 - Maintenance of Water Quality and Quantity and EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Adopted East Devon Local Plan 2013-2031.)

5. No development shall commence until full details of the method of proposed potable water supply to the approved clubhouse building, has been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- a) evidence that any required separate consents/licences for the installation of a borehole and water abstraction have been granted,

b) where water abstraction is proposed details of the maximum daily volume, method of abstraction, intended use, and measures to protect groundwater resources,

The development shall thereafter be carried out strictly in accordance with the approved details which shall be implemented in full prior to the clubhouse being brought into use.

(Reason: To ensure that details of an appropriate means of water supply is secured prior to commencement to avoid the need for any revisions or delays once construction begins and to ensure that the proposed abstraction does not adversely affect groundwater resources, water quality, or the environment, and to secure compliance with the Water Resources Act 1991 and Environment Agency licensing requirements.)

6. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development. A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.)

7. A Construction and Environment Management Plan (CEMP) 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 provide details of the include at least the following matters :

- (a) the timetable of the works;
- (b) specify daily hours of construction, which shall not be outside of the following: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays;
- (c) air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control, and monitoring arrangements;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site and which shall not exceed the construction working hours under (b) above;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) hours during which no construction traffic will be present at the site;
- (j) the means of enclosure of the site during construction works; and
- (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (l) details of wheel washing facilities and obligations
- (m) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (n) Details of the amount and location of construction worker parking.
- (o) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

In addition, there shall be no burning on site and no high frequency audible reversing alarms used on the site.

Development shall take place in accordance with the agreed CEMP with any equipment, plant, process or procedure provided or undertaken in pursuance of the development to be operated and retained in compliance with the approved details.

(Reason – This is required as a pre-commencement condition to ameliorate and mitigate against the impact of the development on the local community and to ensure that any impact on the highway network is kept to a minimum in accordance with policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

8. No development shall commence on site until the following information has been submitted and approved:
  - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, ramps, steps, pavings, kerbs and edgings, site furniture and signage.
  - b) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any steps, ramps, banking or and retaining walls.
  - c) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:
    - o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
    - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.

- o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
  - o schedules of volumes for each material.
  - o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
  - o identification of person responsible for supervising soil management.
- d) A full set of soft landscape details including:
- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
  - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
  - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
  - iv) Tree pit and tree staking/ guying details

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the development with the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason – This is required as a pre-commencement condition to ensure the details are fully considered prior to commencement of any development in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the Adopted East Devon Local Plan 2013-2031)

9. No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:
  - o Extent, ownership and responsibilities for management and maintenance.

- o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- o Landscape and ecological aims and objectives for the site.
- o Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- o Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
  - o New trees, woodland areas, hedges and amenity planting areas.
  - o Grass and wildflower areas.
  - o Biodiversity features - hibernacula, bat/ bird boxes etc.
  - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- o Arrangements for Inspection and monitoring of the site and maintenance practices.
- o Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

The development, management, maintenance and monitoring shall be carried out in accordance with the approved plan.

(Reason - To ensure the details are fully considered prior to commencement of any development in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the Adopted East Devon Local Plan 2013-2031)

10. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and



approved in writing by the local planning authority. The CEcoMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- h) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

(Reason: This is required as a pre-commencement condition to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

11. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted BNG report (Quantock Ecology Ltd, September 2025), the approved Biodiversity Gain Plan, the approved Landscape and Ecological Management Plan (LEMP), and approved hard and soft landscape plans and shall include the following:
- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
  - b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
  - c) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.

- d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
  - i. Existing trees and hedgerows/banks.
  - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedge link guidance.
- g) The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks, dormouse nest boxes and other features, e.g., reptile hibernacula, to be shown clearly on accompanying plans.
- h) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- i) The monitoring methodology and frequency in respect of the created or enhanced habitat in accordance with EDDC guidance to be submitted to the local planning authority.
- j) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- k) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

- 1.1. Notice in writing shall be given to the Council when the HMMP works have started.
- 1.2. No first use of the site shall take place until:
  - a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
  - b) Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.
- 1.3. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- 1.4. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason: This is required as a pre-commencement condition to ensure the development delivers a biodiversity net gain on site in accordance with

Schedule 7A of the Town and Country Planning Act 1990 and is in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs), Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and National Planning Policy Framework (December 2024) paragraphs 187, 189, 190, 193, 195, and 198.)

12. No hedgerow, tree, or scrub removal shall commence, until the Local Planning Authority has been provided with a copy of the dormouse mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. Any mitigation and compensation measures should be included within an agreed Landscape and Ecological Management Plan (LEMP) and Habitat Management and Monitoring Plan (HMMP), unless otherwise amended by Natural England.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

#### **Other conditions requiring submission of further information**

13. The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and submitted to the Local Planning Authority. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

(Reason - To comply with Paragraph 218 of the NPPF (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)

14. The site shall not be brought into use for the approved purpose until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall detail measures to promote sustainable travel to the site including the means of promotion of car sharing, and access by sustainable modes of transport. The plan shall also include arrangements for monitoring and review of the plan. The approved Travel Plan shall be implemented upon initial use of the playing pitches and monitored thereafter in accordance with the agreed timetable

(Reason - In the interests of promotion of sustainable modes of transport in accordance with Stgy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development)) of the East Devon Local Plan 2013-2031 and paras.115 and 117 of the National Planning Policy Framework).

15. Notwithstanding the materials indicated on submitted drawing no. 067/016, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been 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 considered at an early stage and 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.)
16. No lighting shall be installed on the site unless a detailed lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate, through appropriate Lux modelling and specification, that the proposed lighting will not result in adverse impacts on nocturnal wildlife, particularly bats and dormice, and shall be fully compliant with the most recent guidance from the Institution of Lighting Professionals (currently GN08/23: Bats and Artificial Lighting at Night). Once approved, the lighting shall be installed and maintained strictly in accordance with the approved scheme. No variation shall take place without prior written consent from the Local Planning Authority.  
(Reason: To minimise the impacts of the development on protected and notable species that may be present on site in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)
17. Prior to the initial use of the site as playing pitches secure cycle storage facilities adequate to serve the development shall have been provided and made available in accordance with details that have previously been agreed in writing with the Local Planning Authority. The parking/storage facilities shall thereafter be retained and maintained for that purpose.  
(Reason - To promote sustainable travel and ensure adequate provision for such is made in accordance with policies TC2 (Accessibility of New Development) and TC9 (Parking Provision in New development) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

### **Compliance conditions**

18. The playing pitches shall be constructed and laid out in accordance with the approved site plan as shown on drawing no. 067/012/A and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2025), and shall be made available for use prior to the initial beneficial use of the clubhouse building hereby permitted.  
Reason: To ensure the quality of pitches is satisfactory to meet the identified need for playing pitches and to ensure they are available for use prior to the initial use of the clubhouse which is only justified as a support facility for the pitches and to ensure the delivery of appropriate community facilities against

the requirements of Strategies 3 and 23 of the Adopted East Devon Local Plan 2013-2031.)

19. Prior to commencement of any works on site (including demolition), the Tree Protection measures shall be carried out as detailed within the Arboricultural Report and Arboricultural Method Statement submitted by Advanced Arboriculture on the 12th May 2023. All works shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority. In any case the following restriction shall apply:
- a) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
  - b) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
  - c) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
  - d) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
  - e) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
  - f) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction 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 D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

20. The clubhouse building shall be used only in association with use of site as sports pitches and for no other purpose (including any other purpose in Class F2. of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). (Reason - The site is located where it is not easily accessible by sustainable modes of transport and is only justified to support the specific need for provision of additional sports pitches and where alternative uses of the building would be likely to give rise to unsustainable patterns of travel which themselves would need to be demonstrated to be acceptable in accordance with Strategy 5B - Sustainable Transport and policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected unless in accordance with details on the plans hereby approved.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031).

#### 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.

##### **Biodiversity Net Gain Informative:**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that **development may not begin unless:**

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

*Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

#### *Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

**For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK ([www.gov.uk](https://www.gov.uk))**



Plans relating to this application:

|                                                         |                    |          |
|---------------------------------------------------------|--------------------|----------|
| 067/001 A                                               | Location Plan      | 22.04.24 |
| 067/013 B                                               | Combined Plans     | 22.04.24 |
| 067/012.1 A :<br>pedestrian<br>access as<br>proposed    | Other Plans        | 20.02.25 |
| 067/012 A                                               | Proposed Site Plan | 20.02.25 |
| 067/003 A:<br>existing and<br>proposed site<br>sections | Combined Plans     | 17.09.25 |
| 067/014 F: club<br>house drainage<br>plan               | Other Plans        | 17.09.25 |
| GMA0930.33-2<br>rev 3: Drainage<br>design               | Other Plans        | 17.09.25 |

List of Background Papers

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

**Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age,

disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Appendix 1 - Consultation comments in full**

### **LOCAL CONSULTATIONS**

#### **Honiton Town Council**

**26.03.25**

Cllr R Collins spoke against the proposal.  
Members RESOLVED to maintain their SUPPORT for the application.  
For 3; Against 0; Abstentions 2

**17.05.24**

Support

Note: Members noted the Ecological appraisal provided by Quantock Ecology. Should planning consent be granted Members would wish to see a planning condition attached requiring the applicant to carry out the development in accordance with the recommendations and mitigation measures in the Ecological appraisal provided. Members would then wish to be provided with the evidence submitted by the applicant to show compliance with the recommendations of the Ecological appraisal.

For 5; Against 0; Abstentions 1

#### **Honiton St Pauls - Cllr Tony McCullom**

As a ward member for St Pauls Ward Honiton, I am in full support of this application for Honiton Youth Football.

Honiton is in need of more youth sport services, this when approved will fulfill one of the needs for increased sports facilities in the town.

If my opinion differs from that of the planning officers then I would like this to go before committee where it can be debated in a frank and open manner.

#### **(Adjoining Ward) Honiton St Michaels - Cllr Violet Bonetta**

I support this application. It is important to keep Youth Football in Honiton for the various physical and mental health benefits this provides to our community.

I have interacted with the organisation involved and know how much they are struggling at the moment in their not fit-for-purpose site, and this proposal will provide the much needed space and facilities for this to continue well into the future.

#### **(Adjoining Ward) Honiton St Michaels - Cllr Jenny Brown**

Good morning

I am in favour of this application for the youth football pitches and ancillary buildings.

If the officers opinion is different to mine then I would like it to go to committee where I will keep an open mind until I have heard all the information both for and against.

(Adjoining Ward) Honiton St Michaels - Cllr Roy Collins

Roy Collins supports objectors for this application.

Application to be rejected.

(Adjoining Parish) Clerk To Offwell Parish Council

## **22.03.2025**

Offwell Parish Council notes the 14 new documents supplied in relation to Planning Application 24/0841/MFUL

Having reviewed all the documents, the Parish Council resolved on the 19th March 2025 that it sees no reason to change our objection submitted on 23 May 2024 including the Detailed Critique of the Transport Statement.

The Parish Council would also like to add the following additional comments;

1. We note that DCC Flood Risk SuDS Consultation still objects
2. We disagree with the statement in Honiton YFC ALC Report Executive Summary that the site is not prone to flooding as water regularly flows off the fields and onto Tower Road.
3. The Ecological Impact Statement does not answer all the concerns raised by both the Devon Wildlife Trust and the EDDC District Ecologist. A more detailed and sustained Bat Survey and Nesting Bird Survey has not been supplied. In addition, no mention is made of the proposed Golf Ball Netting Protection and its affect on wildlife and no mention is made of the noise generated at the site by both players and supporters and its affects on the local wildlife. They also have not submitted a completed Beer Quarry and Caves SAC Shadow HRA document.
4. We caution against making outstanding documents as conditions after granting of Planning Permission due to the current resources in EDDC Planning Department.
5. There is still no indication of drainage provision from the Car Park areas.
6. There has been no study submitted as required by the Devon County Archaeologist.
7. The proposed Pedestrian Access is totally unsuitable for Disabled Access due to steepness of Cuckoo Down Lane.

Finally, we note that Honiton Community College has submitted a planning application for 3G artificial pitches, 24/2662/FUL.

We fully support this application as it provides a facility for Honiton Youth FC to use and will be an asset for all the community. It satisfies most requirements of the East Devon Local Plan. It is easily accessible, children will easily be able to walk or cycle to the College and is served by Public Transport, satisfying Strategy 5B. It will be available to use all year round including evenings in the autumn and winter because the proposal includes floodlighting and the application states it will also be available for Community organisations to use. It is also not in an AONB and is also within the Built Up Area of Honiton.

None of this is true for Honiton Youth FC's application.

**23.05.24**

Offwell Parish Council resolved at a meeting on the 22<sup>nd</sup> May 2024 to object to Planning Application 24/0841/MFUL on the following grounds: \_

Offwell Parish Council notes that while this is in the Honiton area, it is on the border of Offwell Parish Council and residents affected by this proposed development are mainly in Offwell Parish Council, not Honiton. In addition Offwell Parish Council was not consulted or invited to the meetings mentioned in Section 6, Statement of Community Involvement, of the Detailed Planning Application, nor was it aware of these meetings.

Para 7.25 of the Detailed Planning Application makes no mention of the closest properties by road, namely Colwell House, whose entrance is opposite the site, Highlands which is a short way along Tower Road or Cuckoo Down House located on Cuckoo Down Lane and is The School of Art and Well Being. These properties are the most severely affected by this proposal as well as the other residents of Tower Road. None have been consulted by Honiton Youth FC about this proposal.

### **EDDC Honiton Pitch Strategy 2017**

This 46 page comprehensive document plus 8 appendices and 6 other documents has been adopted by EDDC after recommendation by the Strategic Planning Committee.

It looked at various locations within the boundaries of Honiton and examines each in turn against a strict methodology and reaches a conclusion for each location.

The documents entitled "Planning Statement and Statement of Community Involvement", Para 1.5, prepared by Grassroots Planning, the "Design and Access Statement" prepared by MCA Architecture and the Transport Statement, Para 3.4, selectively quote from the Honiton Sports Pitch Strategy. They neglect to state the conclusion reached for the site called Tower Hill.

The conclusions were;

#### **Paragraph 2E.15**

***The above assessment clearly shows how development of sports facilities at Tower Hill would be contrary to multiple policies of the Local Plan. The lack of accessibility by sustainable means, potential impact on the local road networks and significant anticipated impact on the landscape and AONB make the site wholly inappropriate for sports pitch delivery. Considering the alternative options that are assessed in this report it is therefore not an appropriate site to take sports pitch development.***

#### **Recommendation**

***Paragraph 2E.16 No sports pitches should be delivered on this site.***

***Paragraph 2E.71 The owners of Tower Hill (H2) have stated that they would be willing to sell their land, however the above assessment clearly shows that delivering sports pitches in this location would be unsuitable and unsustainable.***

Having reviewed the East Devon Local Plan 2013 to 2031, we believe the following policies and strategies are contravened;

**Policy RC2 - New Open Space, Sports Facilities and Parks**

**Policy RC4 - Recreation Facilities in the Countryside and on the Coast**

**Policy RC5 - Community Buildings**

**Policy RC6 - Local Community Facilities**

**Strategy 3 - Sustainable Development**

**Strategy 5 - Environment.** We note that the applicant claims a Biodiversity Net Gain, however other elements of this strategy are not complied with.

**Strategy 5B - Sustainable Transport**

**Strategy 7 - Development in the Countryside**

**Strategy 46 - Landscape Conservation and Enhancement and AONBs**

**Policy D3 - Trees and Development Sites.** We note the applicant claims compliance but it certainly does not improve the existing habitat.

**Policy EN7 - Proposals Affecting Sites which may potentially be of Archaeological**

**Importance.** Please see the Devon County Archaeologist's comment.

**Policy EN14 - Control of Pollution Policy EN18 - Maintenance of Water Quality and Quantity**

**Policy TC2 - Accessibility of New Development**

**Policy TC9 - Parking Provision in New Development**

## **Water Supply**

The Design and Access Statement says that the proposed development will be "off-grid" and proposes a bore hole water supply.

The closest neighbour to the proposed site draws its water from a spring on their land which is directly opposite the site. They are concerned that drilling a bore hole could adversely affect their water supply. They also supply the Honiton Golf course with water, used to irrigate their greens.

There has been no calculation provided to show how much water would be used.

The Aquifer that is going to be tapped into might supply the farms on both sides of the ridge too.

What is the impact on them? The spring they use is the source of the River Coly via Offwell Brook. They have noticed over the years that the flow rate has changed dramatically.

**No geological/ecological/environmental survey has been supplied as to the feasibility of tapping into this aquifer.**

As a note, the Animal Collection Centre tried to drill a bore hole which failed and it had to be connected to the local reservoir. Local residents are concerned that if connection to the local reservoir was required that water pressure, which is already low, would be adversely affected.

## Comments on Transport Statement

The Transport Statement says that Tower Road has a variable width of between 4.4 - 5.3m and has a number of formal and informal passing places.

This is incorrect.

Offwell Parish Council has previously conducted a road width survey in response to Planning Application 21/1798/FUL which was conducted by a retired Highways Engineer. This survey found that the road width varied between 3.8 - 5.8m, 6.5m in one location, and had 4 pinch points where 2 cars would have problems passing. There is a further pinch point near where Tower Road meets Northleigh Hill Road. In addition, there are three 90 degree bends.

The Transport Statement also says that *'Tower Road carries low volumes of vehicle traffic and is predominately used by locals travelling to the villages of Northleigh and Farway via unclassified roads'*.

It provides no evidence for this statement. In fact it is used by many large agricultural vehicles in addition to vehicles travelling to Seaton and Sidmouth areas via Farway Common Road and vehicles travelling to Honiton Golf Club.

Offwell Parish Council has previously conducted a vehicle traffic survey in response to Planning Application Number 21/1798FUL. This was conducted by local residents and during weekdays.

This survey found that there was an average of 53 vehicle movements per hour during weekdays. Though it was not conducted at weekends or evenings, weekend traffic would be approximately the same and possibly more.

The table supplied for Trip Generation at weekends show that between 9:30 and 10:00 there would be an additional 52 vehicle movements. However, this is based on the assumption that car sharing takes place. Car sharing cannot be imposed and the worst case scenario, where no car sharing occurs, must be considered. Based on the numbers given in Figure 11 this would mean there would be 100 children at the site. This would mean an additional 200 vehicle movements assuming all parents stayed for the games. If all children were dropped off then that number would double to 400 vehicle movements.

The Transport Statement also states that it will instruct visiting teams to access the site via the A35 and Tower Road. We would suggest that visiting teams will just enter the postcode into SatNav which would potential direct them via Lower Marl pits Hill being the shorter route.

In order to try and comply with EDLP Strategy 5B, the Transport Statement has a section on Walking and Cycling Provision. It indicates a cycle path via the church yard of St Michaels Church, then up Lower Marl pits Hill and then onto Cuckoo Down Lane.

We contend that this is a dangerous route. The exit from St Michaels Church churchyard has poor visibility being very close to the bends at the bottom of Lower Marl pits Hill. The exit from Cuckoo Down Lane also has poor visibility turning back on to Lower Marl pits Hill.

A more detailed critique of the Transport Statement is attached as an addendum.

### **Bat Activity Survey and Dormouse Survey**

We welcome the fact that a Bat Survey has been conducted, but this has issues of concern. For example, the largest number of detections were for the common pipistrelle at locations Static 3 and Static 1. These are located at the boundary with Honiton Golf Club.

The Drawing titled “Proposed Site Plan” shows a “Golf Ball Netting Protection TBC with Golf Club”.

This is understandable as they don’t want Golf Balls flying over and hitting the children.

However, this is exactly where the highest number of Bats were detected.

Surely, there is a high probability of bats becoming entangled in this netting.

In addition, the same would apply to birds.

We also note that no nesting bird survey has been conducted.

We also welcome the fact that a Dormouse Survey has been conducted.

The conclusion is very clear; *“Taking into consideration the desk study and sight survey findings, this report concludes that the proposed development will result in impacts on dormice”*.

In addition, no Owl Survey has been undertaken. Local residents can testify to the large number of owls in the area and we believe this should also be undertaken.

A final point is that both during the construction phase and when the proposed pitches are being used due to the noise generated during the games and training sessions, all wildlife will be displaced from the area.

**All these points contravene Strategy 5 of the EDLP. Also the proposed removal of Hedgerows labelled H2 and H6 contravenes Policy D3 and Strategies 3, 5 and 6 of the EDLP, although some mitigation measures are proposed.**

### **Opening Hours**

Para 3.6 of the Planning Statement and Statement of Community Involvement states Monday to Sunday 8am to 8pm.

Why?

During school term time, it will only be necessary to open in the evenings. The documents including the Transport Statement only provide details for evenings and Saturdays during the football season, August to May. No mention is made of usage during school holidays or use during the summer holidays when we understand ‘Football Festivals’ take place.

### **Clubhouse Drainage, Sewage Treatment, Rainwater Harvesting, Foul Drainage**

Offwell Parish Council has grave concerns over these proposals that could affect the roadside ditches, local aquifers and various drawings, eg Drawing 067/012 A, indicate ‘Issues’ which will feed into the Coly Valley and River Coly.



DCC Flood Risk SuDS Consultation also has concerns and currently objects.

### **Devon Wildlife Trust**

They objected to the previously withdrawn application and we note that they have not been consulted this time. The applicant has supplied a BIODIVERSITY NET GAIN DESIGN STAGE REPORT. We are not qualified to comment on this however we cannot see any reference to compliance with paragraphs 174d and 180d of the National Planning Policy Framework or the requirements of paragraph 99 of the ODPM Circular 06/2005 Biodiversity and Geological Conservation. Devon Wildlife Trust needs to be consulted.

### **Devon County Archaeologist**

He recommends a "Written Scheme of Investigation (WSI)" due to the potential to expose and destroy archaeological and artifactual deposits due to evidence of prehistoric cremations and iron ore extraction from Roman to Medieval times. In addition the Ecological Appraisal states there is a Bronze Age burial field adjacent to the site (in the golf course woods).

Policy EN7 clearly states **"When considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken"**

No such document has been supplied.

### **Inconsistencies in Statements in Documents**

1. Para 7.30 of the "Planning Statement and Statement of Community Involvement" states *"The new facility will provide greater opportunities not just for the club for the wider community who will be able to use the facility all-year around, for longer periods of time, without the usual wear and tear that is associated with the current overused grass pitches."*

The "Design and Access Statement" prepared by MCA Architecture makes a similar statement. However, Para 11.6 of the Transport Statement states *"There is no current intention for the clubhouse facilities to be used for community use, or anything other than intended use."* **Which is it?**

2. The "Design and Access Statement" prepared by MCA Architecture states "would be suitable for 8 pitches". However, other documents and drawings state 6 pitches. **Which is it?**

3. The “Design and Access Statement” prepared by MCA Architecture talks about a phased approach to the development with the pitches being constructed first and the rest to be constructed as additional funding is achieved. We can’t find further reference to this.

**If this is true where do all the cars park while sufficient funding is achieved? There wouldn’t be any changing rooms or toilet facilities.**

4. Para 11.4 of the Transport Statement states “it is likely that some players will be dropped off by parents who then do not stay for the game.”. However, Para 11.8 states *“The Charity is hoping to build a suitable clubhouse for the facility which would offer refreshments and create a social environment. This may result in players and visitors remaining on the site to make use of the facilities.....”*. Figures 11 and 12 show there are minimal numbers of spectators, but the number of parking spaces would be 46 on a Saturday morning.  
**The two statements are not consistent.**

### **Supporting Comments**

None of the Supporting Comments by members of the public address the fact of Tower Road being a suitable location. We suspect that any application, no matter its location, would receive the same support as there is a need for Honiton Youth FC to have a better home.

However, the issue is the site suitable or not?

### **Other Concerns**

The sub-soil of the proposed site is heavy clay and there is a lot of run-off from the fields which can become waterlogged. Cuckoo Down Lane and Marlpits Hill are awash in heavy rain, with a strong enough flow to open up potholes and wash stones and debris down the hill.

There would have to be extensive earth removal to create the proposed pitches. Where would this be removed to? While this was being done, soil and clay would be brought onto Tower Road causing it to be dangerous and eventually washing off into the road side ditches.

We are also concerned that the additional drainage required to create the pitches would result in these road side ditches being overwhelmed.

In the winter months, even up to May and beyond, the area can be shrouded in thick cloud while Honiton town is clear. This would prevent any play as visibility would be less than a length of a football pitch.

Security. There seems to be no indication of how the site will be secured when not in use. What measures are there to prevent anybody using the pitches for a “kickaround” at any time when not being used?

Lighting. Although the application says “No lighting will be placed on the proposed football pitches” (Para 7.20 of Planning Statement and Statement of Community Involvement), this would make the pitches unusable for evening practice sessions

during the winter months from late October to March. Therefore why the need to stay open to 8pm? One of the primary aims of an AONB is the conservation and enhancement of the natural beauty incorporating matters of tranquillity, dark skies, wildlife impact and landscape character. Any future application to provide football pitch lighting should be refused.

## **Conclusion**

While the Parish Council recognise the need for the provision of facilities for youth football, the Tower Road location is totally unsuitable and inappropriate for the location of sports pitches. In addition, it is unsustainable and does not comply with many policies and strategies of the East Devon Local Plan.

The proposed development is located in the open countryside designated as an Area of Outstanding Natural Beauty and would represent an alien intrusion into the countryside to the detriment of the natural beauty of this underdeveloped part of the AONB.

Local residents have indicated to the Parish Council that they would consider legal action should EDDC Planning approve this application as so many Policies and Strategies of the EDLP are not complied with.

We would also like to state that we consider this matter to be a failure by EDDC to work with Honiton Town Youth FC to find a suitable location or locations within the Built Up Area of Honiton rather than let them try and find a location which in this case we consider to be wholly unsuitable. EDDC needs to be proactive in working with community groups rather than have them waste a lot of time and money on abortive planning applications.

We urge that this application be refused.

The separate detailed critique of the Transport Statement is attached as an addendum to this objection.

## **Detailed Critique of the Transport Statement**

The following is a critique of the Transport Statement (TS) which the applicants submitted in support of the planning application 24/0841/MFUL. This critique document is an addendum to and forms part of Offwell Parish Council's objection to Planning application 24//0841/MFUL.

The paragraph numbers referred to are to be found in the TS unless otherwise noted.

## **3 POLICY CONTEXT**

To begin with Para. 3.2 of the TS refers to the National Policy Framework (NPPF), the paragraph quoted is not 115 but 111.

There are other paragraphs in the NPPF which are salient to this application but not referred to in the TS, the following are extracts from the NPPF should also have been considered and satisfied.

NPPF 109 “..... significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”

NPPF 110 “Planning policies should.....d) provide an attractive and well-designed walking and cycling network.....”

NPPF 114 b) “safe and suitable access to the site can be achieved by all users.....”

NPPF 115 “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe”.

NPPF 116 a) “... give priority first to the pedestrians and cycle movements both within the scheme and the neighbouring areas and second, so far as reasonably possible, to facilitate access to high quality public transport”.

Para 3.3 refers to Policy 98 of the EDDC Emerging Local Plan which also puts “a particular emphasis attached to ensuring safe pedestrian and bicycle accessibility.”

**None of the above requirements have been addressed or satisfied in the TS.**

The only consideration to a safe route for pedestrians is within the site and the St Michaels church yard. There are no proposals to construct improvements to the public highway to facilitate safe passage.

Para 3.5 The alternative access route runs through the St Michaels church yard and directs pedestrians or cyclists back to the public highway on a double bend with high hedges, no refuge for pedestrians and insufficient visibility on a 60mph road.

## **5. MEANS OF ACCESS**

Para 5.3 Figures 3 and 4 are photographs taken from the edge of the road, which is misleading, the accepted point from which visibility is determined is 2.4m back from the edge of the carriageway or 2m in lightly trafficked areas.

Para 5.4 suggests minimal adjustment will need to be made to ensure visibility and Fig 2 includes visibility sight lines for the entrance. The southwest visibility line runs to the channel on the far side of the road whereas visibility has to be provided to the nearside channel. To provide sufficient visibility a considerable length of Devon hedge bank will need to be reduced in height to 600mm above road level in order to comply with modern requirements. The sight line to the northeast extends to the pinch point at the entrance to Colwell House a blind spot on this approach in Tower Road.

Para 5.5 Cuckoo Down Lane is a narrow single-track road with no verges between Lower Marl pits Hill and the proposed entrance to the site. There is no room for the creation of a drop off point and only one passing place above the pedestrian entrance to the site. One end of Cuckoo Down Lane leads onto Tower Road and the other to Lower

Marlpits Hill both at blind bends with negligible visibility. Not an ideal route to encourage more vehicles to emerge from what is little more than an agricultural track with a width restriction.

## 6 VEHICLE ACCESS ARRANGEMENTS

Para 6.1 Tower Road is a local distributor road with a national speed limit, traffic includes a good proportion of large agricultural vehicles, bulk tankers and HGV's gaining access to the coast from the A35 trunk road.

Para 6.3 The road varies in width from 3.8m to a maximum of 6.5m in one location, from the A35 to the proposed site there are four pinch points, at the garden centre 4.0m, at the Old Coach House 4.4m, at Holmelea House 4.3m, at Spring Field Farm 3.9m and at the entrance to Colwell House 3.6m. There are 20 entrances to fields and private properties 15 of which have insufficient visibility. It does not accommodate two-way traffic in both directions.

Para 6.4 There are only two formal passing bays in the 2km long Tower Road and the informal passing bays referred to are private driveways.

Para 6.5 If it is to be believed that Tower Road carries low volumes of traffic then the effect of 52 vehicles in a half hour period every weekend would be significant.

Para 6.6 The proposal that local and visiting teams would be directed off the A35 at Tower Cross is at odds with the response from National Highways dated February 2024 which states that *"it is considered that the majority of associated traffic.....will remain largely contained to the local highway network."*

Para 6.7 Is at odds with 6.6, will local teams gain access by the A35 or not?

Para 6.8 The submitted planning application form states that the facility will be open from 8am to 8pm every day of the week including bank holidays and other subject matter indicates that the organisation wish to encourage the use of the club house to other associations in the area, therefore it is impossible to state that travel *"will be outside the normal highway peaks"*

## 7 ACCIDENT DATA

This Chapter makes no reference to accident statistics on the A35. Para 11.19 states that both teams will arrive from the A35, the predicted car use in Fig 11 shows 52 vehicle movements in a half hour period. This will inevitably lead to tail backs on the trunk road in all probability back to the sharp bend, known as Devils Elbow, immediately before Tower Cross. An accident waiting to happen.

## 8 WALKING AND CYCLING PROVISION

Comments on the use of St Michaels church yard have already been discussed in this document see Para's 3.3 and 3.5 above although it is unclear how the Sports Association will ensure that children use this route. Beyond the exit ramp from the graveyard Lower Marl pits Hill rises at a gradient of 14% up to the junction of Cuckoo Down Lane. There are no footways on this section of road with a national speed limit, a rough verge exists adjacent to the farm access, but children will need to cross Lower Marl pits Hill to Cuckoo Down Lane at a point near the blind double bend above Stoney Lane. To reiterate, Cuckoo Down Lane also has no verges on which to walk.

The corollary of the foregoing is that, for reasons of safety, parents will surely deliver their children to the site by private transport as no public transport exists. This, of course is contrary to the Standing advice to the local planning authority, an excerpt of this can be found in the response from National Highways response, which reads.

*"The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this, with paragraphs 74 and 109*

*prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.”*

**EDDC planners must take note of this National requirement.**

## **9 PUBLIC TRANSPORT PROVISION**

None exists or will ever likely to be in the future.

## **10 PARKING PROVISION**

Given the foregoing comments and the experience of the local inhabitants of Ottery Moor Lane, the current site, it is debatable whether parking for 52 vehicles will be adequate and there are no parking places for mini buses or coaches, where will the latter park after the drop off? Additionally there is no allowance for segregation of delivery lorries or refuse vehicles from the private parking spaces.

There is no provision for a drop off point but more importantly a collection point, unlike the wide Ottery Moor Lane, Tower Road will become blocked with vehicles left parked whilst parents look for their children.

## **11 HIGHWAY IMPACT**

Para 11.2 No opportunities exist for sustainable transport.

The impact of traffic through matches will “*only occur*” on Saturdays from August to May ie 10 months of the year and in evenings from April to October ie 7 months of the year. This impact is in addition to the training events, as previously stated the planning form notes 8am to 8pm every day of the year.

Para 11.3 It is questionable whether one parent will generally transport two to three additional players to each event ie four children in total, but this assumption is used in Figs 11 and 12 and used to determine the parking requirement.

Fig 12 shows hours of use which are incorrect. The final two columns should be headed 7.30pm and 8.00pm. Has the same care been taken in generating the figures in the table?

Para 11.16 Whilst the current intention is to limit the use of the club house to the football players other documents indicate that this may not be the final plan, if the proposal is passed by the planners this could be any day of the year.

## **12 CONCLUSIONS**

Para 12.1 The need to find a suitable youth football facility in Honiton is not in dispute. Traffic chaos is witnessed weekly by residents in Ottery Moor Lane despite the road being 7.3 to 8.5m wide with a footway and close connection to a bus service. Transferring this volume of traffic to a rural road would be catastrophic.

Para 12.2 The foregoing has demonstrated that walking and cycling is not an option. The proposal does not remove the need to walk or cycle on Lower Marlpits Hill.

Para 12.3 The planning application notes that the development will be open 8am to 8pm everyday including bank holidays.

Para 12.4 How will the club intend to place limits on the arrival times of vehicles?

Para 12.5 There is enough evidence to show that if the guidelines of the NPPF are followed the application should be refused both on the grounds of safety, sustainability and the impact on the road network.

### **Parish Council Conclusion**

**In conclusion it is the firm belief of the Parish Council that this application should fail on the following points:-**

**On the grounds of safety, the presence of unsupervised school children on a 60mph road with inadequate visibility, no footways and a 17% (1 in 6) gradient.**

**On the grounds of sustainability, there is no public transport in the vicinity of the proposed site.**

**On the grounds of impact on the road network, if passed, the facility will open 8am until 8pm every day of the year with no clear plan to control the passage of vehicles to and from the site.**

### **TECHNICAL CONSULTATIONS**

#### **DCC Flood Risk SuDS Consultation**

##### **09.10.25**

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has submitted the following additional information:

- (a) Clubhouse Drainage (Drawing No. 067 / 014F, Rev. -, dated May 2023),
- (b) Drainage Design (Drawing No. GMA0930.33-2, Rev. 3, dated 09th June 2025).

However, the applicant has not submitted any supporting greenfield runoff calculations or model output results to demonstrate how the attenuation storage is derived. We therefore are unable to carry out further review to the proposed drainage strategy.

The applicant shall also address the previous comments raised in the previous consultation response FRM/ED/0841/2024, dated 15th May 2024.

##### **15.05.24**

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all

aspects of the proposed surface water drainage management system have been considered.

**Observations:**

The applicant has submitted Preliminary Flood Risk Assessment and proposed drainage strategy ( dated March. 2023) to demonstrate the surface water management for the development site.

The applicant has proposed managing surface water from the clubhouse and parking area using a soakaway and rainwater harvester. Additionally, they proposed to manage surface water from the football pitches using filter drains before draining it into swales (detention basins), and then conveying it by field ditches.

In accordance with the hierarchy of drainage solutions, infiltration must first be explored as a means of surface water drainage management. Discharging the surface water runoff from this site to a watercourse will only be permitted once the applicant has submitted evidence which adequately demonstrates that infiltration is not a viable means of surface water management on this site (e.g. results of percolation testing conducted in accordance with BRE Digest 365 Soakaway Design (2016)).

Following the update of the Flood Risk Assessments: Climate Change Allowances document in May 2022 by central government, the applicant will be required to use the new climate change uplift value when sizing the proposed surface water drainage management system for this development.

We only accept FEH rainfall for new applications in line with best practice. The FSR is based on a dataset from 1970s and is out-of-date.

The applicant should provide evidence to clarify why the football pitch's impermeability is 10%.

A maintenance schedule has been submitted. However, the applicant must also confirm who shall be responsible for maintaining the entire surface water drainage system.

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.

Devon County Archaeologist  
**07.05.24**

Application No. 24/0841/MFUL

Land West Of Tower Road And East Of Cuckoo Down Lane Honiton - Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works: Historic Environment



My ref: ARCH/DM/ED/39530a

I refer to the above application and your recent consultation. The proposed development lies in an area of known archaeological potential in a landscape where prehistoric cremations have been discovered and on the plateau where evidence for iron ore extraction may have taken place from the Roman through to the medieval period and may survive. As such, groundworks for the construction of the proposed pitches, drainage and clubhouse have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 211 of the National Planning Policy Framework (2023) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

#### Reason

'To comply with Paragraph 211 of the NPPF (2023), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with (i) an archaeological geophysical survey followed by (ii) the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Yours faithfully,

Stephen Reed  
Senior Historic Environment Officer

DCC - County Highway Authority

**19.05.24**

#### Observations:

I have visited the site and reviewed the planning documents.

This application was put forward to the County Highway Authority (CHA) initially as a pre-application enquiry, with our feedback the application is now put forward as a full application.

Though there are currently two accesses for the current site as an agricultural field, it is agreed that the most suitable, to need and visibility is a single two-way suitable access point to the west of the two existing access points, due to this point having sufficient visibility both ways of Tower Cross Road, with the visibility splay shown Figure 3 (north-east view) and Figure 4 (south-west view) of the Transport Assessment being acceptable.

Tower Road being the preferred routing option for vehicles has a number of passing places, though typical two-way traffic frequently passes simultaneously.

A second footway access leads to the Cuckoo down Lane/Lower Marl pits Hill cross-road, with this short stretch of lane facilitating a shared space road to Honiton itself.

The proposed development will mostly be utilised outside of daily peak travelling hours, therefore I do not believe trip generation intensification will be a problem.

The site layout allows for 52 suitable parking spaces and 4 suitable disabled spaces, should the application be approved, I recommend secure cycle storage to encourage sustainable travel and a Construction and Environment Management Plan, (CEMP), to help mitigate the effects of construction.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

EDDC District Ecologist

**14.11.25**

## **1 Review of submitted details**

### **Review of submitted details**

This report forms the EDDC Ecology response to the above application. It should be read in conjunction with the previous responses dated 07/06/2024, and 25/04/2025.

An updated Ecological Impact Appraisal (Quantock Ecology, September 2025), Biodiversity Net Gain Report (Quantock Ecology, September 2025) and an amended Statutory Biodiversity Metric (Quantock Ecology, September 2025) have been provided.

### ***Beer Quarry and Caves Special Area of Conservation (BQ&C SAC)***

The site is located within a Landscape Connectivity Zone for lesser horseshoe bats associated with Beer Quarry and Caves Special Area of Conservation (BQ&C SAC). Lesser horseshoe bats were recorded using the site and the development would result in the loss of hedgerow habitat.

The proposals do not include the provision of floodlighting and despite the proposed

hedgerow removal there is still potential landscape connectivity over the site for commuting lesser horseshoe bats. Despite potential lighting impacts from the proposed club house and habitat loss via hedgerow removal, this is considered unlikely to affect the favourable conservation status of lesser horseshoe bats associated with BQ&C SAC and as such the development has been screened out of an appropriate assessment. However, this decision would need to be reconsidered if any flood lighting is proposed in the future.

### ***Protected species***

Based on the submitted details, it is considered that mitigation measures for protected species including bats and dormice could be provided and are considered broadly acceptable, provided that outstanding concerns are addressed.

The updated ecological reports demonstrates efforts to compensate for habitat loss and enhance connectivity, with additional planting and hedgerow creation proposed. However, further clarification is required regarding the methodology for hedge translocation, the precise location and specification of new hedgerows, and the alignment of compensatory planting with Biodiversity Net Gain (BNG) proposals.

The development will require a European protected species licence for the proposed hedgerow removal and the habitat design will need to be improved in line with recommendations made by the landscape officer, given the site is located within a National Landscape.

Some additional measures to consider would be to create an area of mixed woody/scrub planting in the north-west part of the site and translocating the north-western hedge to the boundary of the pitch. Ideally, landscape connectivity should be maintained with the offsite hedgerows.

### ***Biodiversity Net Gain***

Several amendments to the metric and the Biodiversity Net Gain Report have been provided in response to previous EDDC comments. The final metric (including calculated values) and biodiversity gain plan will be dependent on a detailed landscaping plan and could not be finalised until such an approved plan was in place.

Some additional commentary in relation to post development BNG proposals is provided to assist the applicant. Should the application be minded for approval, the following matters will need to be addressed with the submission of the biodiversity gain plan.

1. Area habitat parcels shown in the post development plan(s) should be clearly identified with a reference number that is cross referenced with the habitat reference number column in the metric. This ensures accurate cross-referencing between the plans and the biodiversity metric.
2. The Proposed BNG Habitats (full site) Plan (Quantock Ecology, Sept 2025) includes an arable field which is not included in the metric; clarity is requested
3. Clarity and further details have not been provided regarding the creation/enhancement of hedgerows and how this contributes to additionality clearing showing the 10% BNG is above protected species compensation, i.e., in addition to bat and dormice compensation

It should be noted the submitted metric indicates the development would deliver just over 10% net gain for area and hedgerow habitats. Therefore, it is possible the final design may deliver less than this, e.g., once accounting for protected species compensation has been clarified, if additional woodland planting lowers the predicted BNG outcome. Any shortfall in BNG units could be purchased offsite, and the applicant should consider the potential costs of this if/when a detailed landscaping plan has been developed.

Applicants are reminded that, in accordance with Schedule 7A of the Town and Country Planning Act 1990, development **may not commence** until a Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority. The plan should align with the final BNG documentation, e.g., taking on board any required amendments to landscaping based on an approved plan, and demonstrate how a minimum 10% net gain will be achieved and maintained for 30 years, e.g., suitable legal agreements and control measures in place. As the proposed development would deliver significant onsite gains, the development would also be subject to a BNG monitoring contribution, which should also be considered .

## Conclusion and Recommendations

While there have been some concerns with ecological submission for this application, e.g., bat survey effort, and the development would result in the loss of historic hedgerows in a protected landscape with limited buffer zones, it is recognised that the applicant has positively engaged with the ecological assessment process, and the development would provide a much-needed community asset.

Should the application be minded for approval some key ecological requirements need to be embedded and secured including:

- No external floodlighting.
- Limited external lighting around the club house and a detailed lighting plan to demonstrate no lighting impact on nocturnal wildlife.
- Adequate compensatory habitat for hazel dormouse and European protected species licence.
- Appropriately detailed landscape and methodology design with mixture of trees, scrub, and translocated hedgerows maintaining and providing landscape connectivity.
- Appropriately detailed and secured ecological enhancement measures, such as bird/bat/insect bricks and reptile hibernacula.
- Suitable Biodiversity Net Gain (BNG) requirements including legally secured establishment and maintenance of BNG proposals.

The following conditions are recommended:

- No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.
  - a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- h) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- No lighting shall be installed on the site unless a detailed lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate, through appropriate Lux modelling and specification, that the proposed lighting will not result in adverse impacts on nocturnal wildlife, particularly bats and dormice, and shall be fully compliant with the most recent guidance from the Institution of Lighting Professionals (currently GN08/23: Bats and Artificial Lighting at Night).

Once approved, the lighting shall be installed and maintained strictly in accordance with the approved scheme. No variation shall take place without prior written consent from the Local Planning Authority.

- No hedgerow, tree, or scrub removal shall commence, until the Local Planning Authority has been provided with a copy of the dormouse mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. Any mitigation and compensation measures should be included within an agreed Landscape and Ecological Management Plan (LEMP) and Habitat Management and Monitoring Plan (HMMP), unless otherwise amended by Natural England.
- A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted BNG report (Quantock Ecology Ltd, September 2025), the approved Biodiversity Gain Plan, the approved

Landscape and Ecological Management Plan (LEMP), and approved hard and soft landscape plans and shall include the following:

- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
  - i. Existing trees and hedgerows/banks.
  - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
- g) The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks, dormouse nest boxes and other features, e.g., reptile hibernacula, to be shown clearly on accompanying plans.
- h) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- i) The monitoring methodology and frequency in respect of the created or enhanced habitat in accordance with EDDC guidance to be submitted to the local planning authority.
- j) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- k) The Plan shall also set out (where the results from monitoring show that its

conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

- 1.1. Notice in writing shall be given to the Council when the HMMP works have started.
- 1.2. No first use of the site shall take place until:
  - a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
  - b) Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.
- 1.3. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- 1.4. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with

Schedule 7A of the Town and Country Planning Act 1990 and is in accordance with Strategy

46 (Landscape Conservation and Enhancement and AONBs), Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14

(Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and National Planning Policy Framework (December 2024) paragraphs 187, 189, 190, 193, 195, and 198.

**25.04.25**

**1 Review of submitted details**

An updated Ecological Impact Appraisal (Quantock Ecology, February 2025) and an amended Statutory Biodiversity Metric (Quantock Ecology, January 2025) have been submitted in response to EDDC ecology comments (June 2024).



The updated documents partially address some of the consultee comments. However, the following matters raised still require addressing.

#### Beer Quarry and Caves Special Area of Conservation (BQ&C SAC)

The site is within a Landscape Connectivity Zone for lesser horseshoe bats and is near a Sustenance Zone for Bechstein's bats. Bat activity surveys have confirmed the presence of BQ&C qualifying bat species on the site.

A completed Beer Quarry and Caves SAC Shadow HRA document should be provided to give confidence in screening opinion and/or detail mitigation measures if a Stage 2/Appropriate Assessment is considered necessary.

#### Dormice

Previous recommendations requested by EDDC include: "Quantification of proposed dormouse compensation, to include length of hedge created, use of hedge translocation methodology, and consideration of additional planting, as recommended in the former correspondence".

This information has not been provided in the updated EclA and is required to determine whether the proposals are likely to provide adequate compensatory habitat for the loss of hedgerows on the site. There does not appear to be any additional scrub/woodland planting for dormice included and the EclA refers to a 'double hedgerow'. It is unclear whether this includes a new adjacent hedgerow with a bank or infill planting of the existing hedgerow.

#### Design and location of proposed hedgerows

The proposed species-rich hedgerows on the BNG proposed habitat plans do not correspond to the proposed site plan. The location of the proposed hedges appears to be bunded/graded areas/likely location of spectators.

The exact location and design specification of proposed newly created hedgerows are required to provide clarity on their position relative to the football pitches, including their design specification, e.g., construction of bank, plant species, size of buffer strips relative to the football pitches and runoff areas.

Bats Further expansion on the result and the limitations of the bat survey were requested, in particular how the modified survey was in accordance with Bat Survey Guideline and details of why the previous consultee recommendations were not followed. The updated EclA provides details of the bat survey undertaken in 2023 as previously provided in the Bat Activity Survey Report (January 2024) with no additional information provided. Survey limitations have been identified to include, 'this is due to the plans showing that most of the development would be some distance from most boundary hedgerows, where impacts from lighting can be mitigated easily'.

It also states: 'Current national guidance recommends seasonal survey efforts (Spring/Summer and Autumn) for any site providing a moderate or high habitat value

for bat activity. In this instance, surveys to date covered the periods July to September only'.

It should be noted that spring/summer/autumn static activity surveys are required for habitats of low suitability, with those considered of moderate to high suitability requiring monthly surveys (April - October).

In my view, there still lacks sufficient data to confidently assess and compare the importance or otherwise of the hedgerows used by commuting and foraging bats, given the survey effort undertaken. However, the bat survey results do indicate the site supports at least 11 species of bat, including Annex II greater horseshoe, barbastelle and lesser horseshoe bats. In this case, it must be assumed (in the absence of further detailed survey effort - see July 2024 response) that a precautionary impact assessment should be considered.

### Biodiversity Net Gain

Further information/amendments are required to address the following concerns:

- o Small woodland copse at the western end of hedgerow H2 separating it from H5 has not been recorded in the On-Site Habitat Baseline tab of the Metric, with no justification provided for its absence
- o Hedgerows - Baseline
  - o Several hedgerows are associated with a bank, in particular H2 and H8; they have not been categorised as such in the Metric
  - o Hedgerow H3 and H9 are associated with a ditch (adjacent to Tower Road and noted in section 3.1.2 of the EclA); they have not been categorised as such in the Metric
  - o Hedgerows - Post Development
    - o The removal of H2 - native species-rich hedgerow associated with a bank - will require the creation of a 'like for like or better' habitat. The current Metric, therefore, does not meet the trading rules (i.e. Rule 1 of the Statutory Metric User Guide)
    - o Clarity and further details have not been provided regarding the creation/enhancement of hedgerows and how this contributes to additionality clearing showing the 10% BNG is above protected species compensation, i.e., in addition to bat and dormice compensation
    - o It is unclear how the newly created species-rich hedgerows, proposed to be in 'good' condition can be achieved given their proximity to football fields and the associated human disturbance; native hedgerow in 'poor' condition would be more realistic.
  - o Other:
    - o Pedestrian/cycle access path/track through the proposed 'other neutral grassland' in the north-western field (indicated in Drg No 067/012.1A) has not been accounted for in the Metric nor in the BNG report.

### 2 Recommendations

I would maintain a holding objection to the application until the above information has been addressed.

## Key points to address

- o New and enhanced hedgerow habitat provision quantified and shown clearly on plans, including new hedgerow construction details.
- o Quantification of proposed dormouse compensation, to include length of hedge created, use of hedge translocation methodology, and consideration of additional planting, as recommended in the former correspondence.
- o Addressing the Biodiversity Net Gain (BNG) comments.
- o The EclA should provide specific measures to provide mitigation, compensation, and enhancement. For example, Section 6 still makes generic recommendations rather than what measures will be provided.

## Reason:

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on the integrity of Beer Quarry and Caves SAC or result in no adverse effect on protected and priority species and priority habitats and whether the biodiversity gain condition would be capable of being discharged. In absence of this information, the proposal is not in accordance with Policies EN5, and Strategy 47 of the East Devon Local Plan 2013 to 2031.

## 18.06.24

### 1 Introduction

This report forms the EDDC's Ecology response to the full application for the above site.

The report provides a review of ecology 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 Review of submitted details

#### Ecological Survey Reports

The application is supported by an Ecological Appraisal (Quantock Ecology, April 2023) informed by a biological records centre data search, and separate Bat Activity Survey report, Dormouse Survey report, and Biodiversity Net Gain (BNG) Design Stage report. The BNG assessment was undertaken using the Statutory Metric.

The survey reports indicate the site is used by foraging and commuting bats including Annex II greater horseshoe, barbastelle and lesser horseshoe bats, and nesting dormice. The EA report considers the site has high potential to support nesting birds with low habitat suitability for common reptiles, common amphibians and badgers.

The submitted reports make various recommendations but lack clarity in terms of consideration of the ecological impacts, and proposed mitigation, compensation, and enhancement measures. For example, the ecological appraisal lists several broad

recommendations stating these should be developed further and incorporated into the proposals; however, this has not been provided. The bat and dormouse reports make similar recommendations for mitigation but these lack sufficient details in terms of quantifying hedge loss in length or detailing habitat enhancement and creation.

## Habitats

The extended Phase 1 habitat survey was undertaken outside the optimal survey period in March 2023. A follow-up walkover survey to inform the BNG baseline condition of the site was undertaken in August 2023 which would cover the botanical survey period. However, there are discrepancies within these assessments. The ecological appraisal considers the lost habitats would be of a low impact. The site is predominantly arable cropland bounded by historic native banked hedgerows on all sides, with improved grassland. Arable crops are considered of local/low ecological value. However, the proposals include the removal of approximately 220 m of hedgerow (~ 160 m of H2 and ~ 60 m of H6 with a reduction of H3 and H9 to allow for visibility splay).

Banked native species-rich hedgerows are a habitat of principal importance under section 41 of the Natural Environment and Rural Communities Act (2006), a Devon Biodiversity Action Plan (DBAP) habitat, and considered 'Important' under the Hedgerow Regulations 1997. Hedges are considered of at least of County ecological value and the loss of approximately 220 m would result in a moderate adverse ecological impact.

The ecological appraisal report notes there is a small, semi-natural broadleaved woodland in the southwest corner of Field 2, however this was not taken into consideration within the BNG calculations (see below).

## Bats

The bat survey report states that the survey followed best practice guidance and provides a robust data set. It also notes that the site is in proximity to a Bechstein's bat sustenance zone associated with Beer Quarry and Caves (BQ&C) Special Area of Conservation (SAC).

The ecological appraisal report notes that the site, especially the hedgerows and considering the surrounding favourable bat habitat including large areas of woodland, offer suitable foraging and commuting habitat for bats. This report also recommends that some form of modified bat survey method be used given the lower value of arable habitat for bats, including the deployment of three bat detectors over the site which are moved around and no manual activity surveys.

The bat survey report considers that the site supports at least 11 species of bat, including Annex II greater horseshoe, barbastelle and lesser horseshoe bats. The methodology within the bat survey report differs to the proposed methodology in the ecological appraisal, only relying on two static detectors. The impact assessment considers that the site is not important for foraging and commuting bats and identified that the only significant commuting route identified was hedgerow 8 (H8).

Recommendations are made regarding proposed mitigation measures including provision of new hedgerows, creating a double hedgerow, infill planting, buffer strips, and recommended lighting measures, including the provision of a lighting plan in accordance with BCT/ILP (2023) Guidance Note 8.

From the bat survey report it is hard to determine how the methodology has followed best practice guidelines (Collins, 2016) and how meaningful quantified and qualitative assessments are made. No reference to the site being located within a lesser horseshoe bat landscape connectivity zone (LCZ) associated with BQ&C SAC is made, although it is noted in the ecological appraisal that the bat survey would also consider movements of horseshoe bat species.

The static bat detectors have moved around in each deployment phase with both hedgerows subject to removal (hedgerows H2 and H6) only being surveyed on one occasion each, one in early-September (H2) and one in late-October (H6).

Therefore, no seasonal assessment of their use by foraging and commuting bats can be understood, i.e., there is no spring or summer data to compare.

Without the support of manual bat activity surveys, consideration of bat activity indices, times of calls, and fixed static bat locations, the bat survey results do indicate the site is used by a high assemblage of bat species, including those associated with BQ&C SAC.

However, in my view, there lacks sufficient data to confidently assess and compare the importance or otherwise of the hedgerows used by commuting and foraging bats.

Reference to the proposed bat survey methodology was raised in the consultee response to the previous submitted application (ref: 23/0735/MFUL) which stated:

"Given the amount of proposed hedgerow removal and rural nature of the site I would recommend that the static bat activity survey should be supported by manual bat activity surveys to observe bats over the site to record commuting and foraging locations. The static bat detector locations should be fixed to compare bat activity over the site, including the two hedges proposed for removal."...

"As the site is located within a lesser horseshoe bat landscape connectivity zone it is also recommended that the Beer Quarry and Caves SAC Shadow HRA document be submitted with the application."

These recommendations have not been followed nor recognised in this new planning submission.

## Dormice

Dormice were confirmed as nesting on site (utilising footprint tunnels) on the southern hedgerow with trees (H8), which borders Honiton Golf Club. They are assumed to be in all suitable habitats including all hedges and the area of woodland within and surrounding the site.

The removal of approximately 220 m of hedgerows H2 and H6 will result in the direct habitat loss of dormouse foraging, nesting and hibernation habitat and could result in the killing or injury of dormice at the time of works. Their removal will require a European protected species licence (EPSL) from Natural England.

Mitigation and compensation proposed includes enhancing existing hedges through infill planting, provision of new hedges, and provision of 15 dormouse nest boxes. A new species-rich hedge is also proposed along the western boundary. The dormouse survey report notes there is scope to provide additional hedgerows along the northern sections of the site, and create a small, wooded area beyond the western boundary, but these measures are not included. Correspondence from the project ecologist notes:

"Based on a very rough calculation, it looks like you are removing approximately 220m of hedgerow and if we can replant as much as this as possible, it would be very beneficial..."

Another thing to consider is if we plant trees within the new hedgerows, this may help in terms of BNG and trying to show a net gain of 10%. However, removal of this much hedgerow will need some robust replacement habitat to achieve this."

As stated in the Natural England dormouse mitigation licence method statement (section E3.3) dormouse compensation measures are "expected to result in no net loss of dormouse habitat" and where no net loss is not proposed robust justification is required on how the favourable conservation status will be maintained.

.GOV guidance states the local planning authorities must be confident in determining whether Natural England will issue a licence before granting planning permission.

From the provided detailed, it is hard to determine whether sufficient mitigation in terms of habitat provision and management, e.g., as amount, type, and length of hedges created and enhanced are not detailed. Other best practice, such as hedgerow translocation, e.g., H6, planting on banks, and consideration of temporal establishment time of functional habitat are not provided. New hedges can take in excess of 10-years to become functional habitat, especially in consideration of replacing historic hedge banks.

### Biodiversity Net Gain

The submitted metric calculations quantify the proposal would result in an increase of 0.99 habitat units (10.47%) and an increase of 1.67 hedgerow units (11.19%) with trading rules satisfied.

There are some discrepancies between the ecological appraisal report and BNG report and submitted metric. The appraisal notes that hedgerows on site are all associated with a bank, and one at least appears to be associated with a ditch (H9 - refer to photo 10 within the ecological appraisal). All habitats within the metric are classified as cropland, although the ecological appraisal notes the presence of improved grassland and woodland on the site.

The removal of native species-rich hedgerows associated with a bank will require the creation of a 'like for like or better' habitat according to Rule 1 of the Statutory Biodiversity Metric User Guide; therefore, the trading rules have not been met. This is also reiterated within the Devon Planning Guidance for Biodiversity Compensation and Net Gain (February, 2024).

From Drawing No 067/012A, the exact location of the newly created hedgerows is unclear. Further clarity on their position relative to the football pitches including size of buffer strips relative to the football pitches and runoff areas is required.

The creation of 0.35ha of other neutral grassland and species-rich native hedgerow with trees would constitute significant onsite gain and would need to be legally secured with a section 106 (s106) agreement. A Habitat Management and Monitoring Plan would also be required describing how the created, retained (including the small woodland and retained hedgerows) and enhanced habitats on site will be managed and monitored for 30+ years. From the design and access statement, it notes that a 25-year lease has been agreed so there is some lack of clarity on whether the general biodiversity condition could be discharged for onsite habitat creation.

The BNG reports considers the Good Practice Principles for Development and in regard to principle 7 (Additionality), it states "Without the development and BNG input the site would remain as arable cropland".

.GOV guidance indicates that protected species compensation can count towards biodiversity net gain up to no net loss and at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation. The proposed hedgerow habitat creation would provide compensatory habitat for dormice and foraging and commuting bats, including those associated with Beer Q&C SAC. Therefore, it is not clear how additionally has been considered for hedgerow creation.

### 3 Recommendations

I would currently submit a holding objection to the application until the following information has been provided:

- o An ecological impact assessment (EclA) report detailing the ecological impacts, mitigation, compensation, and enhancement measures relevant to the scheme, clearly identifying the following:
  - o Information provided to quantify compensation and enhancement measures, so it is clear what is being provided and easily identifiable.
  - o Further expansion on the result and limitations of the bat survey, and where it is considered these are in accordance with survey guidelines reference to the relevant extracts as well as providing details why previous consultee recommendations were not followed.
  - o Quantification of proposed dormouse compensation, to include length of hedge created, use of hedge translocation methodology, and consideration of additional planting, as recommended in the former correspondence.
- o A completed the Beer Quarry and Caves SAC Shadow HRA document.
- o An updated biodiversity metric and report with appropriate categories applied to existing on-site area habitats and hedge types and a clear distinction of additionality, i.e., to demonstrate what is being provided is capable of achieving 10% BNG above protected species compensation, i.e., outside of bat and dormouse compensation.

- o Clarity that 30-year maintenance can be achieved on site.
- o Additional habitat creation and enhancement measures (if required).

Reason:

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on the integrity of Beer Quarry and Caves SAC or result in no adverse effect on protected and priority species and priority habitats and whether the biodiversity gain condition would be capable of being discharged.

In absence of this information, the proposal is not in accordance with Policies EN5, and Strategy 47 of the East Devon Local Plan 2013 to 2031.

#### Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. 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. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

#### EDDC Landscape Architect

### **14.10.25**

I have reviewed the latest amended details and additional details submitted with the above application against my previous comments dated 13 May 2025.

I note that location of the proposed package treatment plant and associated drainage runs are now included on the club house which appear to fit satisfactorily without adverse impact on existing trees, although no levels details are provided for it.

Other issues raised in my previous comments do not appear to have not been addressed. Should the application be approved these issues should be addressed by conditions as set out in my previous response notwithstanding the submitted details.

### **13.05.25**

#### **1 INTRODUCTION**

This report forms the EDDC's landscape response to amended details submitted in respect of 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 and previous landscape response dated June 2024.



### 3 REVIEW OF SUBMITTED DETAILS

#### 3.1 Amended site layout

There are a number of issues with the site layout which remain unsatisfactory, as follows:

- o The proposed footway to south side of the site entrance serves little purpose as there is no footway along Tower Lane for it to connect to and it would add an unnecessary urbanising element to the road frontage as well as creating a wider entrance. It should be omitted and the entrance width reduced accordingly.
- o Additional planting is required to help soften the graded embankments to the southeastern end of the pitches and along the Tower Road frontage.
- o The existing hedgebank that is to be removed, which runs across the proposed U15/U16 pitch, should be translocated to the northwestern end of the pitch.
- o Additional structure planting is required in accordance with the recommendations of the submitted LVIA. It is recommended that this should include native tree and scrub planting along the embankment to the southwest side of the mini soccer pitches and between the car park and proposed attenuation basin; to the northwest of the U17/18 pitch and northwest and southwest of the smaller attenuation basin to the northeast of the U15/16 pitch as well as the reinforcement of planting along the existing hedgebank to Tower Road.
- o The plan should indicate the location and extent of the proposed large sewage treatment plant, including route of outflow.
- o Due to a level difference of about 1.5-2m between the pitches and clubhouse a suitable ramp is required to provide access for wheelchair users between the two. Full details should be required by condition if the application is approved but, its location and connecting pavings should be added to the site layout.

#### 3.2 Materials (dwg. no. 067/016)

Proposed River Blue stonework to the main building frontage is not locally distinctive and should be changed to a locally sourced chert stone.

#### 3.3 Services

There are no convenient utilities connections in the vicinity of the site and the proposed scheme is based on an off-grid solution to services. It is not clear whether proposed p.v. arrays and borehole water supply can meet the requirements for power and water at the site and an assessment is required to demonstrate that proposed provision is adequate. A need for on-grid electricity or increased renewables provision could result in additional landscape and visual impact.

### 4 CONCLUSION AND RECOMMENDATIONS

#### 4.1 Acceptability of proposals

The proposals by their nature are more suited to an urban edge situation where they could be easily and sustainably accessed by their intended users, rather than in a relatively isolated and elevated location in the countryside within a nationally designated landscape.

The proposals would result in a loss of 290 metres of native hedge and would introduce built form, car parking and associated infrastructure into the site and associated intensive activities, the scale of which would have a localised urbanising effect. The proposed widening of the site access will open up views into the site from Tower Road in which the proposed car park, pavilion and pitches would be clearly visible. Tower Road is currently used for recreational access by walkers and cyclists and the increase in vehicular usage and site activity could have an impact on their enjoyment of its character, tranquillity and perceived safety.

As such the proposals as submitted could not be said to conserve natural beauty in accordance with NPPF para. 189 or the duty to further the special qualities of protected landscapes as required by Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA). To address these shortcomings amendments and clarifications are required to the submitted details as noted at section 3 above prior to determination of the application.

Subject to receiving satisfactory amendments as noted in section 3 above, and on the assumption that parking provision and planting mitigation will be adequate and floodlighting will not be required, the development is likely to give rise to some localised moderate and moderate-low adverse landscape and visual effects as identified in the submitted LVIA, which could be considered acceptable.

#### 4.2 Landscape conditions

Should acceptable amendments and clarifications be provided and the application be approved 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 for proposed walls, fencing, retaining structures, ramps, steps, pavings, kerbs and edgings, site furniture and signage.
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any steps, ramps and retaining walls.

d) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- o schedules of volumes for each material.
- o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- o identification of person responsible for supervising soil management.

e) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details

f) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- o Extent, ownership and responsibilities for management and maintenance.
- o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.

- o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- o Landscape and ecological aims and objectives for the site.
- o Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- o Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
  - o New trees, woodland areas, hedges and amenity planting areas.
  - o Grass and wildflower areas.
  - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
  - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
  - o Arrangements for Inspection and monitoring of the site and maintenance practices.
  - o Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

3) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

4) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping

scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

## **05.07.24**

### **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 SITE DESCRIPTION AND CONTEXT**

The site is situated on a narrow elevated plateau and comprises an L-shaped arrangement of two rectangular arable fields and the southern portion of a third. The ground is generally level but falls gently away from the middle of the site to the northwest and southeast towards the plateau edges. The fields are bounded by Devon hedgebanks. There are generally few hedgebank trees with the notable exception of the southwestern boundary which abuts Honiton golf club and which comprises a densely treed hedgeline that provides effective screening from the golf course, at least when vegetation is in leaf. Aside from the golf course, surrounding land use is generally mixed agricultural. Tower Road is a typically quiet and narrow Devon lane with hedgebanks, ditches and frequent mature oaks along much of its length and affords views into the site from a field gateway with potential for winter views into the site over/ through the roadside hedgebank.

Notwithstanding the adjacent golf club, the site and surrounding landscape are in good condition with few modern influences present and contribute positively to local landscape character.

Potential views into the site from the wider landscape are generally well screened by intervening vegetation, although there are long distance views from the northwestern end of the site to St Cyres Hill, Dumpdon Hill and Hembury Fort in the Blackdown Hills National Landscape. Due to their distances from the site and location of the most intrusive elements of the development at its southeastern end it is unlikely that there will be noticeable effects on visual receptors at these locations. Consequently, visual receptors are likely to be limited to walkers, cyclists and motorists travelling along Tower Hill Road past the southeastern site boundary and users of the golf club in the vicinity of the southwestern boundary.

The site falls within the East Devon National Landscape where, in accordance with the NPPF para. 182, great weight should be given to conserving and enhancing landscape and scenic beauty. Cuckoo Down Lane 180m to the northwest forms the boundary with the Blackdown Hills National Landscape.

### 3 REVIEW OF SUBMITTED DETAILS

#### 3.1 *Landscape and Visual Appraisal (LVA)*

The findings of the LVA that the scheme will give rise to moderate adverse landscape effects on completion reducing to moderate-minor adverse at year 15 and localised moderate to minor visual effects along the frontage of Tower Road on completion reducing to minor adverse at year 15 are generally accepted.

The LVA should have considered potential secondary effects arising from increased traffic on Tower Road and potential parking overspill both of which could result in damage to verges and hedgebanks and some loss of tranquillity.

It is noted in the LVA that the proposals do not include floodlighting. If floodlighting was required in the future, the effects in this sensitive, elevated location could be significant over a wide area.

The LVA makes recommendations for mitigation planting to compensate for hedgerow loss and improve screening of the development but there is no indication on the site plan or other supporting documents of the extent and nature of this and a landscape strategy plan should be provided prior to determination.

#### 3.2 *Tree survey*

The tree survey findings indicate that impacts on tree root RPAs will be minimal due to the fact that past ploughing will have reduced the presence of surface roots within the field area.

#### 3.3 *Site layout*

The layout of the pitches is heavily constrained by the existing field boundaries and there is little scope for alternative layout. The layout entails the removal of two sections of existing hedgebank totalling some 280m in length. The site layout plan should clearly indicate the extent of vegetation removals including to accommodate visibility splays.

The layout of the car park and hard pavings around the building and site entrance is considered unsatisfactory and there is opportunity for improvement particularly through the following measures:

- The proposed footway to south side of the site entrance serves little purpose as there is no footway along Tower Lane for it to connect to and would add an unnecessary urbanising element to the road frontage as well as creating a wider entrance. It should be omitted and the entrance width reduced accordingly.
- A direct pedestrian access route should be provided between the parking bays along the southeastern frontage of the proposed building to its main entrance.
- Additional planting is required to help soften the graded embankments to the southeastern end of the pitches and along the Tower Road frontage.
- The existing hedgebank that is to be removed, which runs across the proposed U15/U16 pitch, should be translocated to the northwestern end of the pitch.

The need for ball-stop fencing along the golf course boundary is questioned given the density of the existing boundary vegetation. However, if required, its proposed line should be clearly indicated on the site plan so that its potential impact on trees and bat foraging/ commuting can be assessed.

Amended details covering the above points should be provided prior to determination of the application.

### *3.4 Pedestrian access 067/012.1*

In addition to the proposed path the drawing should be amended to show proposed planting in the area to the northwest of the U15/U16 pitch.

### *3.6 Materials (dwg. no. 067/016)*

Proposed River Blue stonework to the main building frontage is not locally distinctive and should be changed to a locally sourced chert stone.

### *3.7 Services*

There are no convenient utilities connections in the vicinity of the site and the proposed scheme is based on an off-grid solution to services. It is not clear whether proposed p.v. arrays and borehole water supply can meet the requirements for power and water at the site and an assessment is required to demonstrate that proposed provision is adequate. A need for on-grid electricity or increased renewables provision could result in additional landscape and visual impact.

## **4 CONCLUSION AND RECOMMENDATIONS**

### *4.1 Acceptability of proposals*

The proposals by their nature are more suited to an urban edge situation where they could be easily and sustainably accessed by their intended users rather than in a relatively isolated location in the countryside within a nationally designated landscape.

The proposals would introduce built form, car parking and associated infrastructure into the site and associated intensive activities, the scale of which would have a localised urbanising effect. The proposed widening of the site access will open up views into the site from Tower Road in which the proposed car park, pavilion and pitches would be visible. Tower Road is currently used for recreational access by walkers and cyclists and the increase in vehicular usage and site activity could have an impact on their enjoyment of its character, tranquillity and perceived safety. Amendments and clarifications are required to the submitted details as noted at section 3 above prior to determination of the application.

On the basis of the submitted details and assumption that parking provision and planting mitigation will be adequate and floodlighting will not be required, the development is likely to give rise to some localised moderate and moderate-low adverse landscape and visual effects as identified in the submitted LVIA, which could be considered acceptable.

### *4.2 Landscape conditions*

Should acceptable amendments and clarifications be provided and the application be approved 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 for proposed walls, fencing, retaining structures, pavings, kerbs and edgings, site furniture and signage.

- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.

- c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any steps, ramps and retaining walls.
- d) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:

- *a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.*
- *methods for stripping, stockpiling, re-spreading and ameliorating the soils.*
- *location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).*
- *schedules of volumes for each material.*
- *expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.*
- *identification of person responsible for supervising soil management.*

- e) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details

- f) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.



- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
  - New trees, woodland areas, hedges and amenity planting areas.
  - Grass and wildflower areas.
  - Biodiversity features - hibernaculae, bat/ bird boxes etc.
  - Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

3) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

4) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2

(Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before

development starts to ensure that it properly integrates into the development from an early stage.)

## EDDC Trees

### **13.03.25**

A comparison of the amended proposed site layout and original layout appears to show that that will be no further impacts on the retained trees and therefore are no arb concerns raised.

### **14.05.24**

The proposal is supported by an Arb Report provided by Advanced Arb dated 12th May 2023. The report includes a tree survey, AIA, TCP, TPP and AMS. A pre app site visit was undertaken with the Arb consultant. As described within the report, the rooting environment is considered to be restricted due to historical ploughing of the fields. Therefore the RPA of the trees on site are likely to be offset, which in this case 'benefits' the proposal as the rooting environment of the trees are unlikely to be compromised by the proposal. Therefore there are no arb objection to the proposal. I recommend the following condition:

a) Prior to commencement of any works on site (including demolition), the Tree Protection measures shall be carried out as detailed within the Arboricultural Report and Arboricultural Method Statement submitted by Advanced Arboriculture on the 12th May 2023. All works shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority.

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction 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 D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

EDDC Senior Leisure Officer

**19.09.25**

Thank you Charlie for the opportunity to feedback on this application for grass pitches on the Tower Hill site outside the town of Honiton. As Leisure Manager for East Devon, I raise no objection to the application.

I support it for the following reasons

The summary for East Devon District as a whole shows the current supply and demand analysis for grass football pitches based on current projections across key themes of Quantity, Quality and Accessibility. This is across a large rural district so further insights are provided at Sub Area level and currently work is also being completed to update at Town level including Honiton.

| Facility Type                                                                                    | Quantity Assessment<br>Current / Future                                                                                                                                                                           | Quality Assessment<br>Poor / Good / Excellent                                                     | Accessibility Assessment<br>Poor / Good / Excellent                                                                 | Provision Needs<br>Short / Medium / Long term                                                                                                              |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Football - Grass Pitches</b><br><br>There are 108 grass football pitches across 59 sites that | <ul style="list-style-type: none"> <li>There is currently spare capacity on adult 11v11, 9v9, 7v7 and 5v5 pitches in East Devon.</li> <li>There is a large deficit of -9.5 MES on youth 11v11 pitches.</li> </ul> | <ul style="list-style-type: none"> <li>57% of pitches rated good</li> <li>20% standard</li> </ul> | 89.5% of pitches available to the community have long term security of tenure<br><br>(This analysis includes use of | Focus on increased access to all grass pitch types, with a focus on youth 11v11.<br><br>Increased access to 3G pitches will also help ease capacity issues |

|                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                          |                                                                                        |                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| are available for community use.<br><br>292 teams from 46 clubs are identified as playing within East Devon across all age groups | <b>Current:</b> <ul style="list-style-type: none"> <li>Adult – +7 MES</li> <li>Youth 11v11 - - 9.5 MES</li> <li>9v9 - +2.5 MES</li> <li>7v7 - +7 MES</li> <li>5v5 - +1.5 MES</li> </ul> <b>Future:</b> <ul style="list-style-type: none"> <li>Adult - - 1.5 MES</li> <li>Youth 11v11 - - 20 MES</li> <li>9v9 - - 6.5 MES</li> <li>7v7 - - 2.5 MES</li> <li>5v5 - - 10 MES</li> </ul> | <ul style="list-style-type: none"> <li>23% poor quality</li> <li>Quality issues spread across the study area.</li> </ul> | St Rita's Playing Fields which do not at present have longer term security of tenure). | <b>Explanation Note:</b><br><br>MES = Match Equivalent Sessions<br>Focus on space capacity at peak times<br><br>Adult = 7 peak time slots available<br>Youth = 9.5 lack of peak time slots available |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Honiton also sites right on the border of the central sub area where grass pitch deficits are also present.

#### East Sub Region (including Honiton)

| Pitch Type  | Current Capacity (MES) | Future Capacity (MES) |
|-------------|------------------------|-----------------------|
| Adult 11v11 | +6                     | +3.5                  |
| Youth 11v11 | -2                     | -5.5                  |
| 9v9         | +1.5                   | 0                     |
| 7v7         | +0.5                   | -1                    |
| 5v5         | 0                      | -2.5                  |

\* MES = Match Equivalent Sessions (Focus on space capacity at peak times)

The FF and Devon FA are actively engaged with the applicant and are fully supportive of the proposals and believe they are essential for the continuation, sustainability and growth of football in the Honiton area. This is referenced in the latest Football Facility Plan for East Devon that was completed in May 2025.

- [East Devon Executive summary](#)

I refer in particular to Page 6 of the Plan – No 8 Grass Pitches (Tower Road)

- [East Devon Local Football Facility Plan](#)

It does re-enforce the comments made by Sport England back in May 2024 and subsequent email 26 February 2025 which references the currently adopted Playing Pitch Strategy from 2015

[adopted-east-devon-pps-2015.pdf](#)

(See Pages 32 and Page 73)

“The PPS has specific action plans regarding Honiton Development Trust’s Tower Hill proposals. It explicitly states in HO.18: to “explore the possibility of addressing all Honiton pitch issues on alternative sites better related to the existing town and outside of the AONB first but if there are no realistic alternatives then **some pitches may need to be delivered on Tower Hill**”.

### **Honiton Playing Pitch Strategy**

This also relates to the need for pitches at Tower Hill.

[Open Space - Honiton Sports Pitch Strategy - East Devon revised-draft-honiton-sports-pitch-strategy.pdf](#)

### **Conclusion**

The new provision would provide a high-quality fit for purpose facility for young footballers within Honiton and surrounding area and address some of the current challenges that users face with existing provision.

Environment Agency

**29.09.25**

Thank you for re-consulting us on this application.

Environment Agency position

We maintain our position to this proposal based on the level of information submitted.

Reason

It is now apparent that the applicant proposes to connect the club house to a sewage treatment plant, which will then channel flows to a surface water detention basin. This detention basin appears to connect to a ditch which flows under the adjacent road, and in a south easterly direction. The applicant's 'Preliminary Flood Risk Assessment and proposed drainage strategy' provides details on this, but it does not appear to be a ditch which flows all year around. The plans also suggest that an environmental reed bed may be required, but that that detail is to be confirmed. We appreciate that this is not a sewered area but we have concerns that the applicant has not yet obtained a clear approach to the management of non-mains drainage, considering the lack of proposed flows and loads estimations, and that the drainage basin features may not be fit for purpose to take both surface water and foul flows. Usually, a full application should provide such details prior to a determination so that a fully informed decision can be made on whether it is an appropriate way to manage

the foul flows. The applicant must ensure that they obtain an environmental permit should the flows not comply with the general binding rules.

On a separate note, the applicant needs to obtain an abstraction license for the water supply if the demand is over 20m<sup>3</sup> per day.

#### Way forward

We would encourage the applicant to provide a clear and detailed statement on the management of the foul drainage from the site, with appropriate mitigation measures to ensure no detrimental harm to water quality in this river catchment. Further details on the proposed borehole would also be useful.

Please contact us again if you require any further advice.

#### **10.05.25**

##### Environment Agency position:

Whilst we have no in-principle objection to the proposal in terms of using a non-mains foul drainage system, we would recommend that the application is not determined until some clarity is provided regarding the new package treatment plan discharging to a watercourse. The reason for this position is provided below.

##### Reason:

Government guidance within the National Planning Practice Guidance (paragraph 020 in the section on water supply, wastewater and water quality - Reference ID: 34-020-20140306) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

The applicant indicates on the submitted Foul Drainage Assessment form that the proposed system would discharge solely to watercourse. However, there are no plans which indicate where the watercourse is, and to where it flows, with clarity. Also, there doesn't appear to be any written justification including a map for why the applicant is opting for a non-main drainage solution however, from our records, it is apparent that there is not mains sewer network in the immediate vicinity of the application site.

##### Advice to applicant - Environmental Permitting:

Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

Please contact us if you require any further advice.

**21.02.25**

Thank you for reconsulting us on this application. However, the information submitted does not change our previous response dated 10th May 2024. Please reconsult us with any additional information that may affect our position.

### National Highways

Referring to the notification of a Full planning application referenced above, for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works, at Land West of Tower Road and East of Cuckoo Down Lane, Honiton, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

### **Annex A National Highways recommended No Objections**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development"

and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 24/0841/MFUL.

### **Statement of Reasons**

The application seeks full permission for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works, at Land West of Tower Road and East of Cuckoo Down Lane, Honiton. The 4.6ha site which currently comprises agricultural land is located approximately 650m south of A35 trunk road and 1.4km south of the A30/A35 junction.

It is noted the application is being made to support the relocation of Honiton Town Youth FC to a larger dedicated site with improved facilities. Honiton Town Youth FC is currently based at St Rita's Fields which are located approximately 2km north west of the proposed site and immediately north and east of the A30 trunk road and A30 Turks Head junction.

### **Resubmission of application 23/0735/MFUL**

The proposal is a resubmission of application 23/0735/MFUL on the same site which sought full permission for the construction of a Youth Football Facility, including clubhouse, parking, storage and football pitches to suit all age groups. Section 1.2 of the planning statement confirms the previous application was deemed invalid on the basis of the incorrect planning fee being paid.

National Highways offered no objections to application 23/0735/MFUL as set out in our formal response dated 9 May 2023.

### **Impact on Strategic Road Network**

As the application comprises the relocation of an existing youth FC facility it is considered that the majority of associated traffic will be diverted as opposed to new trips and will remain largely contained to the local highway network. Given the proposed use of the site it is also accepted that the majority of associated vehicular trips will occur outside of the weekday and weekend network peak hours. On this basis, and in line with our response to previous application 23/0735/MFUL, National Highways considers the proposal unlikely to result in an adverse impact on the safe operation of the strategic road network.

### **Recommendation**

National Highways has no objection to application 24/0841/MFUL.

### **Standing advice to the Local Planning Authority**

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel.

The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant



development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

### Sports England

#### **26.02.25**

Many thanks for re-consulting Sport England on this application.

Further to our detailed comments dated 9 May 2024 the Football Foundation (FF) and Devon FA have reviewed the new documents and are still fully supportive of the updated layout.

Sport England remain firmly in support of this application given the limited opportunities in the Honiton area to meet the needs of youth football. More pitch space is needed and the town is very constrained. The site adjoins an existing sporting use.

If granted permission we would seek a planning condition to ensure the pitches are constructed to meet performance quality standards (PQS) for football.

#### **09.05.24**

Thank you for consulting Sport England on the above application.

#### **Summary**

By providing new pitches that could help address established playing pitch deficiencies (East Devon Playing Pitch Strategy) Sport England **supports** this application. The need for the facility is demonstrated in the application and policy allows for the development of ancillary facilities for sport where there is a clear demand and where they do not compromise the reason for the AONB designation. The site adjoins another sporting use, a Golf Course.

#### **Sport England role and policy**

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications [link here](#). This application falls within the scope of the above guidance.

Sport England assesses this type of application in light of the National Planning

Policy Framework (NPPF) and against its own planning objectives, which are **Protect** - To protect the right opportunities in the right places; **Enhance** - To enhance opportunities through better use of existing provision; **Provide** - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its [website](#).

### **The Proposal and Assessment against Sport England's Objectives and the NPPF**

We note the proposed youth football pitches – 2x 7v7, 9v9, youth u13/14, youth 15/16 and youth 17/18 and proposed ancillary provision adjacent an existing sporting use, a golf course. In the new building Sport England advise that some showers are in cubicles. Detailed guidance on the issues that require consideration for playing pitch construction is set out in Sport England's guidance 'Natural Turf for Sport'.

Honiton Youth FC no longer have security of tenure at an existing site. Therefore there's an immediate need for the provision of additional playing field land to accommodate the current demand of Honiton Youth FC. And to meet future demand.

We are mindful of the justification for this site's selection within the application to aid the development of sport for the local community now and in the future. Sport England is well aware of the football pitch issues in Honiton. Other pitch sports too have issues in the town. More pitch space is needed and the town is very constrained. The Council's adopted Playing Pitch Strategy (PPS) notes the potential of a new sport pitch site at Tower Hill (original plans drawn 2009). The original plans were much larger in scale than currently seeking planning permission in this application.

The PPS has specific action plans regarding Honiton Development Trust's Tower Hill proposals. It explicitly states in HO.18: to "explore the possibility of addressing all Honiton pitch issues on alternative sites better related to the existing town and outside of the AONB first but if there are no realistic alternatives then **some pitches may need to be delivered on Tower Hill**".

Sport England does not support a 'blanket ban' on sport in an area like an AONB. Our Policy allows for the development of ancillary facilities for sport where there is a clear demand and where they do not compromise the reason for the designation. The proposed site is adjacent an existing golf course.

The need for the proposal has been justified and appears to meet para 183 of the NPPF by being an exceptional circumstance and the development is in the public interest.

From a sport perspective the proposal appears to be in line with Sport England and NPPF policy.

Sport England have sought views from the Football Foundation, with Devon FA, they advise that Devon FA 23/24 affiliation data confirms that Honiton Town Youth FC have 13 teams (U6 – U18) with over 240 registered players. The club have the aspiration and capabilities to grow provision further but are stunted by the lack of suitable football facilities in the town and the surrounding area. The club currently play at St Rita's Centre Playing Fields (with limited security of tenure) which has two

11v11 pitches with formal no ancillary facilities, no bespoke car parking and toilet facilities over a 5-minute walk away at Mountbatten Park. A new East Devon District Council PPS is currently under development, with the existing PPS (2015) stating that St Rita's Centre Playing Field is over capacity at peak times.

On matchdays participants, parents and spectators are encouraged to park in Otter Moor Lane, which simply cannot cope with the amount of footfall. This leads to individuals accessing the site through a slip way not far from the Turk's Head A30 junction, which involves young children having to cross a busy main road to access the site. A recent East Devon District Council Health and Safety Risk Assessment of the site highlighted accessibility and changing and welfare at the highest level of risk.

The FF and Devon FA believe there is a suitable mix and configuration of pitch sizes proposed and would cater for all football demand from U7 to U18. All pitches meet FA recommended sizes and include 3m safety run offs. The drainage strategy and construction plans have been designed and proposed by the GMA (Grounds Management Association) who are a partner of The Football Association and are leaders in the industry. All plans have been reviewed by FF technical colleagues and are deemed suitable to ensure the delivery of pitch quality grass pitches. The changing pavilion plans have been reviewed and are also deemed suitable to serve the site. The designs are compliant with guidance and have taken into account the FF changing pavilion design key considerations.

The applicant has completed a robust site viability assessment locally and have provided detailed evidence on the viability to deliver at the Land of East Tower Road. The FF and Devon FA are actively engaged with the applicant and are fully supportive of the proposals and believe they are essential for the continuation, sustainability and growth of football in the Honiton area.

## **Facility Design**

Sport England seeks to ensure the new sports facilities are fit for purpose and the design of this facility meets Sport England/NGB technical guidance. We would draw your attention to comments above from the Football Foundation.

## **Sport England's Position**

This being the case, Sport England **supports** the application. Sport England recommends the following planning condition should be imposed:

The playing field/s and pitch/es shall be constructed and laid out in accordance with the [planning application \*, Section \* and Drawing No. \*\*] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before [first use] [or occupation] [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.

*Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy*

*\*\**  
*.*

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you would like any further information or advice please contact me.

## Appendix 2 – Habitat Regulations Assessment Stage 1 screening report

|                                                                                          |                                                                                                                                                                               |                                    |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>The Conservation of Habitats and Species Regulations 2017 – Shadow HRA Template</b>   |                                                                                                                                                                               | <b>East Devon District Council</b> |
| <b>Regulation 63 – Habitats Regulations Assessment</b>                                   |                                                                                                                                                                               |                                    |
| <b>Stage 1: Screening for Likely Significant Effect on the Beer Quarry and Caves SAC</b> |                                                                                                                                                                               |                                    |
| <b>Part A: The proposal</b>                                                              |                                                                                                                                                                               |                                    |
| <b>1. Type of permission/activity:</b>                                                   | Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works. |                                    |
| <b>2. Application reference no:</b>                                                      | 24/0841/MFUL                                                                                                                                                                  |                                    |
| <b>3. Site address:<br/>Grid reference:</b>                                              | Land West Of Tower Road And<br>East Of Cuckoo Down Lane<br>Honiton<br><br>SY1750 9950                                                                                         |                                    |
| <b>4. Brief description of proposal:</b>                                                 | <ul style="list-style-type: none"> <li>• <b>Type of development</b><br/><br/>Sports/Recreation</li> <li>• <b>Distance to the European site</b><br/><br/>10 km</li> </ul>      |                                    |

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|                                                            | <ul style="list-style-type: none"> <li>• <b>Is the proposal site within a consultation zone (landscape connectivity, core sustenance, pinch point, hibernation sustenance zone)</b></li> </ul> <p>Yes – Lesser Horseshoe Bat Landscape Connectivity Zone</p> <ul style="list-style-type: none"> <li>• <b>Size</b></li> </ul> <p>4.3 hectares</p> <ul style="list-style-type: none"> <li>• <b>Current land use (habitat type and immediately adjacent habitat types)</b></li> </ul> <p>Arable fields bounded by native hedgerow. Surrounding land in similar use apart from to the south which is in recreational use as a golf course. The shared boundary with the golf course includes mature line of trees.</p> <ul style="list-style-type: none"> <li>• <b>Timescale</b></li> </ul> <p>Unknown – Likely within timescale of planning permission if granted (3 years)</p> <ul style="list-style-type: none"> <li>• <b>Working methods</b></li> </ul> <p><i>Clearance of site and level changes/soil movement by excavators etc. followed by standard building methodology for clubhouse and car park area works.</i></p> |
| <b>5. European site name</b>                               | Beer Quarry and Caves SAC (BQ&CSAC) – SAC EU Code UK0012585                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>6. Qualifying Features and Conservation Objectives:</b> | <p><b>Annex II species that are a primary reason for selection of this site</b></p> <ul style="list-style-type: none"> <li>• 1323 – Bechsteins bat (<i>Myotis bechsteinii</i>). This complex of abandoned mines in south-west England is regularly used as a hibernation site by small numbers of Bechstein's bat <i>Myotis bechsteinii</i> as well as an important assemblage of other bat species.)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p>Ecological characteristics associated with the features (including those associated with the site, and information on general trends, issues or sensitivities associated with the features if available).</p> | <p><b>Annex II species present as a qualifying feature, but not a primary reason for site selection</b></p> <ul style="list-style-type: none"> <li>• 1303 – Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>)</li> <li>• 1304 – Greater horseshoe bat (<i>Rhinolophus Ferrumequinum</i>)</li> </ul> <p><b>Conservation Objectives</b> (Natural England 27/11/2018):<br/> <i>“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;</i></p> <p><i>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;</i></p> <ul style="list-style-type: none"> <li>• <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species</i></li> <li>• <i>The structure and function (including typical species) of qualifying natural habitats</i></li> <li>• <i>The structure and function of the habitats of qualifying species</i></li> <li>• <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</i></li> <li>• <i>The populations of qualifying species, and,</i></li> <li>• <i>The distribution of qualifying species within the site.</i></li> </ul> <p><i>These Conservation Objectives should be read in conjunction with the accompanying Supplementary Advice document (where available), which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.”</i></p> <p>The designated area of the SAC is relatively small and comprises the quarry and caves and the immediately surrounding areas. However, the qualifying features (the bat populations) are dependent upon a much wider area outside the SAC boundary which provides foraging habitat and commuting routes and supports other critical</p> |
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|                                                        | roosts. Protection of key areas of habitat in the area is therefore essential in order to maintain and enhance the favourable conservation status of the qualifying features.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 7. Ecological survey<br>Summary of effort and findings | <p><b><i>Name of documents containing ecological survey information:</i></b></p> <p>Ecological Impact Assessment, prepared by Quantock Ecology Environmental Consulting and dated 18/02/2025</p> <p>Ecological Appraisal, prepared by Quantock Ecology Environmental Consulting and dated 03/04/2023</p> <p><b><i>Summary of survey effort (no. transects, static detector deployments and bat emergence surveys, if applicable):</i></b></p> <p><u>Ecological Appraisal</u></p> <ul style="list-style-type: none"> <li>• Desk Study</li> <li>• Extended Phase 1 Survey Study</li> <li>• Phase 1 Habitat Survey</li> </ul> <p><u>Ecological Impact Assessment</u></p> <ul style="list-style-type: none"> <li>• Desk Study</li> <li>• Extended Phase 1 Survey Study</li> <li>• Phase 1 Habitat Survey</li> <li>• Phase 2 Surveys <ul style="list-style-type: none"> <li>- Dormice survey</li> <li>- Bat activity survey</li> </ul> </li> </ul> <p><b>Bat activity survey details</b></p> |



A total of two static detectors were located on site for a week at a time, over a period of three months. The detectors were placed along the hedgerows on site. The location of the detectors was changed on each deployment to cover all relevant sections around the site.

The locations of the detector are detailed in figure 2 below.



The detectors were installed for a week at a time on the 13th July, 1st September and 5th October 2023. The detectors were set up to record 30 minutes prior to sunset and 30 minutes after sunrise each day.

|                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |
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|                                                                                                       | <p><b>Summary of relevant findings and Bat Activity Index (number of bat passes from greater and lesser horseshoe bats – note that Bechstein passes are unlikely due to low amplitude, flight patterns and cryptic call parameters):</b></p> <p>The survey concluded that at least eleven species of bats were recorded across the site.</p> <p>Very modest numbers of both horseshoe species were recorded at the site with lesser horseshoe recording 16 passes and greater horseshoe 11 passes in total. Statics 3 and 4 were the only detectors to record both lesser and greater horseshoe bats. Static 3 recorded a maximum of eight passes of lesser horseshoe and two passes of greater horseshoe and static 4 recorded three passes of lesser horseshoe and eight passes of greater horseshoe bats all in the September recording schedule.</p> <p><b>Relevant figure excerpts from document (maps, tables, if relevant/concise):</b></p> <p>See above</p> |           |
| <b>Part B: Screening assessment for Likely Significant Effect – In absence of proposed mitigation</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |
| <b>8.</b> Is this application necessary to the management of the site for nature conservation?        | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |
| <b>9.</b> What BQ&CSAC                                                                                | 10 km GHB Landscape connectivity zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>No</b> |
|                                                                                                       | 4 km GHB Sustenance zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>No</b> |

|                                                                                                                                                                                                                                                              |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <p>consultation zones is the proposal within (insert "X")?</p> <p><i>Refer to the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document and online mapping</i></p>                                                                     | 2 km GHB Hibernation sustenance zone                           | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                                                                                                              | 11.2 km LHB Landscape connectivity zone                        | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                                                                                                                                                                                                              | 2.5 km LHB Sustenance zone                                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                                                                                                              | 1.2 km LHB Hibernation sustenance zone                         | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                                                                                                              | 10.25 km Bechstein's Landscape connectivity zone               | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                                                                                                              | 2.5 km Bechstein's sustenance zone                             | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                                                                                                              | Pinch point                                                    | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>10.</b> Summary assessment of potential impacts to Qualifying Features of the European site, in the <u>absence</u> of mitigation measures.</p> <p>Consider scale, extent, timing, duration, reversibility and likelihood of the potential effects.</p> | <p><i>A – Landscape (large) scale connectivity impacts</i></p> | <p>The proposal involves removal of some sections of existing hedgerow between the fields. However the survey work that has been undertaken concludes that 'no significant commuting routes were identified' and that impacts on commuting bats were deemed to be low.</p> <p>In addition, no floodlighting of the football pitches is proposed. The clubhouse building would be internally illuminated and is likely to have controlled external lighting around this and the car park area but this is not considered to lead to landscape scale impacts.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                  |     |
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| <p><i>Impacts of these types are considered to result in result in a Likely Significant Effect (LSE) on the SAC. Refer to the flow chart on page 19 of the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i></p> <p><b>If the proposal is located in a Landscape Connectivity Zone (LCZ) ONLY, then the only impact to result in an LSE is “A – Landscape scale connectivity impacts”.</b></p> <p><i>Consider construction phase and operational phase. For some proposals, it may also be necessary to consider de-commissioning and after-use.</i></p> | <i>B - Direct impacts on the SAC roost or other key roost(s)</i>                                                                                 | N/A |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>C - Change in habitat quality and composition (loss or change in quality of foraging habitat)</i>                                             | N/A |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>D - Severance or disturbance of linear features used for navigating or commuting</i>                                                          | N/A |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>E - Disturbance from new illumination causing bats to change their use of an area/habitat</i>                                                 | N/A |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>F - Disturbance to or loss of land or features secured as mitigation for BQ&amp;CSAC bats from previous planning applications or projects</i> | N/A |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>G – Loss, damage, restriction or disturbance of a pinch point</i>                                                                             | N/A |

|                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                    |     |
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|                                                                                                                                                                                                                                             | <i>E - Other impacts – e.g. physical injury by wind turbines or vehicles</i>                                                                                                                                                                                                                       | N/A |
| <b>11.</b> Potential for in-combination effects ( <i>other permissions granted and proposals in the area that could result in impacts when assessed in combination – review planning permissions in the vicinity with similar impacts</i> ) | There are no current or pending applications in the immediate vicinity of the site that are likely to give rise to in-combination effects.                                                                                                                                                         |     |
| <b>12.</b> Natural England consultation comments (if available)                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                    |     |
| <b>Part C: Conclusion of Screening</b>                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                    |     |
| <b>13.</b> Is the proposal likely to have a significant effect ‘alone’ or ‘in combination’ on a European site?                                                                                                                              | We conclude that, in the absence of mitigation measures, a Significant Effect on the Beer Quarry and Caves SAC <b>is not likely</b> , either ‘alone’ or ‘in-combination’ with other plans and projects.<br><br>An <b>Appropriate Assessment</b> of the proposal is <b>not</b> therefore necessary. |     |

|                                                                                                                   |                                |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <i>Refer to the flow chart in the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i> |                                |
| Name<br>Date                                                                                                      | Charlie McCullough<br>01.10.25 |



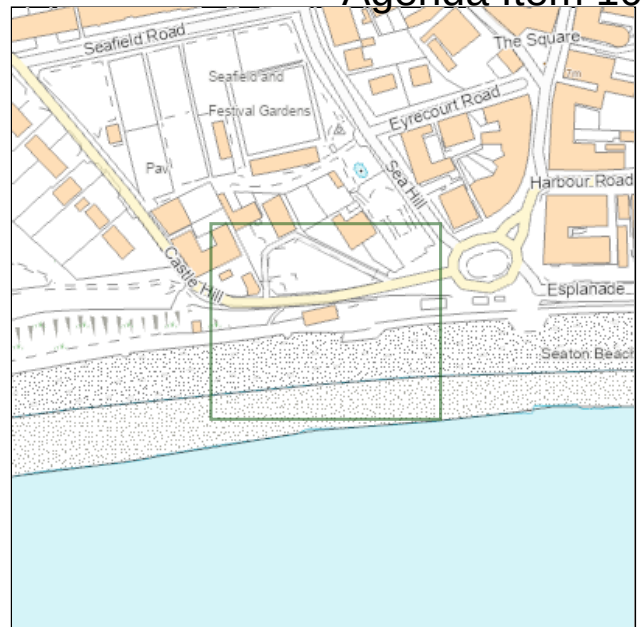
**Ward** Seaton

**Reference** 25/1820/FUL

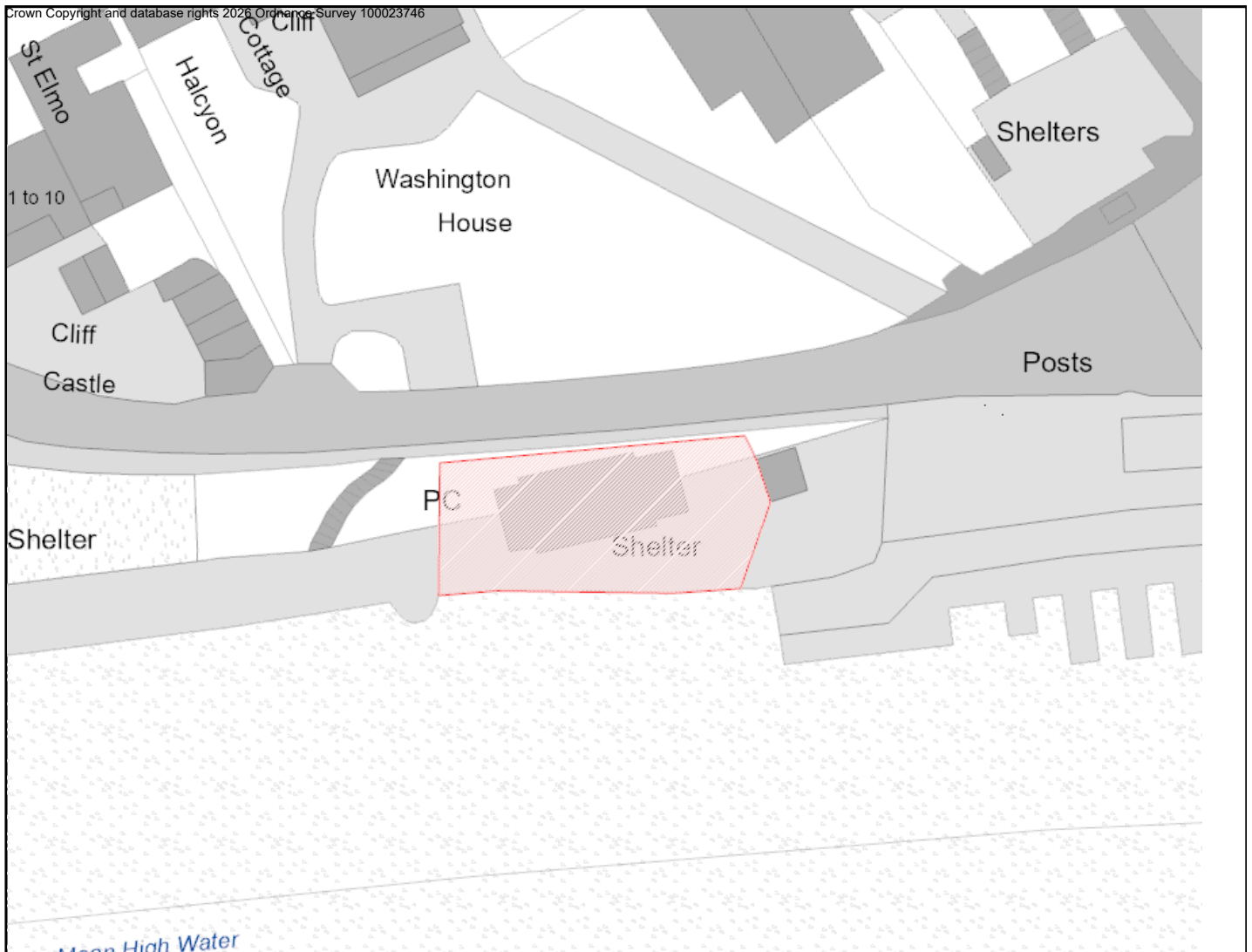
**Applicant** Mr Jorge Pineda-Langford (EDDC)

**Location** Toilets West Walk Castle Hill Seaton Devon EX12 2QW

**Proposal** Proposal to demolish existing public toilets and replace with a new modular public toilet building. (Retrospective application for design changes to approved application 23/2561/FUL)



**RECOMMENDATION: Approval with conditions**





|                            |                                                                                                                                                                                               |                                    |
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|                            |                                                                                                                                                                                               | <b>Committee Date: 27.01.2026</b>  |
| <b>Seaton<br/>(Seaton)</b> | <b>25/1820/FUL</b>                                                                                                                                                                            | <b>Target Date:<br/>10.11.2025</b> |
| <b>Applicant:</b>          | <b>Mr Jorge Pineda-Langford (EDDC)</b>                                                                                                                                                        |                                    |
| <b>Location:</b>           | <b>Toilets West Walk Castle Hill</b>                                                                                                                                                          |                                    |
| <b>Proposal:</b>           | <b>Proposal to demolish existing public toilets and replace with a new modular public toilet building. (Retrospective application for design changes to approved application 23/2561/FUL)</b> |                                    |

**RECOMMENDATION: APPROVE subject to conditions**

#### **EXECUTIVE SUMMARY**

The application is before committee as the application has been made on behalf of EDDC, where the council has a financial interest in the land and where a number of objections have been received.

The site lies to the southwest of the town centre, to the north of the West Walk along the sea front and to the south of and at a lower level to Castle Hill. The boundary of the town's conservation area lies to the north side of Castle Hill. The site is also within flood zone 3.

The application is retrospective in nature, the original toilet block that occupied the site having been replaced following the approval granted under a previous permission (23/2561/FUL). The 'as built' building on site however differs from that approved in a number of ways, including an increase in height and width, changes to external elevation and addition of security fencing, as such this application seeks permission to regularise these changes.

The Town Council are in support of the scheme but one of the ward members and a number of members of the public have raised objections to the originally submitted scheme, largely on design grounds and primarily based on the impact of security fencing that has been erected at higher level to the rear/sides of the building. This element of the scheme also elicited concerns in relation to the impact on the setting of the conservation area

In response to these concerns the proposal has been revised and now proposes to install heavy duty bird netting at a much lower level and bridging the gap to the rear of the building. This would seek to deter/prevent access to the space to the

rear of the building and to its flat roof. Along with other measures, this change would look to address the comments of the Designing Out Crime Officer.

On the basis of the proposed amendments and subject to conditions to secure the removal of the fencing, additional details of the netting proposals and relating to landscaping and external lighting the proposal, as revised, is considered to be acceptable in terms of its design, its impact on the character and appearance of the area and to preserve the Seaton conservation area.

As EDDC would be the operators of the facilities and will be aware of any anticipated extreme tidal flood events, in the interests of public safety, the building could be closed in advance as tidal flooding is normally predictable in advance..

The proposal is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Seaton Town Council have no objections to this application.

#### Seaton - Cllr Marcus Hartnell

I am writing to comment on planning application 25/1820/FUL. I appreciate that the consultation period has closed, but I would still like to express my concern regarding the retrospective application for the cage fencing.

While I agree with the original delegated report that the new toilets have "no harmful impact on the amenity of the area", the fencing now installed creates a visual intrusion along the coast path and West Walk. It appears unsympathetic to the character and enjoyment of the area, which many people value for its open and natural appearance. For these reasons, I wish to object to the fencing element of the application.

### **Technical Consultations**

#### Conservation

The site is located just outside the boundary of the conservation area on its southwestern edge.

In context of the wider coastal views offered from within the conservation area, the amendments to the design of the approved toilet block, are considered to continue to preserve the setting of the conservation area. The fence to the rear of the toilet block along the public footpath, results in considerable harm to longer views of the coastline, that are identified as key attributes in the conservation area appraisal, is unsightly and fails to preserve the setting of the conservation area and results in a moderate level of less than substantial harm to the conservation area as a heritage asset.

#### Police Architectural Liaison Officer - Kris Calderhead

No objections but comments raised in relation to prevention of access to the building and rear of the site, provision of other security measures i.e. CCTV, and other measures to be considered within the building to help prevent crime.

#### EDDC District Ecologist

Based on the information provided and the site context, it is considered that the development is unlikely to result in a significant effect on the Beer Quarry and Caves Special Area of Conservation (SAC).

#### EDDC Emergency Planning Officer

The context of the comment in the FRA are sufficient to show the mitigation to be delivered by East Devon District Council to mitigate the risk of flooding, otherwise I would be requesting a FWEP to cover off this as the consideration of public safety is paramount.

#### Environment Agency

No objection raised. Comments raised in relation to the use of flood resistant and resilient materials.

#### Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

#### Natural England

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Generic advice on other natural environment issues provided.

#### **Other Representations**

Six representations have been received objecting to the proposal on the following grounds:

- Visual impact of fencing to the rear of the building;
- Concerns over replacement building process including inadequate public engagement; dismissal of viable renovation alternatives and cost of replacement building
- The height, scale, massing, material choice, and overall appearance of the building are inappropriate for such a sensitive seafront location.
- The structure is dominating and incongruous and out of character with the surrounding area.
- Harmful impact on Searton Conservation Area and on the natural beauty and enjoyment of the Jurassic Coast including views towards Beer Head– the fencing being a particular concern.

- Concern as to potential impact of the proposal on species associated with the Beer Quarry and Caves Special Area of Conservation
- Comments raised in relation to the requirement for a Flood Warning Plan related to the use of the building.

## **PLANNING HISTORY**

| <b>Reference</b> | <b>Description</b>                                                                           | <b>Decision</b>          | <b>Date</b> |
|------------------|----------------------------------------------------------------------------------------------|--------------------------|-------------|
| 23/2561/FUL      | Proposal to demolish existing public toilets, and replace with a new public toilet building. | Approval with conditions | 18.03.2024  |

## **POLICIES**

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

Strategy 7 (Development in the Countryside) Adopted

Strategy 25 (Development at Seaton) Adopted

D1 (Design and Local Distinctiveness) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN25 (Development Affected by Coastal Change) Adopted

TC2 (Accessibility of New Development) Adopted

RC6 (Local Community Facilities) Adopted

EN21 (River and Coastal Flooding) Adopted

### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy AR01 (Flooding) Draft

Policy AR03 (Coastal Change Management Areas (CCMAs)) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy OL04 (Areas of strategic visual importance) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft

Policy PB10 (Protection and enhancement of the Jurassic Coast World Heritage Site) Draft

Policy HE03 (Conservation Areas) Draft

Policy CF01 (New or extended community facilities) Draft

### Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

### Site Location and Description

The application site relates to a recently constructed toilet block on the sea front at West Walk. The site lies to the west of Marine Place and south of Castle Hill.

The building is single storey and flat roofed and finished in a light colour vertical cladding above a blue/black engineering brick plinth. There are five pedestrian doors along the front (south) elevation and further door on each end elevation. The building is accessed direct from West Walk at its east end by external steps for the central doors and a ramp at the eastern end. To the rear of the building is an enclosed access passage between the building and a retaining wall, the retaining wall has wire fencing above it and both return around the building at either end.

Castle Hill and the footway to its south side run at a higher level to the north. The boundary of Seaton Conservation Area runs concurrent with the north side of Castle Hill and Cliff Castle (grade II listed) lies close to the Northwest.

Although close to the town centre the site lies outside of both this (and the built-up area boundary for the town (as defined in the Local Plan)). The site lies partially within Flood Zone 1 and partially Flood Zone 3.

### Proposed development

The application is retrospective in nature and seeks to regularise a number of changes to the permission previously granted for a replacement toilet block under application reference 23/2561/FUL. The changes from the earlier permission are summarised as follows:

- Addition of access steps to front (south) of building and ramp to west side and associated dwarf walls and railings

- Increase in overall height of approx. 350mm and a similar increase in depth.
- Construction of additional retaining wall structures
- Changes to elevation treatment including the number and positioning of doors
- Changes to the internal layout
- Changes to the type of external fencing at either end of the fencing to black coloured metal mesh anti-climb fencing,;
- Security netting at roof level at the rear of the building

The scheme as originally submitted and as built included:

- Addition of further fencing atop the retaining wall to the rear and the return walls at either end of the building.

However this element has now been omitted from the proposal

## ANALYSIS

The application is a new full application for the retention of the development as built and as such all of the issues considered in relation to the earlier application remain relevant and open for consideration. Nevertheless, in terms of the principle of the development this has previously been considered and found to be acceptable, and where the earlier permission (23/2561/FUL), in itself, represented a replacement of an existing public toilet facility. As the application does not seek to alter the use of the building, which as a community facility is supported by policy RC6 of the current Local Plan (EDLP) and draft policy CF01 of the Regulation 19 Publication Draft of the emerging Local Plan (eLP), the principle remains acceptable.

The main issues for consideration therefore relate to the visual impact of the design and construction changes, as well as any other impacts resulting from these changes including on flood risk, coastal change, ecology, and heritage.

## **Visual Impact**

The building constructed on site has itself replaced an existing toilet block and is sited partially over the original building's footprint. The changes that have taken place to the development previously approved, are set out above and include an increase in height and depth, which add to the overall mass of the building. Additional changes such as the introduction of access ramps and railings further increase the visual impact of the development, these changes are countered, to a degree, by the reduction in the number of doors on the principal elevation which, due to their colour finish act as a draw to the eye. The building itself also remains set below the level of Castle Hill to its rear and partially set into the steep bank between the building and this road. A number of objections have been received referencing the modern design being inappropriate in the site's context, but the overall design is considered to be an acceptable approach for a functional public facility and where details of the design and materials reflect its seafront location. A very similar designed building has previously been approved and there is no reason to take a different view on the current proposal.

What is of concern and does detract from the character and appearance of the area and the setting of the adjoining conservation area is the metal fencing that has been erected to the rear of the building and which wraps partially around either end. The siting of this set atop a low wall, which is itself set on a level platform within the steep

bank to the rear of the site, means the bottom of the fencing is set at a similar level to the roof of the building and elevated above the level of seafront walkway. As such, it is clearly visible from the seafront and from Castle Hill to the north and in public views from here towards Beer Head. Although it is recognised that some effort has been made, through the choice of fencing and colour finish, to limit its impact this has not disguised its incongruous impact and conspicuous appearance.

It is though recognised that the fencing was proposed to serve a practical purpose, to prevent/deter access to the roof of the building and the passageway to its rear. The application has therefore been amended so that it no longer includes the fencing and instead proposes heavy duty bird netting to the rear of the building to cover the level platform within the bank and bridge the gap from here to the building's roof. Amended plans have been provided to show this. These show that the netting would be set at a much lower level, such that it would be much less prominent and would not protrude above road level to the rear, further details could be secured by condition. A further condition could also be imposed requiring the removal of the fencing within a specified time period. Subject to these provisions the visual impact of the development could be made acceptable.

To the southwest and east of the building semi-circular and circular planters with peripheral seating are indicated, they are of timber finish with the planters containing a mix of planting appropriate for the coastal location and designed to provide year round and seasonal interest, the provision and maintenance of these features could be secured by condition.

Overall, whilst there is some limited additional visual impact over the previously approved building, the proposal is considered to have a limited and acceptable impact and subject to condition to be compliant with policies D1 and RC6 of the EDLP and DS01 and CF01 of the emerging Local Plan.

## **Flood Risk**

A flood risk assessment accompanies the application, given its location within Flood Zones 2 and 3. The assessment indicates that the site is subject to tidal flood risk. As with the previous application and as a replacement facility it is considered that the development has to be in the location proposed so as to provide an essential facility for users of the beach and promenade. Given that the proposed building is proposed as an alternative to the previously approved replacement building, on the same site, and would only have a slightly increased footprint, it is not considered that the proposal would increase the flood risk vulnerability of the facility or that it would increase flood risk elsewhere. The sequential test is therefore considered to be passed. As the proposal is an essential facility it is considered to be water compatible and thus its location within flood zones 2 and 3 is considered to be acceptable and the exception test need not be applied. The building has been designed so as to be as resistant and resilient to flooding as possible through using materials resistant to water penetration. The accompanying flood risk assessment recommends measures to improve flood resilience including raising electrical and mechanical appliances to 750 mm above finished floor level.

The submitted FRA includes details of recommendations to mitigate against flood risk during periods of anticipated flooding which include closure of the facilities during anticipated periods of flooding. As EDDC are the operators of the toilets and will be aware of any anticipated tidal flood events the building could be locked in advance of such events. The council's emergency planning officer has considered the flood warning and evacuation procedures and considers these to be satisfactory in this instance.

Overall the proposal is considered to accord with the requirements of Policy EN21 of the EDLP and policy AR01 of the emerging Local Plan.

## **Coastal Change**

The site is in an area near the shoreline so the potential impact of coastal change on the building is a relevant consideration. Paragraph 184 of the NPPF states that plans should identify as a Coastal Change Management Area (CCMAs) any area likely to be affected by physical changes to the coast, and:

- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
- b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

Policy EN25 of the EDLP addresses point b) but the adopted Local Plan does not identify a Coastal Change Management area and is silent as to the type of development which is acceptable within such an area. On the previous officer report for application 23/2561/FUL it is noted that the office report made reference to the Shoreline Management Plan 2 (SMP2) for the area and the geographical extent of risk of coastal erosion and reported at the time,

*“The relevant plan within SMP2 (Policy Unit 6a29: Axe Estuary (Spit) to Seaton (West)) indicates that with the preferred coastal management policies in place, the application site is within a predicted erosion zone within a 20 year timescale.”*

Paragraph 185 of the NPPF states “Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
- b) the character of the coast including designations is not compromised;
- c) the development provides wider sustainability benefits; and
- d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

In relation to these the previous officer report considered there to be no conflict with most of these criteria, but noted that the lifetime of the building, as set out in the submitted Flood Risk Assessment was stated to be 50 years whereas the site area is indicated to be within a 20 year erosion zone as indicated in SMP2. On this basis it was advised that the building may not be safe within its planned lifetime. Nevertheless, given the benefits of the building that risk was not considered to be so significant that, on balance, it would outweigh the public benefits that would arise.



The emerging Local Plan does now identify CCMA's and policy AR03 sets out the types of development that are considered to be appropriate within areas at different levels of risk (short, medium and long term). The proposal site lies outside of any CCMA as identified on the proposals map.

## **Ecological Impacts**

The site is within the Beer Quarries and Caves SAC bat consultation area and the landscape connectivity zones and sustenance zones of several bat species associated with that SAC. The proposed replacement building would be located on the footprint of the existing building and would not involve the removal or alteration of natural habitat, so it is not envisaged that it would affect bat foraging or commuting. External lighting has been provided on the building and details of this have been provided. The Council's ecology team has reviewed the lighting details and has confirmed that the development is unlikely to result in a significant effect on the SAC due to: the site context and existing lighting already operating in the area; that the installed external lighting above each door is installed with passive infrared (PIR) sensors, thereby minimising unnecessary illumination and reducing potential ecological impacts, and; that the key bat species associated with the SAC, are highly light-averse which given the baseline conditions means the site does not present optimal foraging habitat and commuting routes for them. On this basis it is advised that no further assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) is required.

## **Heritage Impact**

The Council has a statutory requirement under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving and or enhancing the historic and architectural interest of Seaton Conservation Areas as a heritage asset and its setting.

The site lies adjacent to Castle Hill to the north and where the boundary of Seaton Conservation Area runs concurrent with this. Cliff Castle (grade II listed) also lies close by to the Northwest. The views along the coast are noted, in the conservation area appraisal as the main attraction of the town. The council's conservation officer has considered the impact of the 'as built' development on the setting of this designated heritage asset. In relation to the building itself no objections are raised, and this is considered to continue to preserve the setting of the conservation area. However, the fencing to the rear of the building is referred to as causing considerable harm to longer views of the coastline, and which are identified as key attributes in the conservation area appraisal. As such this aspect is considered to fail to preserve the setting of the conservation area and to a lesser extent to result in a moderate level of less than substantial harm to the conservation area as a heritage asset. The removal of the fencing as now proposed would therefore address these concerns and ensure that the development would continue to preserve the setting of the conservation area as required by policy EN10 of the EDLP and HE03 of the emerging local plan.

## **Other Issues**

**Crime Prevention** - Whilst in a publicly accessible area the proposed building would not benefit from a continual high level of natural surveillance, i.e. overlooking from surrounding occupied dwellings, due to it being set down at a slightly lower level than the nearby dwellings and streets and facing the open beach and seafront area. As such it would be potentially subject to vandalism/antisocial behaviour. The proposal intends to enhance the immediate area of the site to provide a pleasant space and in turn discourage anti-social behaviour. In addition, it omits the open sided covered area which was present within the original toilet block, which was known to attract antisocial behaviour. The single access cubicles are described as being less vulnerable to vandalism than the cubicle arrangement of the original block and the proposal incorporates high ceilings which are also intended to reduce vandalism. The Crime Prevention officer has been consulted on the original proposal, and has raised no objections but has made recommendations in relation to the standard of gates and fencing proposed to prevent access to the rear of the building; the provision of CCTV and other measures designed to prevent anti-social behaviour. The application is largely retrospective in nature but addresses most of the issues raised. The replacement of the fencing to the rear with the proposed netting would continue to prevent access to the un-surveilled area at the rear of the building. It is considered that the proposal would be acceptable with regard to the requirements of Stgy 37 of the EDLP.

**Marine Management Area** – It has been confirmed in relation to the previous application that the development is above the mean highwater springs mark and that there is no requirement for a Marine Licence to be obtained in relation to the proposals.

**Renewable energy** – The submitted D&A statement references the use of solar PV panels on the roof of the building but nonsuch are shown on the submitted plans. It is understood that, subject to funding, the intention is still to provide these and in principle this is supported and encouraged by Strategy 39 of the EDLP and policies CC01 and CC02 of the emerging Local Plan. The previously approved building showed panels laid flat on the building's roof and therefore largely screened from view by the raised parapet around the roof edge. Were panels to be similarly located on the constructed building these would have a similar very limited impact. It is also noted that subject to meeting certain restrictions that panels could be installed as permitted development. However, as no details are available at present of the number, type and layout of the panels it is recommended that these are secured by condition.

## **CONCLUSION**

The proposal seeks permission to regularise amendments to an earlier permission for the construction of a replacement toilet block at the site. The constructed building is slightly increased in height and width over that previously approved and also now includes including ramped and stepped access to serve the building, these changes are not considered to significantly alter the overall impact of the building on the character and appearance of the area which, on the whole, remains acceptable.

The sole area of concern relates to the addition of the security fencing within the steep bank to the rear of the building, which appears oppressive and incongruous as well as

impacting on public views from within the conservation area and along the coastline. In order to address these concerns, the application has been amended to remove this fencing and proposes a simpler and less impactful scheme for the provision of heavy duty bird netting which would serve the same goal of deterring access to the passageway to the rear of the building and the roof of the building itself. Subject to conditions to secure the removal of the fencing; additional details of the netting, and; in relation to landscaping and external lighting the proposal, as revised, is considered to be acceptable.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.)
2. No external lighting, other than that already installed, shall be installed on the building, or at the site, unless details of the same have previously been submitted to and approved in writing by the Local Planning Authority. Any lighting agreed shall be carried out in accordance with the approved details.  
(Reason: To ensure that the development has no adverse effect on protected and notable species including those associated with the Beer Quarry and Caves Special Area of Conservation, in accordance with Strategy 47 (Nature Conservation and Geology) and Policies EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)
3. Within 2 months of the date of the permission hereby granted, further details of the heavy duty bird netting, indicated on approved drawing nos. DR-A-3001 rev. C05 and DR-A-2002 rev. C07, and to be used to deter access to the rear/roof of the building, shall have been submitted to the Local Planning Authority for their approval in writing. Such details shall include materials, colour finish and method of securing the netting (and where so required a sample). Development shall then be carried out in accordance with the approved details and shall be completed within 3 months of the date of approval of the details, unless any alternative timescale has first been agreed in writing by the Local Planning Authority.  
(Reason: In the interests of the character and appearance of the area and in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and national policy set out in the National Planning Policy Framework and associated Practice Guidance.)
4. The weld mesh fencing erected on the bank and to the rear of the building hereby approved, and as indicated on submitted drawings 230363 -3001 C04, received 15.09.25 and 230363 -2006 C06, received 02.09.25, shall be removed in its entirety within one month of the installation of the heavy-duty bird netting, or 6 months of the date of the permission hereby granted, whichever is the sooner.

(Reason: In the interests of the character and appearance of the area and the preservation of the setting of the adjoining conservation area, in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031 and national policy set out in the National Planning Policy Framework and associated Practice Guidance.)

5. Prior to their installation, and where express consent is required, details of the number, layout, method of support and finished appearance of any solar PV panels to be installed on the roof of the building shall be submitted for the written approval of the Local Planning Authority. Development shall proceed in accordance with details as agreed.

Within six months of the cessation of the use of the solar panel installation to produce energy, the panels together with any associated fixtures and fittings, shall be removed from the roof of the building.

(Reason: In the interests of the character and appearance of the area and the preservation of the setting of the adjoining conservation area, in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031 and national policy set out in the National Planning Policy Framework and associated Practice Guidance.

6. The landscaping scheme shall be carried out as detailed at pages 24 and 25 of the Design and Access Statement, prepared by Kendall Kingscott and dated August 2025 and which accompanies the application. The landscaping shall be maintained for a period of 5 years with any plants which die during this period to 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 - 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.)

## 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.

### **Biodiversity Net Gain Informative:**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not require the approval of a biodiversity gain plan** before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 4.2 from the list below is considered to apply:

*Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - (i) the application for planning permission was made before 2 April 2024;
    - (ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

#### *Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is

minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

|               |                    |          |
|---------------|--------------------|----------|
| DR-A-2002 C07 | Proposed Site Plan | 17.12.25 |
| DR-A-3001 CO5 | Combined Plans     | 17.12.25 |
|               | Location Plan      | 02.09.25 |
| DR-A-2003 A   | Proposed Site Plan | 02.09.25 |

List of Background Papers

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

## **Statement on Human Rights and Equality Issues**

### **Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Equality Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## Appendix 1 (Designing Out Crime Officer Response)



101 Non-urgent  
999 in an emergency  
www.devon-cornwall.police.uk  
DevonAndCornwallPolice

@DC\_Police  
dc\_police.999  
DCPolice

East Team  
Planning Department  
East Devon Council

Kris Calderhead  
Designing Out Crime Officer  
Exeter Police Station  
Sidmouth Road  
Exeter EX2 7RY

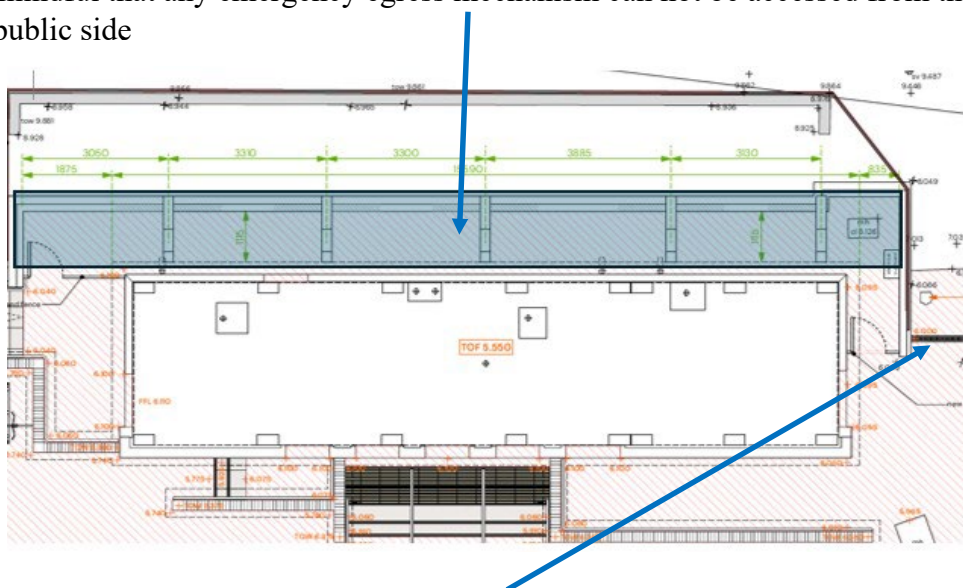
10/10/25

Dear Sir / Madam,

**25/1820/FUL Proposal to demolish existing public toilets and replace with a new modular public toilet building. (Retrospective application for design changes to approved application 23/2561/FUL). Toilets West Walk, Castle Hill, Seaton Devon EX12 2QW**

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. I have no objection to the proposal but would like to make the following comments and recommendations for consideration.

- Unauthorised access to the rear of the site should be prevented as surveillance opportunities are limited and a concealed area such as this is likely to attract antisocial behaviour if accessible. Security fencing should meet a nationally recognised security standard such as LPS1175.
- Apologies but what is the intended use of this space and the room accessible via the rear door? Presumably it is for maintenance access only and not public access? Therefore, the gates at either end should be of the same standard as the fencing, being mindful that any emergency egress mechanism can not be accessed from the public side





Additionally, ensure there are no climbing aids such as low-level walls etc. that can be used to overcome gates / fencing. I am unsure if this is a proposed low-level wall?

- It is recommended that the facility has CCTV installed. This would provide some monitoring and guardianship of the site and aid in the prevention and detection of crime.
- External walls should be protected from graffiti and damage by effective landscape / planting and / or anti-graffiti surfaces.
- There should be clear signage in place detailing ownership, relevant contact information, opening times, maintenance details etc.
- External doors and windows should be certificated to an appropriate nationally recognised security standard such as LPS 1175 for example, with laminated glass used in any glazing.
- Low maintenance, graffiti resistant surfaces are advised for internal walls and cubicles if possible.
- Internal walls should be light reflecting with non-stick paints and coatings if necessary.
- If possible horizontal surfaces within a cubicle should be minimised in order to stop items being left on top, such as drug paraphernalia.
- Cisterns, plumbing and other places that could be used for hiding items e.g. drugs, purses / wallets, stolen property or weapons should not be accessible to the public.
- Anti-vandalism luminaries should be utilised for internal lighting, providing bright and uniform coverage with no shadows, to reflect a feeling of sterility, cleanliness and care, which aids in discouraging loitering. All light fittings should be flush fitting to prevent the hiding of easily concealed items. It is recommended that lighting is only available when the facility is in use and blue lighting should be avoided. Be mindful that lighting does not conflict with any CCTV.

Yours faithfully

Kris Calderhead  
Designing Out Crime Officer

|                        |                                                                                                                                                                                                                                                           |                                          |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
|                        |                                                                                                                                                                                                                                                           | <b>Committee Date:</b>                   |
| <b>Seaton (Seaton)</b> | <b>25/1788/MOUT</b>                                                                                                                                                                                                                                       | <b>Target Date:</b><br><b>09.12.2025</b> |
| <b>Applicant:</b>      | <b>Baker Estates Limited</b>                                                                                                                                                                                                                              |                                          |
| <b>Location:</b>       | <b>Land To The South Of Harepath Hill Seaton</b>                                                                                                                                                                                                          |                                          |
| <b>Proposal:</b>       | <b>Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure</b> |                                          |

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

The site is located on the northern edge of Seaton and is on land outside of the Built-Up Area Boundary (BUAB), and also within the Green Wedge.

The proposal seeks outline planning permission for up to 72 dwellings. Approval is sought now for the vehicular access point with all other matters being reserved for later approval.

The site is currently comprised of undeveloped fields, with intervening hedgerows and trees. It would bridge the gap from Colyford Road to Harepath Road and extend up Harepath Hill to the A3052. The site would abut existing residential development to the south.

The site intrudes into the Green Wedge. There are no areas in Flood Zones 2 & 3.

The application has attracted a number of objections. Supporting information has been submitted to address the likely effects on the nearby Beer Quarry Caves SAC, including a shadow Habitat Regulations Assessment (sHRA).

The proposed development conflicts with the general presumption against development outside of BUABs, and with the green wedge policy.

The development would have some harmful landscape effects and would also conflict with the Green Wedge strategy, contributing to the coalescence of Seaton and Colyford. It would also lead to the loss of the Best and Most Versatile agricultural land.

Effects on nearby grade II listed buildings are not possible to establish at this stage and will depend on the details of the reserved matters application.

In terms of benefits, the development would provide housing at a time that the Council is behind in its delivery of required housing. Furthermore, it would deliver 25% affordable housing in an area where there is a need for 167 affordable homes and when affordable housing delivery across the District is behind target, in the context of a worsening affordability index. Accordingly, these are considered to be benefits to which very significant weight should be afforded.

The development would not likely adversely affect the integrity of the Beer Quarry Caves SAC and would adequately mitigate the on-site ecological effects.

The inability to demonstrate a five-year housing land supply means that the housing policies in the Local Plan are out of date and the tilted balance in the NPPF therefore applies. This requires that permission be granted for sustainable development, which this proposal is considered to be. As the integrity of the SAC will be upheld, none of the disqualifying criteria of the tilted balance are applicable. It is therefore recommended that the Council adopts the shadow Appropriate Assessment (HRA) and grants permission for the development, subject to the completion of a S.106 agreement and conditions set out below.

## **CONSULTATIONS**

### **Local Consultations**

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

Seaton Town Council could find no valid planning reasons to object to this application and therefore resolved to propose no objection so long as the East Devon District Councils' Ecologist finds the application is acceptable and there are no objections from any of the other consultees.

#### **Colyford Parish Council**

Firstly we would like to express our feelings at the appalling way the SEAT 05 Seaton Baker estates application was handled by the council a few months ago . Please consider this application professionally and not be led to change your mind by your proper officers again . We INSIST that you make a site visit this time , if only to witness what you have already given permission to destroy . Please do not add to your previous mistakes . I'm sorry but we feel very strongly about this.

Reasons for the Colyford parish councils OBJECTION .

1 flooding issues not addressed well, during seat 05 s discussion you decided water butts were the solution! Colyford Burgesses own the land below the Seaton road and we believe there will be a knock on effect . Water runs downhill.

2 The sewage plant in Seaton. cannot cope, Paul Arnott has made his feelings known on this stretch of river that flows through the Seaton wetlands endangering

wildlife and facilities that EDDC has invested so much in.

3 access out of Harepath road is already busy .

4 the nearest shop to the development is actually in Colyford but there is no pavement so people will drive causing more problems for Colyford. Something that needs to be considered.

5, schools, doctor, dentist and Exeter hospital are over loaded. There are now plans to shut Seaton hospital again, we need it open given the demographic of our population.

6 The land , all 3 huge plots ,will be over developed ie permission for 40 houses above the site on the old hotel site next to tower services has been granted and as already mentioned 135 houses below it , the football pitch and the M&S/range/burger king on the SEAT 05 employment land . Look at the bigger picture and ignore the developers tricks of lots of applications.

7 , bats ,Seaton wetlands has almost every species in the UK and this land forms part of their feeding ground .the developers surveys and not accurate , listen to your own people on the EDDC wetlands they know.

One policy has come to light which might help once you have made the necessary site visit. See what you think as you come down Harepath hill and look across the valley to Axmouth and please keep the below in mind.

#### Areas of Strategic Visual Importance

12.12. This policy ensures that development proposals preserve the visual integrity, identity, and scenic quality of East Devon by conserving and enhancing key views and landmarks.

#### Policy OL04: Areas of strategic visual importance

Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the district, in particular by conserving and enhancing key views and views of local landmarks, including those identified in Neighbourhood Plans.

The following view types are considered to be particularly important:

- A. Landmark views to and from viewpoints and tourism and recreational destinations, including the coast, woodland and open countryside;
- B. Views from publicly accessible areas which are within, to or from settlements which contribute to the viewers' enjoyment of the local area;
- C. Views from public rights of way and other publicly accessible areas;
- D. Night-time views of dark skies, particularly where lighting is to be introduced in areas of low existing light pollution; and
- E. Views which include or otherwise relate to specific features relevant to East Devon and its special qualities, such as key landmarks, heritage assets (either in view or the view from) and biodiversity features.

Development proposals should conserve and enhance sequential views, and not result in adverse cumulative impacts within views.

This policy applies across the whole plan area including the Cranbrook Plan area. Justification for policy

12.13. The policy aims to protect important views and landmarks, encouraging the conservation and enhancement of key view types and patterns. It ensures development does not detract from the visual integrity, identity, and scenic quality characteristic of East Devon. Site-based assessments should follow the latest guidelines for Landscape and Visual Impact Assessment (LVIA) 85 and be proportionate to the scheme's size and impact. If an LVIA is not required, a simple landscape assessment may suffice.

12.14. Sources of information for assessments include the East Devon and Blackdown Hills Landscape Character Assessment (2019)<sup>86</sup>, What Makes a View (Blackdown Hills AONB, 2013)<sup>87</sup>, the Devon historic environment record<sup>88</sup>, Village Design Statements,

I hope this helps you . Colyford is going to be swallowed up by developers expanding Seaton . Green wedges were in place for a reason.

Lastly come and see how many empty new builds we have along the river in Seaton . That developer has stopped work and isn't building the already permissioned flats . Another seafront development has simply gone bust . We don't need anymore houses . Stand strong and protect beautiful Devon.

## **Technical Consultations**

### **County Highway Authority**

I recommend that should this application be approved, secure cycle storage per dwelling is conditioned to help encourage sustainable travel and help mitigate against vehicular travel, as the development is also over our threshold of 40 dwellings, we would also require a Travel Plan which includes a Travel Plan co-ordinator, with measures to pathfind sustainable travel along with a £250 per dwelling sustainable travel voucher package.

#### **Conditions**

1.

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular

movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2.

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 in accordance with the East Devon Local Plan 2013- 2031.

3.

Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43m in either direction. REASON: To provide adequate visibility from and of emerging vehicles.

4.

Off-Site Highway Works No development shall take place on site until the off-site highway works have been constructed and made available for use. REASON: To minimise the impact of the development on the highway network in accordance with the East Devon Local Plan 2013-2031.

### EDDC Landscape Architect

The principle of housing development on the site is considered acceptable in consideration of landscape and visual effects. There are however issues...with the

concept masterplan and further exploration of alternative layouts is required to address these at reserved matters stage should the application be approved.

Conditions recommended.

### EDDC District Ecologist

## 2 Review of submitted details

The EclA confirms the site supports legally protected and notable species including qualifying bat species associated with Beer Quarry and Caves Special Area of Conservation (BQ&C SAC), hazel dormouse, nesting birds, slow worm, badger, and potentially provides suitable habitat for hedgehog, polecat and brown hare.

### Beer Quarry and Caves Special Area of Conservation (BQ&C SAC)

The site is in consultation zones associated with BQ&C SAC and the bat survey results indicates the site supports all qualifying species associated with the SAC. The boundary features, especially the northern and southern boundaries, are considered important for SAC bats. The sHRA considered that in the absence of mitigation the development would have a Likely Significant Effect (LSE) on BQ&C SAC.

Key mitigation measures proposed include the provision of 20m landscape buffers around the boundaries of the site including a minimum 10m dark (<0.5lux) corridor, a 'dark development', i.e., no adopted street lighting within the development, provision of woodland and hedge planting, control measures during construction, and post-construction bat activity and lighting monitoring.

As highlighted by the landscape officer, it is recommended that the primary road access should be located within the centre of the site, located away from the sensitive boundary hedgerows.

The measures, if successfully implemented and maintained, are considered to maintain landscape permeability for SAC (and other) bat species over the site and provide foraging habitat to compensate for the loss of existing low value (arable) foraging habitat.

Any reserved matters application will need to be supported by detailed lighting impact assessment, landscaping, maintenance, and construction management plans.

Given the location of the site and its importance for bats, the mitigation measures should be secured by a planning obligation to ensure the in-perpetuity (80-125 years) maintenance is secured, which is a requirement of the Habitats Regulations to provide the necessary certainty in the delivery of the mitigation.

Habitats and protected species

The EclA makes a thorough assessment of the development impacts on designated sites, habitats, species, and recommendations to deliver ecological enhancements, such as bat tubes and insect bricks.

The EclA states (para 3.2.5) that the development would abut the central hedgerow (H5). While the bat survey did not identify H5 as a commuting route for SAC bats, H5 is considered Important under the Hedgerow Regulations 1997, is a historic hedge feature (shown on OS 1888-1890 maps), and is a Priority Habitat. Therefore, any detailed site design should ensure that H5 is not located within private curtilage, and it has a sufficient buffer either side to ensure its long-term viability and its maintenance is achievable.

In accordance with BS 42021:2022 for integral nest boxes, bird bricks should be provided in each new dwelling, rather than at a ratio of every two dwellings (see para 4.1.12).

All biodiversity features will need to be provided on the detailed drawings, e.g., elevations for bat/bird/insect bricks to ensure they are not missed during construction.

Any supporting development documents, e.g., submitted at reserved matters such as construction management and landscaping plans should ensure that biodiversity constraints, control measures, and features are explicit in their requirements. It is recommended that the detailed site design incorporates street trees, water butts, and a comprehensive SUDS approach (refer to landscape officer comments), to ensure that biodiversity enhancement measures are fully embedded into the development.

#### Biodiversity net gain

The statutory biodiversity metric (SBM) indicates that the development could potentially deliver more than 10% gain for area habitats (~61%) and hedges (~80%). Consideration regarding additionality for the delivery of protected species compensation has been addressed, and the baseline is considered accurate.

#### Conclusions and recommendations

The proposed avoidance, mitigation, compensation, and enhancement measures, notwithstanding the above comments, are considered appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented and successfully maintenance.

Conditions recommended.

#### Devon County Council Waste Management

Recommended that a Waste Audit Statement is submitted that addresses the following points:



- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

#### Devon County Archaeologist

The proposed development lies in an area of archaeological potential with regard to the presence of prehistoric and Romano-British settlement activity.

Recommend WSI conditions.

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

#### Devon County Council Education Dept

The proposed 72 dwellings will generate an additional 18 primary pupils and 10.80 secondary pupils per dwelling which would have a direct impact on Seaton primary school and Axe Valley Academy.

Devon County Council has forecast that there is currently capacity at the designated primary and secondary schools for the pupils likely to be generated by this development and therefore a contribution towards primary and secondary education would not be required.

Devon County Council would however seek a Section 106 contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -

10.80 Secondary pupils

£4.91 per day x 10.80 pupils x 190 academic days x 5 years = £50,376

### DCC Flood Risk Management Team

I have been through the drainage proposals for Baker Estates additional site at Seaton.

Could they show their Source Control features (e.g. swales) on a plan please? I appreciate that this is Outline, but it would be good to see where swales could fit within the hypothetical layout. Enough treatment (of suitable sizes) needs to be included please.

Could they provide some more information for the potential sports pitch please? What size will this be and do the levels work to get an outfall from the sports pitch into the drainage system for this housing site?

I only calculate 2.28ha accounted for within the pipework in the Site 3D model sorry. Could the applicant clarify where the rest of the 3.60ha is assigned to please?

Could the applicant submit a screenshot of the FEH Catchment Descriptors please?

The calculated greenfield runoff rates are much higher than the IH124 greenfield runoff rates. The IH124 method gives discharge rates around 2 litres/second/hectare for this site.

CV Values of 1 should be used within the modelling please.

The potential S98 sewer requisition for an outfall might be complicated by the proposals for the food store across the road. They will have attenuation tanks as well as a pond and pipework which Baker Estates outfall will need to avoid.

### Conservation

Recommendation: No objections

### Assessment

This outline application is for access associated with a residential development of up to 72 dwellings, with all other matters reserved. The indicative masterplan shows that the development will be set away from the northern boundary where the hedgerow boundaries will be retained and enhanced. The proposal will impact on the historic rural setting of the farmstead, although as stated above, this has already been compromised by the A3052 and modern developments. The proposed sports pitch will allow glimpsed views of the farmstead to be maintained to some degree from the south-east and the boundary treatments will go towards mitigating the harm to its setting. In terms of scale, design, materials and landscaping, this can be assessed at reserved matters stage.

The proposed access is towards the southern end of the site on Harepath Road, and this has no impact on the setting of the farmstead.

The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under section 66(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 212, 213 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE02 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025. The proposed access has no impact on the setting of the designated heritage assets and therefore this application complies with these policies.

#### Contaminated Land Officer

Recommends pre-commencement condition regarding potentially contaminated land.

#### Environmental Health

CEMP condition recommended.

I have considered the application and I recommend a ProPG noise impact assessment should be undertaken to determine the noise impact from transportation noise. If the assessment highlight noise as an issue, additional mitigation will need to be considered and assessed to determine if it is at an appropriate level to achieve the internal and external noise levels in line with BS8233 (2014).

Reason: To protect the amenity of local residents from noise.

#### Housing Strategy/Enabling Officer

Policy Requirements: Strategy 34 in the adopted East Devon Local Plan 2013 - 2031 requires 25% affordable on sites in Seaton. This application is offering 29% affordable (21 units) which policy compliant.

Housing Need: There are currently 4302 households registered on East Devon Council's housing waiting list, Devon Home Choice. 167 of these households live in Seaton.

Tenure Mix: Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon and in line with latest government guidance.

Housing Mix - will be determined at Reserved Matters stage. However, I expect the applicant to engage with the housing team to ensure a mix that meets local housing needs as identified via our housing waiting list Devon Home Choice and Strategic Housing Market Needs Assessment. All affordable dwellings must meet M4(2) standards.

Council Plan 2024 - 2028 - East Devon District Council wants to increase the availability of social and affordable housing in the district.

Design of Scheme (including Minimum Floorspace Standards):

Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. When considering scheme design options, the following should be taken into account:

## Clustering / Distribution:

Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. When considering scheme design options, the following should be taken into account:

- o Clustering / Distribution: The Affordable Housing units should be evenly dispersed across the site, in small clusters of no more than 10 dwellings.
- o Parking: sufficient parking spaces should be provided for the size of the property and visitors. Electric vehicle charging points or infrastructure should be provided for as per policy CB20.
- o Minimum Floorspace Standards: all affordable units should meet nationally described space standards (NDSS).

## EDDC Trees

I have no arboricultural concerns regarding the proposal. The site has relatively few tree constraints and those trees which do act as a constraints should be relatively easy to retain due to their location on site boundaries. Overall, the site is considered to offer a significant opportunity to increase tree cover in the area with an emphasis on large canopy sized trees within both public open areas and within the streetscene. It is important that the existing hedgerows are retained as much as possible and that new hedgerows are established to improve habitat connectivity across the site. Opportunities also exist for hedgerows to be improved by the addition of individual trees along the length of the hedgerows.

## Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice.

## LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

At this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £680 per dwelling towards NHS Primary Care to any viability assessments.

## South West Water

### Surface Water Services

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):

### Discharge to surface water body

Having reviewed the applicant's current information as to proposed surface water disposal for its development, discharging into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

It is noted that infiltration has been shown as unviable for this site. The applicant therefore proposes to attenuate on site, before discharging to a sewer that finally discharges to a surface water body, as detailed in the Flood Risk and Drainage Strategy (August 25) and drawing no. 252 ' 0500 ' Rev P3 (May 25)

#### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

#### Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

#### Sports England

We have no opinion on the need for the provision of housing however we wish to flag that there is a current planning application ref 22/2781/MOUT that "awaits a decision". This application includes a proposal to construct a football pitch on the adjacent site of the proposed housing.

There is a potential that balls leaving the football site into this housing site (if both proposals gain planning permission and implemented). Responsibility for adequately considering this agent of change planning issue lies with the applicant and the decision maker.

The Football Foundation (FF) and Devon FA have considered this application and comment that the redline (of the application site) appears to go into the sporting area (of the adjacent site) where a football pitch, parking and pavilion have been included. Therefore, removal of this redline or clarification as to why it's been included into the sporting area is requested. Please note, football has previous comments on this sporting area which are still relevant.

#### Conclusion

Sport England recommends a ball strike assessment is carried out. Any mitigation measures to be implemented e.g. ball stop fencing will be provided by the applicant inside the application site and financially contribute to the future maintenance of the ball strike fencing for an agreed period of time.

Police Architectural Liaison Officer - Kris Calderhead  
Design advice offered.

#### Other Representations

12 letters of objection raising the following matters:

### Policy Conflicts

- Site is outside Seaton's Built-Up Area Boundary and within a designated Green Wedge. Contravenes Local Plan Strategies 7 & 8.
- Proposal undermines adopted Local Plan and NPPF principles for plan-led development.

### Prematurity

- Site is not allocated in the current Local Plan; emerging plan carries limited weight.
- Approval now would be premature and contrary to NPPF guidance.

### Landscape & Character

- Loss of open countryside and harm to views of Seaton Wetlands, Axe Valley, and AONB backdrop.
- Proposed mitigation (buffers, planting) considered inadequate.

### Residential Amenity

- Risk of overlooking and loss of privacy for existing homes (notably those with large glazed elevations).
- Design and Access Statement fails to address these impacts.

### Infrastructure Capacity

- Local GP surgeries, schools, sewage systems already overstretched.
- No clear evidence of capacity or enforceable mitigation measures.

### Employment & Sustainability

- Lack of local jobs; development likely to increase out-commuting.
- Contradicts aims for balanced, sustainable communities.

### Tilted Balance

- Despite housing land supply shortfall, strong Green Wedge policy and environmental protections justify refusal.

### Environmental & Ecological Concerns

- Impact on protected species (bats, deer, badgers, foxes, birds).
- Loss of wildlife corridors and biodiversity.
- Flood risk and inadequate drainage (SUDS concerns).

### Traffic & Safety

- Increased congestion on Harepath Road and A3052.
- Existing issues with school bus parking, steep gradients, and accident risk.

### Other Issues

- Light pollution and loss of dark skies.
- Historic Roman remains and archaeological interest.
- Questionable housing need given unsold properties and stalled developments.
- Past failures by developer to deliver promised ecological and design measures.

## **PLANNING HISTORY**

| <b>Reference</b> | <b>Description</b>                                                                                                                   | <b>Decision</b> | <b>Date</b> |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|
| 09/0179/MFUL     | Erection of 149 dwellings (70% affordable) and a Kingdom Hall with associated car parking and vehicular access, roads and open space | Refusal         | 27.05.2009  |

## **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon) Adopted

Strategy 2 (Scale and Distribution of Residential Development) Adopted

Strategy 3 (Sustainable Development) Adopted

Strategy 4 (Balanced Communities) Adopted

Strategy 5 (Environment) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 6 (Development within Built-up Area Boundaries) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 8 (Development in Green Wedges) Adopted

Strategy 25 (Development at Seaton) Adopted

Strategy 31 (Future Job and Employment Land Provision) Adopted

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) Adopted

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) Adopted

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

EN16 (Contaminated Land) Adopted

EN18 (Maintenance of Water Quality and Quantity) Adopted

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

EN21 (River and Coastal Flooding) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted

H2 (Range and Mix of New Housing Development) Adopted

RC2 (New Open Space, Sports Facilities and Parks) Adopted

TC2 (Accessibility of New Development) Adopted

TC4 (Footpaths, Bridleways and Cycleways) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP02 (Levels of future housing development) Draft

Strategic Policy SP03 (Housing requirement by Designated Neighbourhood Area) Draft



Strategic Policy SP04 (Employment provision and distribution strategy) Draft

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy SP07 (Delivery of infrastructure) Draft

Strategic Policy SP08 (Phased Delivery of Infrastructure and Services) Draft

Strategic Policy SD05 (Seaton and its development allocations) Draft

Strategic Policy CC01 (Climate emergency) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy CC03 (Promoting low carbon and renewable energy) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Strategic Policy HN01 (Housing to address needs) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Policy HN05 (Self-build and custom build housing) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS02 (Housing density and efficient use of land) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR03 (Travel plans, transport statements and transport assessments) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Policy OL10 (Development on high quality agricultural land) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Policy PB02 (Protection of regionally and locally important wildlife sites) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft

Policy PB08 (Tree, hedges and woodland on development sites) Draft

Policy PB09 (Monitoring requirements for new planting scheme) Draft

Strategic Policy OS01 (Access to open space and recreation facilities) Draft

The site is currently comprised of undeveloped fields, with intervening hedgerows and trees. It would bridge the gap from Colyford Road to Harepath Road and extend up Harepath Hill to the A3052. The site would abut existing commercial and residential development to the south.

The site lies across both sides of the Built Up Area Boundary, intrudes into the Green Wedge and land allocated for commercial/recreational use.

Policy OS02 (Sport, recreation and open space provision in association with development) Draft

Policy OS03 (Location of facilities for sport and recreation and open) Draft

Policy OS05 (Leisure and recreation developments in the countryside) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

Policy HE04 (Archaeology and Scheduled Monuments) Draft

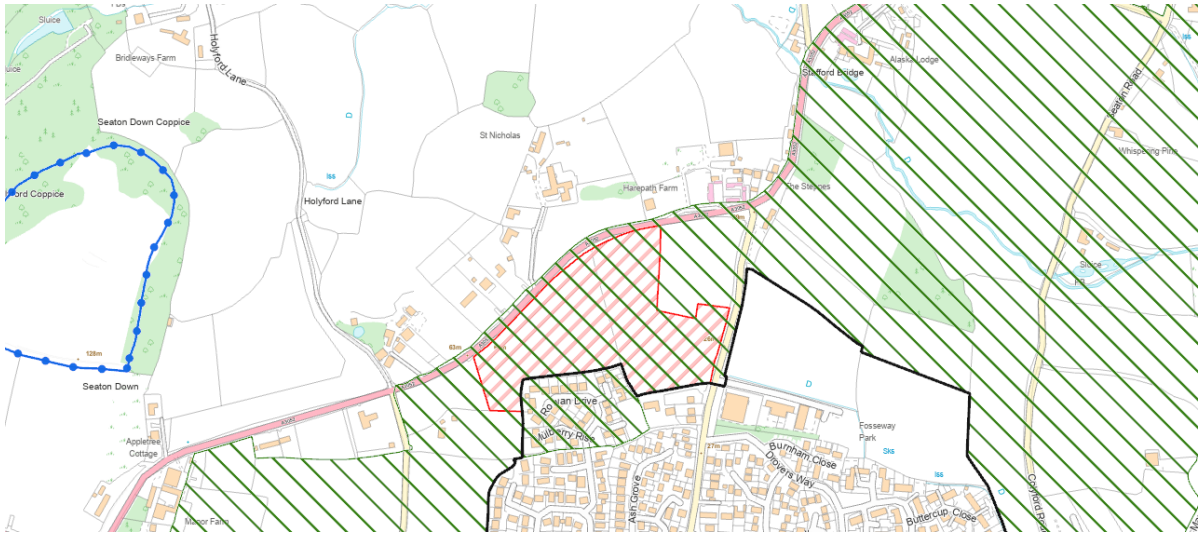
### Government Planning Documents

NPPF

NPPG

### Site Location and Description

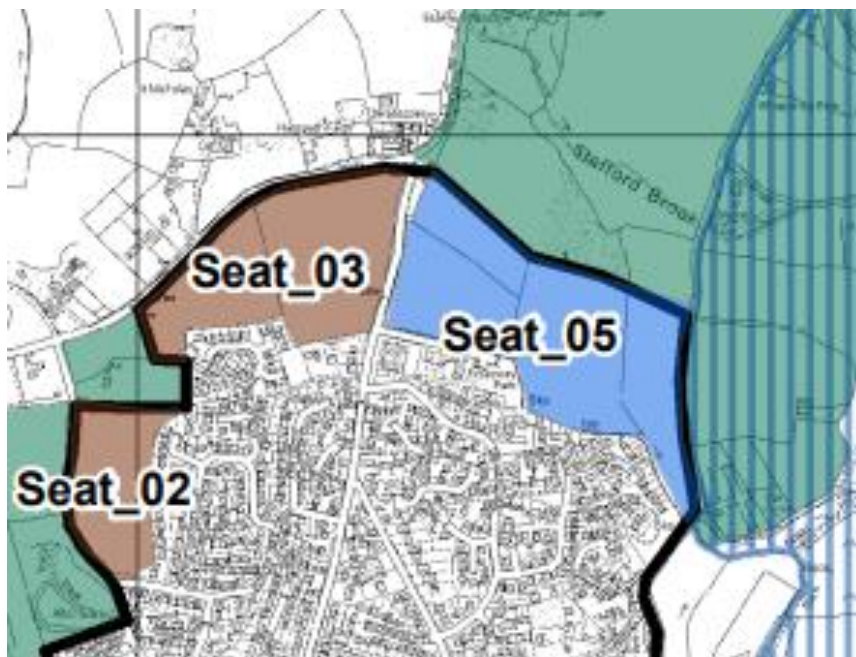
The site is located on the northern edge of Seaton and falls entirely outside of the Built Up Area Boundary BUAB) and also within the Green Wedge (GW), as illustrated in the following map. The site falls within 468 metres of the Scheduled Ancient Monument 'Promontory Fort On Seaton Down' to the west.



Site with Seaton Built up Area Boundary, Green Wedge, Scheduled Ancient Monument and nearby Grade II Listed Buildings shown

The site is currently comprised of undeveloped fields, with surrounding hedgerows and trees. It would bridge the gap between the north edge of Seaton and the A3052 (Harepath Hill). The land rises gradually from east to west.

The site lies within a site allocated for housing in the Draft Local Plan (LP) (Draft East Devon Local Plan 2020-2042) as shown below in allocation Seat\_03.



Seat\_03 site from Emerging Local Plan

### Proposed Development

The proposal seeks outline planning permission for up to 72 dwellings. Approval is sought now for the access point onto Harepath Road while all other matters are reserved.

Members will recall that a planning application (22/2781/MOUT - Outline planning application (with details of access to be considered and all other matters reserved) for mixed use development comprising of up to 130 dwellings to the east of Harepath Road and the laying out of a new community football pitch, parking and welfare facilities to the west of Harepath Road, formation of accesses on Harepath Road and Colyton Road, public open space and other associated infrastructure) was given a resolution to grant planning permission by the Planning Committee on land adjoining the site now under consideration. The application has not yet completed to S106 negotiations (though close to completion) and so presently remains undetermined. Application 25/1788/MOUT proposes to use the same access that is proposed under 22/2781/MOUT.

The indicative landscape masterplan suggests a development form with generous areas of green space on the edges of the site, derived primarily from the need to mitigate against the effects on bats associated with the nearby Beer Quarry Caves Special Area of Conservation (SAC).

## ANALYSIS

### **Main considerations**

- The principle of development, including the Green Wedge
- Affordable Housing
- Landscape
- Heritage
- Residential/Neighbouring Amenity
- Ecology/Biodiversity, including SAC effects, BNG and on-site ecology
- Sustainable Drainage
- Loss of Agricultural Land

### Principle of development

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of the development and the impact of the supply of housing land supply on the decision-making process Strategies 1 and 2 of the Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. The main focus is on the West End and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development.

The proposed development would comprise major development in the countryside wholly outside of the defined settlement boundary of Seaton, thereby conflicting with Strategy 7 of the local plan. Consequently, the site would not offer an appropriate location for the development proposed having regard to the development plan's

overall settlement strategy and expectation for such development to be contained within a designated BUAB.

The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; and
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The National Planning Policy Framework (December 2024) (NPPF) states, at paragraph 78, that "local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old."

The most recent information indicates that the Council's 5-year housing land supply (5YHLS) stands at 3.5 years and as such the presumption in favour of sustainable development in paragraph 11 of the NPPF applies.

#### Green Wedge –

The NPPF explains that in terms of implementation, policies (in Local Plans) should not be considered out-of-date simply because they were adopted or made prior to the publication of the new Framework (para. 232). Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Strategy 8 of the Local Plan states:

*Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.*

In January 2014 an Inspector refused planning permission for a major commercial, housing and recreation development on Land East of Harepath Road in Seaton, land which was and still is designated as Green Wedge (Planning application reference

12/1185/MOUT – PINS reference APP/U1105/A/13/2202124). This application site extended further north than the current proposal and also included all the 118b allocation in Strategy 25. This was issued during the preparation of the now adopted Local Plan and under the preceding 2012 version of the NPPF.

In the decision letter, the Inspector examined the Green Wedge policy. Starting at paragraph 51 of the letter it was stated that:

*51. Whereas the objectives of the Green Wedge policy may be similar to the purposes of a Green Belt, I do not consider that this means the policy has to be given the same status, or the area set out on the Proposals Map the same level of protection, conveyed by The Framework for Green Belt areas. That is, irrespective of what may have been said in the DCLG letters of 4 January 2013 and 3 April 2013 nothing in The Framework indicates that a Green Wedge policy is the equivalent to, or has equal weight as, Green Belt policy.*

*52. Nevertheless the Green Wedge policy has a reasonably long-standing provenance or 'pedigree' and it should not be set aside lightly. Its purpose is to safeguard the setting of built up areas by, amongst other matters, maintaining a separation between what are presently free-standing settlements. This intention is carried through into the eEDLP. It is not just a housing or development restraint policy; it has a strategic aim which has been originally agreed by the Secretary of State, subsequently identified as a 'saved' policy, and its continuation has been democratically endorsed and maintained by the Council – albeit that the eEDLP has yet to be examined and its policies adopted. That is, there is a clear strategic objective – the purpose of which is not solely housing restraint - which has been consistently supported through the development plan process.*

Neither the old or new NPPF makes reference to Green Wedges but taking a steer from the Inspector's comments above this does not mean that Strategy 8 is inconsistent with the Framework. It is a strategy that has been tested during the appeal referenced above and also in relation to the adoption of the current Local Plan. The revisions to the Framework do not diminish the strategic objectives of Strategy 8. It is therefore considered that full weight can be afforded to it.

A more recent appeal at Colyford (application 18/2376/MFUL – APP/U1105/W/19/3233226) also tested the Green Wedge policy. The Inspector gave full weight to Strategy 8 in dismissing that appeal.

Having found that Strategy 8 can be afforded full weight, the development must be tested against it. It is quite clear that there are three circumstances in which development must not be permitted in the Green Wedge;

1. if it would add to existing sporadic or isolated development; or
2. if it would damage the individual identity of a settlement; or
3. if it leads to or encourage settlement coalescence.

If the development fails on any of these considerations, it would be in conflict with the Strategy. Other material considerations would still be required to be balanced against the finding on this issue.

### Would it damage the individual identity of a settlement?

The Council's Landscape Architect finds that the development likely to give rise to unacceptable landscape and visual impacts and by extending development onto prominent land intervisible with Colyford is also likely also to contribute to settlement coalescence contrary to the aims of the Green Wedge designation.

In the appeal referred to above, the Inspector went on to state that (para 53) '*Any incursions into the Green Wedge would erode the physical separation and thereby could be seen to weaken its strategic function*'. Furthermore that '*the degree of separation between neighbouring settlements is judged not solely on physical separation or measured distance; also relevant is the extent or effectiveness of the visual break, plus a consideration of the psychological perception of when or where coalescence would occur.*' This reinforces the view that it is not necessary to see both settlements in the same field of view to have a perception that the gap would be diminished, although in this particular case, you can see both settlements in any of the views available.

The representations made by interested parties reveal that there is a perception that the development will be damaging in some degree to the individual identity of Seaton and Colyford, through a lessening of the green space between them. It is considered therefore that the development could damage the individual identity of Colyford and Seaton to some extent, more so when in cumulation with the adjacent proposed development.

### Would it lead to or encourage settlement coalescence?

The question is not 'will the development result in settlement coalescence', which clearly would require a far larger scale development in this location, but instead 'will it be a step on the road to such coalescence'?

It is unlikely that settlements in East Devon that are bounded by Green Wedges will face applications for development of land from one settlement boundary to another in its entirety. The Strategy therefore has been formulated to take account of piecemeal developments which, in combination over any period of time, could result in eventual coalescence. This is a logical way to draft such a strategy and it negates any argument that development of a single field does not lead to settlement coalescence. The Inspector recognised this (para 53) by stating '*Any incursions into the Green Wedge would erode the physical separation and thereby could be seen to weaken its strategic function*'.

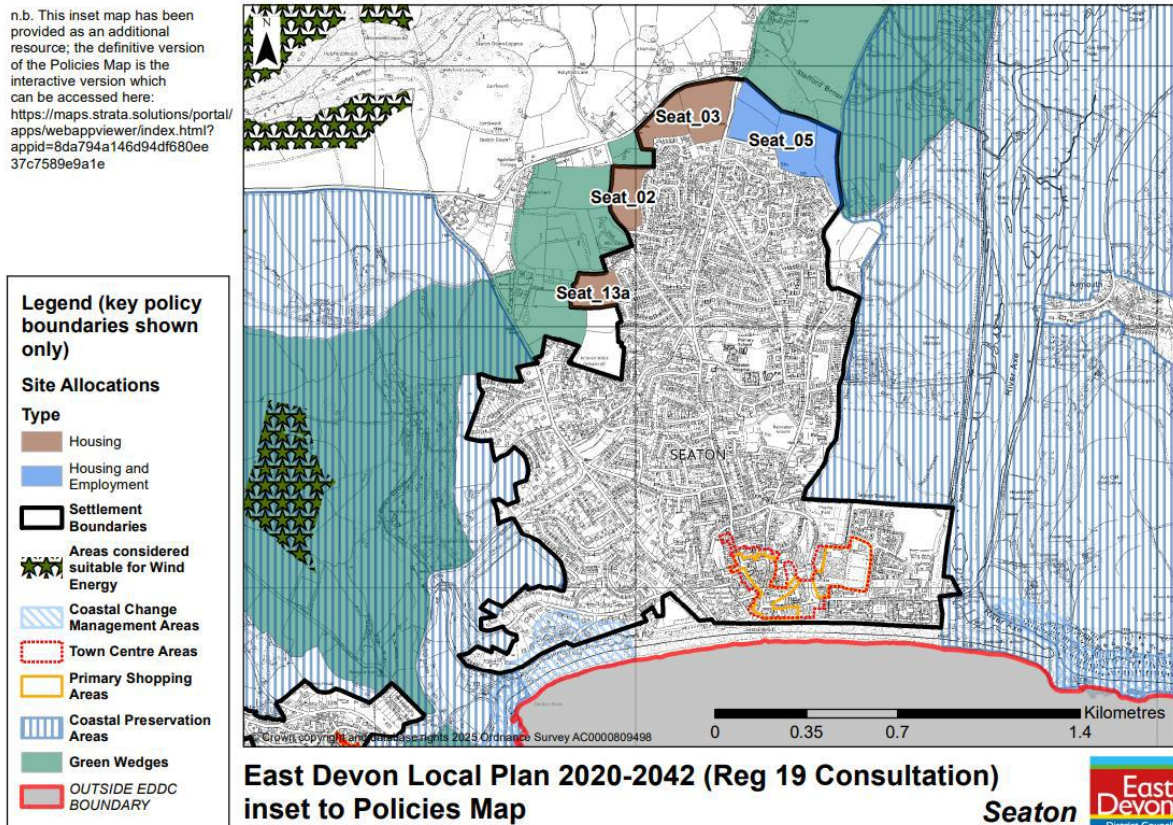
The development proposed clearly would infill a number of undeveloped fields in-between the two settlements and therefore is a step towards coalescence. The proposed development would fail to accord Strategy 8 as it would damage the individual identity and lead towards the coalescence of Seaton and Colyford.

### Emerging Local Plan –

Under Strategic Policy SD05 of the DLP, allocates land north of Seaton on the west side of Harepath Hill (Seat\_03) for around 75 dwellings. Land on the east side of



Harepath Hill (Seat\_05) is proposed for housing (up to 130 dwellings) and employment (around 2.2 hectares). Both of these designations would also remove any Green Wedge status of the land. SD05 does state that both sites would need to come forward as a co-ordinated and comprehensive development that delivers the proposed large-scale mixed-use development on the northern edge of Seaton and seeks to deliver the long-standing need for a football pitch as part of a viable package of planning obligations.



However, given the early stage the emerging Local Plan is at only limited weight can be afforded to these policies at this time.

## Affordable housing

As the site lies outside the BUAB for Seaton and in accordance with Strategy 34 the development should provide 50% affordable housing. However, full weight cannot be given the Local Plan policies on housing as the Council does not have the requisite housing land supply as noted above. Given that the site would deliver housing for Seaton and immediately abuts its development boundary it is considered appropriate to require the same affordable housing threshold as for sites within the town (25%) and this is what is being proposed by the applicant.

There are 4302 households on the housing register in East Devon and 167 of those living in Seaton. This is a substantial need. Strategy 25 (Development at Seaton) of the current Local Plan only provides for one residential allocation for 30 dwellings at Rowan Drive which has already been completed.



The affordability of housing in East Devon is worse than the national average in England and Wales as shown in the following table. These figures show the affordability ratios nationally versus East Devon. The figures show house prices relative to earnings as a ratio. So, for England and Wales in 2021 house prices were 8.93 times earnings whereas in East Devon they were 10.88.

| Year            | 2013  | 2014  | 2015  | 2016 | 2017 | 2018 | 2019  | 2020  | 2021  |
|-----------------|-------|-------|-------|------|------|------|-------|-------|-------|
| England & Wales | 6.74  | 6.95  | 7.37  | 7.59 | 7.77 | 7.85 | 7.73  | 7.75  | 8.93  |
| East Devon      | 10.00 | 10.05 | 10.34 | 9.39 | 9.84 | 9.93 | 10.56 | 10.08 | 10.88 |

The proposed scheme could deliver up to 18 affordable homes (25% of 72 homes). Any non-whole units would be secured under the S.106 agreement as an off-site contribution in lieu of on-site provision in accordance with the Councils Affordable Housing SPD and using the commuted sum calculator therein. It should be noted that the application is for 'up to 72 dwellings' and the final number of dwellings may mean that the quantum of affordable housing required could be either a whole number or not.

Based on the above it is considered that the provision of affordable housing should be given significant weight in the planning balance.

### Access

Policy TC2 (Accessibility of New Development) of the Local Plan states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan states that Planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) state that spaces will need to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

Full planning permission is sought for the means of access to the site. The proposed access is onto Harepath Road, using the same access that has already been deemed to be acceptable by the Planning Committee in its resolution to grant permission for application 22/2781/MOUT. The County Highway Authority is satisfied that safe access can be provided via the proposed access points as designed.

The development is considered to be sustainably located in terms of travel and provides safe access to and from the highway network in accordance with Strategy 3, 5B and policy TC2 of the Local Plan.

## **Landscape**

The entirety of the site lies in the open countryside for the purposes of the development plan. It is not within a National Landscape, the nearest being 970m to the east, where the tramline runs.

Strategy 46 (Landscape Conservation and Enhancement and AONBs) states that development will only be permitted where it conserves the landscape character of the area, does not undermine landscape quality and is appropriate to the economic, social and well being of the area.

Policy D1 (Design and Local Distinctiveness) of the Local Plan sets out detailed criteria to ensure that new development is of a high quality design and is locally distinctive. In particular development should respect the key characteristics and special qualities of the area and ensure the scale, massing, density, height, fenestration and materials of buildings relate well to their context. In addition development should not adversely affect the urban form in terms of significant street patterns, groups of buildings and open spaces.

Section 12 of the NPPF, 2024 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development (para 131). In addition, development should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting (para 135). Development that is not well designed should be refused (para 139).

The site is exposed to views from Harepath Road, Colyford Road. The A3052 (Harepath Hill), Axmouth and in other local views. Its rising elevation will ensure that views of the development are seen from various vantage points to the east in the National Landscape. It will sit adjacent to the existing edge of Seaton and while it would be relatively well provided for in terms of green space (accounting for the SAC mitigation), the development will urbanise the site which is presently greenfield in nature to the detriment of its character and appearance and as a consequence it would run contrary to Strategy 46 of the Local Plan. While the landscape officer considers the development could be acceptable, this is not yet demonstrated through detailed plans and this weighs negatively in the planning balance.

## **Heritage**

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect the distinctive historic or architectural character of the area.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site.
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of the listed buildings.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed development lies directly opposite the Harepath Farm, The Dairy, The Stables, The Linhay and Barn Grade II group of listed buildings. The application is in outline form (except for the means of access) and so it is not possible to establish the likely effects on these assets. Effects will likely only be in relation to their setting, this being derived in part from the rural fields surrounding these buildings which have an agricultural character. Further consideration will need to be given at the reserved matters stage. The Conservation Officer concurs with these views.

In relation to archaeology DCC's archaeologist has advised that an archaeological watching brief should be secured through the usual planning condition, to record any items of interest.

At this stage there is no objection in relation to the effects on heritage assets.

### **Residential/Neighbour Amenity**

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the Local Plan states that permission will not be granted for development which results in unacceptable levels of pollution including smell, fumes and dust; pollution of surface or underground waters; noise; vibration; light intrusion and fly nuisance.

Para 130 of the NPPF, 2023 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The proposal would result in dwellings being erected adjacent to existing dwellings, which is unlikely to cause any conflict, subject to suitable layout, design and landscaping. The generous buffer zone likely require to mitigate effects on the integrity of the SAC will assist in maintain amenity to reasonable levels. The final layout, design and landscaping are reserved matters and careful design will likely ensure amenity levels are maintained to an acceptable level.

## **Ecology/Biodiversity**

Strategy 47 (Nature Conservation and Geology) of the Local Plan states that all development proposals will need to conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features. The aims of this Strategy are reinforced in paras 180 to 182 of the NPPF, 2023.

The site is located in proximity (3.1km) to the Beer Quarry Cave Special Area of Conservation (SAC).

The site is located within a lesser horseshoe bat *Rhinolophus hipposideros*, greater horseshoe bat *Rhinolophus ferrumequinum* and Bechstein's bat *Myotis bechsteinii* core sustenance zone. It is also within the landscape connectivity zone for all three species.

The site is also located within a lesser horseshoe bat and greater horseshoe bat Pinch Point. These are known or potential commuting routes which are restricted e.g., due to urban encroachment or proximity to the sea / estuaries. The greater and lesser horseshoe bat 'Pinch Point' between Seaton and Colyton is where horseshoe bats are known to be moving from the SAC / SSSI to land to the east (Axe / Seaton marshes) and beyond. As the Proposed Development lies over 3.1km from the SAC, there would be no damage / disturbance or direct impacts to the SAC roosts or other key roost(s).

There is a Key lesser horseshoe bat maternity roost (also a lesser horseshoe bat hibernation roost) approximately 150m north-east of the site.

The designated area of the SAC is relatively small and comprises the quarry and caves and the immediately surrounding areas. However, the qualifying features (the bat populations) are dependent upon a much wider area outside the SAC boundary which provides foraging habitat and commuting routes and supports other critical roosts. Protection of key areas of habitat in the area is therefore essential in order to maintain and enhance the favourable conservation status of the qualifying features. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are designated under the Conservation of Habitats and Species Regulations 2017 (as amended), which are commonly referred to as "The Habitats Regulations". These

sites are internationally important for nature conservation, and are afforded the highest level of protection of any ecologically designated sites in the UK. EDDC is a Competent Authority under the Habitats Regulations, and therefore has a duty to carry out Habitats Regulation Assessment (HRA) in order to test if a proposed plan or project could significantly harm the qualifying features of a Site. This applies to the granting of any permissions by EDDC. HRA typically consists of two stages:

1. **Screening** - An assessment of whether there is a likely significant effect (LSE) on the qualifying features of a European site in absence of mitigation measures. If it does not, then the appropriate assessment stage does not need to be completed.
2. **Appropriate Assessment** – An assessment of whether LSEs can be mitigated, with full mitigation, avoidance and compensation details.

The screening stage concludes that Appropriate Assessment is required and the applicant has submitted a shadow Habitat Regulations Assessment (sHRA) to assist the Council in its duty. The Council's ecologist is satisfied that this assessment demonstrates that, with appropriate mitigation being secured, the development would be unlikely to result in an adverse effect on the integrity of the SAC. These mitigation measures will be secured as part of the S.106 and planning conditions given that they will be required to be managed in perpetuity.

Mitigations measures noted in the sHRA cover the development phase and the post development period, noted in sections 4.2.18 - 4.2.31. In summary, these include:

- Construction Ecological Management Plan (CEcoMP).
- Habitat Management and Monitoring Plan (HMMP)
- Detailed lighting plan and strategy including 10 m dark corridors, 10 m landscape buffers, new hedgerow, woodland planting, and enhanced habitat provision.
- Long-term construction and post-construction ecological monitoring.

The Council has endorsed the sHRA and has consulted Natural England to seek its agreement. The outcome of this will be reported at the meeting.

Biodiversity Net Gain –

BNG is a mandatory requirement on this application (unlike on 22/2781/MOUT).

The proposals are demonstrating a net gain in excess of 61.4% for area habitats and 80.51% for hedgerows based on the submitted outline landscape plan. BNG will be secured using the standard BNG planning conditions.

On-site ecological effects –

Measures to avoid and mitigate negative effects and provide ecological enhancement include the following:

- Construction measures to prevent pollution via dust, surface-water runoff and ground water.
- Retained hedgerows and trees protected from disturbance during construction through the use of temporary barriers (e.g., Heras fencing) in accordance with BS5837:2012.
- Reptile mitigation strategy comprising habitat manipulation to be undertaken prior to the start of construction.
- A pre-construction badger survey to confirm the status of badger setts. Any setts that could potentially be damaged or disturbed during construction would be subject to a Natural England Badger Development Licence. Retained setts would be buffered (minimum 20m) during construction and within the development layout. Construction-site management measures would be implemented to protect badgers.
- Site clearance (including hedgerow and scrub removal) would be undertaken outside of the bird-nesting period or preceded by a search of suitable habitats for nesting birds.
- No lighting would be left on during the night during the construction period. Any security lighting would be positioned at low-height and motion activated on short-timers.
- A mitigated lighting scheme that includes no street lighting (i.e., a 'dark development'). No additional lighting to Harepath Road associated with this development is proposed. Reserved Matters Applications would be supported by detailed lighting assessments, including residential unit-based assessment, to demonstrate that the dark corridors (<0.5 lux) would be achieved.
- Bat, bird and insect boxes would be incorporated into new buildings and installed on trees. Dormouse boxes would also be installed in retained hedgerows.
- A destructive search for hedgehogs would be undertaken prior to the start of construction. Hedgehog passes would be created within new garden fences to allow hedgehogs to move around and through the Site post-development works.

A Construction and Ecological Management Plan (CEcoMP) would be produced to detail measures to ensure habitat and species protection during construction. A Habitat Management and Monitoring Plan (HMMP) will be produced to detail how retained and proposed habitats would be created / enhanced and managed in the long-term.

Subject to consideration of the response Natural England to the HRA, securing the mitigation outlined above in the S.106 and by using planning conditions the development's effects on biodiversity are considered acceptable.

## **Flood Risk & Sustainable Drainage**

Policy EN21 (River and Coastal Flooding) of the Local Plan states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use (minor development includes non-residential extensions with a footprint of less than 250 square metres, development that does not increase the size of the building or householder development unless it would

create a separate dwelling) will be permitted in areas subject to river and coastal flooding.

None of the site lies within a flood zone. However, the site still needs to be designed to ensure that sustainable drainage can work effectively and prevent the development from contributing to surface water problems or flooding elsewhere.

Policy EN22 (Surface Run-Off Implications of new Development) states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

DCC's Flood Risk SuDS team were consulted on the application, being the Lead Local Flood Authority for major applications. Further information was requested to demonstrate suitable drainage can be provided and this was received on 13<sup>th</sup> November. While a formal response is awaited, this further information was prepared in consultation with DCC and it is not expected that an objection is likely to be raised. Conditions are proposed which were suggested by DCC for Baker Estate's other adjoining site.

Therefore the development is considered acceptable in accordance with policies EN21 and EN22 of the Local Plan.

### Loss of Agricultural Land

Policy EN13 (Development on High Quality Agricultural Land) of the Local plan states that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry. Planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either:

1. Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or
2. The benefits of the development justify the loss of high quality agricultural land.

If best and most versatile land needs to be developed and there is a choice between sites in different grades, land of the lowest grade available must be used except

where other sustainability considerations, including intrinsic nature conservation value of a site, outweigh land quality issue.

The lower half of the field immediately next to Harepath Road is identified on the Council's mapping system as primarily being Grade 2 agricultural land (half of which is already resolved to grant permission for the football pitch under 22/2781/MOUT), in other words the Best and Most Versatile (BMV) land. The remainder (majority) of the site is shown as being undifferentiated Grade 3. The development would lead to the loss of a modest amount (less than half the lower field) of BMV land contrary to policy EN13 which weighs against the proposal but not significantly.

### **Other Matters**

The Royal Devon University Healthcare NHS Foundation Trust has commented on the planning application. It states that there is not presently any requirement for a financial contribution towards healthcare arising from the development.

Sport England's comments about ball strikes from the football pitch are noted and it is suggested that a suitable planning condition is used to ensure the reserved matters provide a suitable layout and design that will alleviate the need for tall unsightly ballstop fencing/netting.

### **PLANNING BALANCE**

The proposed development conflicts with the general presumption in Strategy 7 against development outside of BUABs, and with the green wedge policy. Neither does it align with the allocation for residential use, noting that it should have been master-planned with the adjoining proposed allocation.

The development would have some harmful landscape effects and would also conflict with the Green Wedge strategy, leading towards the coalescence of Seaton and Colyford. It would also lead to the loss of the Best and Most Versatile agricultural land.

Effects on nearby grade II listed buildings could be acceptable provided the detailed plans submitted at reserved matters stage are carefully designed to take account of the need to conserve their setting.

In terms of benefits, the development would provide housing at a time that the Council cannot demonstrate a five-year housing land supply, and where the shortfall is significant. Furthermore, it would deliver 25% affordable housing (up to a maximum of 30.5 affordable homes) in an area where there is a need for 167 affordable homes and when affordable housing delivery across the District is behind target, in the context of a worsening affordability index. Accordingly, these are considered to be benefits to which very significant weight should be afforded. There are also some benefits to the economy generated during the course of the construction period to which some weight can be attributed.



The development would not likely adversely affect the integrity of the Beer Quarry Caves SAC and would adequately mitigate the on-site ecological effects. The necessary level biodiversity net gain will be delivered.

Taking the above into consideration, the development would provide social benefits of significant weight. Biodiversity interests would be not only maintained but there would also be a net gain in biodiversity. While there would be some landscape harm the overall balance (considering the definition of sustainable development in the NPPF which stands on 3 pillars: economic, social and environmental) is positive and the development can therefore be said to be sustainable.

The development is not in accordance with the allocations in the emerging Local Plan as presently drafted. For instance, Seat\_03 is only allocated for housing (where the football pitch relating to application 22/2781/MOUT is suggested to be). Furthermore, the draft Local Plan requires that Seat\_03 and Seat\_05 be delivered as a co-ordinated and comprehensive development and this application leaves some of the allocated land out. Only limited weight can be afforded to the emerging Local Plan at this time in any event.

The inability to demonstrate a five year housing land supply means that the housing policies in the Local Plan are out of date and the tilted balance in the NPPF therefore applies. This requires that permission be granted for sustainable development. As the integrity of the SAC will be upheld, none of the disqualifying criteria of the tilted balance are applicable. It is therefore recommended that the Council adopts the Appropriate Assessment (HRA) and grants permission for the development, subject to the completion of a S.106 agreement and conditions set out below.

## **RECOMMENDATION**

1. Adopt the shadow Habitat Regulations Assessment as EDDC's Appropriate Assessment.
2. Subject to consideration of Natural England's consultation response on the sHRA, Approve subject to the following matters to be secured by a Section 106 legal agreement:
  - 25% Affordable Housing. Delivery of 50% affordable housing by 50% occupation of open market units. Delivery of 100% affordable housing by 75% open market units; 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership;
  - Delivery of Public Open Space on-site and future management;
  - Travel Plan Measures and Monitoring including budget of £300/dwelling (as proposed in sections 8 of Transport Statement);
  - Monitoring fee including monitoring of LEMP
  - Delivery of SAC ecological mitigation/ enhancement measures as set out in the Ecological Impact Assessment (Ecological Impact Assessment (EcIA) (EAD Ecology, September 2025) (subject to revised details at reserved matters stage)

- contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -
  - 10.80 Secondary pupils
  - £4.91 per day x 10.80 pupils x 190 academic days x 5 years = £50,376

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
2. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
3. 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.)
4. Prior to commencement of development the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works;
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations;

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking; and
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall proceed in strict accordance with the approved CMP.

(Reason- To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of the Road Network and Site Access) of the East Devon Local Plan 2013-2033. This is a pre-commencement condition as it concerns how the development is carried out.)

5. A Construction and Environment Management Plan (CEMP) 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

(Reason - To ensure the construction works do not give rise to undue noise, disturbance or pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031. This is a pre-commencement condition as the CEMP concerns how the development is carried out.)

6. Prior to, or as part of the Reserved Matters, the following information shall be submitted to, and approved in writing by, the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with Devon County Council's groundwater monitoring policy.
  - (b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
  - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
  - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (e) A plan indicating how exceedance flows will be safely managed at the site.
  - (f) Evidence there is agreement in principle from the landowner.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

(Reason- The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and NPPG and policy EN22 (Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031). The condition is a pre-commencement because it is essential that the proposed surface water drainage system is shown to be

feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.  
(Reason- To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031 that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.)
8. The development shall not be occupied or brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.  
(Reason - To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031.)
9. No development work shall commence on site until the following information has been submitted and approved:
  - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.
  - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
  - c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by a minimum of six sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles and relationship to surroundings in north-south and east-west directions across the site.

- d) A surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.
- e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:
- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
  - methods for stripping, stockpiling, re-spreading and ameliorating the soils.
  - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
  - schedules of volumes for each material.
  - expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
  - identification of person responsible for supervising soil management.
- f) Green infrastructure/ Landscape strategy plan showing existing vegetation to be retained and removed, new tree and native structure planting and other habitat creation areas, existing watercourses and new SuDS drainage provision together with public open space and foot/ cycle path routes and connections. The plan shall identify areas for advance planting and enhancement of existing perimeter hedges prior to commencement of site works.
- g) A full set of soft landscape details including:
- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
  - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
  - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
  - iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
  - v) A programme for delivery of soft landscape works identifying any phasing proposed.
- h) A full set of underground services plans and typical depths and trenching requirements for all such services. The plans shall indicate the locations of proposed trees within the scheme and proposals shall ensure that services routing does not adversely interfere with tree pit requirements.

- i) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

- 10. No development shall take place until a Landscape and Ecology Management Plan (LEMP), based on the submitted Ecological Impact Assessment (EAD Ecology, 2023) and HRA (EDDC, 2024), for a minimum period of 30 years (Habitats provided for SAC bats will need to be managed in perpetuity) has been submitted to, and approved in writing by, the Local Planning Authority which should include the following details:

- a) Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
- b) Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- d) Landscape and ecological aims and objectives for the site.
- e) Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - i) Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
  - ii) New trees, woodland areas, hedges and amenity planting areas.
  - iii) Grass and wildflower areas.
  - iv) Biodiversity features – bat house, hibernacula, bat/ bird boxes etc.
  - v) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

- g) Arrangements for Inspection and monitoring of the site and maintenance practices.
- h) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The development hereby permitted shall not be occupied until all ecological mitigation and enhancement features, including bat boxes, bird boxes (1 per dwelling), permeable garden fencing, reptile hibernacula, have been installed/constructed in accordance with details within the submitted LEMP.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Page 10 of 10 Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. To The maintain the integrity of the Beer Quarry Caves Special Area of Conservation and on-site biodiversity, in accordance with strategy 47 (Nature Conservation and Geology) and policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031). The LEMP is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

11. A lighting scheme for the construction phase shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lighting used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting

may be acceptable. Development shall take place in accordance with the approved details.

(Reason - To ensure the construction works do not give rise to undue disturbance or pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031. This is a pre-commencement condition as the CEMP concerns how the development is carried out.)

12. No development shall commence on site until a Detailed Lighting Design including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and parameters detailed within the shadow Habitats Regulation Assessment (EAD Ecology, August 2025) has been submitted and approved in writing by the local planning authority.

The design should clearly demonstrate that dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), are achievable based on the final site design. All lighting shall be installed in accordance with the specifications and locations set out in the final design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any external lighting be installed without prior consent from the local planning authority.

(Reason - The use of poorly designed lighting in this area will likely adversely affect the integrity of the Beer Quarry Caves Special Area of Conservation, contrary to strategy 47 (Nature Conservation and Geology).

13. The development shall be carried out in accordance with the Ecological Impact Assessment (EAD Ecology, September 2025) and Ecological consultee comments made on 08 December 2025, in particular the ecological mitigation and enhancement measures detailed in Section 4. The development shall not be first occupied until the local planning authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- a. Integrated bat boxes (one box for every two dwellings)
- b. Integrated bird boxes (1 per dwelling)
- c. Dormouse nest boxes (20 no.)
- d. Insect bricks (1 per dwelling or equivalent no. in suitable locations)
- e. Hedgehog highways (13 cm<sup>2</sup> holes in at ground level in fences)
- f. Reptile/amphibian hibernacula (3 no.)

have been installed/constructed in accordance with the EclA and subsequent supporting documents including any Habitat Management and Monitoring Plan (HMM), Landscape and Ecological Management Plan (LEMP) and Construction and Ecological Management Plan (CECoMP).

(Reason) - To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)



14. A ProPG (Professional Practice Guidance on Planning and Noise) noise impact assessment shall be undertaken to determine the noise impact from transportation noise and inform the layout and design of the proposed dwellings at reserved matters stage. The results of the assessment shall be submitted with the reserved matters submission including any necessary mitigation. If the assessment highlights noise as an issue, additional mitigation will need to be considered and assessed to determine if it is at an appropriate level to achieve the internal and external noise levels in line with BS8233 (2014).

Reason: To protect the amenity of local residents from noise.

15. Prior to commencement of development the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works;
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking; and
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall proceed in strict accordance with the approved CMP.

(Reason- To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of the Road Network and Site Access) of the East Devon Local Plan 2013-2033. This is a pre-commencement condition as it concerns how the development is carried out.)

16. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
  - g) The role and responsibilities on site of an ecological clerk of works (ECow), including any licence requirements, i.e., for reptiles, dormice and bats.
  - h) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

(Reason - To ensure on-site biodiversity is not adversely affected in accordance

17. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted EcIA (EAD Ecology, September 2025) and an approved soft landscaping plan. It shall include the following:
- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
  - b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
  - c) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
  - d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.

- e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
  - i. Existing trees and hedgerows/banks.
  - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
- f) The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- g) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- h) The monitoring methodology and frequency in respect of the created, retained and enhanced habitats to be submitted to the local planning authority,
- i) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- j) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

1.1. Notice in writing shall be given to the Council when the HMMP works have started.

1.2. No occupation shall take place until:

- a) the habitat creation and enhancement work set out in the approved HMMP have been completed; and
- b) Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.

1.3. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

1.4. Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason - To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

17. A Landscape and Ecology Management Plan (LEMP) for a minimum 30-year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:

- a) Details of the body or organisation responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- d) Landscape and ecological management aims and objectives for the site.
- e) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
  - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.-
  - New trees, woodland areas, hedges and amenity planting areas.-
  - Grassland, wildflower and any other habitat areas proposed.

- g) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- h) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
- i) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- j) Arrangements for inspection and monitoring of the site and maintenance practices.
- k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

18. To ensure the feasibility of species-rich grassland creation, a soil survey of all the fields within the application boundary shall be undertaken in accordance with best practice guidance, including:

- Devon County Council Soil Analysis BNG Guidance October 2024
- Natural England TIN035 (Soil sampling for habitat recreation and restoration),
- Magnificent Meadows (Soil Nutrient Testing),
- and the Farm Environment Plan Manual (2010), Key 2c.

Prior to commencement of construction, the soil survey methodology, results and an Initial Biodiverse Grassland Seeding and Enhancement Strategy shall be submitted to the LPA for approval. This strategy shall:

- Interpret nutrient levels (especially phosphorus) and assess feasibility of species-rich grassland creation.
- Propose field-specific prescriptions based on baseline soil conditions and ground flora.
- Include a nutrient reduction plan where required and monitoring arrangements for soil nutrient status and botanical diversity.
- If survey results indicate non-feasibility without intervention, a revised programme and specification shall be submitted prior to commencement of site works setting out measures and anticipated timings for reduction of soil fertility and habitat creation including associated monitoring arrangements. A

Final Biodiverse Grassland Seeding and Establishment Strategy shall be submitted 3 months prior to final seeding, informed by site monitoring results.

Ongoing grassland monitoring and soil testing shall be incorporated into the 30-year aftercare programme.

18. The landscaping works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

19. Any new planting or grass areas which fail to make satisfactory growth or die within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

19. As part of the reserved matters application, a ball strike assessment shall be submitted to, and approved in writing by, the Local Planning Authority to consider the potential impact of the adjacent approved football pitch on the detailed design and layout proposed by the reserved matters.

The assessment shall include details of:

- a) The potential for any ball strike into the proposed plots from the adjacent approved football pitch;
- b) Whether any mitigation measures will be required;

- c) The detail of any mitigation measures proposed;
- d) Future maintenance arrangements for any mitigation measures required.

The development shall be carried out in accordance with the approved assessment. (Reason – To ensure the development avoids the need for unsightly tall ball-stop fencing which could also be detrimental to bats associated with the nearby Beer Quarry Caves SAC, in accordance with Strategy 47 (Nature Conservation and Geology), Policies EN5 (Wildlife Habitats and Features), D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

#### Plans relating to this application:

|                         |             |          |
|-------------------------|-------------|----------|
| 25033-003 : site access | Other Plans | 29.08.25 |
|-------------------------|-------------|----------|

|           |               |          |
|-----------|---------------|----------|
| A-1001-P2 | Location Plan | 29.08.25 |
|-----------|---------------|----------|

#### List of Background Papers

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

### **Statement on Human Rights and Equality Issues**

#### **Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

#### **Equality Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## Full Consultation Responses

### Devon County Council Waste Management

This major application has come to the attention of the Waste Planning Authority.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels as it's noted that the topography slopes to the south east.

Therefore, it is recommended that a Waste Audit Statement is submitted that addresses the following points:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The Waste Planning Authority recommends that the LPA is satisfied with the provision of waste storage for the operational phase of the proposed development.

Please do not hesitate to contact the Waste Planning Authority should you have any queries.

### Devon County Archaeologist

My ref: ARCH/DM/ED/41753a

I refer to the above application and your recent consultation. The proposed development lies in an area of archaeological potential with regard to the presence of prehistoric and Romano-British settlement activity. Archaeological investigations in the surrounding landscape have demonstrated that the archaeological deposits have been substantially truncated by centuries of agricultural activity and, as such, the Historic Environment Team would consider that any impact upon the archaeological resource here can be mitigated by a programme of archaeological



work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

#### Reason

'To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing an archaeological geophysical survey of the application area, followed by the excavation of a series of trial trenches that will sample at least 3% the application area to confirm the presence and significance of any heritage assets with archaeological interest that will be affected by the development as well as the efficacy of the survey itself. Based on the results of these initial stages of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation of all or targeted part(s) of the development site in advance of construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Yours faithfully,

Stephen Reed

Senior Historic Environment Officer

#### County Highway Authority

##### Observations:

I have visited the site and reviewed the planning documents.

The Transport statement shows that a large refuse vehicle can enter the proposed access, though it does encroach onto the other side of the road slightly, this manoeuvre would only be happening once a week and is therefore deemed acceptable. It is therefore accepted that emergency refuse vehicles can enter and exit the proposed access satisfactory also.

The Transport statement, shows that a visibility splay of 2.4m by 59m in accordance with Manual for Streets, our current best practice guidance, and also utilising recorded speed data undertaken at this site, establishing an 85th percentile, 37mph speed.

The visibility is using a clause from Manual for Streets which allows for the visibility splay to be brought 1m out from the kerbline to adhere to the vehicle running edge, a clause which the recently approved development south of Harepath Road (22/2781/MFUL) successfully used.

The proposed access will have a fairly standard 6m Radii, with internal footways of 2m on either side and a 5.5m carriageway primary Road, all of which conforms to Manual for Streets.

TRICS® data shows that this 72 dwelling parcel would typically produce a two-way trip generation of 35 vehicle movements during peak hours, a rate of far less than one a minute.

A proposed island crossing is proposed to allow pedestrians to cross Harepath Road and head East-West, and utilise the south-bound bus stop. Seaton benefits from an array of buse services facilitating Exeter aswell as other smaller satelite towns along with cross-boundary connections to Somerset Towns and college facilities. Seaton itself also has an array of local facilities and services. These features will help support sustainable travel.

I recommend that should this application be approved, secure cycle storage per dwelling is conditioned to help encourage sustainable travel and help mitigate against vehicular travel, as the development is also over our threshold of 40 dwellings, we would also require a Travel Plan which includes a Travel Plan co-ordinator, with measures to pathfind sustainable travel along with a £250 per dwelling sustainable travel voucher package.

I have searched our rolling recorded police record which is over the last 5 years from January 2020 to December 2024 and can only see 1 incident within the vicinity of this proposed area and see no evidence of this being linked to a highway geomtery issue.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1.

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2.

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 in accordance with the East Devon Local Plan 2013- 2031.

3.

Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43m in either direction. REASON: To provide adequate visibility from and of emerging vehicles.

4.

Off-Site Highway Works No development shall take place on site until the off-site highway works have been constructed and made available for use. REASON: To minimise the impact of the development on the highway network in accordance with the East Devon Local Plan 2013-2031.

## EDDC Landscape Architect

### 1 INTRODUCTION

This report forms the EDDC's landscape response to the outline 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 LOCAL PLAN ALLOCATION & LANDSCAPE DESIGNATIONS

The site is allocated in the draft new local plan for up to 75 dwellings.

At its closest the site lies 950 metres to the west of the East Devon National Landscape but is considered to be within its setting, although there are few locations where publicly accessible views of the site can be obtained from it. Harepath Farm situated opposite the site to the north side of Harepath Hill is grade 2 listed.

### 3 REVIEW OF SUBMITTED DETAILS

#### 3.1 Landscape and Visual Appraisal

The LVA is comprehensive in its coverage of the landscape and visual baseline and identification of relevant receptors. Recommendations and proposals for landscape and visual mitigation are generally considered thorough and appropriate.

The assessment of landscape value and susceptibility of landscape and visual receptors is generally accepted but assessment of magnitude of effect is generally understated. In particular the effects in many instances are more extensive than local, the site being clearly evident in views from the east side of the Axe estuary and the change on the site and its immediate landscape context during construction phase and at completion of the development are likely to be major adverse, reducing in time as mitigation planting matures, but with loss of some open views presently enjoyed towards the National Landscape on the western approach to the site from Harepath Road. Effects could be further mitigated by undertaking advance planting around the perimeter of the site prior to or on commencement of construction.

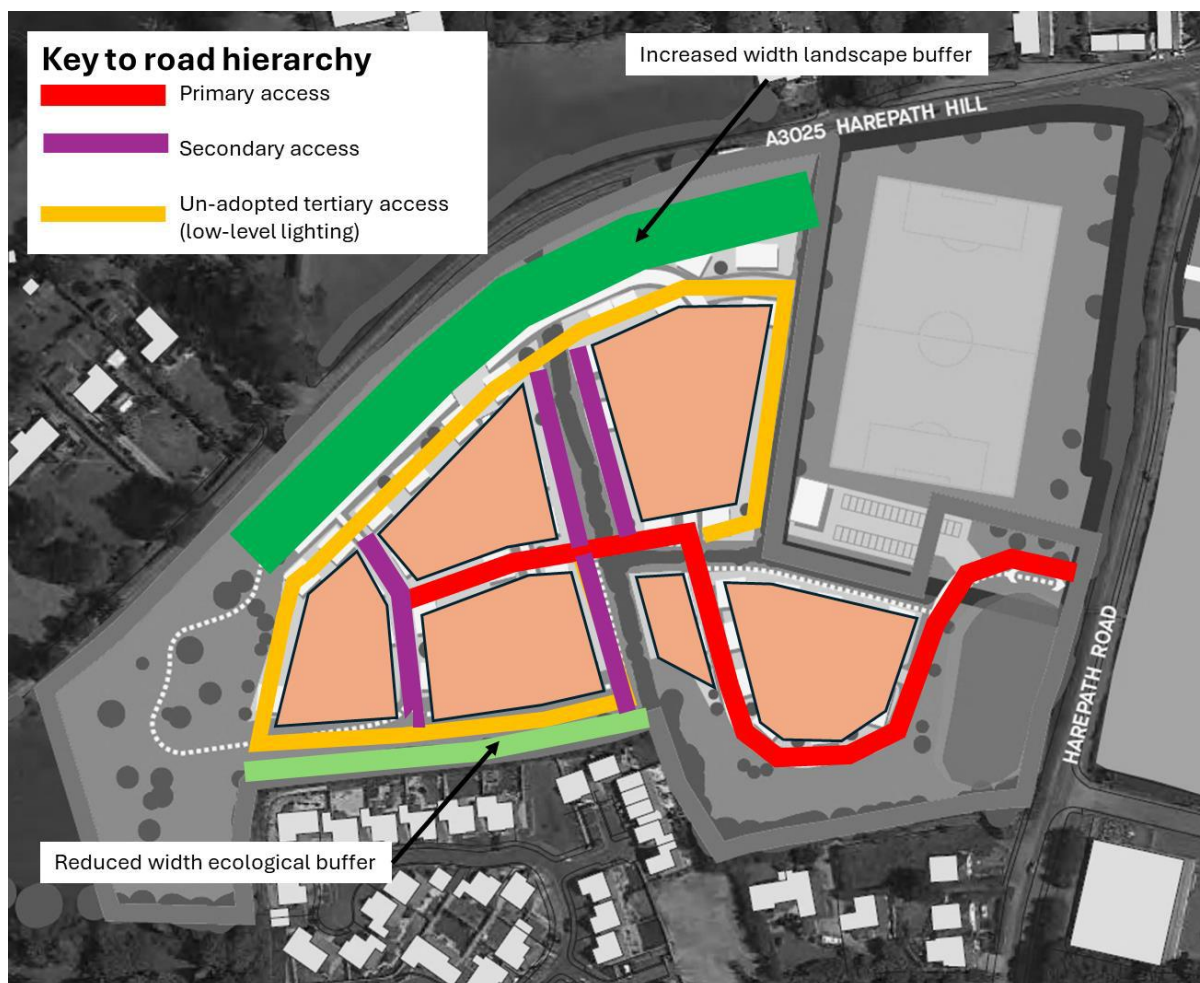
### 3.2 Concept masterplan

The indicative layout routes the primary access along the northern, rural edge of the western field parcel where effects from street lighting are likely to be most significant. A better approach would be to route the primary access through the middle of the development and utilise unadopted tertiary routes around the perimeter of the development that would require only low- level lighting.

A wide ecological buffer is proposed to the southern edge of the western field parcel which appears to be closed off from the development and provide no community benefit. It would seem better to reduce the width of this (more akin to LVA plan 7) allowing the development in the western field to be shifted southwards and increasing the width of the landscape buffer to the northside adjacent to Harepath Hill. With appropriate planting together with limiting street lighting to this side as noted above it would also better serve as an ecological corridor.

An overmarked plan extract illustrating these suggested amends is provided at figure 1 below.

Although there is reference in the DAS and LVA to an iterative design process having been undertaken there is no evidence of this in the form of a sequence of design development drawings or alternative layouts that may have been considered.



The only SuDS measure referred to in the DAS is the attenuation basin in the southeast corner of the site. While this is the obvious location topographically, the ground rises relatively steeply to the west and there is likely to be a significant retaining structure/ engineered embankment required to its west side. A more comprehensive SuDS approach is required to collect and manage surface water as close to source as possible through a wider range of integrated measures including use of smart water butts in private gardens, rain gardens, swales and infiltration strips to reduce the requirements for a large capacity attenuation basin.

The DAS states (p21) that 'The development will prioritise walking and cycling in the first instance as a key component in developing a sustainable neighbourhood and healthy community.' While there is ample provision of walking routes within the site the only access for pedestrians and cyclists into it is via the proposed road access. The illustrative masterplan does not even provide a pedestrian/ cycle link to the developer's own adjacent development at Rowan Drive. A consequence of this is that the shortest walking route to the sports pavilion for a resident living adjacent to the site at, say no. 32 Rowan Drive, would be 840m compared with a straight-line distance of 120m. There is a clear opportunity to provide a link to the site between nos. 36 and 34 Rowan Drive which should be an essential requirement of the proposal. Similarly, there is a need to conveniently link the pedestrian access along the northern edge of the proposed development with the approved phase 1 scheme to the east.

There is also an opportunity to provide a link along the northern boundary of the adjacent field parcel to the west connecting with Bernards Hill Lane and Seaton Bridleway 7 to the north. If this land is outside of the developer's ownership, then a commuted sum should be made available as part of the S106 agreement to enable this link to be completed by the Highway Authority.

The above-mentioned access links are illustrated in the overmarked plan extract below (figure 2). (IMAGE)

## 4 CONCLUSIONS & RECOMMENDATIONS

### 4.1 Acceptability of proposals

The principle of housing development on the site is considered acceptable in consideration of landscape and visual effects.

There are however issues, as identified above, with the concept masterplan and further exploration of alternative layouts is required to address these at reserved matters stage should the application be approved.

### 4.2 Conditions

In the event that approval is granted, 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 for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2021 - Guidance notes for the reduction of obtrusive light and GN 08/23 - Bats and Artificial Lighting in the UK.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by a minimum of six sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles and relationship to surroundings in north-south and east-west directions across the site.

d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
  - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
  - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
  - o schedules of volumes for each material.
  - o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
  - o identification of person responsible for supervising soil management.
- f) A Green infrastructure/ Landscape strategy plan showing existing vegetation to be retained and removed, new tree and native structure planting and other habitat creation areas, existing watercourses and new SuDS drainage provision together with public open space and foot/ cycle path routes and connections. The plan shall identify areas for advance planting and enhancement of existing perimeter hedges prior to commencement of site works.
- g) A full set of soft landscape details including:
- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
  - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
  - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
  - iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
  - v) A programme for delivery of soft landscape works identifying any phasing proposed.
- h) A full set of underground services plans and typical depths and trenching requirements for all such services. The plans shall indicate the locations of proposed trees within the scheme and proposals shall ensure that services routing does not adversely interfere with tree pit requirements.
- i) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective



measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

3) A Landscape and Ecology Management Plan (LEMP) for a minimum 30-year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:

a) Details of the body or organisation responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.

b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.

c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.

d) Landscape and ecological management aims and objectives for the site.

e) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.

f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:

- Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.

- New trees, woodland areas, hedges and amenity planting areas.

- Grassland, wildflower and any other habitat areas proposed.

g) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.

h) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance

i) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

j) Arrangements for inspection and monitoring of the site and maintenance practices.

k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

4) To ensure the feasibility of species-rich grassland creation, a soil survey of all the fields within the application boundary shall be undertaken in accordance with best practice guidance, including:

- o Devon County Council Soil Analysis BNG Guidance October 2024

- o Natural England TIN035 (Soil sampling for habitat recreation and restoration),

- o Magnificent Meadows (Soil Nutrient Testing),

- o and the Farm Environment Plan Manual (2010), Key 2c.

Prior to commencement of construction, the soil survey methodology, results and an Initial Biodiverse Grassland Seeding and Enhancement Strategy shall be submitted to the LPA for approval. This strategy shall:

- o Interpret nutrient levels (especially phosphorus) and assess feasibility of species-rich grassland creation.

- o Propose field-specific prescriptions based on baseline soil conditions and ground flora.

- o Include a nutrient reduction plan where required and monitoring arrangements for soil nutrient status and botanical diversity.

- o If survey results indicate non-feasibility without intervention, a revised programme and specification shall be submitted prior to commencement of site works setting out measures and anticipated timings for reduction of soil fertility and habitat creation including associated monitoring arrangements. A Final Biodiverse Grassland Seeding and Establishment Strategy shall be submitted 3 months prior to final seeding, informed by site monitoring results.

Ongoing grassland monitoring and soil testing shall be incorporated into the 30-year aftercare programme.

5) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the

exception of planting which shall be completed no later than the first planting season following first use.

6) Any new planting or grass areas which fail to make satisfactory growth or die within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

## EDDC District Ecologist

### 1 Introduction

This report forms the EDDC Ecology response to the above application.

The report provides a review of ecology 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 Review of submitted details

The application is supported by an Ecological Impact Assessment (EclA) (EAD Ecology, September 2025), shadow Habitats Regulation Assessment (sHRA), statutory biodiversity metric, and other supporting documents. Ecological surveys are considered valid to support the application.

The EclA confirms the site supports legally protected and notable species including qualifying bat species associated with Beer Quarry and Caves Special Area of Conservation (BQ&C SAC), hazel dormouse, nesting birds, slow worm, badger, and potentially provides suitable habitat for hedgehog, polecat and brown hare.

Beer Quarry and Caves Special Area of Conservation (BQ&C SAC)

The site is in consultation zones associated with BQ&C SAC and the bat survey results indicates the site supports all qualifying species associated with the SAC.

The boundary features, especially the northern and southern boundaries, are considered important for SAC bats. The sHRA considered that in the absence of mitigation the development would have a Likely Significant Effect (LSE) on BQ&C SAC.

Key mitigation measures proposed include the provision of 20m landscape buffers around the boundaries of the site including a minimum 10m dark (<0.5lux) corridor, a

'dark development', i.e., no adopted street lighting within the development, provision of woodland and hedge planting, control measures during construction, and post-construction bat activity and lighting monitoring.

As highlighted by the landscape officer, it is recommended that the primary road access should be located within the centre of the site, located away from the sensitive boundary hedgerows.

The measures, if successfully implemented and maintained, are considered to maintain landscape permeability for SAC (and other) bat species over the site and provide foraging habitat to compensate for the loss of existing low value (arable) foraging habitat.

Any reserved matters application will need to be supported by detailed lighting impact assessment, landscaping, maintenance, and construction management plans.

Given the location of the site and its importance for bats, the mitigation measures should be secured by a planning obligation to ensure the in-perpetuity (80-125 years) maintenance is secured, which is a requirement of the Habitats Regulations to provide the necessary certainty in the delivery of the mitigation.

#### Habitats and protected species

The EclA makes a thorough assessment of the development impacts on designated sites, habitats, species, and recommendations to deliver ecological enhancements, such as bat tubes and insect bricks.

The EclA states (para 3.2.5) that the development would abut the central hedgerow (H5). While the bat survey did not identify H5 as a commuting route for SAC bats, H5 is considered Important under the Hedgerow Regulations 1997, is a historic hedge feature (shown on OS 1888-1890 maps), and is a Priority Habitat. Therefore, any detailed site design should ensure that H5 is not located within private curtilage, and it has a sufficient buffer either side to ensure its long-term viability and its maintenance is achievable.

In accordance with BS 42021:2022 for integral nest boxes, bird bricks should be provided in each new dwelling, rather than at a ratio of every two dwellings (see para 4.1.12).

All biodiversity features will need to be provided on the detailed drawings, e.g., elevations for bat/bird/insect bricks to ensure they are not missed during construction.

Any supporting development documents, e.g., submitted at reserved matters such as construction management and landscaping plans should ensure that biodiversity constraints, control measures, and features are explicit in their requirements.

It is recommended that the detailed site design incorporates street trees, water butts, and a comprehensive SUDS approach (refer to landscape officer comments), to ensure that biodiversity enhancement measures are fully embedded into the development.

#### Biodiversity net gain

The statutory biodiversity metric (SBM) indicates that the development could potentially deliver<sup>1</sup>

<sup>1</sup> Dependent on detailed landscaping plans more than 10% gain for area habitats (~61%) and hedges (~80%). Consideration regarding additionality for the delivery of protected species compensation has been addressed, and the baseline is considered accurate.

#### 3 Conclusions and recommendations

The proposed avoidance, mitigation, compensation, and enhancement measures, notwithstanding the above comments, are considered appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented and successfully maintained.

Should the proposal be minded for approval the following conditions are recommended:

- o The development shall be carried out in accordance with the Ecological Impact Assessment (EAD Ecology, September 2025) and Ecological consultee comments made on 08 December 2025, in particular the ecological mitigation and enhancement measures detailed in Section 4. The development shall not be first occupied until the local planning authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:
  - o Integrated bat boxes (one box for every two dwellings)
  - o Integrated bird boxes (1 per dwelling)
  - o Dormouse nest boxes (20 no.)
  - o Insect bricks (1 per dwelling or equivalent no. in suitable locations)
  - o Hedgehog highways (13 cm<sup>2</sup> holes in at ground level in fences)
  - o Reptile/amphibian hibernacula (3 no.)

have been installed/constructed in accordance with the EcIA and subsequent supporting documents including any Habitat Management and Monitoring Plan (HMM), Landscape and Ecological Management Plan (LEMP) and Construction and Ecological Management Plan (CECoMP).

- o No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.

- o Risk assessment of potentially damaging construction activities.
- o Identification of "biodiversity protection zones".

Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- o The location and timing of sensitive works to avoid harm to biodiversity features.
- o The times during construction when specialist ecologists need to be present on site to oversee works.
- o Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- o The role and responsibilities on site of an ecological clerk of works (ECOW), including any licence requirements, i.e., for reptiles, dormice and bats.
- o Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- o No development shall commence on site until a Detailed Lighting Design including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and parameters detailed within the shadow

Habitats Regulation Assessment (EAD Ecology, August 2025) has been submitted and approved in writing by the local planning authority.

The design should clearly demonstrate that dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), are achievable based on the final site design. All lighting shall be installed in accordance with the specifications and locations set out in the final design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any external lighting be installed without prior consent from the local planning authority.

o A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted EcIA (EAD Ecology, September 2025) and an approved soft landscaping plan. It shall include the following:

- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
  - i. Existing trees and hedgerows/banks.
  - li. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
- g) The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- h) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- i) The monitoring methodology and frequency in respect of the created, retained and enhanced habitats to be submitted to the local planning authority,
- j) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

Notice in writing shall be given to the Council when the HMMP works have started.

No occupation shall take place until:

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

k) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details. the habitat creation and enhancement work set out in the approved HMMP have been completed; and

Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

#### Devon County Council Education Dept

The proposed 72 dwellings will generate an additional 18 primary pupils and 10.80 secondary pupils per dwelling which would have a direct impact on Seaton primary school and Axe Valley Academy.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Devon County Council has forecast that there is currently capacity at the designated primary and secondary schools for the pupils likely to be generated by this development and therefore a contribution towards primary and secondary education would not be required.

Devon County Council would however seek a Section 106 contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -

10.80 Secondary pupils

£4.91 per day x 10.80 pupils x 190 academic days x 5 years = £50,376

The contribution above has been calculated based on the DCC contract cost of transporting a pupil from the area of development to the named school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil will attend the school. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.

All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Devon County Council will also request a contribution of towards monitoring fees that will be calculated per trigger event set out in a S106 agreement.

#### DCC Flood Risk Management Team

I have been through the drainage proposals for Baker Estates additional site at Seaton.

Could they show their Source Control features (e.g. swales) on a plan please? I appreciate that this is Outline, but it would be good to see where swales could fit within the hypothetical layout. Enough treatment (of suitable sizes) needs to be included please.

Could they provide some more information for the potential sports pitch please? What size will this be and do the levels work to get an outfall from the sports pitch into the drainage system for this housing site?

I only calculate 2.28ha accounted for within the pipework in the Site 3D model sorry. Could the applicant clarify where the rest of the 3.60ha is assigned to please?

Could the applicant submit a screenshot of the FEH Catchment Descriptors please?

The calculated greenfield runoff rates are much higher than the IH124 greenfield runoff rates. The IH124 method gives discharge rates around 2 litres/second/hectare for this site.

CV Values of 1 should be used within the modelling please.

The potential S98 sewer requisition for an outfall might be complicated by the proposals for the food store across the road. They will have attenuation tanks as well as a pond and pipework which Baker Estates outfall will need to avoid.



Joshua Lewis

### Conservation

#### Significance and background

The proposal site is on two arable fields to the south of Harepath Hill, a road which is part of the A3052 running past the northern edge of Seaton. The site slopes gently from west to east and is bounded by low hedges.

On the northern side of Harepath Hill at the junction with Harepath Road is Harepath Farm, an historic farmstead with several Grade II listed buildings including the C16 farmhouse, C18 linhay and barn, and early 19th century stable range built around a farmyard. These are situated close to the main road, with the southern gables of the farmhouse and linhay and the south (rear) elevation of the stables prominent from the road and visible from the proposal site. To the south of the site are modern housing developments at the northern end of Seaton.

Outline application 22/2781/MOUT (access only) was submitted for development to the south and south-west of Harepath Farm, with the land directly to the south of it proposed as a sports pitch with scattered trees and native hedgerow on the northern boundary opposite the farmstead.

The proposal site is part of allocation site Seat\_03 of the emerging local plan. The site selection report states that there is a potential impact on the setting of the farmstead, although this has an east-west aspect with limited views from the south and the setting has already been compromised by the A3052 and modern development to the east and west. It concludes that the impact is medium and can be mitigated.

#### Assessment

This outline application is for access associated with a residential development of up to 72 dwellings, with all other matters reserved. The indicative masterplan shows that the development will be set away from the northern boundary where the hedgerow boundaries will be retained and enhanced. The proposal will impact on the historic rural setting of the farmstead, although as stated above, this has already been compromised by the A3052 and modern developments. The proposed sports pitch will allow glimpsed views of the farmstead to be maintained to some degree from the south-east and the boundary treatments will go towards mitigating the harm to its setting. In terms of scale, design, materials and landscaping, this can be assessed at reserved matters stage.

The proposed access is towards the southern end of the site on Harepath Road, and this has no impact on the setting of the farmstead.

The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 212, 213 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE02 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025.

The proposed access has no impact on the setting of the designated heritage assets and therefore this application complies with these policies.

Recommendation: No objections

Contaminated Land Officer

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. The preliminary risk assessment (Report: GCE01215/R1) has identified:
    - I. all previous uses
    - II. potential contaminants associated with those uses
    - III. a conceptual model of the site indicating sources, pathways and receptors
    - IV. potentially unacceptable risks arising from contamination at the site
  2. A Phase 2A preliminary ground investigation, based on (1) will provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  3. The results of the Phase 2A preliminary ground investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.
5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.
  6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be 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 Land Contamination Risk Management (LCRM) guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

#### Environmental Health

A Construction and Environment Management Plan (CEMP) 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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.

I have considered the application and I recommend a ProPG noise impact assessment should be undertaken to determine the noise impact from transportation noise. If the assessment highlight noise as an issue, additional mitigation will need to be considered and assessed to determine if it is at an appropriate level to achieve the internal and external noise levels in line with BS8233 (2014).

Reason: To protect the amenity of local residents from noise.

#### Housing Strategy/Enabling Officer - Cassandra Pressling

Thank you for consulting the Housing Enabling Team on the above application. My comments and observations in respect of the affordable housing requirements are as follows:

Policy Requirements: Strategy 34 in the adopted East Devon Local Plan 2013 - 2031 requires 25% affordable on sites in Seaton. This application is offering 29% affordable (21 units) which policy compliant.

Housing Need: There are currently 4302 households registered on East Devon Council's housing waiting list, Devon Home Choice. 167 of these households live in Seaton.

Tenure Mix: Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon and in line with latest government guidance.

Housing Mix - will be determined at Reserved Matters stage. However, I expect the applicant to engage with the housing team to ensure a mix that meets local housing needs as identified via our housing waiting list Devon Home Choice and Strategic Housing Market Needs Assessment. All affordable dwellings must meet M4(2) standards.

Council Plan 2024 - 2028 - East Devon District Council wants to increase the availability of social and affordable housing in the district.

Design of Scheme (including Minimum Floorspace Standards):

Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. When considering scheme design options, the following should be taken into account:

Clustering / Distribution:

Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. When considering scheme design options, the following should be taken into account:

- o Clustering / Distribution: The Affordable Housing units should be evenly dispersed across the site, in small clusters of no more than 10 dwellings.
- o Parking: sufficient parking spaces should be provided for the size of the property and visitors. Electric vehicle charging points or infrastructure should be provided for as per policy CB20.
- o Minimum Floorspace Standards: all affordable units should meet nationally described space standards (NDSS).

#### EDDC Trees

I have no arboricultural concerns regarding the proposal. The site has relatively few tree constraints and those trees which do act as a constraints should be relatively easy to retain due to their location on site boundaries. Overall, the site is considered to offer a significant opportunity to increase tree cover in the area with an emphasis on large canopy sized trees within both public open areas and within the streetscene. It is important that the existing hedgerows are retained as much as possible and that new hedgerows are established to improve habitat connectivity across the site. Opportunities also exist for hedgerows to be improved by the addition of individual trees along the length of the hedgerows.

#### Historic England

Thank you for your letter of 12 September 2025 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared with NHS England. 25/1788/MOUT | Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure | Land To The South Of Harepath Hill Seaton The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate. However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current planning applications that may or may not affect the capacity at Seaton & Colyton Medical Practice - Seaton & Colyton Medical Centre, Seaton & Colyton Medical Practice - The Colyton Health Centre, Townsend House Medical Centre - Townsend House and Townsend House Medical Centre - Walrond Medical Centre being approved prior to a final decision on this development, then this will potentially initiate a further review on the NHS's position. Such factors could include but are not limited to:

- Increases in the patient list size which then exceed the practices' capacity during the period between this application being validated and prior to a planning decision
- Consideration for future 'consented or commenced' planning applications that lead to an increase in the patient list size which then exceed the existing practices' capacity during the period between this application being validated and prior to a planning decision

Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations. With this in mind, whilst at this time there is no

requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £680 per dwelling towards NHS Primary Care to any viability assessments. Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.

South West Water  
CONSULTATION RESPONSE

Your ref: 25/1788/MOUT  
Our ref: VV14/10/25 EX122UH

Location: Land To The South Of Harepath Hill Seaton

Proposal: Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure

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 attached a plan (sent by email) showing the approximate location of a public 300mm water main in the vicinity of the above proposed development. Please note that no development will be permitted within 7 metres (3.5m either side) of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 7-metre easement, the water main will need to be diverted at the expense of the applicant.

[www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/](http://www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/)

Further information regarding the options to divert a public water main can be found on our website via the link below:

[www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/](http://www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/)

Should you require any further information, please contact the Pre Development Team via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

### Surface Water Services

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. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

### Discharge to surface water body

Having reviewed the applicant's current information as to proposed surface water disposal for its development, discharging into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

It is noted that infiltration has been shown as unviable for this site. The applicant therefore proposes to attenuate on site, before discharging to a sewer that finally discharges to a surface water body, as detailed in the Flood Risk and Drainage Strategy (August 25) and drawing no. 252 ' 0500 ' Rev P3 (May 25)

### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

### Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

### Informatives

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

[www.southwestwater.co.uk/building-and-development/services/pre-development-services](http://www.southwestwater.co.uk/building-and-development/services/pre-development-services)

South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.

South West Water has no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant should make alternative arrangements to deal with this separately during the development and once the construction work is complete.

South West Water are not responsible for Highway Drainage and our comments do not relate to accepting any of these flows. The applicant should discuss and agree with the Highway Authority, where the highway water connects to.

If the applicant wishes to connect this development to the South West Water network, they should engage with us separately to see if we can accommodate this. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

If the applicant is looking to have their sewers adopted (surface and foul), they should design and construct the sewers to the current version of the Design and Construction Guidance. The process for doing this can be found on South West Water's website at Adoption of new sewers | Building & Development | South West Water

I trust this provides confirmation of our requirements. For questions or queries, please contact the Planning Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

Yours sincerely,

Victoria Viney MRTPI  
Planning Officer  
Pre Development Team

Peninsula House, Rydon Lane, Exeter EX2 7HR  
[southwestwater.co.uk](http://southwestwater.co.uk)

Sports England  
our ref - PA/25/SW/EV/71766  
your ref - 25/1788/MOUT

proposal - Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure.

Site - Land To The South Of Harepath Hill Seaton, EX12 2UH

Many thanks for consulting Sport England on this proposal. We have no opinion on the need for the provision of housing however we wish to flag that there is a current



planning application ref 22/2781/MOUT that "awaits a decision". This application includes a proposal to construct a football pitch on the adjacent site of the proposed housing.

There is a potential that balls leaving the football site into this housing site (if both proposals gain planning permission and implemented). Responsibility for adequately considering this agent of change planning issue lies with the applicant and the decision maker.

The Football Foundation (FF) and Devon FA have considered this application and comment that the redline (of the application site) appears to go into the sporting area (of the adjacent site) where a football pitch, parking and pavilion have been included. Therefore, removal of this redline or clarification as to why it's been included into the sporting area is requested. Please note, football has previous comments on this sporting area which are still relevant.

### Conclusion

Sport England recommends a ball strike assessment is carried out. Any mitigation measures to be implemented e.g. ball stop fencing will be provided by the applicant inside the application site and financially contribute to the future maintenance of the ball strike fencing for an agreed period of time.

The FF/Devon FA also raise a concern over the red line of this application impacting the proposed football site that would need reviewing.

If you would like any further information or advice please contact me.

Yours sincerely

Gary Parsons MSc MRTPI  
Planning Manager

### Police Architectural Liaison Officer - Kris Calderhead

I appreciate that the masterplan is only illustrative at this stage with limited detail however, I would like to make the following comments and recommendations for consideration. They relate to the principles of Crime Prevention Through Environmental Design (CPTED) / designing out crime and should be embedded into the detailed design of the scheme to reduce the opportunity for crime and anti-social behaviour (ASB) and to conform with both local and national planning guidance.

- It would be beneficial if any future Design and Access Statement (DAS) could reference designing out crime / CPTED and provide detail as to how such principles have been considered within the design of the scheme as there does not appear to be any such reference in the current DAS.
- Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided as it increases the risk of crime and ASB.

- Boundary treatments to the front of dwellings and around any potential apartment blocks are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate. Defensible space enables occupants to control the space immediately around their plot.
- Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.
- Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.
- Presumably the site will be adopted and lit as per normal guidelines (BS 5489-1:2020.). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.
- Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms. Rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance which increases the potential for crime and ASB.
- Formal play areas should be an integral part of residential developments, afforded natural surveillance from nearby dwellings, not located to the rear of them or immediately next to a dwelling where they could have a detrimental impact. It is recommended that they have an appropriate boundary treatment that prevents vehicular access and clearly defines the space.

# Shadow Habitats Regulations Assessment

Land south of Harepath Hill, Seaton

Baker Estates

August 2025

| Report reference                   | Report Status | Date     | Prepared by                                       | Authorised                        |
|------------------------------------|---------------|----------|---------------------------------------------------|-----------------------------------|
| 250820_P984_Shadow_<br>HRA_Final01 | Final         | 20/08/25 | A Basford BSc MSc ACIEEM<br>L Stothert BSc MCIEEM | M Jones MSc<br>BSc CEnv<br>MCIEEM |



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The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

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- Figure 5: SAC Bat Constraints Plan
- Figure 6: Bat Roost Plan

## Appendices

- Appendix 1: European Sites Conservation Objectives
- Appendix 2: River Axe SAC catchment
- Appendix 3: Beer Quarry and Caves Bat Consultation Zone

# 1 Introduction and background

## 1.1 Background

- 1.1.1 This document has been prepared by EAD Ecology on behalf of Baker Estates. It provides a 'Shadow' Habitats Regulations Assessment (HRA) of a proposed residential development at land to the south of Harepath Hill, Seaton, Devon ('the Proposed Development', refer to Figures 1 -3) with respect to relevant 'European Designated Sites' ('European Sites').
- 1.1.2 HRA is required under the Conservation of Habitats and Species Regulations 2017 (as amended; the 'Habitats Regulations')<sup>1</sup> for any proposed plan or project, which may have a significant effect on one or more European Sites and which is not necessary for the management of those site(s).
- 1.1.3 The Natural England (2019) Standard on HRA<sup>2</sup> describes the process as follows:
- 'For all plans and projects which are not wholly directly connected with or necessary to the conservation management of the site's qualifying features, this will include formal screening for any Likely Significant Effects (either alone or in combination with other plans or projects). Where these effects cannot be excluded, assessing them in more detail through an appropriate assessment (AA) is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the project can only then proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured'.*
- 1.1.4 The Proposed Development is located within the East Devon District Council (EDDC) administrative area; an Outline Planning Application for the Proposed Development has been submitted to EDDC by Baker Estates. It is the role of EDDC as Competent Authority for the Outline Planning Application under Regulation 7 of the Habitats Regulations, to determine whether an 'Appropriate Assessment' of the Proposed Development is required (Regulation 63 of the Habitats Regulations). If EDDC considers that there is a Likely Significant Effect, it is subsequently EDDC's duty to undertake the 'Appropriate Assessment'. This Shadow HRA provides the information that EDDC may reasonably require to determine whether there is a Likely Significant Effect of the Proposed Development, and to undertake an Appropriate Assessment, where a Likely Significant Effect has been identified.
- 1.1.5 This Shadow HRA mirrors the format set out by EDDC in their Shadow HRA template (EDDC, 2022). This report format allows all information to be set out more clearly, cross-referenced to Figures and Appendices and allows for the assessment of other European Sites (in addition to Beer Quarry and Caves Special Area of Conservation) that could be affected by the Proposed Development.
- 1.1.6 An Ecological Impact Assessment (EclA; EAD Ecology, 2025) produced for the Proposed Development has also been submitted with the Outline Planning Application; this should be read in conjunction with this Shadow HRA.

## 1.2 Proposed development

- 1.2.1 The Proposed Development comprises a residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access, public open space and other

<sup>1</sup> Including amendments resulting from the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

<sup>2</sup> Natural England (2019). Natural England Standard – Habitats Regulations Assessment (HRA) Standard. NE, Peterborough.

associated infrastructure; refer to Figure 2. The Outline Planning Application seeks to address the principle of development and does not address the details (layout, scale and appearance).

### 1.3 Policy and legislation relating to European Sites

- 1.3.1 HRA is required under the Conservation of Habitats and Species Regulations 2017 (as amended) for any proposed plan or project, which may have a significant effect on one or more European Sites and which is not necessary for the management of those site(s). European Sites are Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and candidate Special Areas of Conservation (cSACs). In the UK, they are collectively referred to as the 'National Site Network'<sup>3</sup>.
- 1.3.2 Paragraph 194 of the National Planning Policy Framework (NPPF, 2024) and the Government Circular ODPM06/2005 advise that potential SPAs (pSPAs) and Ramsar Sites (designated under the Ramsar Convention on Wetlands 1971) should be treated in the same way as SPAs, SACs and cSACs, although they are not European Sites as a matter of law.

### 1.4 Approach to the HRA

- 1.4.1 There is no standard methodology or Government guidance (for England) that specifies the format and content of an HRA. Table 1.1 below sets out the HRA process followed in this document. The methodology was prepared with reference to the following guidance documents:

- Tyldesley D. and Chapman C. (2013). The Habitats Regulations Assessment Handbook. DTA Publications Ltd (including subsequent updates).
- DCLG (2006). Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents.
- European Commission (2001). Assessment of plans and projects significantly affecting Natura 2000 sites.
- English Nature (1997) Habitats Regulations Guidance Note.
- Natural England (2017). Habitats Regulations Assessment Standard.
- Appropriate Assessment: Guidance on the use of Habitats Regulations Assessment. <https://www.gov.uk/guidance/appropriate-assessment> Ministry of Housing, Communities and Local Government, 22 July 2019.

**Table 1.1. Stages of HRA**

| Stage                  |                                     | Tasks                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stage 1<br>'Screening' | Evidence gathering and Consultation | <ul style="list-style-type: none"> <li>• Determine whether the project should be subject to HRA.</li> <li>• Identify the European sites that should be considered.</li> <li>• Collect information on relevant European sites, their Qualifying Features and Conservation Objectives</li> <li>• Gather baseline information on pertinent qualifying features of the European Sites within the zone of influence of the Project.</li> </ul> |
|                        | Screening assessment for            | <ul style="list-style-type: none"> <li>• Identify whether Project is 'likely to have a significant effect' on a European site without</li> </ul>                                                                                                                                                                                                                                                                                          |

<sup>3</sup><https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>

**Table 1.1. Stages of HRA**

| Stage                                      |                                                                            | Tasks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | Likely Significant Effect (LSE)                                            | <p>avoidance or reduction measures, alone or in combination with other plans or projects. Where no LSE are identified, sites may be screened out of the need for further assessment</p> <ul style="list-style-type: none"> <li>The approach to considering mitigation measures for LSE Screening considers the judgement of the European Court, case C-323/17, on 12 April 2018<sup>4</sup>. This judgement concludes that it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the project on that site.</li> <li>Only measures that constitute part of the project design and are not intended to avoid or reduce effects on European site features are therefore considered at Stage 1 Screening.</li> </ul> |
| <b>Stage 2</b><br>'Appropriate Assessment' | Avoidance and mitigation measures.                                         | <ul style="list-style-type: none"> <li>Where any possible 'LSE' arising from the Project are identified, apply avoidance and mitigation measures to avoid effects.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                            | Ascertaining the effect on site integrity                                  | <ul style="list-style-type: none"> <li>Undertake detailed assessment of likelihood and severity of the perceived impact on the integrity of the conservation objectives of any European sites 'screened in' during HRA Screening</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                            | In combination effects                                                     | <ul style="list-style-type: none"> <li>Assess the effects of the Project on the conservation objectives of any European sites in-combination with other plans or projects.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                            | Conclusion on effect on site integrity                                     | <ul style="list-style-type: none"> <li>Conclude no effect on site integrity where appropriate avoidance/mitigation is applied or proceed to 'Assessment of alternative solutions' and 'IROPI' (Stages 3 and 4)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Stage 3</b>                             | Alternative Solutions                                                      | <ul style="list-style-type: none"> <li>Decide whether there are alternative solutions, which would avoid or have a lesser effect on the European Site.</li> <li>If there are alternative viable solutions to a potentially damaging plan or project, it will need to be changed or refused.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Stage 4</b>                             | Imperative reasons of overriding public interest and compensatory measures | <ul style="list-style-type: none"> <li>Consider imperative reasons of overriding public interest and secure compensatory measures. Plans or projects may proceed for imperative reasons of overriding public interest if compensatory measures are secured.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

<sup>4</sup> ECLI:EU:C: 2018:244 Case C-323/17.Judgment of the Court (Seventh Chamber) of 12 April 2018. People Over Wind and Peter Sweetman v Coillte Teoranta.



- 1.4.2 This Shadow HRA presents the results of Stages 1 and 2 of this process ('Screening' and 'Appropriate Assessment') in relation to the Proposed Development; refer to Section 1.2. As set out in this document, it will not be necessary for the HRA to progress to Stages 3 and 4.

### ***Evidence gathering***

- 1.4.3 A range of information sources have been consulted in the preparation of this report. Taken together the following information sources represent sufficiently detailed baseline and design information with which to undertake and complete HRA Stages 1 and 2:

- The Defra MAGIC website [[www.magic.defra.gov.uk](http://www.magic.defra.gov.uk)] regarding the location of European Sites.
- Information on designated sites from the JNCC website [[www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk)].
- Liley, D. & Underhill- Day, J. (2012) Habitats Regulations Assessment of the East Devon Local Plan Submission for Examination. Footprint Ecology.
- East Devon District Council (2016) East Devon Local Plan 2013 to 2031. EDDC.
- Devon County Council (2022). Beer Quarry and Caves Special Area of Conservation (SAC). Habitats Regulations Assessment Guidance.
- Desk study data from Devon Biodiversity Records Centre and Devon Bat Group, documented in the Ecological Impact Assessment (EclA) report for the Proposed Development (EAD Ecology, 2025).
- Encompass Ecology (2014). Bat activity assessment and mitigation strategy. Land off Rowan Drive, Seaton.
- Mathews, F. (2014). Proof of evidence against the refusal of planning permission of land east of Harepath Road, Seaton. EDDC ref: 12/1185/MOUT.
- Mathews, F. (2013). Objection to Land East of Harepath Road, Seaton (13/1641/MOUT and APP/U1105/A/13/2202124).
- Natural England (2024) River Axe Special Area of Conservation Evidence Pack. Technical Information Note TIN193.
- Richard Green Ecology (2015) Interim Ecological Survey Report – Land adjacent to Harepath Road, Seaton, Devon. Ecological Assessment – 15/2188/MOUT.
- Ecological surveys of the Proposed Development undertaken by EAD Ecology between 2019 - 2025 (EAD Ecology, 2025).
- EAD Ecology (2023a) Ecological Impact Assessment – Land east and west of Harepath Road, Seaton, Devon. Report for Baker Estates.
- EAD Ecology (2023b) Shadow Habitat Regulations Assessment– Land east and west of Harepath Road, Seaton, Devon. Report for Baker Estates.
- EAD Ecology (2025) Ecological Impact Assessment – Land south of Harepath Hill, Seaton, Devon. Report for Baker Estates.
- East Devon District Council (2024) Habitats Regulations Assessment; Land Adjacent to Harepath Road, Seaton, Devon.

## 2 European Sites considered

### 2.1 Introduction

2.1.1 This section identifies the European Sites that could be affected by the Proposed Development and presents information regarding these Sites.

### 2.2 European Sites considered

2.2.1 European Sites within 10km of the Proposed Development have been considered within this assessment. The Natural England MAGIC website identified four European Sites within the 10km search area; refer to Table 2.1 and Figure 4.

**Table 2.1: European Sites within 10km**

| Site name             | Nature conservation designation | Reason for designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Approximate distance and direction from Proposed Development |
|-----------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| River Axe             | SAC                             | Annex I habitats that are a primary reason for selection of this site; <ul style="list-style-type: none"> <li>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</li> </ul> Annex II species present as a qualifying feature, but not a primary reason for site selection; <ul style="list-style-type: none"> <li>Sea lamprey; <i>Petromyzon marinus</i></li> <li>Brook lamprey; <i>Lampetra planeri</i></li> <li>Bullhead; <i>Cottus gobio</i></li> </ul> | 1.7km northeast                                              |
| Sidmouth to West Bay  | SAC                             | Annex I habitats that are a primary reason for selection of this site; <ul style="list-style-type: none"> <li>Vegetated sea cliffs of the Atlantic and Baltic Coasts</li> <li><i>Tilio-Acerion</i> forests of slopes, screes and ravines</li> </ul> Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site; <ul style="list-style-type: none"> <li>Annual vegetation of drift lines</li> </ul>                                                                                        | 2.2km southeast and 2.1km southwest                          |
| Beer Quarry and Caves | SAC                             | Annex II species that are a primary reason for selection of this site; <ul style="list-style-type: none"> <li>Bechstein's bat; <i>Myotis bechsteinii</i></li> </ul> Annex II species present as a qualifying feature, but not a primary reason for site selection: <ul style="list-style-type: none"> <li>Lesser horseshoe bat; <i>Rhinolophus hipposideros</i></li> </ul>                                                                                                                                                           | 3.1km southwest                                              |

Table 2.1: European Sites within 10km

| Site name           | Nature conservation designation | Reason for designation                                                                                                                                                                      | Approximate distance and direction from Proposed Development |
|---------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
|                     |                                 | <ul style="list-style-type: none"> <li>Greater horseshoe bat; <i>Rhinolophus ferrumequinum</i></li> </ul>                                                                                   |                                                              |
| Lyme Bay and Torbay | Marine SAC                      | <p>Annex I habitats that are a primary reason for selection of this site;</p> <ul style="list-style-type: none"> <li>Reefs.</li> <li>Submerged or partially submerged sea caves.</li> </ul> | 1.9km south                                                  |

### 2.3 Conservation Objectives

- 2.3.1 The specific Conservation Objectives for each of the European Sites are presented in Appendix 2. The overarching objective for all European sites is to:

*‘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.’*

### 3 Stage 1: Screening of Likely Significant Effects

#### 3.1 Scope

3.1.1 This section presents the Screening Assessment of the Proposed Development (refer to Table 1.1.) against the Conservation Objectives of the European Sites listed in Table 2.1 and Appendix 2. The aim of the screening exercise is to:

- ‘Screen-out’ impacts that would not have a Likely Significant Effect (LSE) and do not require further assessment.
- ‘Screen-in’ impacts where Likely Significant Effects cannot be ruled out, so that these impacts can be assessed further i.e., Stage 2 Appropriate Assessment.

3.1.2 The following impact pathways have been considered within the Screening Assessment:

#### **Construction impacts**

##### *Habitat loss, modification and fragmentation*

3.1.3 Construction impacts concerning habitat loss, modification and fragmentation could affect bat populations associated with Beer Quarry and Caves SAC specifically:

- Severance or disturbance of linear features used for navigating or commuting;
- Disturbance from construction illumination causing bats to change their use of an area / habitat; and
- Loss, damage, restriction or disturbance of a pinch point.

##### *Water quality*

3.1.4 River Axe SAC could be affected by water quality impacts during construction.

#### **Operational impacts**

##### *Habitat loss, modification and fragmentation*

3.1.5 Operation impacts concerning habitat loss, modification and fragmentation could affect bat populations associated with Beer Quarry and Caves SAC specifically;

- Severance or disturbance of linear features used for navigating or commuting;
- Disturbance from new illumination causing bats to change their use of an area / habitat; and
- Loss, damage, restriction or disturbance of a pinch point.

##### *Increased risk of collision through increased traffic*

3.1.6 Impacts could affect bat populations associated with Beer Quarry and Caves SAC as a result of collisions with traffic from the Proposed Development.

##### *Water quality*

3.1.7 River Axe SAC could be affected by water quality impacts during operation through foul-water discharge.

3.1.8 These potential effects are considered further in Section 3.2. All other potential impact pathways for these European Sites have been scoped out of the Screening Assessment. Furthermore, no realistic impact pathways have been identified for Sidmouth to West Bay SAC or Lyme Bay and Torbay SAC; these European Sites have not been considered further within the Screening Assessment.

- 3.1.9 Potential avoidance and mitigation measures have not been considered at this stage, in accordance with the European Court judgement [C-323/17 (12 April 2018)]. This concluded that it is not appropriate, at the Screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the project on a European Site.

### **3.2 Screening of potential effects:**

#### **River Axe SAC**

##### *Construction effects: water quality*

- 3.2.1 There is a potential risk that the water quality of the River Axe SAC could be affected by pollutants leaving the site during construction, for example as a result of groundwater and / or surface-water contamination (*e.g.* as a result of surface runoff contaminated with silt, hydrocarbons or other construction materials, or from an accidental fuel or concrete spill) entering hydrologically connected watercourses. However, the Proposed Development lies outside of River Axe SAC catchment (River Axe Catchment Plan; refer to Appendix 2) and any run-off would enter the River Axe downstream of the SAC boundary, which lies above the tidal limit. Construction would also be undertaken in accordance with standard pollution-prevention guidance, which would be specified within the Construction Environmental Management Plan (CEMP). No Likely Significant Effect is identified. EDDC can screen out the requirement for Appropriate Assessment in respect of this impact pathway.

##### *Operation effects: water quality*

- 3.2.2 The Proposed Development is located outside of the catchment of the River Axe SAC (River Axe Catchment Plan; refer Appendix 2). Surface-water would be managed through the proposed SUDS, which form an integral part of the Proposed Development. Foul water associated with the Proposed Development would ultimately discharge and be processed at the Seaton Sewage Treatment Works, which discharges into the River Axe, downstream and outside of River Axe SAC catchment. The additional sewage associated with the Proposed Development would be managed through existing sewage treatment infrastructure and in accordance with existing legislative controls, including discharge consents. There would be a nugatory effect on functionally-linked habitat for sea lamprey, a migratory fish species for which the SAC is designated *i.e.* an indiscernible effect on the estuarine area occurring downstream of the SAC boundary through which sea lamprey would migrate. No Likely Significant Effect is identified for water quality. EDDC can screen out the requirement for Appropriate Assessment in respect of this impact pathway.

#### **Beer Quarry and Caves SAC**

##### *Construction effects: Habitat loss, modification and fragmentation*

- 3.2.3 The Proposed Development lies within the Beer Quarry and Caves SAC Consultation Zone; refer to Appendix 3. The SAC comprises Beer Quarry and Caves Sites of Special Scientific Interest (SSSI), the closest component of which lies 3.1km to the southwest of the Proposed Development. This site has an extensive series of caves and abandoned mines, which support important populations of hibernating greater horseshoe bats, lesser horseshoe bats and Bechstein's bats. The bat populations are dependent upon a much wider area outside of the SAC boundary (functionally-linked land), which provides foraging habitat and commuting routes and supports nearby summer maternity roosts.
- 3.2.4 The Proposed Development falls within the greater horseshoe bat, lesser horseshoe bat and Bechstein's bat Sustenance Zones (Devon County Council, 2022) linked to the SAC. These are defined as areas around Key Roosts (distance varies between species), which include critical foraging and commuting habitat. The Proposed Development lies within greater horseshoe, lesser

horseshoe and Bechstein's bat Landscape Connectivity Zones. These zones are '*the area that includes a complex network of Commuting Routes likely to be used by the SAC population of bats. Provides connectivity between Key Roosts and Other Roosts (including those currently unrecorded). Helps to provide connectivity to more distant roosts and therefore maintain genetic diversity and ensure resilience.*' The Proposed Development also lies within greater and lesser horseshoe bat 'Pinch Points'. These are known or potential commuting routes which are restricted e.g., due to urban encroachment or proximity to the sea / estuaries; refer to Appendix 3. The greater and lesser horseshoe bat 'Pinch Point' between Seaton and Colyton is where horseshoe bats are known to be moving from the SAC / SSSI to land to the east (Axe / Seaton marshes) and beyond. As the Proposed Development lies over 3.1km from the SAC, there would be no damage / disturbance or direct impacts to the SAC roosts or other key roost(s).

- 3.2.5 Due to the location of the Proposed Development within the Sustenance Zones, Landscape Connectivity Zones and within a greater and lesser horseshoe bat Pinch Point, the loss of habitat during site clearance could cause disruption of flight lines for bats from the SAC. This could impact the Pinch Point and inhibit the movement of bats within their Landscape Connectivity Zone and between other key roosts in the region. A Likely Significant Effect on the Beer Quarry and Caves SAC is identified. Appropriate Assessment in respect of this impact pathway will be required by EDDC.
- 3.2.6 In addition to habitat removal, construction lighting has the potential to disrupt horseshoe and Bechstein's bats commuting and foraging through and along the Proposed Development site boundaries, including retained hedgerows, which could in turn impede their access to foraging sites. A Likely Significant Effect on the Beer Quarry and Caves SAC is identified. Appropriate Assessment in respect of this impact pathway will be required by EDDC.

*Operation effects: Habitat loss, modification and fragmentation*

- 3.2.7 Similar potential effects on habitat loss, modification and fragmentation could occur during the operational phase of the Proposed Development for bats from the Beer Quarry and Caves SAC. Lighting associated with the development also has the potential to degrade the value of adjacent foraging and commuting habitat for these bats and could restrict the Pinch Point between Seaton and Colyford. Horseshoe and *Myotis* bats are known to be sensitive to light levels and will avoid lit areas (Stone, 2013). A Likely Significant Effect on the Beer Quarry and Caves SAC is identified. Appropriate Assessment in respect of this impact pathway will be required by EDDC.

*Operation effects: Increased risk of collision through increased traffic*

- 3.2.8 The Proposed Development would result in an increase in traffic movements within the development footprint. However, new roads within the Proposed Development would be subject to low traffic volumes which would be travelling at low speeds, therefore the risk of bat mortality associated with traffic movements is therefore assessed as being low. In addition, there is currently a network of existing roads surrounding the Proposed Development; the effects of increased traffic from the Proposed Development is considered to be nugatory. Accordingly, no Likely Significant Effect is identified. EDDC can screen out the requirement for Appropriate Assessment in respect of this impact pathway.

### **3.3 Conclusion to the Screening Assessment**

- 3.3.1 Table 3.1 provides a summary of the Stage 1 Screening Assessment of the Proposed Development.

**Table 3.1: Summary of screening assessment**

| Site                      | Interest Feature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Potential impact – alone and in-combination                                                                  | Likely significant effect? |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|----------------------------|
| River Axe SAC             | Annex I habitats that are a primary reason for selection of this site: <ul style="list-style-type: none"> <li>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation.</li> </ul> Annex II species present as a qualifying feature, but not a primary reason for site selection: <ul style="list-style-type: none"> <li>Sea lamprey; <i>Petromyzon marinus</i>.</li> <li>Brook lamprey; <i>Lampetra planeri</i>.</li> <li>Bullhead; <i>Cottus gobio</i>.</li> </ul> | Construction effects: Water quality                                                                          | No                         |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Operation impacts: Water quality                                                                             |                            |
| Beer Quarry and Caves SAC | Annex II species that are a primary reason for selection of this site; <ul style="list-style-type: none"> <li>Bechstein's bat; <i>Myotis bechsteinii</i>.</li> </ul> Annex II species present as a qualifying feature, but not a primary reason for site selection: <ul style="list-style-type: none"> <li>Lesser horseshoe bat; <i>Rhinolophus hipposideros</i>.</li> <li>Greater horseshoe bat; <i>Rhinolophus ferrumequinum</i>.</li> </ul>                                                                                          | Construction effects: Habitat loss, modification and fragmentation, including through construction lighting. | Yes                        |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Operation effects: Habitat loss, modification and fragmentation, including through lighting.                 | Yes                        |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Operation effects: Increased risk of collision through increased traffic                                     | No                         |

- 3.3.2 The HRA Screening Assessment concludes that Likely Significant Effects of the Proposed Development could occur on the Beer Quarry and Caves SAC from habitat loss, modification and fragmentation, including from lighting during construction and operation, and potentially in-combination with other plans and projects. Accordingly, EDDC will be required to undertake an Appropriate Assessment of these potential effects for the Proposed Development, both in-isolation and in-combination. Further information to inform the assessment is provided in Section 4.
- 3.3.3 No Likely Significant Effects of the Proposed Development have been identified on the River Axe SAC as a result of water quality effects, or on the Beer Quarry and Caves SAC, as a result of increased risk of collision through increased traffic. Consequently, the requirement for an 'Appropriate Assessment' can be 'screened out' by EDDC in respect of these impact pathways for these European Sites.

## 4 Stage 2: Appropriate Assessment

### 4.1 Introduction

- 4.1.1 This section provides a Shadow 'Appropriate Assessment' of the likely significant effects of the Proposed Development. The assessment identifies avoidance and/or mitigation measures that would be provided, and considers the potential effects of the Proposed Development on the Conservation Objectives of the European Sites, alone and in-combination with other plans or projects.

### 4.2 Beer Quarry and Caves SAC

#### *Evidence base*

*HRA: East Devon Local Plan and Devon County Council (2022) Beer Quarry and Caves Special Area of Conservation (SAC) Habitats Regulations Assessment Guidance.*

- 4.2.1 The HRA of the Local Plan identified that for Strategy 25 (Development at Seaton), urbanisation could result in loss of supporting habitat, fragmentation and isolation and that *'in the areas surrounding Beer Quarry and Caves SAC it will be necessary to ensure that development does not result in a loss of foraging habitat or disruption of flight lines for bats using the countryside surrounding the caves'*.
- 4.2.2 At the time that the HRA of the Local Plan was produced, no consultation zones had been developed that encompassed the important commuting and foraging habitats for the bat species outside the SAC. HRA planning guidance has since been issued (Devon County Council, 2022), which identifies the consultation zones (comprising Key Roosts, Sustenance Zones, Landscape Connectivity Zones and 'Pinch Points') for Bechstein's, lesser and greater horseshoe bats and the survey requirements for development proposals within the identified zones.

#### *Ecological Impact Assessment: desk study and site surveys*

- 4.2.3 Full details of the results of desk study and surveys undertaken to inform the Shadow HRA of the Proposed Development are presented in the EclA report (EAD Ecology, 2025) submitted with the Outline Planning Application. Reference should be made to the EclA report and accompanying appendices for full details of the desk study, survey approach and results:

- Section 2.4: Desk study and bat activity survey results.
- Appendix 12: Bat activity survey results.
- Appendix 13: Bat roost survey results.

- 4.2.4 A summary of results relevant to the HRA is provided below.

#### *Desk study*

- 4.2.5 As set out in the Stage 1 Screening Assessment, Beer Quarry and Caves SAC comprises Beer Quarry and Caves SSSI, of which the closest component lies 3.1km to the southwest of the Proposed Development; refer to Figure 4. This site has an extensive series of caves, and is important for its population of hibernating greater horseshoe, lesser horseshoe and Bechstein's bats. Eight species of bat have been recorded hibernating within the caves, and it is also used as a mating roost (Mathews, 2013). In January 2025, a full survey of all accessible caves in the SAC was carried out as part of the annual hibernation count; 263 greater horseshoe and 105 lesser horseshoe bats were recorded during the winter counts (Beer Quarry Caves, 2025). Natural England's historical



hibernation count data (Stephen Panks, Natural England; *pers comm.*) indicates that Bechstein's bat numbers have remained low, but stable, since they were first recorded in 1966. Overall, greater and lesser horseshoe bat numbers have steadily increased during the annual counts. It is possible that crevice-dwelling bats, including Bechstein's bat, are under-recorded to some extent during these counts.

- 4.2.6 As outlined in Paragraph 3.2.43.2.4, the Proposed Development site lies within greater horseshoe bat, lesser horseshoe bat and Bechstein's Sustenance Zones. It also lies within greater horseshoe, lesser horseshoe and Bechstein's Landscape Connectivity Zones and within greater and lesser horseshoe bat 'Pinch Points'.
- 4.2.7 Desk study data from Devon Bat Group and Devon Biodiversity Records Centre have identified a number of lesser and greater horseshoe bat roosts within 4km of the Proposed Development; refer to Figure 6. The amount of available information for each roost is variable, however, the nearest roost to the Proposed Development is a whiskered bat maternity roost, lesser horseshoe bat maternity and hibernation roost, and greater horseshoe bat, common pipistrelle and grey long-eared bat roost (all in the same property; the status of the greater horseshoe, common pipistrelle and grey long-eared roost is unknown) located approximately 350m north-east of the Proposed Development site boundary.
- 4.2.8 Bechstein's bat is a gleaning bat, with most foraging occurring in closed-canopy woodland (Harris and Yalden, 2008). Studies have shown that foraging occurs close to the roosting site, with bats rarely flying more than 1.5km between roost and feeding site (Schofield and Morris, 2000, Palmer *et al.*, 2013). Information on exact locations of Bechstein's maternity roosts is scarce as individuals switch roost sites often and it is difficult to distinguish the species call from that of other *Myotis* bats. However, it is considered likely that closed-canopy woodland within the vicinity of a roost would be utilised by Bechstein's bats. There are occasional records of this species from bat catching surveys at Holyford Woods (Mathews, 2014), approximately 2.5km northeast of the Beer Quarry and Caves SAC and approximately 0.6km northwest from the Proposed Development.
- 4.2.9 Greater horseshoe bat maternity colonies have been recorded at Branscombe (approximately 5km southwest of the Proposed Development) and occasionally Axmouth (approximately 1.5km southeast of the Proposed Development). There are numerous lesser horseshoe bat maternity colonies within East Devon Area of Outstanding Natural Beauty (AONB), including in Colyton, Musbury and Holyford (Encompass Ecology, 2014 and Mathews 2014).
- 4.2.10 Although the Proposed Development is over 3km from the Beer Quarry and Caves SAC, it is located directly between this hibernation site and important foraging habitat located at Seaton Marshes County Wildlife Site (CWS) and Axe Estuary and Marshes CWS. Bats are likely to move between Beer Quarry and Caves SAC and the Axe Estuary in spring and autumn, as well as between the estuary and other roosts, including maternity roosts throughout the bat-active period. Furthermore, it is likely that bats will be moving between the SAC and roosting / foraging sites in Dorset; there is evidence for this from previous recaptures of ringed bats (Encompass Ecology, 2014; Matthews, 2013 & 2014).

#### Site surveys

- 4.2.11 The Proposed Development site lies on the northern edge of Seaton and comprised two arable fields. Field boundaries were bordered by species-rich and species-poor hedgerows, several with mature trees. Scattered scrub and tall ruderal habitat were also present along the northwest boundary.

- 4.2.12 Bat activity surveys of the Proposed Development site and a wider survey area to the northeast, comprising night-time bat walkover and static detector surveys, were undertaken between May - October 2024 and in April 2025, with winter static detector surveys between November 2024 - March 2025, to provide a full year of survey data. Full results of the surveys are presented in the EclA Report. A summary is also provided below; refer also to Figure 5:

*Myotis bats*

- Based on the analysis of the survey data, the southern and eastern boundaries of the site are considered to be *Myotis* bat commuting and occasional foraging habitat.
- Activity recorded within the Proposed Development site over the winter period (November-March) was typically much lower than that recorded within the active period (April-October). However, the survey results showed that *Myotis* bats were using the Proposed Development site during the hibernation period.

*Greater horseshoe bats*

- The trend in data appears to show a general decrease in greater horseshoe bat activity from June-August. This decrease in activity in July and August could be attributed to:
  - the lack of grazed pasture within the site, which is greater horseshoe preferred foraging habitat at this time (Duverge and Jones, 1994); and
  - the absence of a nearby maternity roost.
- Despite a reduced level of activity during the greater horseshoe bat maternity period (June-August), persistent activity was prevalent within the Proposed Development site. Therefore, it is considered likely that although the site is not primary foraging habitat for greater horseshoes bats, it is used throughout the year for commuting and occasional foraging.
- Reduced activity levels were observed during the winter activity surveys. However, greater horseshoe bats were shown to be using the Proposed Development site in November - March albeit in considerably lower numbers than typically recorded during the active period. The spatial distribution of greater horseshoe bat activity was similar in winter to summer, with higher activity levels observed along the northern and southern boundaries.

*Lesser horseshoe bats*

- The northern and southern boundaries are considered to be lesser horseshoe bat commuting and occasional foraging habitat during the active period. Throughout the winter period, lesser horseshoe bat activity was more prominent along the southern boundary.
- Reduced activity levels were observed during the winter activity surveys. However, lesser horseshoe bats were shown to be using the site in November-March, albeit in lower numbers than typically recorded during the active period.
- Foraging activity was recorded in May and March in the south-west corner of the site.
- Low activity was generally recorded across the site during the maternity period (June-August). However, peaks in activity suggest that lesser horseshoe bats primarily use the site as they transition to/from a hibernation roost in the Spring / Autumn.

- 4.2.13 The results of the bat activity surveys undertaken from 2024 - 2025 summarised above reflect the outcomes of the previous surveys undertaken of the site from 2019 - 2020 (EAD Ecology 2023a and 2023b). Both survey data sets concluded that the northern and southern boundary features (hedgerows 1 & 2, and hedgerows 3, 4, & 6; Figure 5) provide likely greater horseshoe commuting routes; the northern boundary feature (hedgerows 1 & 2) provides a likely lesser horseshoe bat commuting route, and the southern boundary (hedgerows 3, 4 & 6) provides a likely *Myotis* bat commuting route. Analysis of the 2024 – 2025 dataset also concluded that the eastern boundary

feature (hedgerow 7) also provides a likely secondary *Myotis* bat commuting route, which was not identified in analysis of the earlier dataset.

- 4.2.14 The central hedgerow (hedgerow 5; Figure 5) and the western site boundary (comprising only fence line) were not identified as key commuting or foraging routes for either horseshoe or *Myotis* bats during the bat activity surveys undertaken in 2019 – 2020 or 2024 – 2025.
- 4.2.15 The surveys undertaken are considered to provide sufficient information to inform the Appropriate Assessment of the Proposed Development.

*Baseline lighting conditions*

- 4.2.16 No existing light sources are present within the Proposed Development site, and the majority of the area can be assumed to be largely dark (>0.5 lux), with the exception of several locations in which adjacent offsite light sources are likely to be resulting in some level of light spill. Harepath Road, to the immediate east of the Proposed Development, is lit with street lighting, which continues south into Seaton, and stops just before the junction with the A3052 / Harepath Hill, at its northern extent; this lighting is visible from the Proposed Development site. To the south of the Proposed Development there are residential properties mounted with various types of external lighting, although in some places along this boundary there is limited screening from vegetation. The A3052 / Harepath Hill to the north of the Proposed Development site is unlit, and lighting to the north and west is limited
- 4.2.17 Baseline lighting surveys of Harepath Road were undertaken in 2022 to inform the HRA (EAD Ecology 2023b) of an adjacent mixed-use development (Land east and west of Harepath Road, Seaton; planning reference 22/2781/MOUT). This identified that the street lighting along Harepath Road consists of a mixture of high-pressure sodium (northern extent) and LED (southern extent). The lux levels along the road were found to be significantly greater than 0.5 lux, however levels at the northern junction with Harepath Hill were <0.5 lux. The baseline lighting survey also identified that there were 'darker pockets' along Harepath Road (between columns or near where a street lamp was not in operation). It is thought that these points (even though they are above 0.5 lux) may provide crossing locations for bats from the SAC (highest lux values recorded at these potential crossing points varied from 1.08 lux – 3.75 lux). However, the lighting is currently substandard to Devon County Council (DCC) requirements and DCC have planned maintenance works to upgrade the lighting along the northern section of Harepath Road to ensure the P4 lighting class is met. This will only affect the northern section of the road where the existing high-pressure sodium lanterns will be upgraded. The existing LED lanterns on the section of Harepath Road adjacent to the Proposed Development would be unaffected and the potential darker pockets (2-4 lux) between columns would remain, which bats could continue to use to cross this road.

***Proposed avoidance and mitigation measures***

*Construction phase: Construction management measures*

- 4.2.18 All ecological avoidance and mitigation measures during construction would be detailed in a Construction Ecological Management Plan (CECoMP) for the development, which would be appended to the Construction Environmental Management Plan (CEMP). This would include:
- Construction would be undertaken in accordance with BS5837:2012 'Trees in relation to construction'. Retained trees and hedgerows would be protected from potential damage during construction through the use of temporary barriers (e.g. Heras fencing), which would be installed prior to the start of construction.

- All contractors' compounds would be located a minimum of 20m away from hedgerows and outside of the 'dark' habitat corridors along the boundaries to minimise potential lighting and disturbance effects.
- Lighting would be avoided between March and October where possible, and no lighting would be left on during the night during the construction period. Any security lighting would be low-level and motion activated on short-timers.

*Operation phase: Development layout / Landscape Strategy*

- 4.2.19 The Concept Masterplan and Indicative Landscape Strategy plan (refer to Figures 2-3) for the Proposed Development have been informed by the results of the ecological surveys, to ensure that dark commuting habitat for *Myotis* and horseshoe bats would be maintained around the development post-construction, ensuring permeability for these species through their Landscape Connectivity Zones and 'Pinch Point'. This would be achieved through the creation of minimum 10m wide 'dark corridors' (<0.5 lux) along retained key commuting and foraging routes for bats on the northern and southern site boundaries, with an additional 10m landscape buffer to include natural screening in the form of new hedgerow planting before the development platform in accordance with Devon dark corridors guidance (DCC *et al*, 2022). Temporary fencing with a minimum 1.8m height would also be erected to provide screening until the new hedgerows matured. This would allow continued ecological permeability for bats associated with the SAC post-development.
- 4.2.20 The dark corridors / landscape buffers forming part of the Proposed Development would be planted with new native hedgerows, mixed native trees and scrub, and wildflower meadow, to create new bat foraging habitats and provide screening, which would enhance the suitability of these areas for foraging / commuting horseshoe and *Myotis* bats (refer to Figure 4).
- 4.2.21 A further 10m wide dark corridor with an additional 10m landscape buffer will be created on the western site boundary. This boundary, which is currently delineated by only a fence-line will also be enhanced through the planting of new native broadleaved woodland, hedgerow and scrub to create an additional north-south flightline with foraging habitat for horseshoe and *Myotis* bats (refer to Figure 4). This would ensure that north to south movement / functionality would be maintained across the Proposed Development.

*Operation phase: Lighting*

- 4.2.22 The lighting strategy for the development will be designed to ensure that light levels do not exceed 0.5 lux within the proposed 'dark corridors'. This level of lighting provides a 'dark' environment which would not deter light-sensitive bat species such as horseshoe and *Myotis* bats, and is based on studies investigating the effects of lighting on bats (e.g. Stone *et al*. 2009 and 2015).
- 4.2.23 The Proposed Development will be a 'dark development'; no street lighting is proposed to the roads within the Proposed Development. Private roads and drives will also remain unlit. The standalone footpaths throughout the Proposed Development are also proposed to be unlit. The new access junction from Harepath Road was previously approved as part of the application for the adjacent mixed-use development (planning reference 22/2781/MOUT), for which no additional lighting was proposed. No additional lighting on Harepath Road is anticipated for the Proposed Development.
- 4.2.24 In addition, the following measures would be implemented to ensure that 'dark corridors' are maintained:

- Careful consideration would be given to the locations and orientations of proposed dwellings located adjacent to the 10m landscape buffer. Where the front or rear elevations of any proposed dwellings face the dark zones, sufficient offsets would be created between the two to ensure that the <0.5lux parameter is achieved in the 10m 'dark corridor'.
- Consideration would be given to locating bungalows, rather than houses, adjacent to 10m landscape buffer, particularly where the topography of the development area is higher than the adjacent landscape buffer/dark corridor.
- It is anticipated that recessed lighting would be provided within properties adjacent to the 10m landscape buffers. Typically, downlight luminaires used in residential properties will have beam angles of 30-40 degrees. The recessed nature of downlights, and their smaller beam angles, reduces light spill compared with pendant luminaires. Consideration would also be given to window locations, head heights and size, to reduce impacts from internal light spill into the proposed dark zones.
- Private external lighting to residential properties adjacent to the 10m landscape buffers would be carefully positioned, limited in number and operated by PIR (movement) detectors. Luminaires to residential properties would be specified as downward directional with 0% Upward Light Output Ratios. If any low-level lighting is required to private drives, roads or parking courts, specialist downward directional bollard luminaires would be utilised. All external lighting would utilise LED lights sources, with warm white colour temperatures of 3000K or less.

4.2.25 Detailed analysis, including lighting calculations and assessment, will be provided at the Reserved Matters stage to demonstrate that light spill from all proposed external/internal lighting would not conflict with the <0.5lux light parameter for the dark corridors. All lighting proposals would be subject to approval by EDDC.

4.2.26 Retained and new habitats would be managed in line with the Habitat Management and Monitoring Plan (HMMP; refer to the EclA report; EAD Ecology, 2025). The HMMP would incorporate management objectives, actions and responsibilities to ensure appropriate long-term habitat management to maximise the foraging value of the habitats provided for horseshoe and *Myotis* bats. This would include:

- Hedgerow management to promote tall hedges (minimum height of 3m) and dense growth of native woody species (minimum width of 3m) to provide functioning flight lines for bats.
- Wildflower grassland management to promote abundance of invertebrate food sources for foraging horseshoe bats.

4.2.27 It is considered that the avoidance and mitigation proposals would maintain the ecological functionality of the Proposed Development site for horseshoe and Bechstein's bats associated with the Beer Quarry and Caves SAC and would prevent the 'Pinch Point' being further restricted, so allowing the continued movement of horseshoe bats within the Landscape Connectivity Zone and between other key roosts.

### ***Ecological monitoring***

4.2.28 Construction monitoring in line with the CEcoMP, including compliance checks by a qualified ecologist, would be undertaken throughout the construction period. Post-construction monitoring of the retained and created habitats would be undertaken to ensure successful establishment and management; a monitoring protocol would be contained in the HMMP.

- 4.2.29 Post-construction monitoring would also be undertaken on key habitat features of importance to bats associated with Beer Quarry and Caves SAC. Lux level readings would be undertaken from baseline 'Pre-construction Monitoring Points' at locations within the proposed dark corridors along the northern, eastern, southern and western boundaries. Measurements would then be undertaken at these locations in Years 1, 3, 5 and 10 following completion of the development to ensure that 0.5 lux levels and below are still being achieved.
- 4.2.30 In addition to the light monitoring, automated bat activity monitoring would be undertaken in Years 1, 3, 5 and 10 to ensure that bat activity was not adversely affected by the development. This would be undertaken at the same static detector positions along the key habitat features as the baseline surveys, which would be updated pre-construction in May, July and September. A bat monitoring strategy would be included in the LEMP, along with a proposed mechanism to allow any necessary remedial action to be undertaken. The results of all monitoring would be submitted to EDDC.

***Mechanisms for avoidance and mitigation delivery***

- 4.2.31 Implementation of avoidance and mitigation measures could be secured through appropriately-worded planning conditions to ensure:
- Production and implementation of the CEcoMP and a HMMP.
  - The production of a detailed lighting assessment, including lux contour plans with respect to light spill from external lighting and internal light spill from buildings, to ensure that the lighting parameters outlined within the HRA are met.

***Effect on integrity of on the Beer Quarry and Caves SAC: In isolation***  
*Preamble*

- 4.2.32 To provide clarity, avoid duplication and accord with the Stage 2 'Appropriate Assessment' part of the Shadow HRA Template produced by EDDC (2022), impact pathways are assessed collectively for both construction and operation phases below. To allow detailed assessment, the 'Habitat loss, modification and fragmentation' impact pathway has been divided into the specific sub-sections set out in Paragraph 3.1.3; these sub-sections accord with the detailed impact pathways within the Stage 2 'Appropriate Assessment' part of the Shadow HRA Template produced by EDDC (2022).

***Change in habitat quality and composition (loss or change in quality of foraging habitat)***

- 4.2.33 Lesser horseshoe, greater horseshoe and *Myotis* bats used habitats within the Proposed Development site for occasional foraging and commuting. Given that much of the existing foraging habitat on site is considered sub-optimal (arable habitat) for these bats, the habitat creation proposals, particularly within the dark corridors / landscape buffers, would lead to a net increase in the extent of foraging habitat for horseshoe and *Myotis* bat species. The LEMP would include management objectives and actions to ensure appropriate long-term habitat management to maximise the foraging value of the habitats provided for horseshoe and *Myotis* bats. Accordingly, EDDC can conclude that there would be no adverse effect on the integrity of Beer Quarry and Caves SAC as a result of this impact pathway.

***Severance or disturbance of linear features used for navigating or commuting***

- 4.2.34 Hedgerow loss within development footprint has been minimised and the majority of hedgerows along the site boundaries identified as likely *Myotis* and / or horseshoe bat commuting routes have been retained and buffered; refer to Figure 3. A short section of the eastern boundary hedgerow (Hedgerow H7a; refer to Figure 5) would need to be removed to accommodate a new road; refer to Figure 3. However, the remainder of the eastern boundary would be retained and

buffered from development by over 20m. Development would abut the central hedgerow (Hedgerow H5; refer to Figures 5), from which a short section would also be removed to facilitate access to the western field. However, this central hedgerow was not identified as a key commuting or foraging route for horseshoe or *Myotis* bats.

- 4.2.35 The Proposed Development would ensure that bat species from the SAC would be able to navigate and commute through the site. Minimum 10m wide 'dark corridors' (<0.5 lux) will be created along key commuting and foraging routes for bats, including the northern and southern site boundaries, with an additional 10m landscape buffer to include natural screening in the form of a new hedgerow before the development platform. No public-realm lighting is proposed (i.e. it is a 'dark development' with no street lighting proposed to the roads within the Proposed Development or to the junctions off Harepath Road).

*Disturbance from new illumination causing bats to change their use of an area / habitat*

- 4.2.36 In accordance with the assessment set out in Paragraphs 4.2.34-4.2.35, illumination from the Proposed Development would not result in changes in the patterns of use of the site by bats to the extent that an adverse effect on the integrity of the SAC would occur. The key navigating and commuting 'dark corridors' corridors along the northern and southern boundaries would be maintained; connectivity between the north and south corridors would also be maintained through the creation of a further dark corridor on the western boundary.
- 4.2.37 The extent of foraging habitat within the Proposed Development site would be increased and would not be affected by lighting. Lighting during construction could be controlled by the proposed mitigation measures, set out and secured through a CECoMP. Accordingly, EDDC can conclude that there would be no adverse effect on the integrity of the Beer Quarry and Caves SAC as a result of this impact pathway.

*Loss, damage, restriction or disturbance of a pinch point*

- 4.2.38 In accordance with the assessment set out in Paragraphs 4.2.34-4.2.36, the Proposed Development would not lead to the loss, damage, restriction or disturbance of a Pinch Point for greater or lesser horseshoe bats. Both species would be able to move through the Proposed Development within the Pinch Point; refer to Appendix 4. EDDC can conclude that there would be no adverse effect on the integrity of the Beer Quarry and Caves SAC as a result of this impact pathway.

***In-combination effects***

- 4.2.39 The Proposed Development has the potential to act in-combination with other developments in the vicinity and wider area, impacting on bat populations associated with Beer Quarry and Caves SAC.
- 4.2.40 A search of planning applications on the East Devon District Council website was undertaken on 16 June 2025; the search area comprised an area from Branscombe in the west, to the Axe Estuary in the east, and in a northerly direction to Colyton. All relevant planning applications considered in the assessment are shown below (planning status correct at the time of investigation):
- 22/2781/MOUT Land Adjacent to Harepath Road Seaton (Approved subject to S106); Mixed-use development comprising of up to 130 dwellings to the east of Harepath Road and the laying out of a new community football pitch, parking and welfare facilities to the west of Harepath Road.

- 21/1782/MFUL Seaton Heights Harepath Hill Seaton (Awaiting decision). Erection of No. 9 x 2-bed and No. 14 x 3-bed and 19 x 4 bed two storey detached holiday homes with associated parking and amenity space.
- 22/1846/FUL Land Off Gosling Walk Harepath Road Seaton (Approved). Construction of 4 no. dwellings.
- 22/1522/MRES Land Adjacent Short Furlong Short Furlong Beer (Approved). Application for approval of reserved matters (Appearance, landscaping, layout and scale) following approval of outline application no 18/1957/MOUT18 - construction of up to 30 new dwellings (including affordable housing provision).

4.2.41 The Proposed Development would not have any residual adverse effects to carry forward to in-combination assessment. Commuting and navigating habitat would be maintained; foraging habitat would be increased, and there would not be an impact on the identified Pinch Point. Furthermore, in each case, it is reasonable to assume that the planning applications for the identified developments set out above have been or will also be subject to Habitats Regulations Assessment by EDDC; this is certainly the case for the approved development to the immediate east (planning reference 22/2781/MOUT Land Adjacent to Harepath Road Seaton).

4.2.42 For each development to be acceptable in isolation, it would be necessary to demonstrate that there would not be an adverse effect on the integrity of the greater and lesser horseshoe bat and Bechstein's bat populations associated with the Beer Quarry and Caves SAC, which would include the delivery of avoidance and mitigation measures as required. In summary, EDDC can conclude that there would be no adverse effect of the Proposed Development on the integrity of the SAC in-combination with other development coming forward, or likely to come forward.



## 5 Conclusion

- 5.1.1 There would be no Likely Significant Effect of the Proposed Development on the River Axe SAC; EDDC can screen out this European Site and all impact pathways from Appropriate Assessment. There is no realistic possibility of effects of the Proposed Development on the Sidmouth to West Bay SAC and Lyme Bay and Torbay SAC; EDDC can scope out the requirement for Stage 1 Screening of impact pathways for these European Sites.
- 5.1.2 Likely Significant Effects of the Proposed Development on the Beer Quarry and Caves SAC have been identified. EDDC should screen in this SAC and identified impact pathways for Appropriate Assessment. However, following consideration of the proposed avoidance and mitigation measures, EDDC can conclude that the Proposed Development would not have an adverse effect on the integrity of the SAC for any impact pathway, either in-isolation or in-combination. The proposed avoidance and mitigation measures, including monitoring and management protocols, would be set out in a CEcoMP, LEMP, and Detailed Lighting Assessment, which could be secured by planning conditions.

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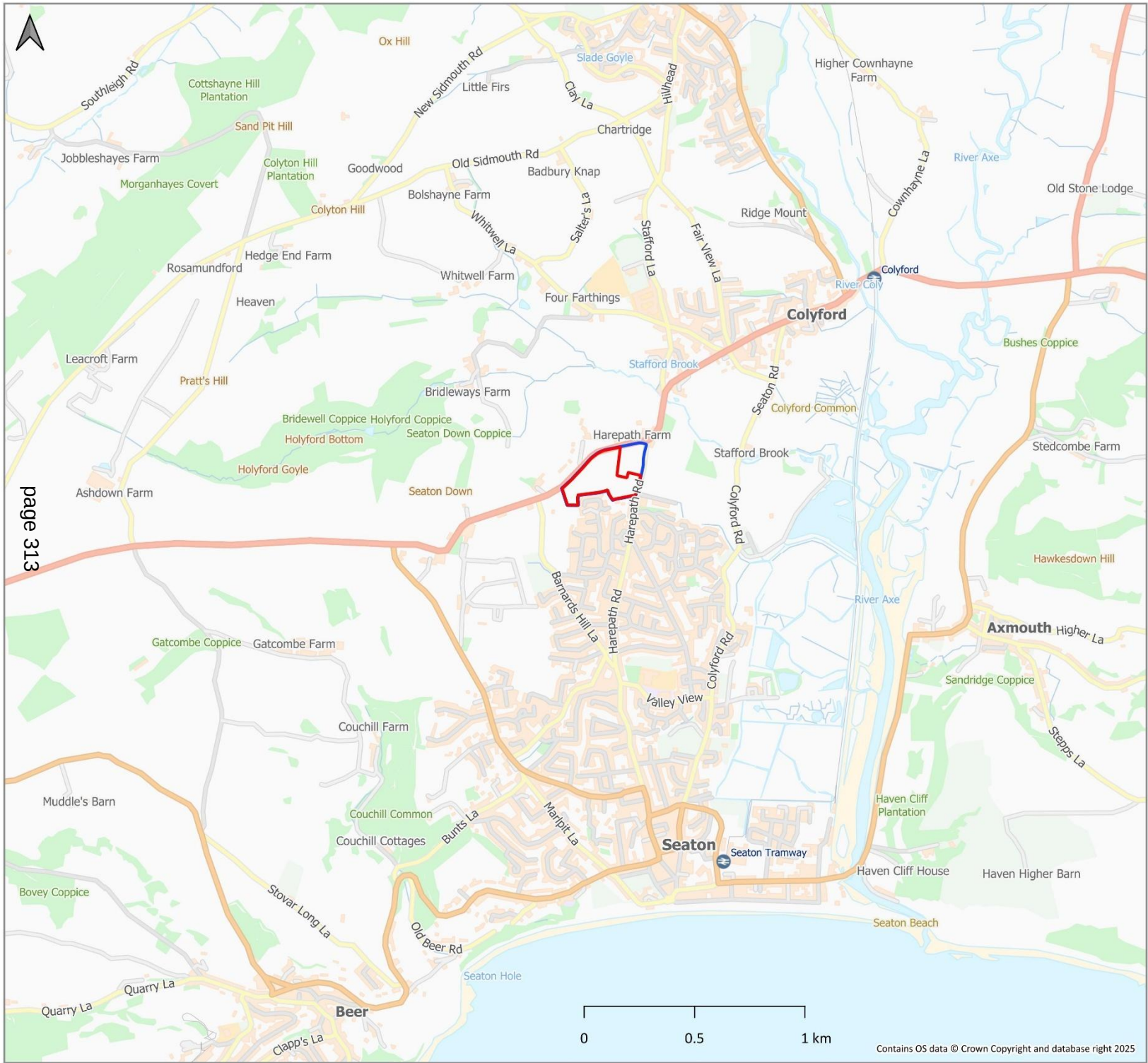
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## **Figure 1: Site Location Plan**



### Key

- Site boundary
- Survey Area



## **Figure 2: Concept Masterplan**





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- Site
- Phase 1 (eastern site) incl football pitch
- Residential area
- Key Streets
- Mews Street
- Pedestrian Route
- Trees
- Woodland & hedgerow
- Sustainable urban drainage basin
- Key space
- 10m dark corridor
- 10m additional landscape buffer

0 25m 50m



|     |                                                 |          |    |    |
|-----|-------------------------------------------------|----------|----|----|
| P7  | Including 20m bat mitigation area (added radii) | 11-08-25 | RE | RS |
| P6  | Including 20m bat mitigation area               | 11-08-25 | RE | RS |
| P5  | Fifth Issue (Tree Amends)                       | 20-06-25 | RE | RS |
| P4  | Fourth Issue (Road and Layout Amends)           | 18-06-25 | RE | RS |
| P3  | Third Issue                                     | 03-06-25 | RE | RS |
| P2  | Second Issue                                    | 20-05-25 | RE | RS |
| P1  | First Issue                                     | 16-05-25 | RE | RS |
| Rev | Comments                                        | Date     | Dr | Ch |

Concept Master Plan Coloured  
Land South of Harepath Hill  
LSDW - BSL - XX - ZZ - DR - A - 1501 - P7  
Land at Seaton, Devon  
Harepath Road, Seaton, Devon  
Baker Estates  
19006  
1:1250 @ A3  
PLANNING

Suite E, Ferry House  
Canute Road  
Southampton  
Hampshire  
SO14 3FJ  
023 8063 1432  
boyleandsummers.co.uk





## **Figure 3: Indicative Landscape Strategy Plan**





#### Legend

|  |                      |  |                        |  |                 |  |                     |  |                   |  |                                                 |
|--|----------------------|--|------------------------|--|-----------------|--|---------------------|--|-------------------|--|-------------------------------------------------|
|  | Retained vegetation  |  | Scattered native trees |  | Native scrub    |  | Species rich meadow |  | Amenity grassland |  | Indicative location of formal and informal play |
|  | Broadleaved woodland |  | Street trees           |  | Native hedgerow |  | Devon hedgebank     |  | Wet meadow        |  | Indicative recreation routes                    |

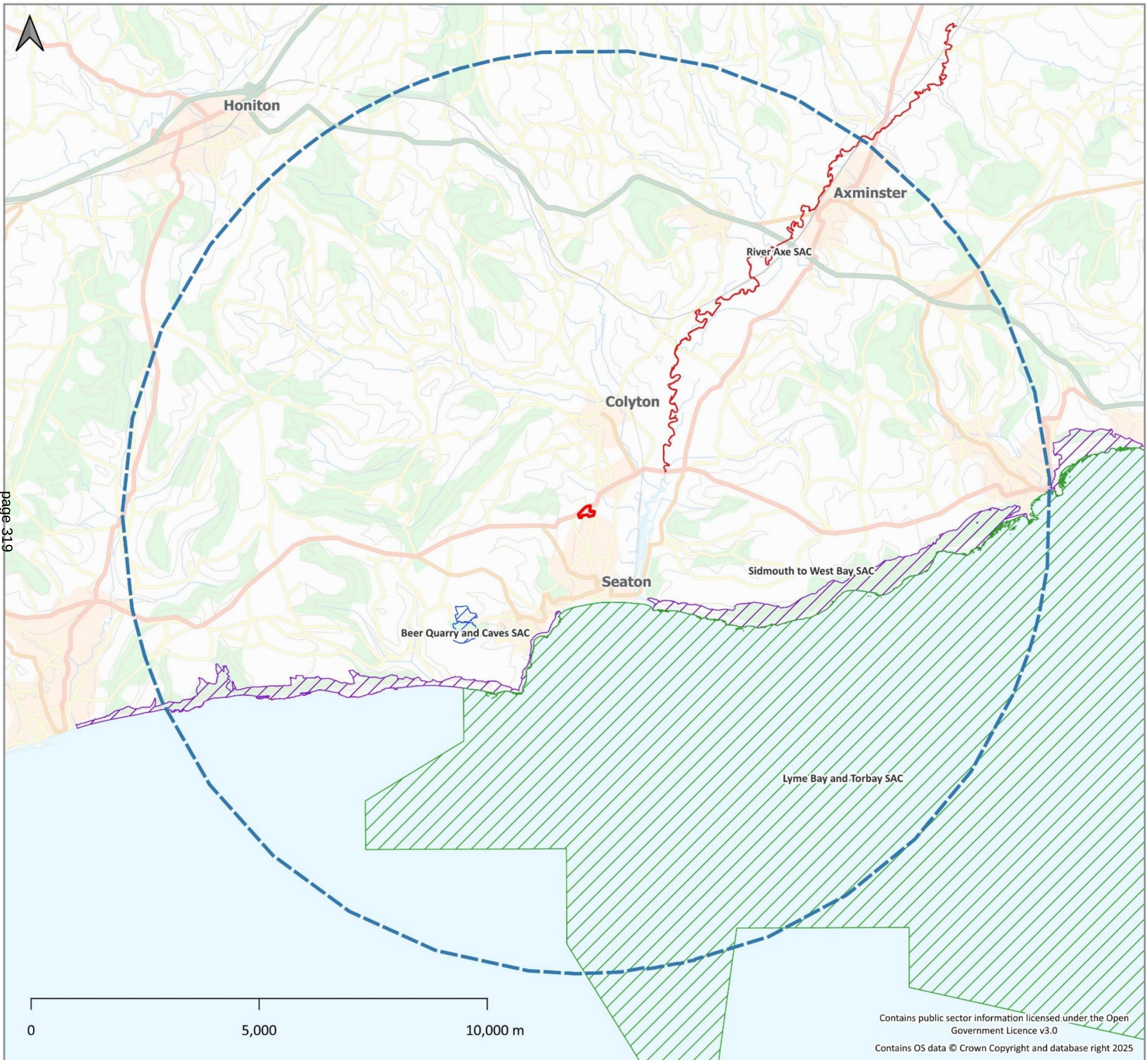
|                |                    |
|----------------|--------------------|
| Drawing        | Landscape Strategy |
| Drawing Number | CLPD 230 P08b      |
| Date           | 11.08.2025         |
|                |                    |

### Land South of Harepath Hill, Seaton



## **Figure 4: European designated sites within 10km**





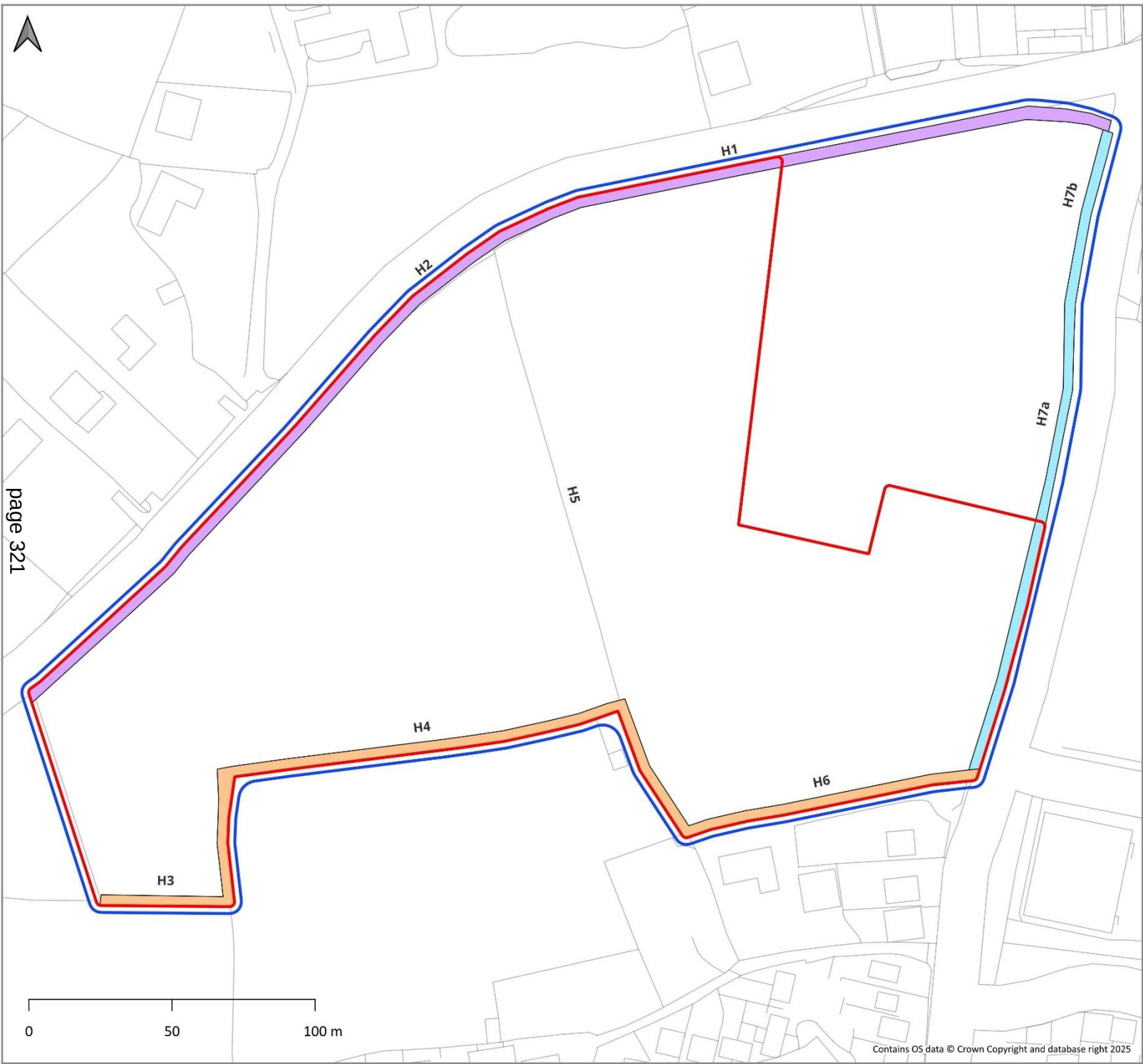
page 319

**Key**

- Site boundary
- 10km buffer
- European Designated Sites (located within 10km of the site)**
  - Beer Quarry and Caves SAC
  - Lyme Bay and Torbay SAC
  - River Axe SAC
  - Sidmouth to West Bay SAC



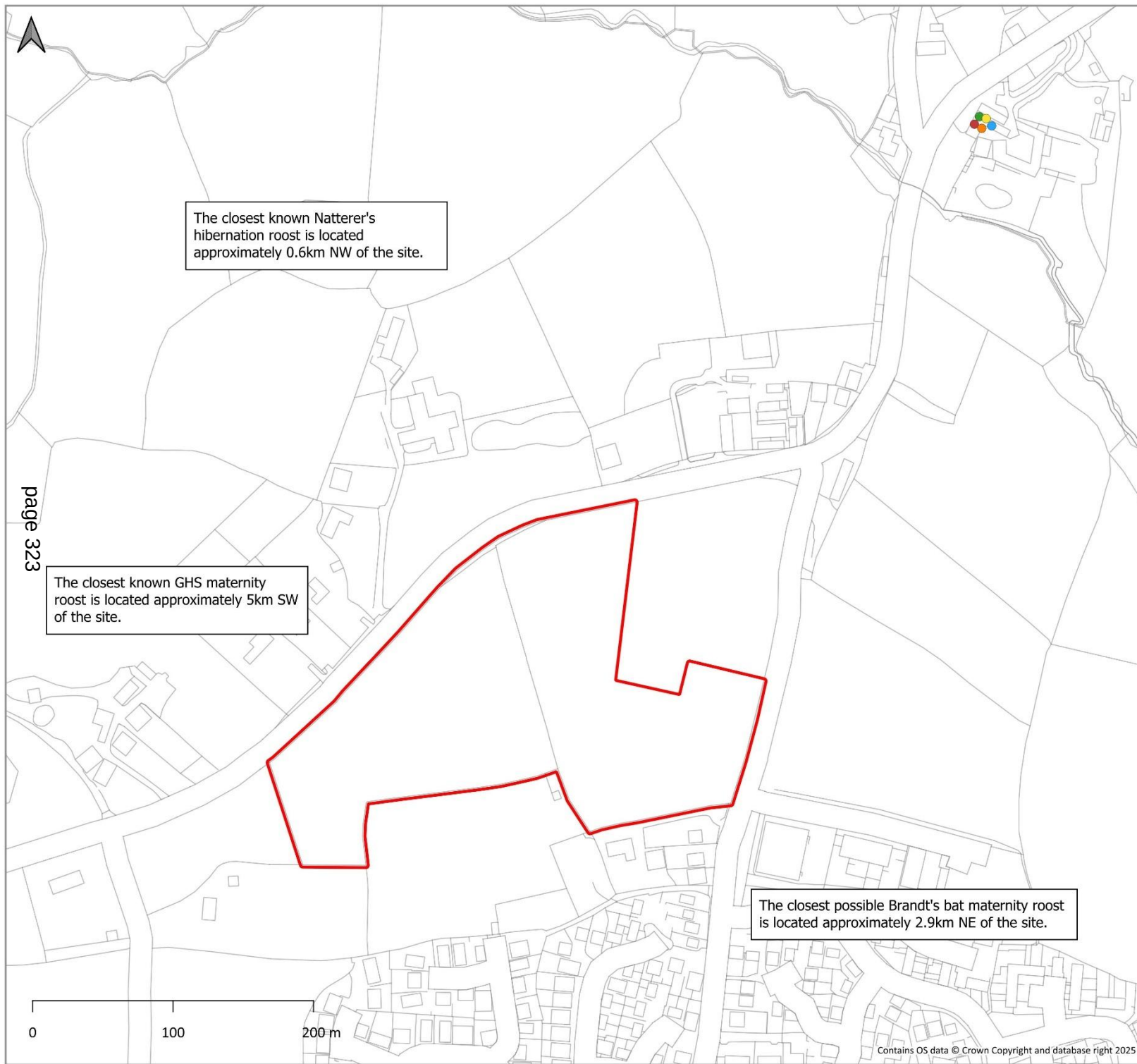
## **Figure 5: SAC Bat Constraints Plan**



# Key

- Likely Myotis & GHS commuting route
- Likely GHS & LHS commuting route
- Secondary Myotis commuting route
- Site boundary
- Survey Area

## **Figure 6: Bat Roost Plan**



## Key

- Closest known GHS roost
- Closest known grey long-eared bat roost
- Closest known LHS hibernation roost
- Closest known LHS maternity roost
- Closest known Whiskered bat maternity roost
- Site boundary

## **Appendix 1: European Sites Conservation Objectives**



# European Site Conservation Objectives for Bee Quarry and Caves Special Area of Conservation Site Code: UK0012585



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 the habitats of qualifying species
- The structure and function of the habitats of qualifying species
- The supporting processes on which the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

## **Qualifying Features:**

S1303. *Rhinolophus hipposideros*; Lesser horseshoe bat

S1304. *Rhinolophus ferrumequinum*; Greater horseshoe bat

S1323. *Myotis bechsteinii*; Bechstein's bat

# European Site Conservation Objectives for River Axe Special Area of Conservation Site code: UK0030248



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.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

## **Qualifying Features:**

H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1095. *Petromyzon marinus*; Sea lamprey

S1096. *Lampetra planeri*; Brook lamprey

S1163. *Cottus gobio*; Bullhead

# European Site Conservation Objectives for Sidmouth to West Bay Special Area of Conservation Site Code: UK0019864



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
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

## **Qualifying Features:**

H1210. Annual vegetation of drift lines

H1230. Vegetated sea cliffs of the Atlantic and Baltic coasts

H9180. *Tilio-Acerion* forests of slopes, screes and ravines; Mixed woodland on base-rich soils associated with rocky slopes\*

\* denotes a priority natural habitat or species (supporting explanatory text on following page)

# European Site Conservation Objectives for Lyme Bay and Torbay Special Area of Conservation

Site code: UK0030372



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**
- **The structure and function (including typical species) of qualifying natural habitats, and**
- **The supporting processes on which the qualifying natural habitats rely**

This document should be read in conjunction with the accompanying Conservation Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

## **Qualifying Features:**

H1170. Reefs

H8330. Submerged or partially submerged sea caves

## **Appendix 2: River Axe SAC Catchment**





## Area where Natural England's Nutrient Neutrality advice applies for River Axe SAC

European protected sites requiring nutrient neutrality strategic solutions

- Local Authorities
- Component SSSIs of impacted designated site
- Surface water catchment area of relevant designated site due to nutrient pollution

Produced by Nutrient Mitigation Scheme Team

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## **Appendix 3: Beer Quarry and Caves Bat Consultation Zones**



Figure 2 – Greater Horseshoe Bat Consultation Zones

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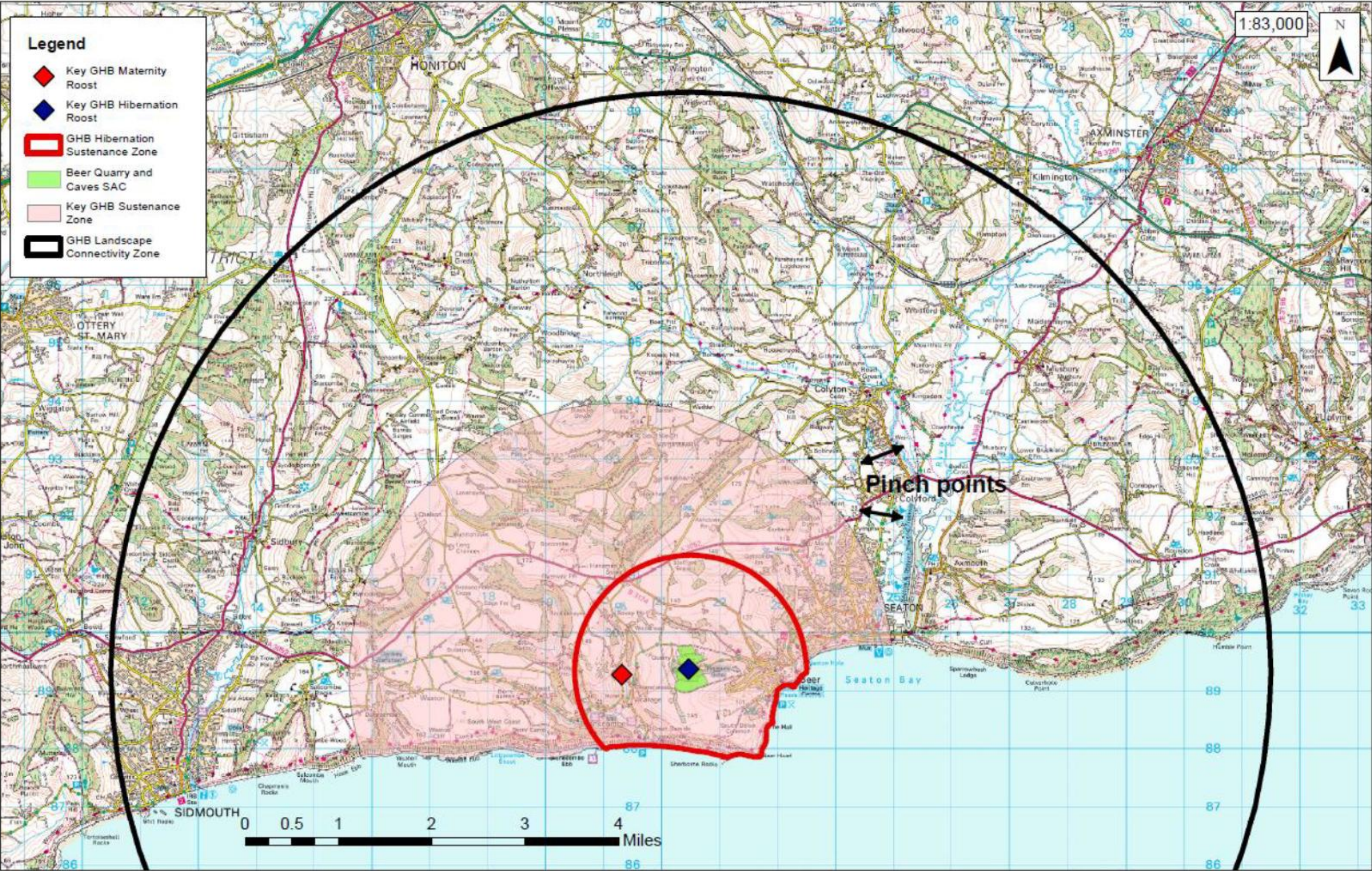




Figure 3 – Lesser Horseshoe Bat Consultation Zones

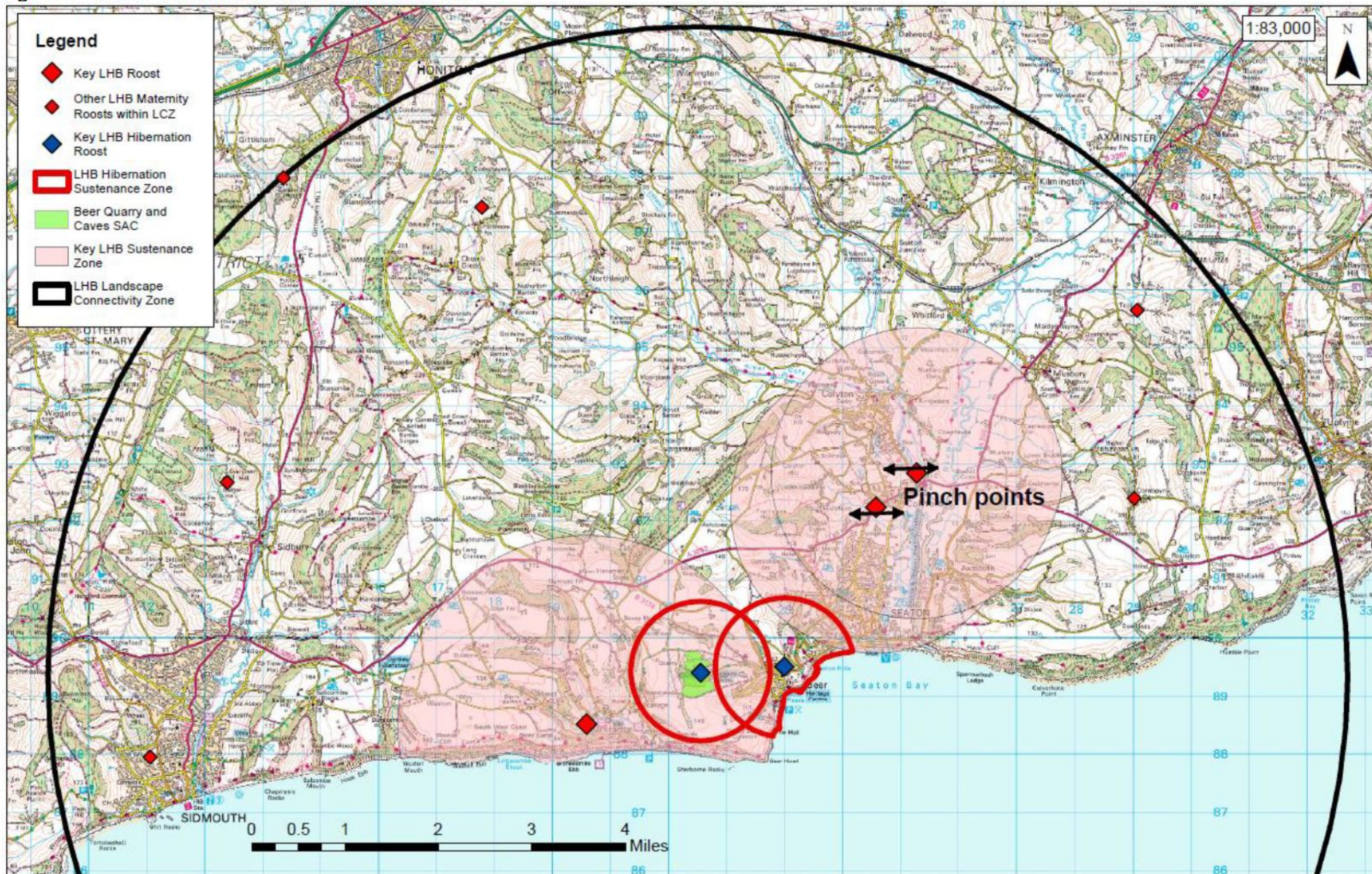
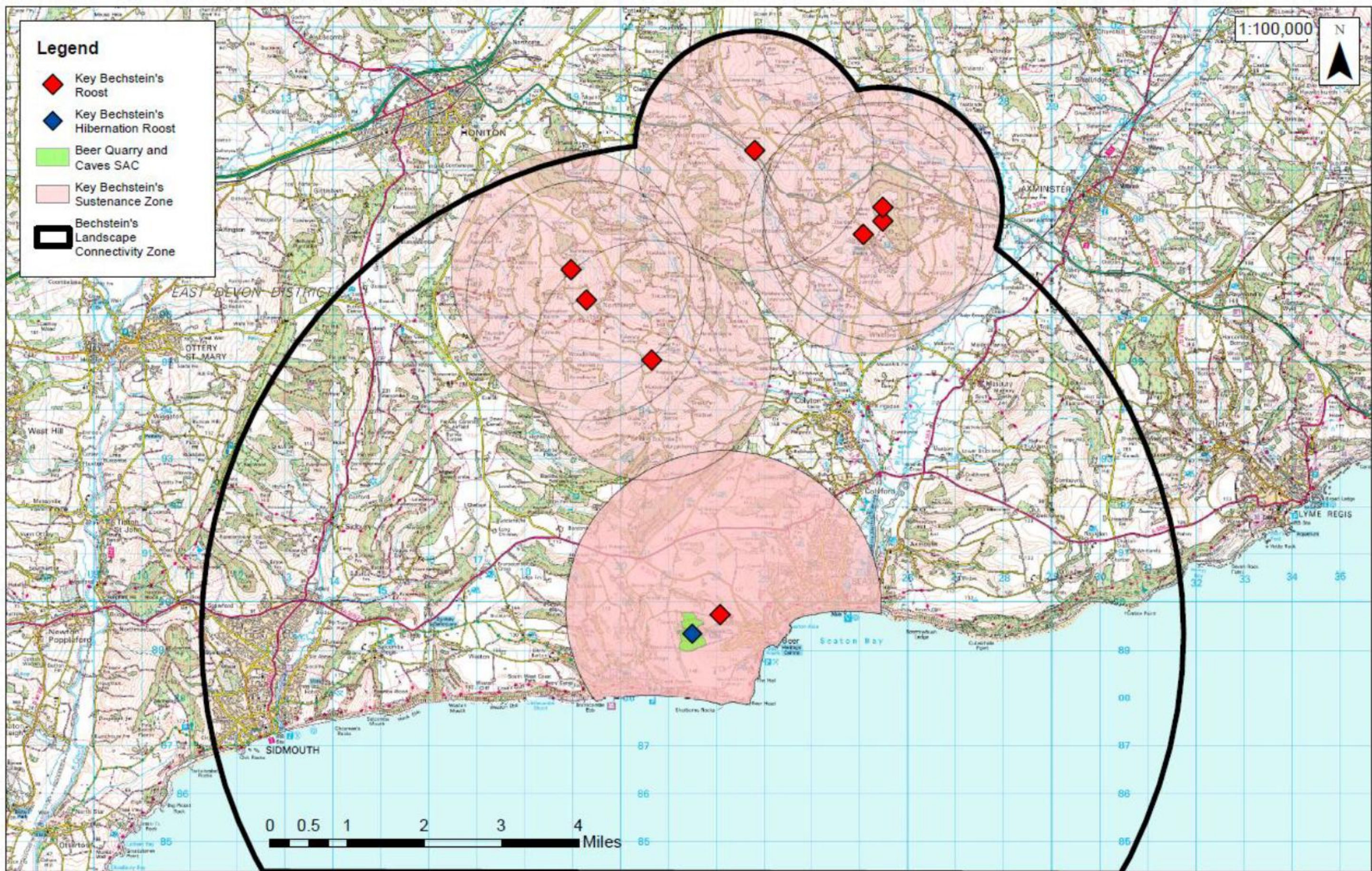




Figure 4 – Bechstein's Bat Consultation Zones







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|                                           |                                                                                                |                                   |
|-------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------|
|                                           |                                                                                                | <b>Committee Date: 27.01.2026</b> |
| <b>Woodbury And Lympstone (Lympstone)</b> | <b>25/1601/OUT</b>                                                                             | <b>Target Date: 29.09.2025</b>    |
| <b>Applicant:</b>                         | <b>Mr Anthony</b>                                                                              |                                   |
| <b>Location:</b>                          | <b>Car Park Land South Of Underhill Close</b>                                                  |                                   |
| <b>Proposal:</b>                          | <b>Outline application for the erection of three detached dwellings (All matters reserved)</b> |                                   |

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

The application must be considered by the Planning Committee because the officer recommendation is in conflict with comments received from the Parish Council and the Ward Councillor.

The site lies on the southern edge of Lympstone, immediately adjacent to, but outside of the BuAB as defined by both the adopted Local Plan and the emerging Local Plan. The site is also located within a Green Wedge as defined by the Local Plan, and close to but not within the Coastal Preservation Area.

The site has a long planning history with outline approval being granted for a predominately single storey dwelling on appeal in 2022. The site now benefits from an extant consent to construct a 690 square metre dwelling.

Outline approval is sought for the three two storey detached dwellings on the site. The proposal would allow for a more efficient use of land, through the provision of three homes instead of one, with the illustrative scheme indicating a 15% increase in floor area from 690 square metres to a total of 795 square metres for the three dwellings.

In previous appeals for the site, Inspectors have considered that the proposed dwelling would have a negligible impact upon the Green Wedge, and that the proposal would be seen against the context of varied scales and styles on the edge of the settlement. Although the extant approval is for a predominately single storey dwelling, the first floor of the approved scheme measures 22 metres long by 8.5 metres wide, and in comparison the proposed scheme indicates a similar quantum of development at first floor level but broken up into smaller elements that would be more in keeping with the surrounding pattern and character of development.

As with the extant approved scheme, the proposed dwellings would also have limited visibility from publicly accessible locations due to the low built form, existing vegetation and site topography. The proposal would therefore have a low landscape impact, and in terms of the Green Wedge, would not lead to sporadic or isolated development, or encourage settlement coalescence.

Previous appeals at the site have also stated that the site lies a short walk from Lympstone's amenities and therefore despite its position outside of the BuAB, the site would comply with Local Plan Policy TC2.

EDDC's housing land supply position engages the presumption in favour of sustainable development, whereby permission for development proposals should be granted unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. The NPPF supports development that makes efficient use of land, and the proposal would provide three house on the site rather than one. The proposal complies with policies contained within the Local Plan and the NPPF, and in respect of the tilted balance, it is not considered there would be any adverse impacts of granting permission.

As such, the application is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Objection - The site is outside the BUAB, in the Green Wedge and is potentially harmful to the landscape and surrounding neighbours. The continued use of the site as a car parking would be preferred.

#### Woodbury And Lympstone - Cllr Geoff Jung

Objection - Increasing the development footprint in this prominent location is not supported.

9/1/26: Although there is a previous application for a dwelling for this location, and therefore a presumption for development I cannot support this application as the development is in the Green Wedge and I have always not supported development at this location or any other Green Wedge location

#### Woodbury and Lympstone – Cllr Ben Ingham 9/1/26

I recommend this application for refusal.

It is in the green wedge, outside the BUAB, and adds to the traffic through the centre of the village on every journey.

I appreciate permission exists for this site for one dwelling, but that was gained on appeal through a misguided decision by the inspector, in my opinion.

## **Technical Consultations**

### **Environmental Health**

No objection - Initial concerns about railway noise removed following submission of Calculation of Railway Noise Assessment.

A Construction and Environment Management Plan (CEMP) is required by condition.

### **EDDC Trees**

No objection

### **Network Rail**

No objections in principle to the proposed development.

### **Other Representations**

Seven third party representations have been received, with six representations of objection to the proposal and one representation in support of the proposal.

A summary of grounds for objection is as follows:

- The Planning Inspector previously stated there should be no extensions or roof extensions to the house previously allowed. The approved house was predominately single storey and the proposal is for three two storey dwellings.
- The site is very sensitive and prominent, within the green wedge and outside the BuAB. The upper floor footprint exceeds the parameters agreed on the previous application. The proposal would be highly visible from the cycle path and the estuary.
- The proposal would vastly increase the scale and massing in comparison to the approved scheme and would have a detrimental impact upon neighbours.
- The proposal would disrupt views from the estuary and the cycle path
- Additional vehicles on Underhill Close will worsen congestion and create hazards for pedestrians
- Concerns over water pressure

A summary of grounds for support is as follows:

- Three houses on this site, as opposed to one large monolithic structure would be far preferable.
- This development will enhance the area and is not too different to the two houses that are subject to application 24/0674/FUL, which were, in the main, supported by local residents.

## **PLANNING HISTORY**

| Reference | Description                                                     | Decision | Date       |
|-----------|-----------------------------------------------------------------|----------|------------|
| 79/C1826  | Two chalet type dwelling houses with dormer windows and garages | Refusal  | 29.01.1980 |

|                                           |                                                                                                                                                                                                                                                                                              |                   |            |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------|
| 15/1838/OUT                               | Outline application with all matters reserved for the construction of 4 no dwellings                                                                                                                                                                                                         | Withdrawn         | 27.11.2015 |
| 18/1995/OUT                               | Outline planning application for a predominantly single storey dwelling with annex (including accommodation for a carer) on the car park/paddock situated at the head of Underhill Close, Lymington (all matters reserved other than access).                                                | Refusal           | 02.11.2018 |
| 19/1506/FUL                               | Retention of car parking area and associated lighting                                                                                                                                                                                                                                        | Withdrawn         | 29.06.2020 |
| 20/0933/OUT                               | Construction of predominately single storey dwelling with annexe accommodation (outline application with all matters except access reserved)                                                                                                                                                 | Refusal           | 19.03.2021 |
| 20/0945/OUT                               | Construction of predominately single storey dwelling with annexe accommodation and reconfiguration of part of existing car park for public use; outline application with all matters except access reserved                                                                                  | Refusal           | 19.03.2021 |
| Appeal ref.<br>APP/U1105/<br>W/21/3282445 | Construction of predominately single storey dwelling with annexe accommodation (outline application with all matters except access reserved)                                                                                                                                                 | Appeal<br>Allowed | 01.03.2022 |
| 22/2410/RES                               | Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref APP/U1105/W/21/3282445) | Approval          | 21.07.2023 |



|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                  |  |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--|
| 23/2540/VAR | Variation of conditions 1 (Approved plans), 8 (Privacy screen) and 9 (Void space) of 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref: APP/U1105/W/21/3282445) to update the house design and drawing reference numbers | Non-determinati on appeal lodged |  |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--|

|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |                    |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|
| Appeal ref.<br>APP/U1105/W/<br>24/3341698 | Variation of conditions 1 (Approved plans), 8 (Privacy screen) and 9 (Void space) of 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref: APP/U1105/W/21/3282445) to update the house design and drawing reference numbers | Appeal allowed | <b>27.11. 2024</b> |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|

|             |                                                                                                                                                                                                                                                                                                                                                                                                    |                          |            |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------|
| 24/0725/VAR | Removal of condition 7 (Permitted Development for hard surfacing) of Planning Permission 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref APP/U1105/W/21/3282445) | Approval with conditions | 13.06.2024 |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------|

|                    |                                              |          |            |
|--------------------|----------------------------------------------|----------|------------|
| 24/0112/<br>PREAPP | Erection of four x 4 bedroom detached houses | Response | 20.03.2025 |
|--------------------|----------------------------------------------|----------|------------|

|             |                                                                                     |                          |            |
|-------------|-------------------------------------------------------------------------------------|--------------------------|------------|
| 25/1114/FUL | Construction of a new dwelling with annexe accommodation and associated landscaping | Approval with conditions | 14.08.2025 |
|-------------|-------------------------------------------------------------------------------------|--------------------------|------------|

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## **POLICIES**

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

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 8 (Development in Green Wedges) Adopted

Strategy 27 (Development at the Small Towns and Larger Villages) Adopted

Strategy 44 (Undeveloped Coast and Coastal Preservation Area) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN14 (Control of Pollution) Adopted

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

EN22 (Surface Run-Off Implications of New Development) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

### Lympstone Neighbourhood Plan (Made)

Policy 4 — Subject to the other policies of this Plan, proposals that provide for a range of housing sizes, types and tenures, to ensure that all sectors of the community are catered for, will be supported.

Policy 5 —To reflect the character of Lympstone, small/smaller scale developments of fewer than 10 dwellings would be preferred

Policy 6 —Density of housing will reflect the existing grain/density/pattern of surrounding development.

Policy 7 — New development should follow the guidance set out in the Village Design Statement.

Policy 8 —All development proposals with the exception of the conversion of listed historic buildings should seek to have a minimum energy efficiency standard equivalent to Level 4 of the Code for Sustainable Homes (DCLG 2006) or in line with current national standards.

Policy 11 – New Developments should provide off-road parking spaces to ensure that pressure on limited existing parking is not increased. 1 bed properties should have 1 parking space; 2 or more bedrooms should have a minimum of 2 spaces

### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS02 (Housing density and efficient use of land) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft  
Strategic Policy OL03 (Coastal Preservation Areas) Draft  
Policy OL05 (Green wedges) Draft  
Policy OL09 (Control of pollution) Draft  
Policy PB03 (Protection of irreplaceable habitats and important features) Draft  
Strategic Policy PB04 (Habitats Regulations Assessment) Draft  
Strategic Policy PB05 (Biodiversity Net Gain) Draft  
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft  
Policy PB08 (Tree, hedges and woodland on development sites) Draft

#### Government Planning Documents

National Planning Policy Framework 2024 (as amended)

#### Site Location and Description

Underhill Close comprises a series of detached chalet bungalows on rising ground at the southern periphery of Lymestone. The application site is an area of land to the south of Underhill Close, with an area of approximately 0.34 hectares. The site is within the countryside and outside of the Built up Area Boundary (BuAB) of Lymestone as defined by the Lymestone Neighbourhood Plan. The site currently comprises a temporary tarmacadam car park with street lighting to the east of the plot and a paddock to the west of the plot. The site is bordered to the west by the railway line and embankment and agricultural land to the south. To the east of the site is a two storey property 'Highfield,' and the site is bounded by the gardens of No. 8 and No. 3 Underhill Close to the north. The site benefits from an existing vehicular access off Underhill Close.

The site is located within a Green Wedge as defined by the Local Plan. The boundary of the Coastal Preservation Area as defined by the Local Plan runs along the south eastern boundary of the site but the site itself is not within the Coastal Preservation Area. Lymestone Footpath 4 runs north to south approximately 140 metres east of the site. The draft Local Plan also places the site outside of the BuAB, and inside the Green Wedge. The previous use of the site as a car park was unauthorised.

#### Proposed Development

Outline approval is sought for the erection of three detached dwellings on the site, with all matters reserved.

The illustrative site layout indicates an access drive running off the existing site access, off which the three plots would be accessed. The proposal indicates three detached dwellings orientated towards Underhill Close, with rear gardens extending to the rear / south east of the plot.

The total built form would occupy a footprint of 49 metres wide, with a maximum built depth of 13.5 metres. The illustrative footprint indicates 5.5 metres between the dwellings of plots 1 and 2, and 6.9 metres between the dwellings of plots 2 and 3.

The indicative street elevation shows the first floors of the dwellings being set back from the ground floor footprints.

The submission states that each dwelling would have a proposed area of 265 square metres.

Each dwelling would have two parking spaces. The illustrative site plan indicates the existing hedgerow boundary surrounding the site would be retained.

### Analysis

The principal issues for consideration are

- The principle of development,
- Design impact on character of site including landscape impact
- Residential / Neighbour Amenity
- Highways, access and parking
- Ecology / biodiversity
- Biodiversity Net Gain

### Principle of Development

Lympstone is listed under Local Plan Strategy 27 of the Local Plan as a village with a range of accessible services and facilities to meet many of the everyday needs of local residents as well as having reasonable public transport. The application lies outside of but immediately adjacent to the BuAB of Lympstone, as defined by the Local Plan and Lympstone Village Plan therefore in planning policy terms is in the countryside where Strategy 7 applies. This strategy is an overarching strategy for all development which states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity, and environmental qualities within which it is located.

However, the previous planning history of the site is a material consideration. The previous outline application (20/0933/OUT) was found to be acceptable at appeal, and application 25/1114/FUL effectively renewed the detailed permission for a single dwelling on the site approved under application 22/2410/RES. There have been no changes in planning policy since that decision, other than the loss of a 5 year housing land supply. The site therefore benefits from an extant consent for the erection of a substantial predominately single storey dwelling.

A further material consideration is East Devon's housing land supply position which currently stands at 3.5 years, which engages the presumption in favour of sustainable development, as at NPPF Para 11d, whereby permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard

to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

Given the planning history of the site however, it is not considered that the principle of some residential development on the site could reasonably be resisted. The NPPF states at Para 129 that planning policies and decisions should support development that makes efficient use of land. Arguably, the submitted outline scheme which proposes three 265 square metres dwellings instead of the extant approved scheme which is for a 690 square metre dwelling, would provide a more efficient use of the site in providing three homes rather than one, with just a 15% increase in floor area. Draft Local Plan Policy DS02, which can only be given a moderate level of limited weight at this stage, reflects the NPPF and states that 'Proposals for residential development should optimise the density of the site in a manner that conserves or enhances the character of the area and makes efficient use of land'.

It is also noted that permission was granted in 2024 for two dwellings to the east of Highfield, application 24/0674/FUL refers, which also lies outside the BuAB of the current Local Plan. At the time of the decision the site was considered suitable and sustainable and a preferred site for new residential development by EDDC's Strategic Planning Committee, despite the site's Green Wedge designation. However, the site which is the subject of this application still falls outside of the BuAB within the emerging local plan.

An assessment is therefore required in respect of the merits of this proposed scheme against those of the previously approved single dwelling, in terms of its landscape and visual impact and impact upon residential amenity.

#### Design impact on character of site including landscape impact

Appearance and layout are reserved matters to be considered at a later date.

The site is elevated with a gently sloping southerly aspect, dropping to a valley beyond the boundary. The railway line runs in a cutting immediately to the west of the site with further housing beyond and the Exe Estuary beyond that. There is housing directly to the north of the site and pasture directly to the south.

The current height of surrounding hedgerow boundaries restricts views in and out of the site to the south and west although, if the southern hedge boundary was to be lowered, there would be extensive views over the Exe Estuary.

The illustrative site plan shows three modern, flat roofed detached dwellings aligning with the building line established by Highfield to the east of the site, positioned further into the site and further away from No. 8 and No. 3 Underhill Close than the approved dwelling. The previously approved dwelling was for a predominately single storey dwelling, whereas the proposal indicates three two storey houses, potentially increasing the visual impact of the scheme.

The illustrative site section indicates that consideration has been made for existing building lines and ridge levels, with the ridge being indicated at slightly lower than the ridge line of the approved scheme.

The extant approval is for a dwelling arranged around a U shaped courtyard with overall dimensions of approximately 40 metres long by approximately 24 metres wide, with the depth of the plan varying between 8 metres and 9.5 metres. The first floor level has dimensions of approximately 22 metres long by 8.5 metres wide. The approved dwelling has an area of approximately 532 square metres at ground floor and 158 square metres at first floor, giving a total floor area of 690 square metres. The quantum of development shown in the illustrative site plan is 795 square metres, a 15% increase over the extant approval.

In respect of the impact of building on the green wedge and outside of the Built up Area Boundary, in the first appeal decision for the site (PINS Reference APP/U1105/W/21/3282445), the Inspector stated: 'The development would read as infill and would relate very well to surrounding housing, falling inside a notional building line across this southern extent of the village. It is bound by a substantive hedgebank along its south perimeter. If this feature is retained, and if the dwelling were to maintain a low-profile design as suggested, the proposal would have a negligible presence within the Green Wedge in views from the public footpaths and the highway network to the south. On this basis, the scheme would consolidate the pattern of development at this village edge without harm to the character and appearance of the Green Wedge and without any semblance of encroachment towards Exmouth'.

This was expanded on further in the second appeal decision for the site (PINS Reference APP/U1105/W/21/3341698), where the Inspector stated: "The proposed dwelling would be visible from a footpath to the east, along with filtered views from an area of open space to the south-west. There are also likely to be distant views for recreational users of the Exe Estuary, and from higher ground in and around the western extents of Exmouth. In such views, there is a clear built context for residential development. Built and consented modern housing in proximity to the site, including the approved scheme, alongside more traditional dwellings establish a mixed character of residential development on the edge of the settlement'. The Inspector went on to say that the proposed scheme 'would still be predominantly single storey, and would maintain a low profile, sitting substantially below the ridge and chimney of Highfields. Its overall scale and massing would not be incongruous in the context of dwellings of varied scales and styles on the settlement edge. As such, in considering the fallback position of the approved scheme, the proposed changes to the form of the dwelling would not be unduly prominent or uncharacteristic in this location, and would not harm the character or purposes of the Green Wedge'.

Local Plan Strategy 8 'Development in Green Wedges' states that 'Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence'.

The proposal is set in close proximity to existing housing and is likely to have a low landscape impact. The extant approval for a single dwelling was permitted conditional upon removal of permitted development rights in relation to the existing boundary treatments to ensure the retention of the boundary hedgerows. There is still a possibility that the desire to obtain views over the estuary could lead occupants

to reduce the height of the existing hedgerow, which would have adverse landscape impact. This is also a potential outcome with the extant approved scheme however.

The proposal would be visible from properties at the southern end of Underhill Close, and some properties at Highcliffe Court to the west of the railway cutting would also have filtered views over the site through boundary vegetation from upper floor windows. The upper storeys of the proposal would also likely be visible in views of the site from Lympstone Footpath 4 to the east of the site, at a distance of approximately 210 metres away.

From the south and south west of the site, from Sowden Lane and the Sustrans cycle track, there would be limited views of the site due to the topography and screening from hedgerows.

The proposed dwellings would have limited visibility from publicly accessible locations due to their generally low form and the screening provided by existing boundary vegetation. In views from the south east where the development would be visible, it will be seen at some distance against the backdrop of existing housing and would therefore have a low visual impact.

In comparison with the extant approval, although the development would occupy a slightly larger footprint, the ground floor elements would be screened by the existing hedgerow. At first floor, instead of a 21.5 metre long first floor elevation, the indicative site section indicates the proposed first floor elevations would be approximately 7-8 metres wide. The overall quantum of development at first floor is similar to that of the extant approval but broken up into smaller elements with space between that would reduce the effective massing and visual impact and would be more in keeping with the surrounding pattern and character of development.

In terms of the Green Wedge, the proposal would not lead to sporadic or isolated development, or encourage settlement coalescence.

On the basis of the submitted details it is considered that the scheme would have a low visual impact, would not be unduly prominent or uncharacteristic, and would not harm the character or purposes of the Green Wedge. Through the provision of smaller dwellings rather than one large house, the proposal would reduce the visual impact of the first floor element and be more in keeping with the surrounding character of development.

A number of permitted development rights have been removed from the extant approved scheme in order to reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge.

In the 23/2540/VAR appeal, the Inspector stated of the proposal 'Its simple outline and low-profile forms part of its character, and even within the conditions and limitations permitted by the GPDO, extension of the property at ground-floor, first-floor, or roof level could add significantly to the footprint and mass of the dwelling, harming the character and appearance of the area. Similarly, buildings within the curtilage of the property permitted by Schedule 2, Part 1 Class E of the GPDO could



introduce substantial built form towards the southern periphery of the site, undermining the landscape strategy of the rural and informal southern garden, and affecting the character and appearance of the area. I therefore consider that in this case, there is clear justification to limit permitted development rights in so far as they relate to the enlargement or extension of the dwelling, additions to the roof, and the provision of buildings within the curtilage of the dwelling'.

In respect of the potential for the addition of further photovoltaic panels, the Inspector stated 'Once completed, the GPDO would allow an additional 0.6m height in solar equipment across the roofs of the dwelling, which if implemented to its full extent, could result in a harmful increase in built massing at the site'. As per the previous appeal it is therefore considered appropriate to restrict any roof additions.

The Inspector also considered it appropriate to remove permitted development rights to control the future boundary treatments to the site to ensure the appearance and landscaping of the site, including its boundary hedgerows, are maintained. For the same reasons it is also considered for the same restrictions upon permitted development rights to be imposed to any new approval at the site.

Given the above, subject to the imposition of appropriately worded conditions, it is considered that the proposal would be in accordance with Local Plan Strategy 8, Policy D1 and Lympstone Neighbourhood Plan Policy D1.

#### Residential / Neighbour Amenity

The illustrative layout submitted indicates the proposal would provide a minimum of 22 metres between the proposed dwellings and existing dwellings at No. 3 and No. 8 Underhill Close, with the site boundary to the north being formed by a mature hedge, which is considered adequate. The proposal indicates the dwellings could be sited further south within the site, further away from the existing dwellings at the southern end of Underhill Close.

Appearance is a reserved matter but there is no reason to believe that it would not be possible to design a scheme that would protect the amenity and privacy of existing occupiers whilst providing a good standard of residential amenity for future residents.

Environmental Health raised concerns regarding the proximity of the dwellings to the railway and the potential for future residents to be adversely affected by noise. To this end the applicant has undertaken a Calculation of Railway Noise (CRN) Assessment. On site measurements were carried out over a 24 hour period which demonstrated that no additional sound mitigation would be required to any of the dwellings. On this basis Environmental Health do not anticipate any environmental health concerns.

Environmental Health have recommended that a Construction and Environment Management Plan (CEMP) be submitted prior to any works commencing on site in the interests of the amenity of nearby residents.

Given the above, subject to the proposed conditions, the proposal would not lead to any adverse impacts to the amenity of adjoining residential properties and therefore would be in accordance with Local Plan Policy D1.

#### Highways, access and parking

As stated previously, Lympstone Village has a BuAB and offers a range of accessible services and facilities to meet many of the everyday needs of local residents, as well as having good public transport links by bus, and rail as well as access to the Sustrans National Cycle Network Route 2 running between Exmouth to Exeter and beyond. Whilst the site lies just outside of the BuAB, the inspector noted in one of the previous appeals ((PINS ref: APP/U1105/W/21/3282445) that the proposal site 'would be a short and untaxing walk to Lympstone's amenities'. The proposal therefore complies with Local Plan Policy TC2.

Local Plan Policy TC7 states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. It is not considered that the increase in traffic arising from development of the site would be likely to present any highway safety concerns. The site is sufficiently spacious to allow 2 parking spaces for each of the three plots, as well as space to allow vehicles to turn and re-enter the carriageway in a forward facing gear. A condition should be imposed requiring details of secure cycle storage in accordance with the East Devon Local Plan.

Given the above, the proposal would comply with Local Plan Policy TC2, TC7 and TC9 and Lympstone Neighbourhood Plan Policy T1.

#### Ecology / biodiversity

The application is accompanied by an Ecological Impact Assessment (EclA). The site as existing comprises a large tarmac car park, as well as modified grassland, ruderal/ephemeral vegetation, and native hedgerows to the north, east and south boundaries of the site

The report notes that the site has foraging and commuting potential for bats, and there is potential for birds to be nesting in the hedges. Hedgehogs and badgers are likely to traverse or forage onsite, however the hedgerows are noted as being largely suboptimal for dormice due to frequent cutting, and a lack of sufficient structure and diversity of woody, fruiting shrubs. Overall, the existing site is considered to have a low ecological value. Hedgerow 4 which currently bisects the site would be removed and the report recommends this is undertaken outside of the bird nesting season of March to September inclusive.

The report recommends that Construction Exclusion Zones are maintained along all retained hedgerows at a minimum distance of two metres. The report also recommends the covering of trenching and ensuring any pipework is capped to prevent adverse impacts to protected species. Enhancements proposed include the inclusion of a bat tube / box to each dwelling, a bee brick and bird brick in each new dwelling, gapping up of existing hedges, and the creation of a new species-rich

native hedgerow along the north-east site boundary inside the existing boundary to offset the loss of Hedgerow 4. Recommendations are also made in respect of artificial lighting to reduce disturbance to bats, and that proposed fencing between plots is designed to allow mammal movement across the gardens.

The report states that monitoring of both the avoidance and mitigation measures is to be undertaken to ensure they are put in place and carried out correctly, and will be undertaken by a suitably qualified ecologist / Ecological Clerk of Works.

A condition would therefore be imposed upon any approval requiring compliance with the submitted Ecological Impact Assessment. With the appropriate condition in place the proposal would comply with Local Plan Policy EN5.

### Biodiversity Net Gain

The application is accompanied by a Biodiversity Net Gain Statement, Statutory Biodiversity Metric and Statutory Biodiversity Metric Condition Assessments.

There are no irreplaceable habitats onsite or adjacent to the site and therefore there is no loss or impact on any such habitats.

Although the hedgerows will be retained in the scheme, and any gaps infilled with native woody species, in terms of the metric because the hedgerows would be in private gardens they will be considered 'lost' for the purposes of Biodiversity Net Gain (BNG). This reflects the likely degradation of these features over time, as inclusion within private gardens typically leads to reduced ecological value due to unmanaged growth, removal, or fragmentation.

The Statutory Biodiversity Metric indicates an increase in habitat units of 19.98%, but a loss in hedgerow units of 87.69%. Therefore, the purchase of 0.92 hedgerow units would be required to comply with the 10% uplift.

EDDC's ecologist has informally commented that the submitted metric indicates the hedges being removed entirely in terms of their score, however the hedgerow post development could be added into the metric as 'native hedgerow in poor condition' which would more accurately reflect the hedgerow condition in a private garden and would slightly reduce the amount of off-site units required. This may be dealt with post permission when the BNG plan is submitted.

### Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest

from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### Trees

There are no existing trees on the site that could be impacted by the proposal. The submitted Ecological Impact Assessment gives details of proposed hedge protection including details of the protective fencing, which would be conditioned as part of any approval to ensure suitable protection during works on site.

As such the proposal would comply with Local Plan Policy D2 and D3.

### Drainage

Foul drainage would be dealt with via mains drainage. The application form states that surface water would be dealt with via mains drainage. Local Plan Policy EN22 - Surface Run-Off Implications of New Development states that planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable.

Planning Policy Guidance in respect of sustainable drainage states that surface water to be discharged according to the following hierarchy of drainage options:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The proposal to discharge into a combined sewer would not be acceptable in the absence of evidence of why other methods up disposal further up the drainage hierarchy are not practical.

As per the comments from Network Rail, any soakaways or attenuation ponds should not be constructed within 5 metres of network rail's boundary, and the drainage design must prevent water flowing onto Network Rail's property.

A condition would therefore be imposed requiring surface water drainage to be provided by means of soakaways within the site unless an alternative means of surface water drainage is agreed prior to installation.

Subject to the imposition of the above condition, the proposal is considered to accord with policies EN19 and EN22 of the local plan.

### Railway safety

Network Rail have stated there are no objections in principle to the proposed development. The proposal indicates built form 7 metres closer to the railway than

the existing approved scheme, but the illustrative scheme indicates the nearest dwelling would be approximately 27 metres from the railway line.

Network Rail have commented that the proposal would lead to an increased risk of trespass onto the railway, therefore the developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary at a minimum height of 1.8metres, and make provision for its future maintenance and renewal.

Any soakaways or attenuation ponds must not be constructed near/within 5 metres of Network Rail's boundary and surface water must not discharge onto Network Rail's property or drains.

#### Other matters

The site is within flood zone 1 therefore there are no concerns in respect of flooding. There are no listed buildings near the site that could be impacted by the proposal.

#### Planning Balance

The proposal would allow for a more efficient use of land, through the provision of three homes instead of one on the spacious site, with the illustrative scheme indicating a 15% increase in floor area from 690 square metres to a total of 795 square metres for the three dwellings.

In previous appeals for the site, inspectors have considered that the proposed dwelling would have a negligible impact upon the Green Wedge, and that the proposal would be seen against the context of varied scales and styles on the edge of the settlement. Although the extant approval is for a predominately single storey dwelling, the first floor of the approved scheme measures 22 metres long by 8.5 metres wide, the overall quantum of development indicated in the illustrative scheme is similar to the approved scheme but broken up into smaller elements that would be more in keeping with the surrounding pattern and character of development.

In comparison with the extant approval, the proposed dwellings would also have limited visibility from publicly accessible locations due to the low built form, existing vegetation and site topography. The proposal would therefore have a low landscape impact and in terms of the Green Wedge, would not lead to sporadic or isolated development, or encourage settlement coalescence.

Previous appeals at the site have also stated that the site lies a short walk from Lympstone's amenities and therefore despite its position outside of the BuAB, the site would comply with Local Plan Policy TC2.

EDDC's housing land supply position engages the presumption in favour of sustainable development, whereby permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The NPPF supports development that makes efficient use

of land, and the proposal would provide three houses on the site rather than one. The proposal complies with policies contained within the Local Plan and the NPPF, and in respect of the tilted balance, it is not considered there would be any adverse impacts of granting permission.

Accordingly, with the appropriate conditions in place, the officer recommendation is one of approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

2. Approval of the details of the layout, scale, access and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with all matters reserved).

3. 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.)

4. No development shall take place on site until a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be implemented and shall 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

(Reason - A pre-commencement condition is required to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water

and light pollution in accordance with Policy EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

5. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures contained within the Ecological Impact Assessment prepared by ESL Ltd dated April 2025, in particular the ecological enhancement measures detailed in Section 6 of the EIA.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).

6. Prior to the occupation of the development hereby permitted, details of the proposed minimum 1.8 metre high trespass proof boundary fence to the western site boundary with Network Rail Land shall be submitted to and approved in writing by the Local Planning Authority. Details shall include detailed plans and elevations of proposed fencing.

The works shall be carried out strictly in accordance with the approved details and shall be completed prior to the development being brought into use and thereafter retained and maintained for the lifetime of the development.

(Reason: To prevent unauthorised access to Network Rail land in the interests of providing safe and secure layouts in accordance with Local Plan Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031).

7. No dwelling approved as part of the permitted development shall be occupied until details of secure cycle storage facilities to serve it have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the dwelling(s) to which the storage facilities relate.

(Reason : To promote sustainable travel in accordance with Strategy 5B (Sustainable Transport) and policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2012-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

8. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 45% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be occupied or brought into use

until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and to accord with Policy EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan 2013 to 2031.)

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works within the Schedule Part 1 Classes A and C for the enlargement, improvement or other alterations to the dwelling hereby permitted other than works that do not materially affect the external appearance of the building, shall be undertaken.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Class E for the provision within the curtilages of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouses.

(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategy 7 (Development in the Countryside), Strategy 8 (Development in Green Wedges) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031).

12. Prior to the commencement of the development hereby approved details of a water conservation and efficiency strategy shall have been submitted to and



approved in writing by the Local Planning Authority. The strategy shall make provision for the use of water butts of a minimum capacity of 110 litres per bedroom and these shall be installed and brought into use prior to the first occupation of the dwellinghouse to which they relate and thereafter maintained and retained.

(Reason : In the interest of water conservation and to reduce potential surface water run-off from the site in line with policy EN22 (Surface Run-off Implications of New Development); SuDS for Devon Guidance (2017) and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

## 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.

### **Biodiversity Net Gain Informative:**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that **development may not begin unless:**

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

### **Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.**

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another

development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

**For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK ([www.gov.uk](https://www.gov.uk))**

#### Plans relating to this application:

|         |               |          |
|---------|---------------|----------|
| UND-001 | Location Plan | 01.08.25 |
|---------|---------------|----------|

#### List of Background Papers

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

#### Environmental Health

I have considered the application and the submitted NIA and do not anticipate any environmental health concerns

I have viewed the documents for the outline application for the erection of three detached dwellings (All matters reserved) on the Car Park Land South of Underhill Close Lympstone.

I did not support the previous applications but unfortunately the Planning Inspector overruled the previous local authority refusal. I note that the inspector in the case of the appeal 23/2540/VAR the Inspector approved a Condition which prevented any additional structures being built in the curtilage and also no increase in the size of the dwelling, stating "...consider that in this case, there is clear justification to limit permitted development rights in so far as they relate to the enlargement or extension of the dwelling, additions to the roof, and the provision of buildings within the curtilage of the dwelling (conditions 9 and 10)."

Therefore, although there is an agreed planning application for one very large house, I cannot support an application for 3 dwellings increasing the development footprint even further on this most prominent location. I therefore cannot support this proposal, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

#### EDDC Trees

No arb concerns.

#### Environmental Health

This application involves the introduction of noise sensitive dwellings in close proximity to an existing Railway. I am concerned that the noise impact from the train movements has not been assessed, particularly for plot 1. A CRN assessment should be undertaken to determine the noise impact from train movements. The purpose of this noise assessment is to determine whether future residents are likely to be adversely affected by noise. If the noise impact assessment highlights noise as an issue, further noise attenuation will need to be considered and assessed to determine if it is at an appropriate level to achieve internal noise levels in line with BS8233.

A Construction and Environment Management Plan (CEMP) 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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.

### Network Rail

Thank you for your email dated 5 August 2025 together with the opportunity to comment on this proposal.

Network Rail has no objections in principle to the proposed development. The applicant should consider the below Network Rail advice for development adjacent to the railway.

### SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

### FENCING

Because of the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by third party commercial development. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

### DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

### GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

### FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail.

There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

#### SITE LAYOUT

The applicant must ensure that the construction and subsequent maintenance can be carried out to the proposed development (including any boundary treatment) without affecting the safety of, or encroaching onto Network Rail land and air-space. Network Rail therefore requires a minimum 2 metres gap between the proposal and our boundary fencing for the following reasons:

- o To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space.
- o To ensure that should the proposal fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the development falling into the path of trains.
- o To ensure that the proposal (including any boundary treatments) cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.
- o To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls etc
- o To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, destabilise or other impact upon the operational railway land, including embankments, cuttings etc.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

#### Parish/Town Council

Recommendation: Object

Lympstone Parish Council objects to this application for the following reasons:

The site is outside the BUAB and has not been allocated in EDDC's new Local Plan.

The site is designated Green Wedge ie Strategy 7 of EDLP applies.

Historically, the only application with permission is for 'one single dwelling, predominantly single storey'.

Potential harmful impact on the distinctive landscape and on neighbours.

LPC has consistently objected to development on this site.

The recent appeal conclusion 23/2540/VAR on the previously agreed 'single dwelling, predominantly single storey' included restrictions on permitted development - 'clear justification to limit permitted development rights in so far as they relate to the enlargement or extension of the dwelling, additions to the roof, and the provision of buildings within the curtilage of the dwelling'.

Also, 'extension of the property at ground floor, first floor, or roof level could add significantly to the footprint and mass of the dwelling, harming the character and appearance of the area'.

As the temporary car park on this site has not yet been returned to pasture, the continued use of the car park to alleviate the lack of public parking spaces would be preferred.

## **Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

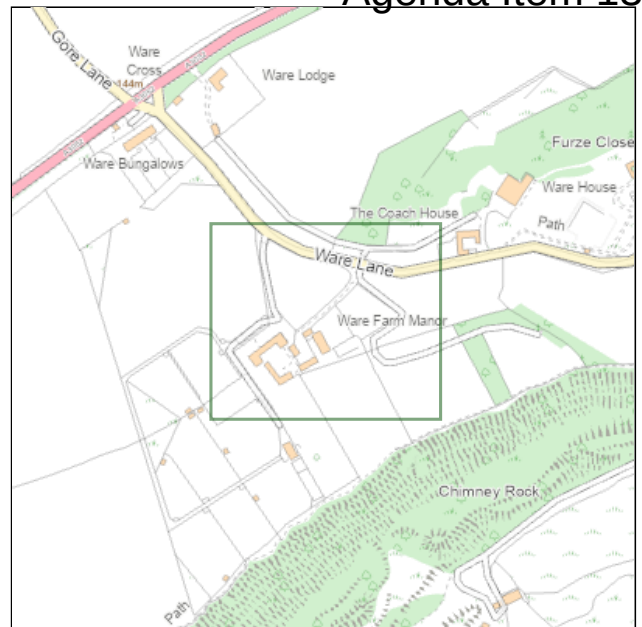
**Ward** Trinity

**Reference** 25/2165/FUL

**Applicant** Mrs R Boser

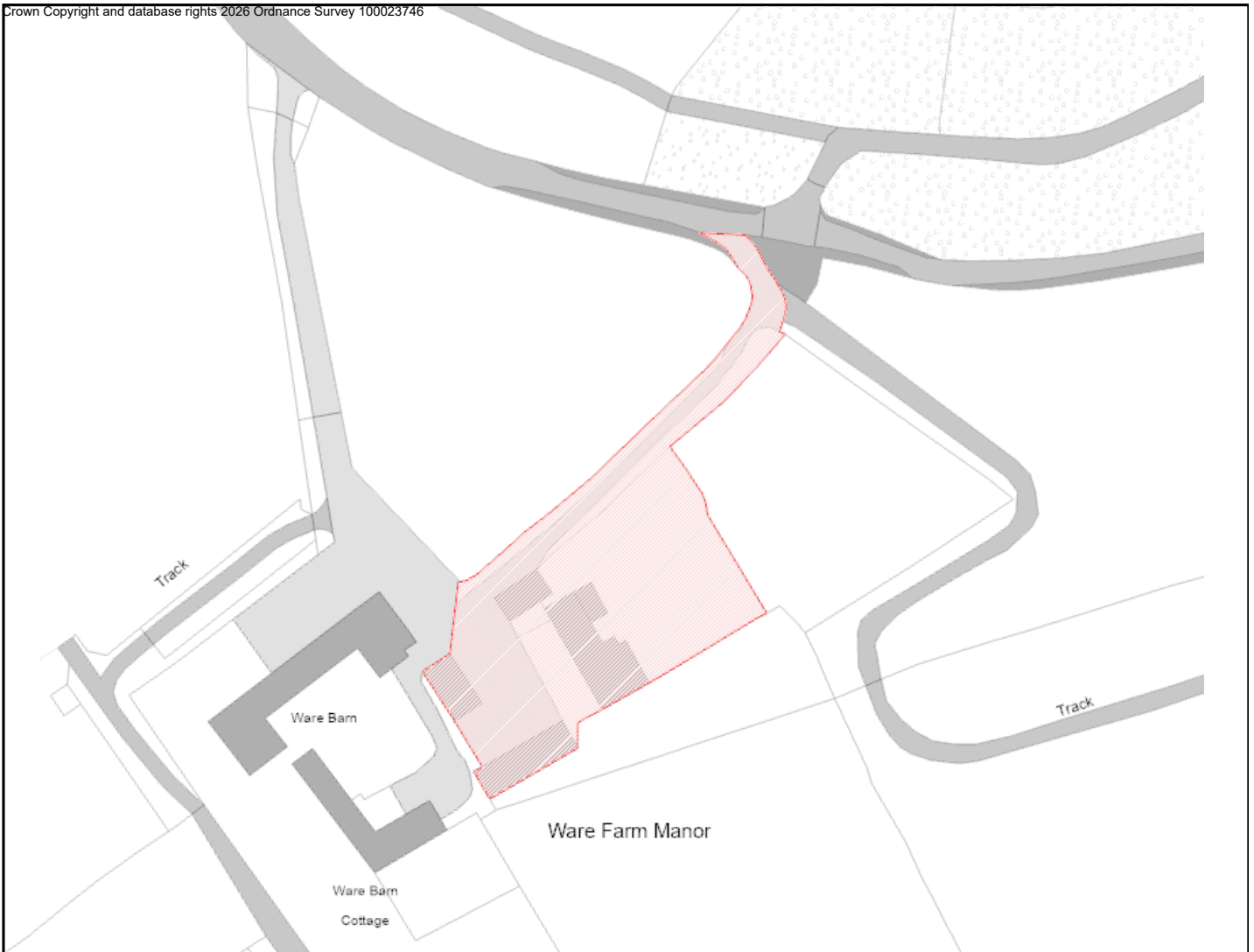
**Location** Ware Farm Manor Ware Lyme Regis Devon DT7 3RH

**Proposal** Installation of 1no. door on north elevation and galvanised anti-chew bars/lining to stable doors (retrospective)



**RECOMMENDATION: Approval retrospective (no conds)**

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|                         |                                                                                                                          |                                   |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
|                         |                                                                                                                          | <b>Committee Date: 27.01.2026</b> |
| <b>Trinity (Uplyme)</b> | <b>25/2165/FUL</b>                                                                                                       | <b>Target Date: 24.12.2025</b>    |
| <b>Applicant:</b>       | <b>Mrs R Boser</b>                                                                                                       |                                   |
| <b>Location:</b>        | <b>Ware Farm Manor Ware</b>                                                                                              |                                   |
| <b>Proposal:</b>        | <b>Installation of 1no. door on north elevation and galvanised anti-chew bars/lining to stable doors (retrospective)</b> |                                   |

**RECOMMENDATION: Retrospective Approval (no conds)**

### **EXECUTIVE SUMMARY**

**This application is before the Committee because the recommendation is contrary to the view of the Ward Member.**

**This application seeks retrospective permission for minor variations to a 2013 approval, comprising reinstatement of a stable door and addition of galvanised anti-chew bars and linings to timber doors. Listed Building Consent has already been granted for these works. The Conservation Officer advises that the changes cause only minor, reversible harm and overall preserve the significance of the curtilage-listed building and its setting. Public benefits include safeguarding historic timber fabric and maintaining the building's viable use.**

**Concerns about noise and equestrian activity have been raised by the Ward Member, Parish Council, and neighbours; however, these matters relate to use rather than the physical works and fall outside the scope of this application.**

**The proposal complies with heritage policy and causes no demonstrable harm to amenity from the works themselves. Approval is therefore recommended.**

## **CONSULTATIONS**

### **Local Consultations**

Trinity - Cllr Susan Westerman  
Ware Farm Manor

19 Planning Applications over the years.

Historical Planning Application 13/2043/FUL

The 'Existing Combined Plans' and the 'Proposed Combined Plans' show the previous 'Milking Parlour' when it was a working farm. The 'Location Plan' shows the area pertaining to the application in red. The thicker blue line shows the boundary of house and curtilage of Ware Farm Manor. The thinner blue/red line shows the eastern boundary of Ware Barn and the thick blue line the boundary to the east. Ware Farm Manor and Ware Barn have been separate properties since the early 2000s (, I have been unable to ascertain the exact date). Legislation shows that a stable block should be a certain distance from the property boundary, varying depending on whether it is on land that is 'garden' or 'agricultural'. The application for changes to the 'Milking Parlour' was including in the application for major changes to the farm house. Although the delegated report (part 1) from the planning officer does reference the 'Milking Parlour'. There is no mention of a change of use application. An extra door was added to the building without permission.

#### Current Planning application 25/2165/FUL

This application is for retrospective planning permission for the extra door. Recently the 'stable' was used and created a 'noise nuisance' to the owners of Ware Barn during the night.

I, therefore, object to this application due to nearness of the building to its neighbours, lack of change of use application, and the noise nuisance.

#### Parish/Town Council

When considering this application, the Council were mindful of the objections of the near neighbour and the apparent deviation from the original consent of 2013. We have also been made aware of an active noise complaint lodged with EDDC, affecting the amenity of the area, and until the noise issues have been resolved, the Council cannot support this application.

#### Other Representations

Two objections have been received making the following points:

- Unauthorised works: New door, vent, and internal alterations to a Grade II listed building not covered by 2013 consent; contrary to Listed Buildings Act 1990.
- Material change of use: Building now functions as a professional equestrian facility; 2013 permission did not authorise equestrian use; historic stabling use long abandoned.
- Amenity harm: Documented early-morning noise, odour, and disturbance from stabling immediately on shared boundary; Environmental Health case (25-0299) confirms significant impact.
- Scale and character: Large, independent structure with specialist fit-out; not incidental to dwelling; conflicts with EN14, D1, and NPPF 130(f).
- Heritage impact: Alterations and intensified use erode historic character; no public benefit to offset harm; conflicts with NPPF 199-208 and EN7.
- Policy compliance: Application fails to address noise, odour, and management controls; cannot secure necessary conditions within scope of householder application.

- Requested outcome: Refusal of 25/2165/FUL; require full change-of-use application for proper assessment and mitigation.

## **Technical Consultations**

### Conservation

Supported on heritage grounds; works cause only minor, reversible harm and overall preserve and enhance the significance of the curtilage-listed stable block and the setting of Ware Farm Manor.

## **PLANNING HISTORY**

| <b>Reference</b> | <b>Description</b>                                                                                                                                                                                                     | <b>Decision</b>          | <b>Date</b> |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------|
| 13/2043/FUL      | Construction of single storey extension to dwelling; repairs and alterations to outbuilding including changes to doors, windows and roof finish.                                                                       | Approval with conditions | 24.10.2013  |
| 13/2047/LBC      | Internal and external alterations including single storey extension, demolition of 2 storey wc extension, re-roofing, re-structuring of dormer windows, replacement windows to main house; alterations to outbuilding. | Approval with conditions | 24.10.2013  |
| 25/1743/LBC      | Retention of the following works: internal partition; galvanised anti-chew bars/lining to stable doors and 1no. door on north elevation                                                                                | Approval with conditions | 27.10.2025  |

## **POLICIES**

### Uplyme Neighbourhood Plan (Made)

Policy USD1 – Presumption in favour of sustainable development

Policy UEN1 – Historic character

Policy UEN2 – General design

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

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

D1 (Design and Local Distinctiveness) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

## EN14 (Control of Pollution) Adopted

### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy HN07 (Householder annexes, extensions, alterations or outbuildings outside settlement boundaries) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty)) Draft

Policy HE02 (Listed buildings) Draft

### Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

### Site Location and Description

Ware Farm Manor is a Grade II listed farmhouse with associated curtilage-listed outbuildings forming part of a historic farmstead. Other former farm buildings forming part of a historic courtyard lie to the west and have been converted to residential use. These buildings are in separate ownership and are known as Ware Barn (a dwelling) and Ware Barn Cottage (a holiday let/ancillary accommodation/training facility as per 08/2623/VAR). The surrounding area is predominantly rural, characterised by open fields and scattered farmsteads and is part of the East Devon National Landscape.

## ANALYSIS

Retrospective permission is sought for reinstating a stable door on the north elevation and adding galvanised anti-chew bars and linings to timber doors. These works represent minor variations to the 2013 approval for repairs and alterations to the outbuilding, and Listed Building Consent has already been granted under reference 25/1743/LBC. The application relates solely to operational development and does not seek to authorise or regularise any equestrian use.

In accordance with S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the main issue is whether the alterations preserve the building and any features of architectural or historic interest it possesses.

Ware Farm Manor is a Grade II listed farmhouse of 16th–18th century origin, forming part of a historic farmstead in the Lim Valley. Its significance lies in its vernacular architecture and its relationship with a group of functional outbuildings, including the building subject to this application. These outbuildings contribute to the legibility of the farmstead and its historic association with the surrounding agricultural landscape.

The works comprise reinstating a stable door where a window was previously approved and adding galvanised anti-chew bars and linings to timber doors. The applicant's justification, supported by the Conservation Officer, is based on equine welfare and the long-term protection of historic timber fabric. These changes were

introduced during repair works approved in 2013 and are intended to improve usability and safeguard the building's integrity.

The Conservation Officer identifies that the anti-chew bars introduce a visually prominent feature, resulting in a moderate level of less than substantial harm to the aesthetic value of the stable block. This harm is reversible and does not affect the building's historic fabric. The reinstated door reflects the historic layout and improves the legibility of the elevation, causing no harm to significance. The public benefits include the continued viable use of the building, protection of historic timber doors, and maintenance of the farmstead's functional character. These benefits support the long-term conservation of the heritage asset and reduce the risk of future deterioration.

In accordance with NPPF paragraphs 205–208, great weight must be given to the conservation of heritage assets. While the works introduce minor, reversible harm, this is outweighed by the benefits of preserving historic fabric and sustaining the building's use. The proposal therefore meets the statutory duty under Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and complies with Policy EN9 of the East Devon Local Plan and Policy UEN1 of the Uplyme Neighbourhood Plan.

#### Other matters

Concerns raised about noise and equestrian activity relate to use rather than the physical works under consideration. Environmental Health confirms the previous noise complaint is closed, and there is no evidence that the door or linings themselves cause harm.

The proposal conserves the landscape and scenic beauty of the East Devon National Landscape.

#### **CONCLUSION**

The works are minor, reversible, and supported on heritage grounds, representing only small variations to the 2013 approval. The Conservation Officer has confirmed that they preserve the significance of the curtilage-listed building and are acceptable in heritage terms.

No demonstrable harm arises from the physical alterations themselves. While concerns about use and amenity have been noted, these relate to matters outside the scope of this application and cannot reasonably justify refusal.

Overall, the proposal sustains the historic character of the farmstead, causes no harm to heritage assets, and does not result in unacceptable amenity impacts from the works themselves. It accords with Policies EN9, D1, and EN14 of the East Devon Local Plan and relevant provisions of the NPPF.

#### **RECOMMENDATION**

APPROVE

1. 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.)

## 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.

### **Biodiversity Net Gain Informative:**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not require the approval of a biodiversity gain plan** before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 2 from the list below is considered to apply:

### **Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.**

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

(ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

(i) consists of no more than 9 dwellings;

(ii) is carried out on a site which has an area no larger than 0.5 hectares; and

(iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

### Plans relating to this application:

|           |                     |          |
|-----------|---------------------|----------|
| C2525.05A | Proposed Elevation  | 29.10.25 |
| C2525.01A | Location Plan       | 22.10.25 |
| C2525.04A | Proposed roof plans | 29.10.25 |

### List of Background Papers

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

## **Statement on Human Rights and Equality Issues**

### Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to



eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.