

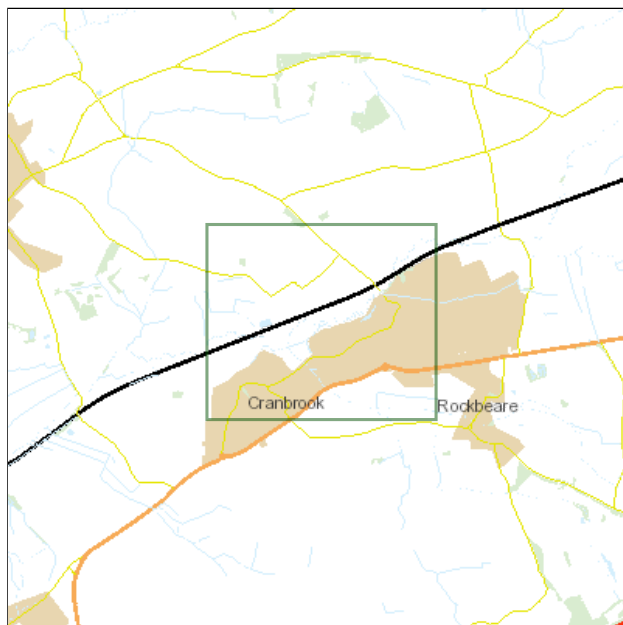
**Ward** Cranbrook

**Reference** 19/0554/MFUL

**Applicant** Hallam Land Management Ltd, Taylor Wimpey UK Ltd

**Location** Land At Elbury Meadows (North Of Cranbrook Country Park) Broadclyst Exeter

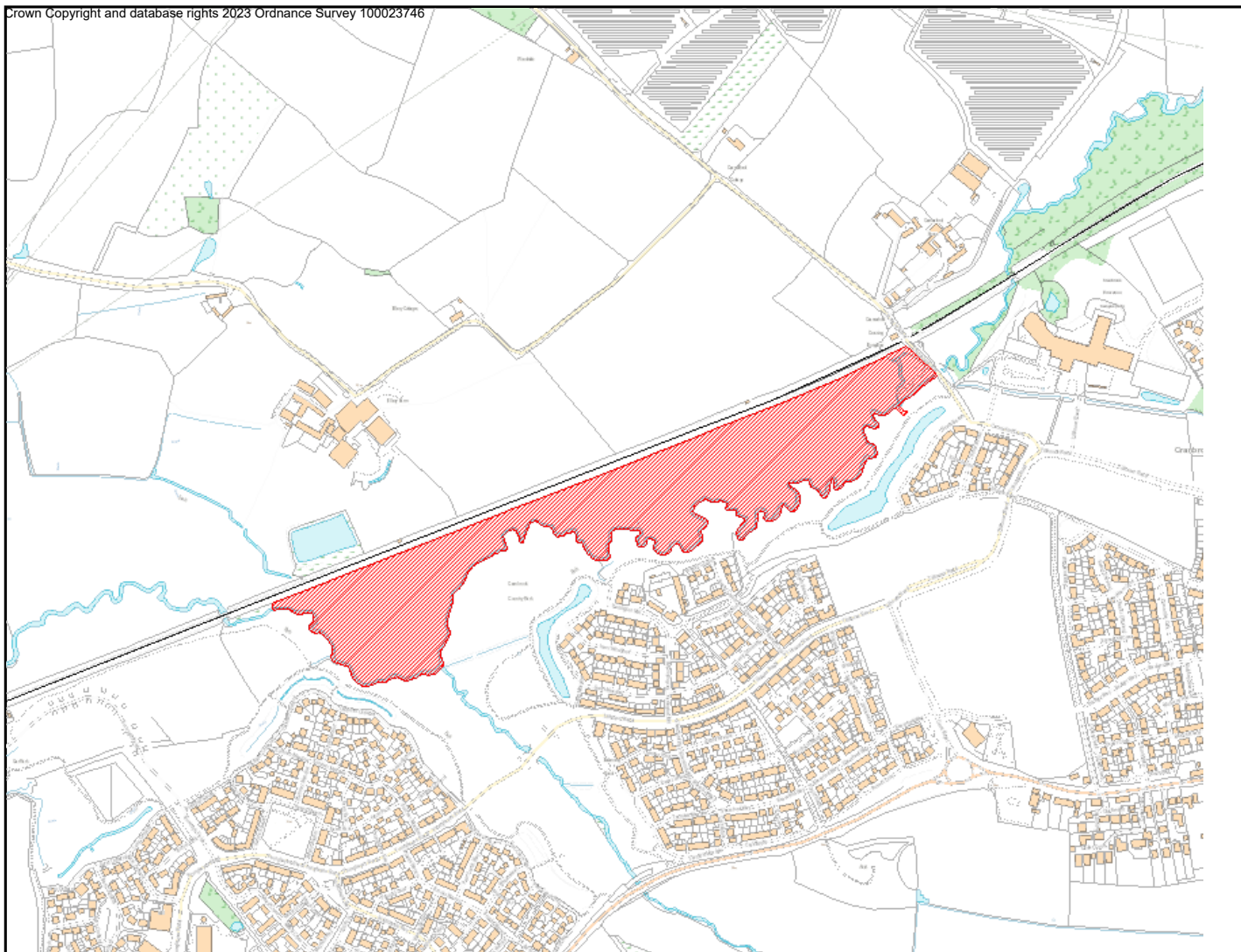
**Proposal** Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access



**RECOMMENDATION:**

1. To adopt the **Appropriate Assessment** set out in **Appendix A**.
2. To approve the application, subject to conditions and **Section 106 (S106) Legal Agreement** which captures the heads of terms set out later in this report (final wording to be delegated to **Development Manager**).

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		<b>Committee Date: 20.06.2023</b>
<b>Cranbrook (Cranbrook)</b>	<b>19/0554/MFUL</b>	<b>Target Date: 26.07.2019</b>
<b>Applicant:</b>	<b>Hallam Land Management Ltd, Taylor Wimpey UK Ltd</b>	
<b>Location:</b>	<b>Land At Elbury Meadows (North Of Cranbrook Country Park)</b>	
<b>Proposal:</b>	<b>Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access.</b>	

**RECOMMENDATION:**

- 1. To adopt the Appropriate Assessment set out in Appendix A.**
- 2. To approve the application, subject to conditions and Section 106 (S106) Legal Agreement which captures the heads of terms set out later in this report (final wording to be delegated to the Development Manager).**

**EXECUTIVE SUMMARY**

**This application is before members today due to its relationship with the Bluehayes Expansion Area Application 19/0620/MOUT. Application 19/0620/MOUT is for up to 870 homes, a 2 form entry primary school, a mixed use area, allotments, open space and Suitable Alternative Natural Green Space (SANGS).**

**As per Cranbrook Plan Policy CB2 (Bluehayes Expansion Area) and CB14 (Habitat Mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)), suitable mitigation is required for residential developments to ensure that there are no likely significant effects on the Pebblebed Heaths and Exe Estuary. As part of application 19/0620/MOUT, 9.07ha of SANGS is proposed at Bluehayes Parkland and Bluehayes Meadow however this would only provide mitigation for around 485 of the 870 dwellings proposed. This application proposes an additional 8.93ha of SANGS as mitigation for the remaining dwellings in the allocation.**

**The area of SANGS proposed under this application and 19/0620/MOUT would equate to 18ha which meets the requirement of Policy CB14. The proposal in terms of phasing, shall be brought into full use prior to the occupation of the 425<sup>th</sup> dwelling at Bluehayes.**

The proposed area of SANGS would act as an extension to the existing Cranbrook Country Park and would be accessed from it via three new foot bridges. The proposal would include new pathways, tree planting, landscaping, meadows, signage, benches and waste bins. The SANGS would provide a variety of habitats to explore and coupled with good open views, this area would fulfil the role of providing an alternative recreational area to the protected European sites that allows for the key activities of walking and dog walking to take place in an attractive but less sensitive environment.

Elbury Meadow would not include any dedicated car parking as the site is located adjacent to the existing country park and due to parts of the site being located within the flood zone. However, the site is location within walking distance of existing developments at Cranbrook and there is car parking available within the Town Centre and Train Station.

The application, in conjunction with 19/0620/MOUT would result in a Biodiversity Net Gain of over 10% and the application alongside 19/0620/MOUT has been accompanied by a detailed Environmental Statement (ES) considering all relevant related matters including landscape and visual impacts, water resources and flood risk, transport and access, ecology and biodiversity as well as noise, air quality and lighting.

There are no objections to the application from neighbouring properties, ward members, Cranbrook Town Council or technical consultees.

The proposed change of use is considered necessary for habitat mitigation for residential development at Bluehayes. The proposal would include an acceptable quantum of land which is considered to be acceptable in design and landscaping terms. The proposal would be acceptable in terms of flood risk and surface water run-off and would lead to a 10% biodiversity net gain over and above the planting necessary to reach SANGS standard. The proposal subject to conditions and S106 agreement is considered to be in accordance with the development plan and is therefore recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

Broadclyst - Cllr Sarah Chamberlain – 20 May 2019

I have no objections to the above as it would stay as natural green space enabling use by residents

Cranbrook Town Council – 21 May 2019

The Committee noted that the area which was subject to the planning application was already used informally by fording the stream which caused damage to the banks and the Committee welcomed the proposed incorporation of the proposed SANG into the Country Park.

The Committee noted that the proposed SANG would not be subject to the Country Park Management Plan and that East Devon District Council may seek a dowry covering the maintenance of the SANG for 80 years. The Committee requested clarity regarding the future ongoing maintenance arrangements.

The Committee further commented on the nature of the SANG and whether these should form natural spaces and whether or not therefore paths should be gravelled.

It was proposed by Cllr Matt Osborn, seconded by Cllr Barry Rogers and resolved to support planning application 19/0554/MFUL subject to the above comments.

#### Clerk To Cranbrook Town Council – 25 November 2020

Cranbrook Town Council discussed the amended planning application 19/0554/MFUL on Monday 23 November 2020, minute Ref 20/191.

This planning application had been previously discussed by Cranbrook Town Council Planning Committee in May 2019 and the comments made at that time were:

'The Committee noted that the area which was subject to the planning application was already used informally by fording the stream which caused damage to the banks and the Committee welcomed the proposed incorporation of the proposed SANG into the Country Park.

'The Committee noted that the proposed SANG would not be subject to the Country Park Management Plan and that East Devon District Council may seek a dowry covering the maintenance of the SANG for 80 years.

'The Committee requested clarity regarding the future ongoing maintenance arrangements.

'The Committee further commented on the nature of the SANG and whether these should form natural spaces and whether or not therefore paths should be gravelled. It was resolved to support planning application 19/0554/MFUL subject to the above comments.

At the meeting on the 23 November 2020, the Council noted that the revised application did not address the concerns which the Council had raised when it had commented on this application previously.

The Town Council had communicated in July 2019 that it had agreed to the long-term maintenance of SANG in Cranbrook by the Town Council's precept and to enter into negotiations with the local planning authority and the developers regarding the formal implementation of that solution (ref. minute 19/153).

The Town Council resolved to support planning application 19/0554/MFUL, subject to a response to the Council's concerns dated 20 May 2019 (ref. Planning Committee minute P19/20) and clarification on the details of the management plan and financial arrangements of the proposed SANG.

#### Clerk To Cranbrook Town Council – 17 January 2023

The Planning Committee resolved to Support the application with the following comments:

The proposed use of self-binding gravel and mown paths is fully supported. These offer all weather access and the proposed layout provides ample circular walks linking through the three bridges to further walks within the country park. The site is used unofficially by the community today and the proposals in the application are a natural extension to the facilities in the Cranbrook Country Park which is very well supported and appreciated by the community.

The absence of a car park at the east of the site is supported. Whilst, in principle, there is an expectation for a car park, there is adequate general parking provision around the site. The site is accessible from a variety of directions including from the country park via the foot bridges in the majority of cases and the provision of parking at the east of the site (as previously proposed) would undoubtedly be used as school drop off and pick up parking.

The Council is also very supportive of the specific proposals for site management by the Town Council. The financial contribution proposed is acceptable and the Council is confident that it can deliver on these proposals and has clearly demonstrated that it has the capability, not only by its management of the country park but also by the recent BALI award for management of the country park as an asset accessible by the community.

The Committee considered the management proposals and intended layout to be acceptable together with the self-binding and mown paths with three timber bridge access points linking the area of SANG to the Country Park .

#### Cranbrook - Cllr Kim Bloxham – 22 May 2019

I support the change of use in this planning application.

Clarity is required on the following:

Who is proposed to manage the SANG as it is not part of the Country Park Management Plan?

I also note that there is provision for a gravel path within the SANG - should this be a natural grass path to align with the nature of SANG.

I also note that this is advertised in the Parish of Broadclyst and Ward of Broadclyst but I believe it is in the Parish and Ward of Cranbrook

#### Cranbrook - Cllr Kim Bloxham – 19 January 2023

This land is adjacent to the Cranbrook Country Park and is currently unofficially used by many residents as an extension to the country park. Residents compliment the town council on their management of the existing country park which has proven to be successful. In conjunction with its landscapers Cranbrook Country Park recently won a BALI award for management of an asset that has free community access.

The proposed self-binding gravel and mown paths is supported. These paths are used throughout Cranbrook Country Park. They provide all weather access and the

proposed layout provides ample circular walks linking through the three bridges to further walks within the country park.

An earlier proposal provided a car park. I am pleased to see that this proposal has removed the car park as my concern was any car park would be used as a school drop off facility as the site is close to the Cranbrook Education Campus.

I am very pleased to see the specific proposals for management by Cranbrook Town Council as I indicated earlier the town council successfully manages the current country park. A financial contribution proposed by the developers, would, I'm sure be welcome by Cranbrook Town Council.

If this application is submitted to the planning committee I would like to reserve my final opinion until all the information is available.

#### Cranbrook - Cllr Sam Hawkins – 17 June 2019

I am in support of this application. I am pleased to see an additional area for use of users of the Cranbrook Country Park but would like to see clarity over future maintenance ensuring this is to the same quality as the existing Country Park.

#### Cranbrook - Cllr Sam Hawkins – 23 January 2023

This land is adjacent to the Cranbrook Country Park and is currently unofficially used by many residents as an extension to the country park. Residents compliment the town council on their management of the existing country park which has proven to be successful. In conjunction with its landscapers Cranbrook Country Park recently won a BALI award for management of an asset that has free community access.

The proposed self-binding gravel and mown paths is supported. These paths are used throughout Cranbrook Country Park. They provide all weather access, and the proposed layout provides ample circular walks linking through the three bridges to further walks within the country park.

An earlier proposal provided a car park. I am pleased to see that this proposal has removed the car park as my concern was any car park would be used as a school drop off facility as the site is close to the Cranbrook Education Campus.

I am very pleased to see the specific proposals for management by Cranbrook Town Council as I indicated earlier the town council successfully manages the current country park. A financial contribution proposed by the developers, would, I'm sure be welcome by Cranbrook Town Council.

### **Technical Consultations**

#### DCC Historic Environment Officer – 22 November 2020

I refer to your consultation on the above revised planning application. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do

not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.

The Historic Environment Team has no comments to make on this planning application.

DCC Historic Environment Officer – 16 January 2023

The Historic Environment Team has no additional comments to those already made, namely:

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.

The Historic Environment Team has no comments to make on this planning application.

Environmental Health – 13 May 2019

I have considered the application 19/0554/MFUL and do not anticipate any environmental health concerns

Environmental Health – 1 December 2020

I have considered the application 19/0554/MFUL and do not anticipate any environmental health concerns

Devon County Archaeologist – 22 November 2022

I refer to the above application and your recent re-consultation. The Historic Environment Team has no additional comments to those already made, namely:

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.

The Historic Environment Team has no comments to make on this planning application.

Ecology Julian Perrett (Cranbrook Only) – 19 July 2019

Terms of Reference

East Devon District Council (EDDC) have requested an independent assessment of the supporting ecological information submitted to support EDDC application reference 19/0554/MRES, Land at Elbury Meadows (North of Cranbrook Country Park), Broadclyst, Exeter (hereafter referred to as 'the study site').

The aim of the process is to ensure that the ecological information submitted is both comprehensive and appropriate for the study site, allowing EDDC to make an informed planning decision based on current legal, policy and Best Practice protocols.

Information presented to support 19/0554/MRES

In relation to the current application, the supporting ecological information submitted primarily includes Chapter 9 (Ecology and Biodiversity) supplied by Ecology Solutions, supported by Chapter 8 (Landscape and Visual Impact) produced by FPCR Environment and Design Ltd. Both Chapters form part of an Environmental Statement titled "Cranbrook New Community Western Expansion Area" produced by David Lock Associates, dated March 2019.

### Planning Policy Considerations

The ecological information submitted has been assessed in relation to both national statute, pertinent to protected species and also to national planning policy (NPPF, 2019) within the context of the application made.

Assessment has also been made to local planning policy from the East Devon Local Plan 2013-2031, including Strategy 5 (Environment), Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and the recently published Cranbrook Plan DPD submission draft, dated February 2019. Reference is also made to current Best Practice and recent scientific research where this is considered appropriate to aid/guide recommendations made and from which the applicant may have made reference to.

### Application Site (the study site)

The current study site is located to the north of the Cranbrook Country Park at the CNC site between the main London Waterloo railway line and the Cranny Brook watercourse corridor, NGR SY 008 958, centre site.

The study site is characterised by a large continuous field area of species poor improved grassland habitat, with localised scrub and tall ruderal habitat and a further tall, ruderal buffer the tree-lined Cranny brook corridor along the southern site boundary. There are no buildings present on site.

The study site the subject of the walk-over survey undertaken in June 2019 by members of staff and advisors from East Devon District Council, escorted by a representative of the developer Consortium, provided by FPCR.

Further to the application and details submitted I can make the following comments;  
Review of Supporting Ecological information

The submitted ecological information is presented within Chapter 9 of the Environmental Statement for the Western expansion of the CNC site, a condition of such is to provide a Suitable Area of Natural Green Space (SANGS) to relieve visitor



pressure upon European Designated Sites (Exe Estuary and Devon Pebble-bed Heaths) within a 10km of such large scale residential developments.

A description of the study site, both in terms of habitats and vegetative species present on site is provided and a clearly annotated phase 1 habitat plan is presented, consistent with Best Practice. Overall, it is considered that the site has been assessed fairly and that the pertinent ecological interests have been adequately described within the context of the change of use of land from agricultural to SANGS designation.

It would appear that compared to other areas of the proposed Western expansion, the SANGS land has only been visited once, in September 2018, however, as stated, a fair and acceptable assessment of the site has been presented.

Within the SANGS study site Ecology Solutions have identified 10 trees present along the Cranny Brook corridor which exhibit features that would make them potential suitable for bat roosting, the tree locations being presented in figure 'Plan ECO2a'. No further bat survey assessment of these trees appears to have been undertaken, most probably since these trees will be retained within the plans presented. Furthermore it is considered by EDDC that bat activity assessments are likely not to be required in this instance due to the change of use type of application proposed and the lack of any likely resulting impacts on resident bat fauna.

The arboricultural site assessment for the site, however, undertaken by the landscape consultants (FPCR) has identified a further 3 trees (T70, T73 and T79), within the SANGS area that are deemed to be 'U' rated and are allocated for removal. Through comparing highlighted tree locations, these three trees do not appear to be included within those highlighted by Ecology Solutions. All three trees possess features of potential suitability to roosting bats as described by FPCR; T70, a mature twin-stemmed Ash tree with internal cavity of unknown dimensions, T73, a mature Ash with de-laminating and buckling of bark and tree T79, another mature Ash with socket cavities and de-laminating bark.

Further trees that are identified for further significant reduction works include T71 and T72, again trees that possess features potentially suitable for roosting bats. It is also not clear whether these trees have been adequately assessed by Ecology Solutions.

### Overall Considerations

We would therefore recommend that prior to felling or significant reduction works being undertaken in the interests of public safety, further bat assessment works are undertaken due to the potential for potential bat related impacts. The results of these assessments should be reported back to East Devon District Council, with a mitigation strategy, where required, to ensure the protection of bats during the works proposed and their continued roosting on site, as applicable.

East Devon District Council have a duty to exercise section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and satisfy local plan policy

EN5 and so must, in exercising its functions, have due regard to the purpose of conserving biodiversity.

On that basis, I can recommend that this application is approved subject to the applicant providing the details recommended above for consideration.

DCC Flood Risk Management Team – 4 June 2019

Observations:

It is not understood whether field ditches, field drains and/or culverts currently exist within the proposed SANGS land. If they do, then they will need to remain in place to ensure that water can continue to be conveyed to the Cranny Brook. If these features do exist, then the management of them will become the responsibility of the landowner (Riparian Owner).

The surface water drainage proposals for the Western Expansion Area will be reviewed and considered under planning application 19/0620/MOUT.

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

Green Infrastructure Project Manager - East Of Exeter Projects – 11 July 2019

The principal of SANGS at Elbury Farm is supported. But additional clarification is required on a number of areas to ensure that SANGS meet all the Natural England requirements.

Comments as follows:

- o SANGS should be as natural as possible and should enhance wildlife value. Natural flood management and natural regeneration of woodland along the river should be encouraged by not adopting an overly tidy approach to fallen timber in the river, for example. Intervention should be limited to situations where the visitor infrastructure is threatened with damage. Not all of the river frontage should be accessible to the public, so that wildlife refuges exist for otters and kingfishers. This could be achieved by fencing off some of the river.
- o Paths & Infrastructure - The site is predominantly within the flood plain. To ensure that the SANGS is accessible throughout the year there is the need to consider flood risk, particularly in the delivery of paths. There is an area of the site alongside the railway line that is outside both flood zone 2 and 3. This would be a convenient location for the range of path routes, benches and also the orchard which would reduce the potential risk of increased maintenance/repair costs from flooding.

The route network within the SANGS needs to be a minimum of 2.3-2.5km, with circulatory routes which should start and end at a car park. The proposed links to the existing Country Park to improve the pathway offer is welcomed, and hopefully

provide the minimum distance required, but this needs to be calculated and confirmed.

There should be adequate provision of dog bins throughout the site and sufficient budget identified for installation, collection and capital replacement of the bins.

- o Car Parking - There needs to be adequate, free parking provision on site within the SANGS, alongside pedestrian access. The location of the car park needs to be indicated on the delivery plan.

- o Phasing/Delivery plan - There is limited information on the delivery of the SANGS. It needs to be clearer where the footpaths are proposed to be delivered, etc. Alongside planting plans and any physical works required for establishment.

- o Management plan - The details submitted with the application are insufficient. The management of the grassland needs to be clearer, for example - is the grass to be cut (how often and by what means), grazed or a combination. If to be cut, we would advise a sensitive mowing regime which keeps the site open for use but also takes into account wildflower and insect/pollinator lifecycles. The plan should make clear where the access point for maintenance vehicles is and who will own and who will manage the site in perpetuity. In addition, it should also set out a framework relating to how often the site is checked for hazards (fly-tipping, vandalism, repairs etc.) and sufficient ongoing budget to address issues such as tree care due to the presence of mature trees along the southern boundary of the site and path/bridge maintenance/repair. Details outlining the arrangements for aftercare of the planting scheme should also be included.

- o Financial sustainability - There is no information on how the ongoing management of the SANGS will be financially sustainable. There needs to be more information provided to clearly demonstrate that the area of land can be managed in perpetuity, including details that the arrangements will be place prior to occupation.

#### Environment Agency – 4 June 2019

##### Environment Agency position

Whilst we are supportive of the principle of changing the use of this land from agriculture to SANG we consider that further information is required in the flood risk assessment in order to demonstrate clearly that the proposal will not increase flood risk elsewhere and instead helps to reduce flood risks overall. The application should not be determined until a revised flood risk assessment has been submitted and approved following consultation. The further information required is set out below.

Reason - Further information required (flood risk assessment)

We have reviewed the flood risk assessment (FRA) prepared by Brookbanks (ref. 10292 FRA03 Rv0, dated 17 April 2019). Because the FRA also covers the western expansion area it is often difficult to distinguish which elements refer specifically to

this particular planning application. It would have been valuable to have a document solely relating to the SANG development.

The flood risk vulnerability of the proposal is compatible with the associated flood zones and we support the creation of SANG at this location. However, there are several elements of the FRA that require further discussion to ensure that it is comprehensive and can be approved.

In updating the FRA, the following points should be considered:

1. Design flood levels should be established for the site, to inform of flood water depths likely to be experienced on the site. Because provision of public access is integral to the proposal it is necessary to consider public safety. The proposal should therefore consider appropriate measures to limit public access during flood events, any risks of public becoming stranded on the site and appropriate escape routes. The frequency of flooding should also be considered, because public access and elements of the landscaping scheme may be inappropriate for land that is frequently flooded.
2. It is unclear whether any of the landscaping proposals will impact upon existing ground levels within the site. It will be valuable to consider the existing functional operation of the floodplain, in terms of storage and conveyance, and discuss options for betterment, the impact of the proposals and any potential mitigation required.
3. The submission refers to the construction of access paths and bridges across the watercourse. It is likely to be unacceptable to raise ground for the footpath and it will need to be demonstrated that the bridges can be suitably constructed to avoid impacting on flood risk. Given the 'Main River' status of the Cranny Brook, environmental permitting requirements will need to be considered for the bridges.
4. Elements of tree planting are noted as being proposed. This activity can generally be seen as beneficial from a flood risk perspective, through provision of 'natural flood management'. The assessment should consider any flood risk implications resulting from the tree planting strategy. In particular, it is noted that tree planting is proposed in the area where the application site becomes very narrow between the watercourse and the railway. There is a risk that this could encourage elevated flood water levels on land to the south of the watercourse.

#### Environment Agency – 23 November 2020

Thank you for re-consulting us on this application.

#### Environment Agency position

Following review of the revised flood risk assessment (FRA), we have no objection to the proposed development as submitted, however, we advise that your authority consider including a condition on any permission granted for the production and implementation of a suitable flood management plan. The reason for this position and advice is provided below.

Reason - We have reviewed the revised FRA (Brookbanks, Revision 2 dated 13th October 2020) and consider that it broadly addresses the points raised in our

previous letter. The hydraulic modelling demonstrates that the SANGS development will not contribute to any increased flood risk.

As mentioned above, it is important going forward that a suitable flood management plan is produced for this public access area, demonstrating how the flood risk for users can be safely managed. Please contact us if you would like to discuss this further.

Advice to the applicant - We would also appreciate confirmation of the current status of the new bridges in the SANGS land. It is unclear whether they are already constructed or still to be built. There is a requirement to ensure formal regulation through the environmental permitting regime. Please feel free to contact us at the email address provided below to provide this information.

Please contact us again if you require any further advice.

Environment Agency – 10 January 2023

Thank you for re-consulting on this application with the update SANG plans. We have no further comments to add/ change from our previous response dated 16/11/2020.

Natural England – 10 June 2019

Please see scanned response received 28.05.2019

Cranbrook Western Expansion Area (Bluehayes) Station Road Broadclyst  
(19/0620/MOUT)

AND

Planning consultation: 19/0554/MFUL - Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated information for use and access

Location - Land At Elbury Meadows, (North Of Cranbrook Country Park), Broadclyst, Exeter

Thank you for your consultations on the above dated 30 April 2019 and 8 May 2019 which were received by Natural England on the same date. We are responding to these two related applications in this letter.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE  
FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON  
DESIGNATED SITES.

As submitted, the application could have potential significant effects on the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar. Natural England requires further information in order to determine whether the proposed mitigation will be adequate, effective and secured. This information will also help you undertake the Appropriate Assessment.

The following information is required from the applicants:

- Demonstrate that a minimum of 17.5 hectares of Suitable Alternative Natural Green Space (SANGS) area can be secured, both on and off-site.
- Dedicated parking provision for the SANGS.
- The SANGS and residential development phasing plans.
- The SANGS management strategy, secured in perpetuity.
- Confirmation of sewage treatment capacity.

It is your Authorities duty to undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the applications (see below); Without this information, Natural England may need to object to the proposals.

Please re-consult Natural England once this information has been obtained.

Further advice on soils and other issues is provided below.

Additional Information required Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that

such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

### Suitable Alternative Natural Green Space (SANGS)

Using the formula from the Cranbrook Plan Submission Draft 2013-2031, the proposed 930 dwellings should deliver 17.5ha of SANGS. It is not entirely clear from the submitted documents whether this amount will be delivered with these two applications due to some confusion on which areas are already part of the Country Park or other open space use types. It is unclear whether the area of open space at the north east of Bluehayes crossed by a distributor road is intended to form part of the SANGS provision in addition to the areas shown as SANGS in the Cranbrook Masterplan. We advise that the road and small size mean it is unlikely to be suitable as SANGS.

The planning application at Elbury Meadows 19/0554/MFUL) is for change of use to a SANGS. We calculate this area to be approximately 8 hectares, rather than the 8.9 hectare figure given in the Design and Access statement. We therefore advise that the SANGS areas proposed for the Cranbrook Western Expansion area application 19/0620/MOUT should total at least 9.5 hectares.

The Cranbrook Plan Delivery Strategy Habitat Mitigation - SANGS document, which forms part of the evidence base, expects the phasing to ensure that 8ha of SANGS should be provided ahead of each 425 houses. The documentation does not appear to provide information on phasing or a management strategy. A planning condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided.

Information within Chapter 9 of the EIA compares the SANG proposals with the policy requirements. Natural England is concerned that there is no bespoke parking provision proposed for either the on or off-site SANGS areas. We do not consider the existing parking provision at the railway station or the Younghayes Centre to be sufficiently close or available for easy use by dog walkers and other potential user groups.

### Water quality

In addition to recreational impacts on the European sites there is a further area of concern regarding potential water quality/nutrient impacts on the Exe Estuary SPA/RAMSAR. The Environmental Statement must address the sewage treatment capacity within the current system. The applicant should provide information to confirm that capacity can be secured within the network without compromising the current nutrient discharge levels to the SPA/Ramsar.

## SSSIs

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of these sites.

In addition, Natural England would advise on the following issues.

### Soils and Land Quality

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 40 ha of agricultural land, including a large proportion classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

2. Government policy is set out in paragraph 170 and 171 of the National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment 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, and of trees and woodland.'

And

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>1</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

3. It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as habitat creation, landscaping, allotments and public open space etc.). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

5. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra Construction



Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Net gain

We advise that in accordance with the revised National Planning Policy Framework (NPPF) 2018, opportunities to achieve a net gain for biodiversity should be sought through the delivery of this development. For guidance and examples of how to incorporate net gain for biodiversity into developments please see Technical Note T2 of Biodiversity Net Gain Good practice principles for development: A practical guide CIRIA 2019.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Yours faithfully

Alison Slade

(1) 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.

#### Natural England – 22 November 2020

Thank you for your consultations on the above applications dated 27 October and 4 November 2020. We are responding to the additional information submitted for these two related applications in this letter.

We comment as follows, referring to the further information we requested in our letter dated 28th May 2020:

1. Demonstrate that a minimum of 17.5 hectares of Suitable Alternative Natural Green Space (SANGS) area can be secured, both on and off-site.

David Lock Associates have demonstrated an adequate amount of SANGS land is proposed in relation to the number of dwellings.

2. Dedicated parking provision for the SANGS.

Policy CB15 in the recent Cranbrook Plan submission draft sets out that car parks for SANGS must deliver:

a) Adequate parking which is free or benefits from significantly reduced charges for vehicles and bicycles for visitors;

b) Car parks which are easily and safely accessible, and which are designed with an appropriate layout which allows for adequate mitigation to limit the intrusion on the character and appearance of the local environment;

c) Car park locations where dogs can safely be taken from the car to the SANGS off the lead;

d) Easy access between the SANGS and adjacent housing to facilitate access by pedestrians/cyclists as well as car-based transport.

Our advice is that a dedicated car park meeting the above requirements is necessary for the Elbury Meadows SANGS. This section of SANGS is much further than 400m walking distance from the Bluehayes residential development and could not be defined as easy access, particularly for the less able. The future "Town Centre" parking location indicated would involve crossing at least two roads to reach the SANGS so would not be safe or convenient, particularly for dog walkers. To be an effective alternative to car-based visits to the European sites, adjacent car parking is needed.

### 3. The SANGS and residential development phasing plans.

We have not been able to find how the SANGS phasing 1- 4 indicated on plan WCN055-PAW-004-C relates to residential delivery. Please ensure that 8ha of SANGS will be provided ahead of each 425 houses.

### 4. The SANGS management strategy, secured in perpetuity.

We note that a Design Principles document is proposed with a section to set out the management principles for SANGS land. Natural England would like to be consulted on the management strategy. The LPA must ensure that this secured and will be implemented at the correct time. Details should be provided in the Appropriate Assessment.

### 5. Confirmation of sewage treatment capacity.

Information now provided, thank you.

Habitats Regulations Assessment - Recreational Impacts on European Sites  
As advised previously, as competent authority, your Authority should undertake an appropriate assessment prior to determining the application and consult Natural England on this.

### Soils and Land Quality

We have not found the response by the soil specialist referred to in paragraph 9.77 and refer back the recommendations in our previous letter in relation to soil quality.

Net gain

It is not our role to comment on the net gain calculations but offer the following general advice on use of SANGS land for net gain.

Additional enhancements to the SANGS (over and above what is specified in the SANGS guidelines) can be delivered to achieve some of the Biodiversity Net Gain (BNG) requirements.

The baseline for the calculation must include all habitat features of the site that are there to meet the minimum SANGS requirements. BNG contributions can only be claimed for features added that are additional to this. Care should be taken to ensure that any such additional features do not compromise the original purpose of the SANG (e.g. adding features which may conflict with dog-walkers)

#### Natural England – 25 January 2023

Thank you for your email received 22 December 2022 requesting Natural England's consultation on amended plans for the above application.

Natural England has no additional comments to make to those previously submitted on the amendments listed below.

#### Network Rail – 25 July 2019

Thank you for consulting Network Rail on the above application. Unfortunately we have let this application slip through our net, so are only now just undertaking internal consultations on the proposed development. I will be able to provide our complete response in due course.

In the first instance and because we are already aware of an extension of the existing new development at Cranbrook (through the emerging local plan document), near to Crannaforde level crossing, we will require the developer to provide more detail in relation to how the proposal may impact Crannaforde level crossing. For this application we are particularly concerned that the provision of a nature attraction will attract new visitors from outside of Cranbrook. This would lead to additional use over the crossing. There may well be an increase in miss-use at the crossing (examples are trespassing (including children playing), vehicles / cyclist / pedestrians crossing as the barrier is falling, entering the crossing when the road is blocked by queuing traffic or parked traffic, etc.) as well.

So that we are able to fully assess this proposal we request that an assessment of the predicted use over the Crannaforde level crossing is undertaken. This should include the estimated visits by people outside of Cranbrook such as from Broadclyst, Clyst Hydon and Clyst St Lawrence to the proposed new business and community uses / facilities.

I must apologise for not responding sooner.

#### Network Rail – 2 February 2023

Thank you for your email dated 22 December 2023 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included the below comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

#### 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 Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

#### EDDC Landscape Architect – 2 February 2023

##### 1.4 19/0554/MFUL – Elbury Meadow

Change of Use to SANG Application Proposals dwg. FPCR L-27 rev M

Details and locations for at least two rustic benches should be indicated.

The two natural woodland regeneration areas proposed to the north of the westernmost bridge crossing would be more effective as a single area.

A subsequent route through could be formed once the woodland is established. Proposed woodland areas should be fenced with post and wire mesh rabbit proof fencing until adequately established.

The specification for tree pit depth in planting note 1 should be amended to be no greater than necessary to accommodate the depth of root-ball.

#### **Other Representations**

##### NEIGHBOUR CONSULTATION

Two representations have been received as a result of this application.

One response in support has been received. This is summarised below:

- o Useful addition to Cranbrook Country Park
- o Meadows should be connected to National Trust land
- o Approval subject to the creation of an underpass

One comment has been received. This is summarised below:

- o Rights afforded to FAB Link over the land

- o FAB Link have not been consulted on these proposals
- o Installation of cables before, during or after the works
- o Review works prior to any decision

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
03/P1900  Cranbrook Site Of New Town Honiton Road Rockbeare Exeter Devon	A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail , residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses.	Approval with S106 agreement and conditions  29.10.2010
15/0045/MOUT  Cranbrook Expansion Zone West Large Site Station Road Broadclyst	The expansion of Cranbrook comprising up to additional 820 residential dwellings, one 1-form entry primary school, a cemetery and associated building, sports and recreation facilities including children's play, an extension to the country park, green infrastructure (including open space), community uses (including non-residential institutions) and cemetery. Access from former A30, landscaping, engineering (including modelling and drainage) works, demolition, associated infrastructure and car parking for all uses. All matters reserved except for access.	Pending consideration
19/0620/MOUT  Cranbrook Expansion Zone West Large Site Station Road Broadclyst	Outline planning application with all matters reserved except access to the existing highway network for the expansion of Cranbrook comprising up to 870 residential dwellings; C2 residential institutions; one primary school (Use Class F1) with early years provision (Class F1/E); mixed use area including Use Classes C3 (Residential), E (Commercial Business and Service Uses), F1 (Learning and Non-residential institutions), F2 (Local Community Uses), and Sui Generis (hot food takeaways, pubs/bars) (Class E and Sui Generis uses to comprise up to 1,500 sq metres gross); recreation facilities and children's play; green infrastructure (including open space and Suitable Alternative Natural Greenspace (SANGS)); access from former A30, Station Road and Burrough Fields and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses.	Pending consideration

## **POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Government has issued the National Planning Policy Framework [NPPF 2021] which sets out the Government's planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

The Cranbrook Plan Development Plan Document 2013-2013 was adopted in October 2022 and supersedes a number of Local Plan Policies in part and/or in full. Strategy 12 of the East Devon Local Plan 2013-2031 has been superseded in full and is no longer relevant to this application.

In this instance, the Development Plan comprises the East Devon Local Plan 2013-2031, The Cranbrook Plan Development Plan Document 2013-2013, the East Devon Villages Plan (2018) and a number of adopted neighbourhood plans.

### **Cranbrook Plan DPD**

CB1 (Health and Wellbeing At Cranbrook)  
CB2 (Bluehayes Expansion Area)  
CB6 (Cranbrook Infrastructure Delivery)  
CB7 (Phasing)  
CB14 (Habitat Mitigation and Delivery of Suitable Alternative Natural Green Space)  
CB15 (Design Codes and Place making)  
CB26 (Landscape, Biodiversity and Drainage)

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

Strategy 1 (Spatial Strategy for Development in East Devon)  
Strategy 3 (Sustainable Development)  
Strategy 5 (Environment)  
Strategy 7 (Development in the Countryside)  
Strategy 9 (Major Development at East Devon's West End)  
Strategy 10 (Green Infrastructure in East Devon's West End)  
Strategy 47 (Nature Conservation and Geology)  
D1 (Design and Local Distinctiveness)  
D2 (Landscape Requirements)  
D3 (Trees and Development Sites)  
EN5 (Wildlife Habitats and Features)  
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)  
EN8 (Significance of Heritage Assets and their setting)  
EN9 (Development affecting a designated heritage asset)  
EN21 (River and Coastal Flooding)  
EN22 (Surface Run-Off Implications of New Development)

## Government Planning Documents

NPPF (National Planning Policy Framework 2021)

## Government Planning Documents

National Planning Practice Guidance

## **OFFICER REPORT**

### **1. Site Description**

- 1.1 The application site measures approximately 8.93ha and is located to the north of Cranbrook Country Park and the Town Centre. The site is bounded by the Exeter to Waterloo Railway Line to the north and the Crannybrook stream to the south. The application site is located within the proposed Clyst Valley Regional Park (Strategy 10) and is safeguarded land in the Cranbrook Plan DPD for Suitable Alternative Natural Green Space (Policy CB14).
- 1.2 The site is located approximately 600m from Cranbrook Railway Station to the west and 150m from Cranbrook Education Campus to the east. The rail services link Cranbrook to Exeter Central and Exeter St David's to the west and to London Waterloo to the east. Bus services also operate within Cranbrook, linking the town to Exeter and Honiton.
- 1.3 The site is greenfield in nature and the land is generally level, but slopes gently towards the railway line at the north from circa 17m AOD to 23m AOD. No public rights of way cross the application site.
- 1.4 The majority of the site is located within Flood Zone 2. The site is not subject of any international or national nature conservation designations but is located within the 'Zone of Influence' of the East Devon Pebblebed Heaths Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the Exe Estuary SPA, SSSI and Ramsar site.
- 1.5 There are no statutory protected historic assets within the application site. Tillhouse Farmhouse is located approximately 45m from the sites boundary (previously Grade II Listed, now de-listed).

### **2. Proposed Development**

- 2.1 The application seeks full planning permission for the change of use from agricultural land to 8.93ha of Suitable Alternative Natural Greenspace (SANGS) with associated infrastructure for use and access (see proposed plan below).
- 2.2 The proposal would include the inclusion of a mixture of self-binding gravel paths and mown grass paths and three timber bridge crossings to the existing country

park. The proposal also includes tree planting, meadow creation, log piles, seating, signage and waste bins. It is noted that car parking is not proposed as the site is located close to Cranbrook Train Station and the town centre and is within walking distance of a lot of housing in the town.

2.3 The site forms one of three parcels of land that are proposed for the change of use to SANGS land associated with the development of Bluehayes. The other two parcels are within the Bluehayes Expansion Area (LPA Ref: 19/0620/MOUT) and in total are approximately 9.07 hectares in size. Bluehayes Parkland (5.52ha) is located south west of Bluehayes Lane and Bluehayes Meadow (3.55ha) adjoins the Cranbrook Country Park, south of Cranbrook Railway Station.

**Proposed Plan (ref. 4671-L-27 M)**



**3. PLANNING ASSESSMENT**

3.1 The key considerations in the determination of this application are:

- A. The Policy Context and Principle of Development
- B. Character, Appearance and Design
- C. Flood Risk and Drainage



- D. Ecology and Biodiversity
- E. Infrastructure Delivery and Planning Obligations

## **A. The Policy Context and Principle of Development**

- 3.1 Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development.
- 3.2 Strategy 5 (Environment) of the adopted Local Plan (2016) states that all development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures. New development will incorporate open space and high quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife.
- 3.3 Strategy 7 (Development in the Countryside) of the adopted Local Plan (2016) sets out 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, including: 1. Land form and patterns of settlement. 2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings. 3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.
- 3.4 Strategy 9 (Major Development at East Devon's West End) of the adopted Local Plan (2016) states that high quality development with associated infrastructure, built within a high quality landscape setting, will be provided in East Devon's West End. The overarching strategy for development will need to dovetail with the development strategy for Exeter with the provision of homes close to jobs and other facilities and services. High quality walking and cycling connections; enhanced bus and rail services, and improved highway provision will be integral to the overall development.
- 3.5 Strategy 10 (Green Infrastructure in East Devon's West End) of the adopted Local Plan (2016) states that all development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision, and Green Infrastructure initiatives should feature in all developments. Where the likelihood of significant effects on European wildlife

sites cannot be ruled out from developments in the West End, the Council will undertake an appropriate assessment of impacts and will only support and approve proposals where it can be demonstrated that adverse effects on site integrity can be prevented.

3.6 Strategy 10 (Green Infrastructure in East Devon's West End) of the adopted Local Plan (2016) also states that land to accommodate the Clyst Valley Regional Park is allocated on the Proposals Map and the park will be designed and managed to highest natural green design standards.

3.7 Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, we will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. All residential development schemes within a straight line 10 kilometres distance of any part of the SAC and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation. Off-site provision in the form of SANGS should aim for a target level of provision of around 8 hectares of open space provision for every net new 1,000 residents accommodated through development. It is as a result of this requirement for mitigation that this scheme for SANGS arises.

3.8 Policy CB1 (Health and Wellbeing at Cranbrook) of the Cranbrook Plan DPD (2022) states that to maintain and improve the good health and wellbeing of individuals and the community as a whole at Cranbrook, development proposals must:

1. Develop an attractive and legible built and natural environment that links into its surroundings, including the wider West End of East Devon, Exeter Airport and the Clyst Valley Regional Park;
2. Ensure that the community has, and is able to have, the infrastructure to support their needs and aspirations both now and into the future;
3. Ensure that all designs, proposals and decisions are coordinated to address the wider determinants of ill-health;
4. Ensure that locations of services and land-uses in Cranbrook integrate well with the community and are within easy reach on foot and bicycle wherever possible;
5. Create well designed streets and spaces using the Healthy Streets Approach to encourage walking, cycling and social activity;
6. Ensure that civic and community buildings are accessible to all and provide facilities to meet the needs of individuals and the community;
7. Ensure that housing is designed around spaces that encourage social activity; and
8. Ensure that housing typologies and resulting densities are appropriate to their locations to support vibrant economic activity and public services.

3.9 Policy CB2 (Bluehayes Expansion Area) of the Cranbrook Plan DPD (2022) states that 40 hectares of land at the Bluehayes Expansion Area is allocated for a mixed use development on the Cranbrook Policies Map. SANGS provision in line with Policy CB14 together with financial contributions for direct enhancement and conservation of the Exe Estuary and Pebblebed Heaths must be provided to

ensure that there are no adverse effects of development on European protected sites.

3.10 Policy CB14 (Habitat mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)) of the Cranbrook Plan DPD (2022) states that residential development shall only be brought forward where they can demonstrate that suitable mitigation is being made available to ensure that there is no likely significant effect on the Pebblebed Heaths and Exe Estuary. To assist with this requirement 128 hectares of land is safeguarded for Suitable Alternative Natural Green Space (SANGS) on the Cranbrook Policies Map.

3.11 Policy CB14 (Habitat mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)) of the Cranbrook Plan DPD (2022) also states that SANGS shall be created from:

1. Existing open space of SANGS quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public, or;
2. Existing open space which is already accessible but which could be changed in character so that it is more attractive to the specific group of visitors, or;
3. Land in other uses but which could be converted into a SANGS.

and deliver the following:

- a) Adequate parking which is free or benefits from significantly reduced charges for vehicles and bicycles for visitors;
- b) Car parks which are easily and safely accessible, and which are designed with an appropriate layout which allows for adequate mitigation to limit the intrusion on the character and appearance of the local environment;
- c) Car park locations where dogs can safely be taken from the car to the SANGS off the lead;
- d) Easy access between the SANGS and adjacent housing to facilitate access by pedestrians/cyclists as well as car based transport;
- e) Access points with signage outlining the layout and routes;
- f) Limited and sympathetic visitor infrastructure (benches, dog bins etc.)
- g) Safe natural spaces without intrusive artificial structures, except in the immediate vicinity of the car park/s;
- h) Paths that retain a natural character are suitably signposted and available for use in all weathers all year around (this can include the introduction of boardwalks in wet sections);
- i) A circular walk that starts from a car park;
- j) Circular walk(s) of at least 2.3km around the SANGS;
- k) A variety of habitats for visitors to experience (e.g. woodland, scrub, grassland, heathland, wetland, open water);
- l) Largely unrestricted access within the natural space (including space for dogs to exercise freely and safely off the lead);
- m) A natural space that is free from unpleasant smells, significant noise and waste material of any form that would otherwise harm its amenity value.

It is expected that SANGS provision will be made available on site and should ensure that designs for the Green Space complement heritage assets that are found on site to help the conservation and enjoyment of the historic environment.

Applications which propose SANGS development shall be supported by an appropriate delivery, enhancement and management strategy.

The management component shall demonstrate how the SANGS will be maintained in perpetuity (comprising a minimum period of 80 years and could include the use of legal agreements to ensure that sufficient safeguards/step in rights are in place), o an identification of the full costs required for this, and o a financially sustainable means by which it can be delivered over the in perpetuity period.

3.12 The application site is located north of the Cranny Brook within the town of Cranbrook. The application site is within the West End of East Devon and is allocated as part of the Proposed Clyst Valley Regional Park (Strategy 10) in the adopted Local Plan. The application site is outside of any built up area boundary identified in the Cranbrook Plan DPD (2022) but is safeguarded for Suitable Alternative Natural Green Space (SANGS) on the Cranbrook Plan DPD Policies Map.

3.13 The application has been submitted in conjunction with application 19/0620/MOUT within the Bluehayes Expansion Area which proposes up 870 dwellings, 2FE primary school, a mixed used area, public open space and 9.07 hectares of SANGs across Bluehayes Parkland (5.52ha) and Bluehayes Meadow (3.55ha).

3.14 Policy CB14 and Strategy 47 sets out that SANGs must be provided at a ratio of at least 8ha per 1000 net new population generated by residential development schemes. Application 19/0620/MOUT is for up 870 homes (2044 residents at 2.35 residents per dwelling) which means that total 16.4ha of SANGS is required for habitat mitigation. As noted above 9.07ha is to be provided as part of application 19/0620/MOUT and 8.93ha of SANGS land would be provided under this application resulting in 18ha in total.

3.15 The application site measures approximately 8.93ha in size and the proposal would change the use of the entire site from greenfield to SANGS. Whilst this would appear to be an overprovision of SANGS land, it is noted that Bluehayes Parkland is dual allocated for public open space and SANGS and parts of the application site are located within the Flood Zone meaning that it may not be useable all year round. The proposed level of SANGS land proposed is considered to be appropriate for habitat mitigation.

3.16 The proposed development would contribute to the Clyst Valley Regional Park and would include three new pedestrian bridges linking the site with the existing country park. The proposal would include new compacted gravel paths and mown paths, new tree planting, wet woodland planting, grasslands and hedgerows. The proposal would also include circular walks, signage, waste bins and benches across the proposed SANGS land. The proposed development would retain its natural character and would be largely unrestricted spaces. The proposal would provide residents with access to greenspace thereby improving

health and well-being and would result in increased landscaping and biodiversity. It is considered that the proposal could be useable for the majority of the year except in flooding events however there are alternative spaces for residents to use. Despite concerns from Natural England, it is noted that car parking is not provided as part of the application however the proposed development would be located adjacent to the existing country park, accessible by existing and future residents and car parking is provided at Cranbrook Train Station and within the future Cranbrook Town Centre.

- 3.17 The proposed development would be delivered alongside residential development at Bluehayes. The proposal would need to be brought into full use prior to the occupation of the 425th dwelling at Bluehayes in order to ensure the delivery of SANGS is proportionate to population growth. It is noted that the SANGS land within the outline application 19/0620/MOUT will be brought into use prior to the first occupation of any dwelling. The timing of delivery would be secured within the S106 agreement.
- 3.18 The proposal was accompanied by a SANGS delivery and management strategy for an 80 year period. An updated strategy will be required by a condition to ensure the management plan is acceptable.
- 3.19 Policy CB6 sets out that SANGS delivery and enhancement is to be provided by the developer with SANGS management and maintenance contributions to be secured via relevant conditions and legal agreements. It is considered necessary to secure this alongside application 19/0620/MOUT.
- 3.20 As noted above, the site is located outside of the built up area boundary. Policy CB8 sets out that for development outside the defined built-up area boundaries Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 will apply. The proposal seeks to change greenfield land into SANGS and is safeguarded for this use in the Cranbrook Plan DPD. The site itself is screened by landscaping on the northern and southern boundaries and the proposal would retain the natural characteristics of the site and the surrounding area. Other than for street furniture like benches and bins and signage, the proposal would not introduce any buildings or physical structures to the site and the proposal is considered to respect the landscape, amenity and environmental qualities of the site and surrounding area. The proposal whilst outside of any built up area is considered to be acceptable in this instance.
- 3.21 It is noted that the application site is adjacent to the Exeter to Waterloo Railway which is a source of noise and pollution. However, the station is typically serviced by two trains an hour and existing and proposed landscaping would partially screen noise and pollution from the site. Policy CB14 states that SANGS should be free from unpleasant smells, significant noise etc. that would otherwise harm its amenity value. Whilst it is acknowledged that the railway line is a source of noise and pollution, it is not considered that the existing railway line results in significant harm to the amenity of the site and this site has been safeguarded for SANGS in the Cranbrook Plan. Furthermore, EDDC's Environmental Health Team reviewed the application and they do not anticipate any environmental health concerns.

3.22 In summary, the principle of development in land use terms is considered to be acceptable. The proposal would retain the natural environment of the site and the proposal is necessary for habitat mitigation. The change of use is therefore considered to be in accordance with Cranbrook Plan Policies CB1, CB2, CB6, CB7 and CB14 and adopted Local Plan Strategies 3, 5, 7 and 10.

## **B. Character, Appearance and Design**

3.23 Strategy 10 (Green Infrastructure in East Devon's West End) of the adopted Local Plan (2016) states that we will ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. The Clyst Valley Regional Park will:

- a) Provide high quality natural green space that is complementary to development and will be a stimulus to encourage commercial and business development of the highest standard.*
- b) Ensure natural ecosystems function in the West End of our District and ensure residents, workers, school children and visitors of all abilities have easy access to high quality open spaces, with linked benefits to health, education and food production.*
- c) Take recreation pressure away from more environmentally sensitive locations thereby overcoming concerns arising from application of the Habitat Regulations that would otherwise prevent development coming forward. Provision of the park could help address need and requirements arising from development in other parts of East Devon, Exeter and potentially Teignbridge. We will encourage a park that 'reaches into' the open spaces of our neighbouring authority partners.*
- d) Provide new wildlife corridors that enhance the biodiversity of the West End.*
- e) Provide green corridors, open space and biodiversity enhancement areas. Enhance cycling and walking opportunities to link habitats and sustainable movement networks that promote the overall recreational experience for the West End.*
- f) Conserve and enhance heritage assets and their setting to reflect their intrinsic importance, maximise beneficial outcomes for park users and to encourage use of the park and to enrich the cultural identity of the area.*

*The park will be designed and managed to highest natural green design standards and it will be subject to parkland, open and recreation space and countryside and green infrastructure policies. Development will not be allowed in the designated area unless it will clearly achieve valley park specific objectives for people and wildlife. Countryside policies of the plan will still apply in non-allocated development locations and areas.*

3.24 Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that in order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive, a formal Design and Access Statement should accompany applications setting out the design principles to be adopted

should accompany proposals for new development. Proposals should have regard to Village and Design Statements and other local policy proposals, including Neighbourhood Plans, whether adopted as Supplementary Planning Guidance or promoted through other means.

3.25 Policy D2 (Landscape Requirement) of the adopted Local Plan (2016) states that landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

3.26 Policy D3 (Trees and Development Sites) of the adopted Local Plan (2016) states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development.

3.27 The proposed development involves the change of use to SANGS and would include new pathways, bridges, benches, planting, bins, signage etc. As per Strategy 10 and Policy CB14, the overall design of the proposal must be of the highest quality, safe for future users and respect the existing natural environment.

3.28 The site is currently greenfield and is bounded by trees on the southern boundary along the Cranny Brook. The Exeter to Waterloo Railway Line forms the northern boundary and the line itself is located on an embankment featuring trees and landscaping. This means that the site itself is not particularly visible in the surrounding area. The proposed change of use and associated development would be largely screened from the wider area and only visible from within the site itself. The proposal would create additional habitats and include tree planting, hedge planting and wildflower and grass meadows. The proposed footpaths would be a mixture of compacted gravel and grass mown paths which are considered to have a natural character and bridges and benches would feature across the development providing sympathetic visitor infrastructure. The benches

stated as being provided on the submitted plans do not have any backs or sides; this type of bench does not provide the necessary back support for people with mobility difficulties or those who need to stop to feed a young child, for example. Similarly, arm supports are used by people who experience difficulties when standing. Therefore, any grant of planning permission should be subject to a condition requiring the agreement of an alternative seat that includes back and arm supports.

3.29 The proposal would respect the open and natural environment, existing trees and landscaping would be retained and additional habitat creations would seek to enhance the site and landscape in accordance with Policy D3. Given that the site is well screened and the development would respect the character and appearance of the site, the proposal is not considered to harm the wider landscape and wider area and would appear as a natural extension to the existing country park. The proposal would provide an open, unrestricted and a safe natural space for residents and visitors to enjoy. The application has been reviewed by EDDC's Landscape Architect and Natural England. EDDC Landscape Architect has recommended approval with conditions and Natural England have recommended approval.

3.30 In terms of the historic environment, whilst great weight is attached to conservation, the proposal is not considered have any impact upon any significant heritage assets, designated or non-designated within the surrounding area as the natural environment is retained and no buildings are proposed. The proposal has been reviewed by DCC Historic Environment Team and no objections were raised subject to a Written Scheme of Investigation condition. The proposals is considered to accord with Policies EN7, EN8 and EN9 of the adopted Local Plan.

3.31 In summary, the proposed development is considered to respect the existing natural environment and would not harm the overall character and appearance of the side and wider landscape. The proposal would enhance the existing landscaping and provide additional habitats and planting. The proposal is therefore in accordance with Policy CB14 of the Cranbrook Plan and Strategy 10 and Policies D1, D2 and D3 of the adopted local plan.

### **C. Flood Risk and Drainage**

3.32 Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development.

3.33 Strategy 5 (Environment) of the adopted Local Plan (2016) states that all development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including



internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures. New development will incorporate open space and high quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife.

3.34 Policy EN21 (River and Coastal Flooding) of the adopted Local Plan (2016) states that wherever possible developments should be sited in Flood Zone 1 as defined in the East Devon District Council Strategic Flood Risk Assessment<sup>106</sup>. Only if there is no reasonably available site in Flood Zone 1 will locating the development in Flood Zone 2 and then Flood Zone 3 be considered.

3.35 Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Core Strategy (2016) 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.

3.36 The majority of the application site is located within Flood 2 and 3 and is therefore at risk of flooding. Save for the aforementioned street furniture, the proposed development would not include any buildings or structures on site and the site would be retained as natural open space. The site is known to flood following heavy rainfall hence why is it not proposed to be developed and is proposed to be changed into SANGS for habitat mitigation and for the benefit of residents. It is acknowledged that the site may not be suitable for use all year round however there are alternative areas of open space around Cranbrook which are not in flood zones.

3.37 The application was supported by a flood risk assessment which was reviewed by the Environment Agency. The EA raised no objection to the proposed development subject to a condition for the production and implementation of a suitable flood management plan. It is therefore considered necessary to attach this condition to any approval.

3.38 The proposal is therefore considered to be acceptable in terms of flood risk and surface water run-off and in accordance with Strategy 3 and 5 and Policies EN21 and EN22 of the adopted local plan.

#### **D. Ecology and Biodiversity**

3.39 Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret

sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development.

3.40 Strategy 5 (Environment) of the adopted Local Plan (2016) states that all development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures. New development will incorporate open space and high quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife.

3.41 Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that all development proposals will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- a) They cannot be located on alternative sites that would cause less or no harm.
- b) The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.
- c) Prevention, mitigation and compensation measures are provided.
- d) In respect of Internationally designated sites, the integrity of the site will be maintained.

3.42 Policy EN5 (Wildlife Habitats and Features) of the adopted Core Strategy (2016) states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

3.43 The purpose of the application is to change the use from greenfield to SANGS for habitat mitigation. As per Policy CB14, residential development shall only be brought forward where they can demonstrate that suitable mitigation is being made available to ensure that there is no likely significant effect on the Pebblebed Heaths and Exe Estuary. These environments are locally and

nationally important for wildlife and biodiversity as they are designated as Sites of Special Scientific interest, (SSSI); Special Area of Conservation (SAC); Special Protection Area (SPA); and in the case of the Exe Estuary, RAMSAR.

3.44 The proposal in conjunction with application 19/0620/MOUT at Bluehayes must provide over 16.4ha of SANGs to accord with Policy CB14 of the Cranbrook Plan. As noted above, the proposal would include 8.93ha under this application and 9.07ha under 19/0620/MOUT which is around 18ha in total. This is considered to be an acceptable quantum of land to ensure that there is no likely significant effect.

3.45 As part of the application, the proposed development would include habitat creation, tree and hedgerow planting, natural regeneration plus bird and bat boxes and log piles for Reptile Hibernacula. New wildflower grasslands will provide foraging opportunities for bats, birds and badgers. New hedgerow and landscape planting will provide foraging and navigational opportunities for bats, badgers, and birds and opportunities for amphibians and invertebrates.

3.46 During surveys undertaken, evidence of Otter spraints were recorded in two locations east of the consented area along the Cranny Brook and a tributary off this stream. A possible holt was also recorded along this tributary. However, no evidence of Otter was recorded along the sections of the Cranny Brook that are to be affected by new bridge crossing during the surveys undertaken in 2018. Margins would help to prevent harm but mitigation is also considered necessary to ensure that adverse effects do not occur during construction as a result of new connections that would be made to the water course (associated with attenuation basins and outfalls). Post construction, recreational activity associated with the SANGS could lead to local disturbance although this can be limited with the planting of dense scrub along the embankments.

3.47 The proposal was also supported by a Biodiversity Net Gain Report by Ecology Solutions which set out that in conjunction with application 19/0620/MOUT, the proposed development will achieve an increase of 10.8% in habitat units and 21.54% in hedgerow units. This calculation is based upon an earlier metric than the most up-to-date one and is a net BNG figure over and above that which is required in order for the land to meet SANGS standard. The biodiversity net gain will also be secured via a legal agreement.

3.48 In summary, the proposal change of use would help to mitigate residential development at Bluehayes and it is considered that the proposed development will achieve an overall net gain in biodiversity over the existing situation. The proposal therefore accords with Policy CB14 of the Cranbrook Plan, Strategies 3, 5 and 47 of the adopted Local Plan as well as Policy EN5.

## **E. Infrastructure Delivery and Planning Obligations**

3.49 Policy CB6 (Cranbrook Infrastructure Delivery) of the of the Cranbrook Plan DPD (2022) states that development that is proposed within the Cranbrook Plan Area must demonstrate that it will meet the likely demands of future

occupiers/users by delivering, either in full or where necessary in part, the identified infrastructure from the 4 categories identified. This infrastructure is necessary to achieve a healthy, active, integrated and friendly self-reliant community.

3.50 In conjunction with application 19/0620/MOUT, a S106 legal agreement will be signed to cover the quantum and phasing of SANGS, management and maintenance and off-site habitat mitigation as well as to secure a 10% Biodiversity Net Gain on site (this to be calculated after the necessary uplifts to the land to secure SANGS quality).

3.51 S106 agreement requirements:

Category 1 infrastructure (delivered on site)

- o Biodiversity net gains (10% on site)
- o SANGS establishment and enhancement

Category 2 infrastructure (off site contributions)

- o SANGS maintenance contributions

3.52 The application is accompanied by a SANGS management plan which provides details of the delivery of the site and long term management proposals. Within that document, reference is made at Paragraph 2.5 that ongoing management will be undertaken by Cranbrook Town Council via a commuted sum contribution. The Cranbrook Plan and its linked Infrastructure Delivery Plan (IDP) identify that the cost of in perpetuity management (80 years) of SANGS will need to be met by the developers of the expansion areas and the IDP has assumed that this will be via an endowment financial model as it is the deemed the most cost effective over this long time period. Whatever financial management model is chosen, they work most cost effectively at scale and so consideration of a collective financial management model for SANGS across the expansion areas is deemed by Officers to be most appropriate at present. The resolutions to approve at both Treasbeare (22/1532/MOUT) and Cobdens (22/0406/MOUT) and the currently drafted s106's for those applications both secure the financial contribution as being paid to the Local Planning Authority in the first instance. It may be ultimately decided that management should lie with the Town Council but at present this is not determined and therefore the initial payment of monies to the Town Council is not appropriate. Accordingly, the submitted management plan is inadequate and will need reviewing. A condition is recommended to secure this.

## **4 CONCLUSION**

4.1 In conclusion, the proposed change of use is considered necessary for habitat mitigation for residential development at Bluehayes. The proposal would include an acceptable quantum of land which, subject to conditions, is considered to be acceptable in design and landscaping terms and would be a natural extension to

the existing country park. The proposal would be acceptable in terms of flood risk and surface water run-off and would lead to a 10% biodiversity net gain.

4.2 The proposal is therefore considered to comply with the development plan and NPPF when read as a whole and is recommended for approval subject to a S106 legal agreement, adoption of the appropriate assessment and relevant conditions.

## **5 RECOMMENDATION**

1. To adopt the Appropriate Assessment set out in Appendix A; and
2. To approve the application subject to a section 106 agreement to secure the requirements below and the conditions that follow.

S106 agreement requirements:

Category 1 infrastructure (delivered on site)

- o Biodiversity net gains (10% across Bluehayes and Elbury Meadows)
- o SANGS establishment and enhancement

Category 2 infrastructure (off site contributions)

- o SANGS maintenance contributions

## **STATEMENT ON HUMAN RIGHTS AND EQUALITIES ISSUES**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, 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

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities 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.

## **RECOMMENDED CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. LBDS

A revised and updated Landscape Biodiversity and Drainage Strategy (LBDS) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

It shall be based on the framework contained in the submitted but not approved LBDS dated February 2023 and in relation to the land subject of this planning application, provide additional detail and prescriptive requirements for the delivery of Landscape Biodiversity and Drainage features (capturing in a single document amongst other things the key measures and mitigation outlined in the separate reports produced for the different disciplines) and demonstrate how these will work together including but not limited to the following:

- An 8 metre wide maintenance and wildlife corridor north of the Cranny Brook
- Measures to detail with surface water (exceedance) flows during construction and other pollution pathways to safeguard water quality, ditches and other aquatic features
- The location of key dark corridors where light levels will be maintained at no greater than 0.5 lux and a commitment to provide a lux level contour plan (which shall accompany reserved matters applications) in accordance Devon County Council maintaining dark corridors through the landscape for bats (2022) and guidance Note 08/18, Bats and artificial lighting in the UK, Bat Conservation Trust (BCT) and Institution of Lighting Professionals (ILP).
- Clear indication of any avoidance, mitigation, and compensatory features provided for biodiversity, including for any protected and priority species, in addition to any provision required for open space or SANGS provision and detail of how landscape permeability for wildlife will be provided and maintained.

The development shall be fully implemented and subsequently maintained in accordance with the agreed strategy which shall be reviewed and updated as necessary so that at no time, it is more than 5 years old.

Reason - Details are required prior to the commencement of development to ensure that the final version of the LBDS is comprehensive in accordance with Policy CB26 (Landscape Biodiversity and Drainage) of the adopted Cranbrook Plan 2013 - 2031.

#### 4. Landscape and Ecology Management Plan (LEMP)

Prior to the commencement of development, a detailed Landscape Ecological Management Plan (LEMP) shall be submitted and approved by the Local Planning Authority, setting out how landscape and ecological protection, mitigation, compensation and enhancement measures relating to the proposal will be implemented, managed and monitored.

The LEMP shall also include the following:

- a) A scheme for the provision of bird boxes, bat boxes and insect hotels including the physical details of the box or hotel and the location of the box within the development.
- b) Details of the provision of post and wire mesh rabbit-proof fencing around the proposed woodland planting areas until the planting has established.
- c) Detail how protected species including dormice, bats, reptiles and badgers will be protected during the development and include details of working practices, compensatory habitat, receptor site, monitoring and remedial measures.

Development and the sites future management shall be undertaken in accordance with the agreed details and thereafter be maintained for the lifetime of the development.

Reason - Details are required prior to the commencement of development to ensure that the landscape and ecological measures provided as part of the proposal are fully delivered and managed in accordance with the agreed details, in accordance with Policy EN5 (Wildlife habitats and features) of the adopted East Devon Local Plan 2013 - 2031.

#### 5. Further Details - Seating

Notwithstanding the details shown on the approved plans, the Blueton 0806 Timber Bench shall not be utilised. Within 3 calendar months of the commencement of development details of alternative bench provision shall be submitted to the Local Planning Authority and shall be approved in writing before any benches are installed.

The revised details shall provide for the same number of benches in the same location but such benches must include backs and arm rests for users.

The approved benches shall be installed before the land is first brought into its permitted use.

Reason - Details are required prior to the commencement of development in the interests of equality, to ensure that the furniture provided is suitable for all users

of the land, in accordance with Policy CB1 of the Cranbrook Plan DPD and Policy D1 of the East Devon Local Plan 2013 - 2031.

#### 6. SANGS Delivery, Enhancement and Management Plan

No works to begin the development shall be undertaken until, an updated SANGS Delivery, Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The delivery component of the strategy shall direct the establishment of the SANGS to ensure that it is available for use ahead of relevant occupations and include details of advertisement and publicity.

The management component shall demonstrate:

- how the SANGS will be maintained in perpetuity (comprising a minimum period of 80 years),
- an identification of the full costs required for this, and
- a financially sustainable means by which it can be delivered over the in perpetuity period.

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

Reason - Details are required prior to the commencement of development to ensure that suitable mitigation is being made available and that SANGS is brought into use alongside development in accordance with Policy CB14 Habitat mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS) of the of the adopted Cranbrook Plan 2013-2031.

#### 7. Flood Management Plan

Prior to the commencement of development, a suitable Flood Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Development shall not be brought into use until the measures approved within the Flood Management Plan have been implemented and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason - Details are required prior to the commencement of development to limit the risk of flooding and to ensure the satisfactory means of flood management of the site in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon adopted Local Plan 2013-2031.

#### 8. Way-finding Strategy

The development hereby permitted shall not be brought into use until a way-finding strategy has been submitted to and agreed in writing by the Local Planning Authority. It shall include details of materials and any signage



necessary, together with a detailed phasing plan setting out how and when the strategy will be deployed as each phase develops.

For the avoidance of doubt the strategy shall be delivered on site in accordance with the approved details and phasing.

Reason - To assist with place making, legibility and travel planning in accordance with the Policies CB15 (Design codes and place making) and CB18 (Coordinated sustainable travel) of the adopted Cranbrook Plan 2013 - 2031.

#### 9. Landscaping Replacement

The landscaping works approved shall be undertaken in accordance with the approved scheme within 12 months of or during the next planting season whichever is the sooner.

If within a period of 10 years from the date planted any tree, plant, grass area or shrub dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with other(s) of similar size and species by the developer.

If within a period of 10 years of the commencement of development, any part of any retained/translocated hedgerow dies or becomes diseased, it shall be replaced by the developer before the end of the next available planting season in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of enhancing and preserving the amenity of the area in accordance with Policy D2 (Landscape requirements) of the East Devon Local Plan and Policies CB15 (Design codes and place making) and CB26 (Landscape biodiversity and drainage) of the adopted Cranbrook Plan 2013-2031.

#### 10. Retained Trees and Hedgerows

No existing tree or hedgerow shown as being retained on the approved the tree protection plan, (including any amendments as shall be agreed in writing by the Local Planning Authority), shall be felled, destroyed or wilfully damaged including any damage to root(s), other than in accordance with the LBDS or approved management plan, without the prior written consent of the Local Planning Authority.

In addition there shall be no burning of materials where it could cause damage to any tree or tree group on the site or land adjoining.

Reason - To protect trees on the site in the interests of preserving and enhancing the amenity of the area in accordance with Policy D3 (Trees on development sites) of the adopted East Devon Local Plan 2013 - 2031.

#### 11. Archaeology

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 205 of the National Planning Policy Framework (2021), 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.

#### NOTE FOR APPLICANT

##### Informative:

1. 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.
2. You are advised of the need to secure an Environmental Permit from the Environment Agency prior to the installation of the approved bridge crossings.
3. You are advised of the following consultation comments received from Network Rail: 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 Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).
4. In relation to Condition 6 (SANGS Management Plan), revisions to the plan should in part amend the name of the Local Authority body to whom any commuted sum is to be paid to in the first instance, from Cranbrook Town Council to East Devon District Council. This is due to the arrangements for long term management of SANGS across the expansion areas, still not yet having been determined.

##### Plans relating to this application:

Planning Statement	Planning Support Statement	15.04.19
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Ch 9 Ecology+Biodiversity: Extract Env.Statement	Environmental Site Assessment	15.04.19
ECO2a: COU to SANG Land	Environmental Statement	15.04.19
Fig 9.1: +Ecological Designations	Environmental Statement	15.04.19
Fig 9.2: Ecological Features	Environmental Statement	15.04.19
Fig 9.3: Protected Species	Environmental Statement	15.04.19
Fig 9.4: at Survey August 2011	Environmental Statement	15.04.19
Fig 9.5: Bat Survey Sept.2011	Environmental Statement	15.04.19
Fig 9.6: Bat Survey June 2012	Environmental Statement	15.04.19
Fig 9.10: Bat Survey August 2014	Environmental Statement	15.03.19
Fig 9.7: Bat Survey July 2012	Environmental Statement	15.04.19
Fig 9.8: Bat Survey April 2014	Environmental Statement	15.04.19
Fig 9.9: Bat Survey June 2014	Environmental Statement	15.03.19
Fig 9.11: at Survey May 2016	Environmental Statement	15.03.19

Fig 9.12: at Survey May 2016	Environmental Statement	15.03.19
Fig 9.13: Bat Survey May 2016	Environmental Statement	15.03.19
10292-SK-14 A	Other Plans	15.04.19
chapter 8 : landscape ES addendum	General Correspondence	14.10.20
chapter 9 : ecology+biodiversity ES addendum	General Correspondence	14.10.20
Chapter 12 : drainage ES addendum	General Correspondence	14.10.20
Fig 9.16 : updated ecological features amended	Other Plans	14.10.20
Fig 9.17 : protected species amended	Other Plans	14.10.20
Fig 9.18 : May bats	Other Plans	14.10.20
Fig 9.19 : July bats	Other Plans	14.10.20
Fig 9.20 : Sept bats	Other Plans	14.10.20
Fig 9.21 : BBS	Other Plans	14.10.20
Fig 9.22 : defra habitat baseline	Other Plans	14.10.20
Fig 9.23 : defra habitat baseline SANGS	Other Plans	14.10.20

Fig 9.24 : defra habitat creation/enhancement	Other Plans	14.10.20
Fig 9.25 : defra habitat creation/enhancement	Other Plans	14.10.20
updated	Planning Support Statement	14.10.20
addendum Sept 2020	Design and Access Statement	14.10.20
7764-T rev D part 1	Arboriculturist Report	14.10.20
7764-T rev D part 2	Arboriculturist Report	14.10.20
7764-T rev D part 3	Arboriculturist Report	14.10.20
App A + B	Flood Risk Assessment	14.10.20
App C part 1	Flood Risk Assessment	14.10.20
App C part 2	Flood Risk Assessment	14.10.20
App C part 3	Flood Risk Assessment	14.10.20
App C part 4	Flood Risk Assessment	14.10.20
App C part 5	Flood Risk Assessment	14.10.20
App C part 6	Flood Risk Assessment	14.10.20
App C part 7	Flood Risk Assessment	14.10.20
App D	Flood Risk Assessment	14.10.20
report	Flood Risk Assessment	14.10.20
App 8.1 : updated visual effects table	Environmental Statement	14.10.20
App 8.3 7764 L-	Environmental	14.10.20

20 plan C	Statement	
App 8.4 FPCR technical note	Environmental Statement	14.10.20
App 9.1 info downloaded	Environmental Statement	14.10.20
App 9.2 : survey methodology	Environmental Statement	14.10.20
App 9.3 : bird survey obs 2012	Environmental Statement	14.10.20
App 9.4 : bird survey obs 2014	Environmental Statement	14.10.20
App 9.5 defra metric v2	Environmental Statement	14.10.20
App 8.12 revised visual appraisal	Environmental Statement	14.10.20
App 8.13 8.42 winter photo viewpoints	Environmental Statement	14.10.20
10292-SK-14 A	Survey Drawing	20.12.22
fig 9.26-9.31 : addendum	Environmental Statement	20.12.22
PAW-003	Location Plan	20.12.22
4671-L-141 : SANGS Design Details	Environmental Statement	20.12.22
App 12.3 A1 Brook Sections - additional	Environmental Statement	20.12.22
App 12.3 A2 Greenhatch Section Locations - additional	Environmental Statement	20.12.22
App 12.3 A2 Greenhatch	Environmental Statement	20.12.22

Survey Sections  
- additional

App 12.3 A3 Interlock Survey Sections - additional	Environmental Statement	20.12.22
App 12.3 A4 Topo Survey Part2 - additional	Environmental Statement	20.12.22
App 12.3 B1 Flood estimation calc record 2020 - additional	Environmental Statement	20.12.22
App 12.3 B2 Catchment Analysis Hydrology - additional	Environmental Statement	20.12.22
App 12.3 C FloodZoneComp arison - additional	Environmental Statement	20.12.22
App 12.3 D1 Baselines and Development - additional	Environmental Statement	20.12.22
App 12.3 D2 Mitigation - additional	Environmental Statement	20.12.22
App 12.3 E Swale & Flood Mitigation 10292- SK-15b. - additional	Environmental Statement	20.12.22
App 12.3 F Sensitivity Sheets - additional	Environmental Statement	20.12.22
App 12.3 G Blockage	Environmental Statement	20.12.22

Scenarios -  
additional

Appendix 8.5 FPCR Technical Response Landscape rev B	Environmental Statement	20.12.22
Appendix 9.8 SANG Landscape Planting Plans	Environmental Statement	20.12.22
Appendix 12.4 Bluehayes Drainage Strategy	Environmental Statement	20.12.22
addendum - ecology (dec 2022)	Environmental Statement	20.12.22
addendum - env statement (dec 2022)	Environmental Statement	20.12.22
PAW-004 D : proposed SANG	Other Plans	20.12.22
appendix 2 : application drawings	Planning Support Statement	20.12.22
ADDENDUM (JAN 2023)	Planning Support Statement	05.01.23
ADDENDUM (JAN 2023)	Design and Access Statement	05.01.23
7764-T-W10 - G	Tree Retention Plan	23.03.23
7764-L-20 U : green/blue infrastructure framework	Environmental Statement	23.03.23
PAW-005 B : proposed phasing	Environmental Statement	17.05.23




landscape biodiversity+drainage strategy report	Additional Information	28.02.23
7764-T-W11 - G	Tree Retention Plan	23.03.23
habitat creation data	Additional Information	14.02.23
biodiversity net gain report	Additional Information	14.02.23
4671-L-27 M	Proposed Site Plan	22.12.22

List of Background Papers

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

**APPENDIX A: Appropriate Assessment**

<b>The Conservation of Habitats and Species Regulations 2017, Section (63)</b>		
<b>Appropriate Assessment</b>		
<b>Application reference no. and address:</b>	19/0620/MOUT  In conjunction with an application at Elbury Meadows (LPA ref: 19/0554/MFUL) for the change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access.	
<b>Brief description of proposal: (Bullet point list of key proposals)</b>	Outline planning application with all matters reserved except access to the existing highway network for the expansion of Cranbrook comprising up to 870 residential dwellings; C2 residential institutions; one primary school (Use Class F1) with early years provision (Class F1/E); mixed use area including Use Classes C3 (Residential), E (Commercial Business and Service Uses), F1 (Learning and Non-residential institutions), F2 (Local Community Uses), and sui generis (hot food takeaways, betting shops, pubs/bars) (to comprise up to 1,500sq metres gross); recreation facilities and children's play;	

	green infrastructure (including open space and Suitable Alternative Natural Greenspace (SANG)); access from former A30, Station Road and Burrough Fields and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses.
<b>European site name(s) and status:</b>	East Devon Heaths SPA - (UK9010121) East Devon Pebblebed Heaths SAC (UK0012602) Exe Estuary SPA (UK9010081) Exe Estuary Ramsar (UK 542)

### Stage 1 - Baseline Conditions and Features of Interest

#### **List of interest features:**

##### East Devon Heaths SPA:

Source: <http://publications.naturalengland.org.uk/publication/6063170288353280>

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

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population when surveyed 1992; subsequent survey in 2017 recorded 113 territories found throughout the SPA)

##### East Devon Pebblebed Heaths SAC:

Source: <http://publications.naturalengland.org.uk/publication/6222265876217856>

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities.

The wet element occupies the lower-lying areas and includes good examples of cross-leaved (*Erica tetralix* – *Sphagnum compactum*) wet heath.

The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK.

Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

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

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath  
H4030. European dry heaths

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

S1044. *Coenagrion mercuriale*; Southern damselfly

Exe Estuary SPA (UK 9010081A)

Source: <http://publications.naturalengland.org.uk/publication/3055153>

Qualifying Features:

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

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

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

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

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

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

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

Waterbird assemblage

Exe Estuary Ramsar (UK 11025)

Source: <https://rsis.ramsar.org/RISapp/files/RISrep/GB542RIS.pdf>

Principal Features (updated 1999)

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

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

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

## **Assessment of Potential Impacts**

### **Introduction**

The proposal represents an integral part of the Cranbrook expansion forming one of the four key expansion areas. The principle of the town's expansion was itself subject to a Habitat Regulation Assessment in 2019 as part of the plan making exercise which also included an Appropriate Assessment (AA). While an application specific AA is now required the assessment of potential

impacts gathered in 2019 is still appropriate. For completeness the table prepared for that assessment is therefore reproduced below:

Summary Impact	Environment			Notes
	SPA/ Estuary	Exe Warren	Dawlish Devon	
Disturbance to breeding birds			x	Risks from reduced breeding success and avoidance of otherwise suitable habitat.
Disturbance to wintering water birds	x			Risks from avoidance of otherwise suitable areas, reduced feeding rate, stress and increased energetic costs.
Increased fire risk		x	x	Fire risk linked to recreation through discarded cigarettes, BBQs etc.
Trampling and wear		x	x	Heavy footfall can result in vegetation wear, soil compaction & erosion.
Interaction with predators	?		x	Species such as Crows and Magpies may be drawn to areas with greater human activity or occur at higher densities; redistribution of birds may result in greater vulnerability to predation.
Nutrient enrichment from dog fouling		x	x	Risks from dog fouling resulting in increased soil nutrient levels and changes in vegetation.
Fly tipping/litter		?	x	Short-term impacts to interest features likely to be minimal but risks of long-term contamination, particularly from introduced species from garden waste is a risk. Also risks of staff time drawn from other essential duties.
Contamination of water bodies from dogs	x	x	x	Dogs swimming in ponds and other waterbodies brings potential risks from increased turbidity
Disruption of management		x	x	Disruption such as dog attacks to livestock; gates left open, theft of equipment/material all issues to be expected at more urban sites or those with more recreation
Public opposition/objecti on to management	x	x	x	Management interventions such as tree or scrub removal, water level management etc. can be sensitive and opposed by local residents, leading to issues achieving the necessary management
Damage to infrastructure, vandalism etc.	x	x	x	Direct damage can occur through graffiti and deliberate vandalism which tend to be issues at more urban sites
Predation by pet			x	Increased housing may lead to increases in

cats

local cat population; pet cats can range widely and predate a variety of bird and mammal species. Unlikely as a risk for Exe Estuary?

Extracted from: <https://eastdevon.gov.uk/media/2760803/habitat-regulations-assessment.pdf>

(Hoskin Liley, Panter and Wilson (2019) Habitats Regulations Assessment of the Cranbrook Plan 2013 – 2031)

Are there other proposals in the area which may give rise to 'in combination' effects?  
(List other proposals which have been considered)

### Proposed development

The current application proposes the construction of up to 870 houses as an outline application which forms part of the Bluehayes allocated expansion of the town. It is noted that the Bluehayes allocation is for around 960 dwellings and as such there are other parcels of land not included within this application but are allocated for development.

### Cranbrook Expansion

The adopted Cranbrook Plan DPD makes provision for around 4170 dwellings to be built as an expansion of the town, spread over four sites – known as Bluehayes (which this site is part of), Treasbeare, Cobdens and Grange.

### East Devon Local Plan Housing

The Local Plan makes significant provision for additional housing within the West End of Devon identifying that within the plan period between 1 April 2013 to 2031 the following was expected (in addition to Cranbrook):

- Pinhoe 1314
- North of Blackhorse 1480

In addition a number of area centres that are within a potential sphere of influence of the European designated sites have allocations/additional housing numbers comprising:

- Budleigh Salterton 133
- Exmouth 1229
- Ottery St Mary 497
- Sidmouth 292

It is noted that East Devon has an emerging New Local Plan to 2040 which is currently in preparation. This has recently been out to consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and while further housing is proposed across the District it is considered too early to understand the final distribution of the housing and it's relatively proximity and therefore access to the environments.

### Neighbouring Local Authorities

The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018 and 2021 and has begun Regulation 19 consultation in January 2023. This Plan proposes to deliver approximately 12,489 houses in the plan period 2020 - 2040.

The Exeter Plan looks to deliver to 14,300 homes over the 20 year period to 2040. This Plan completed a Regulation 18 consultation in December 2022.

### **Outline potential cumulative or 'in combination' effects.**

#### Potential Effects

The effects set out in South East Devon European Mitigation Strategy (2014)\* and its evidence base recognise the range of impacts that can occur as a result of recreational pressure affecting the designated environments. In understanding the evidence base there is significant additional housing development either proposed or planned for in the coming years of which the current proposal is part. As a result, the risk of the impacts are likely to increase. It is not anticipated that further unidentified impacts would result, only that those already recorded are more likely to occur, and could pose a greater level of risk.

Cumulatively it is considered that this outcome would result in a likely significant effect, resulting in a failure to deliver the identified conservation objections for both designated environments and in particular the Exe Estuary and Pebblebed Heaths.

Owing to the geographical distance and physical relationship between the application site and Dawlish Warren, and based on the evidence of a marked drop off in numbers attracted to a particular receptor beyond 10km, impacts on this environment are not considered to be significantly likely. Focus for the rest of this assessment will be on the Exe Estuary and the Pebblebed Heaths.

\*[south-east-devon-european-site-mitigation-strategy.pdf](https://www.eastdevon.gov.uk/sites/default/files/2014-12/south-east-devon-european-site-mitigation-strategy.pdf) ([eastdevon.gov.uk](http://eastdevon.gov.uk))

Note that the approach to considering mitigation measures at Stage 1 Screening follows the judgement of the European Court, case C-323/17, on 12 April 2018 - "... it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site". Therefore, only measures that constitute part of the project design and are not primarily intended to avoid or reduce effects on European site features should be considered at Stage 1 Screening.

3. Conclusion of Screening stage - In the absence of consideration of measures which will avoid or mitigate impacts, does the proposal risk having a likely significant effect 'alone' or 'in combination' on the conservation objectives of a European site?

Yes

## **Stage 2: Habitats Regulations – Appropriate Assessment**

## Potential Mitigation Measures

(Describe the mitigation measures that are proposed as part of the submitted application)

Article 6(2) of the Habitats Directive, which has been translated into UK legislation, requires that appropriate steps are taken to avoid deterioration of natural habitats and the habitats of species, as well as disturbance of the species.

In this regard the Cranbrook Plan HRA (2019) itself referencing the framework provided by the SEDEMs report (2014) have identified mitigation that would be appropriate to address the key objectives for these environments – namely the preservation, protection and improvement of the quality of the environment, taking measures to conserve deteriorating habitats and creating a coherent European ecological network of sites in order to restore or maintain those habitats and species of community interest as a priority.

In the setting of this wider context, the SEDEMs report also recognises that while necessary “a precautionary approach should never be so over-precautionary that it is not based on sound justification or common sense”.

In understanding how to apply the general mitigation strategy, it is recognised that the approach should be to:

1. Avoid any impact
2. Where significant effects cannot be ruled out or avoided, implement measures to mitigate for any potential impact
3. Use compensation as a last resort

Recognising that point 1 can't be achieved if the housing and growth agenda that is required more generally by the Cranbrook Plan and specifically the Bluehayes site is to be delivered, it is necessary that significant emphasis is placed on point 2.

Mitigation measures enable a competent authority to permit development with certainty that adverse effects on the integrity of the site will not occur. As new residential development is permanent in nature, the mitigation secured should equally provide lasting protection for the European site interest features. Mitigation will therefore include measures that will need to fulfil its function in-perpetuity

As such, a framework for mitigation was set out in the SEDEMS report and referenced within the Cranbrook Plan HRA:

### **SEDEMS options**

#### **Management option Description**

##### **1. Habitat Management**

1a New habitat creation

1b Habitat management

## **2. Planning & Off-site Measures**

2a Locate site development away from sensitive sites

2b Management of visitor flows and access on adjacent land (outside European site)

2c Provision of suitable alternative natural greenspace sites ('SANGs')

2d Provision of designated access points for water sports

2e Enhance access in areas away from designated sites

## **3. On-site Access Management**

3a Restrict/ prevent access to some areas within the site

3b Provide dedicated, fenced dog exercise areas

3c Zoning

3d Infrastructure to screen, hide or protect the nature conservation interest

3e Management of car-parking

3f Path design and management

## **4. Education and Communication to Public/Users**

4a Signs and interpretation and leaflets

4b Codes of Conduct

4c Wardening

4d Provision of information off-site to local residents and users.

4e Contact with relevant local clubs

4f Establishment of Voluntary Marine By agreement of interested parties.

4g Off-site education initiatives, such as school visits etc

## **5. Enforcement**

5a Covenants regarding keeping of pets in new developments

5b Legal enforcement

5c Wardening

5d Limiting visitor numbers

## **Application Specific Mitigation**

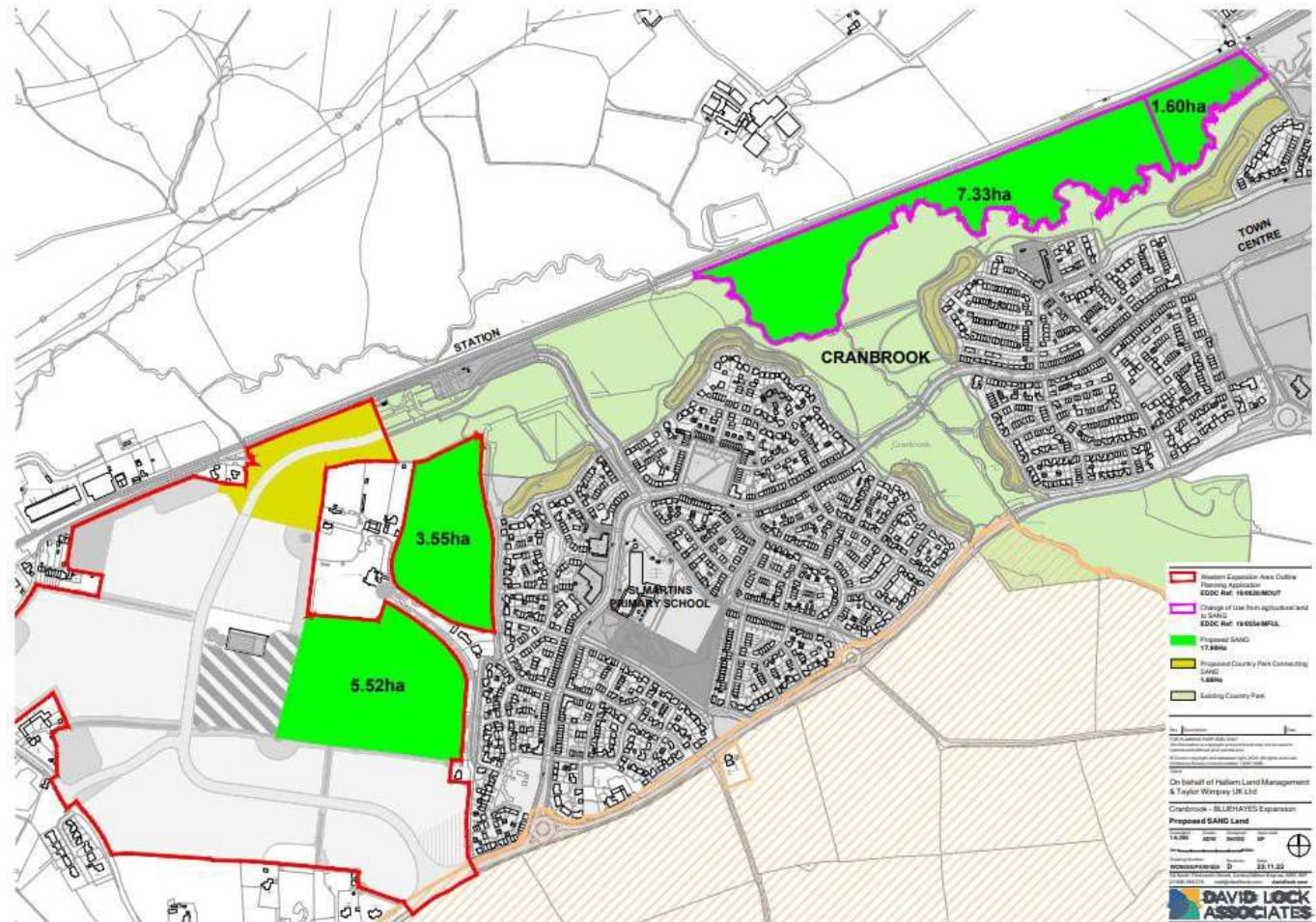
In recognising the suite of measures outlined above the application proposes two means of providing mitigation – through the direct delivery of SANGS (2c) and the provision of a financial contribution towards the Onsite Access Management (3) of the designated environments.

## **SANGS**

In line with the adopted Cranbrook Plan DPD, the development proposes the delivery of 18ha of SANGS (in conjunction with application 19/0554/MFUL; Land At Elbury Meadows) – this meets the expectation of 8ha per 1000 population based on occupation rates of 2.35 people per dwelling. For the development itself of 870 dwellings it is recognized that 16.4ha of land is required, however as the applicant is the lead developer for Bluehayes, SANGS must be provided for all 960 dwellings



(the entire Bluehayes allocation) meaning that 18ha of SANGS is required. It is noted however that Bluehayes Parkland is allocated for both public open space and SANGs and parts of Elbury Meadow are within the flood zone meaning that they may not be available/suitable all year round. However, the provision of 18ha of land for SANGs is considered to be appropriate in this instance and will provide suitable mitigation.



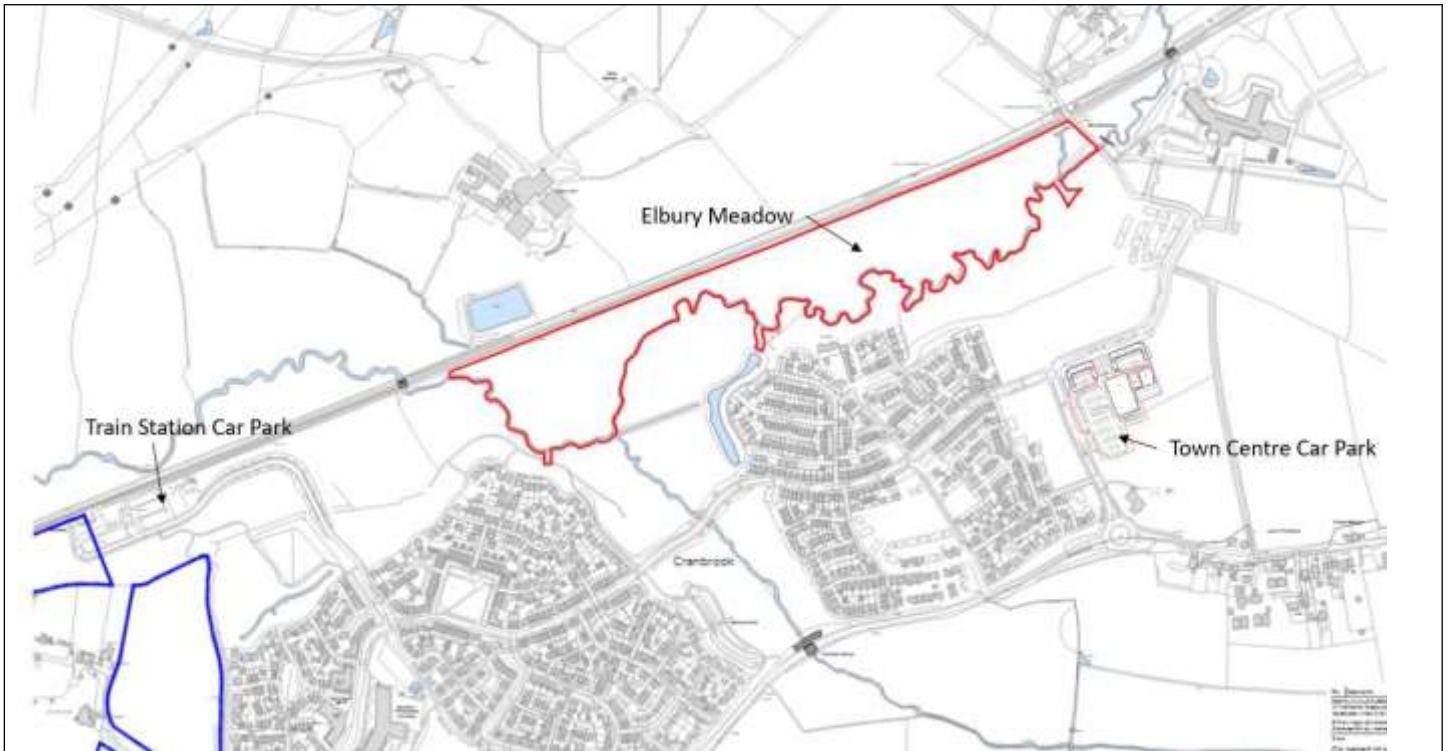
The SANGS land would be provided as three parcels of land as shown above. Bluehayes Parkland (5.52ha) would be located to the south west of Bluehayes Lane and Bluehayes Meadow (3.55ha) would be located north of Bluehayes Lane and 60m south of Cranbrook Station. Elbury Meadow (8.93ha) would be located north of the existing Cranbrook Country Park and south of the Exeter to Waterloo Railway Line. The proposed SANGs would connect with the existing country park and an additional 1.68ha of country park is proposed at the north of the site and south of the Exeter to Waterloo Railway line although it is noted that this is located in the flood plain. The areas represents an attractive and inviting environment which would fulfil in a very meaningful way its role as an interceptor SANGS whilst being of easy access to users.

The developers have indicated potential walking routes around the entire site which are in excess of 4.5km in length and would connect to existing walking routes. With proposed tree planting in addition to the more open pasture areas, the SANGS would provide a variety of habitats to explore. Coupled with good open views, this area could readily fulfil the role of providing an alternative recreational area to the protected European sites that allows the key activities of walking and dog walking to take place in an attractive but less sensitive environment.

It is noted that the developers are proposing to secure Biodiversity Net Gain (a Cranbrook Plan Policy requirement) across the SANGS land and application site. It is not envisaged that the land use would reduce the attractiveness or unduly limit access and enjoyment of the SANGS in respect of the land's primary purpose.

Access to the SANGS is key and to help foster good walking routes and access between different forms of Green Infrastructure, it is proposed that connections will be installed between residential areas and the existing country park to provide walking and cycling links. It is expected that much of the access to the SANGS would be made on foot, bike or wheels and would primarily be used by existing and future residents of Cranbrook within a 400m catchment around the SANGS. The proposed SANGS are located the furthest into Cranbrook itself and visitors would have to travel past the other expansion areas and other car parks to reach the SANGS especially Elbury Meadow. It is considered that visitors to Cranbrook are more likely to use other areas of SANGS due to their location and access from London Road of which car parking is proposed in these areas. Both Bluehayes Parkland and Bluehayes Meadow would be adjacent to residential developments at Bluehayes and Cranbrook Phase One plus they would be located in close proximity to Cranbrook Train Station (60m to Bluehayes Meadow and 300m to Bluehayes Parkland respectfully) which provides free car parking.

Elbury Meadow would not include any dedicated car parking as the site is located adjacent to the existing country park and due to parts of the site being located within the flood zone. It is acknowledged that car parking was initially proposed off Crannaforde Lane however this was removed from the proposal due to highway safety and flood risk concerns. Elbury Meadow would act as an extension to the existing country park and would be located near to residential development at Cranbrook Phase One, Cranbrook Phase Two, Town Centre dwellings and approximately 270m from car parking within the Town Centre and 500m from the Cranbrook Train Station car park (see image below). The Town Centre Car Park is proposed to serve the new supermarket and town centre and would contain sufficient car parking for other uses including the country park and Elbury Meadow. This car park would be within walking distance of Elbury Meadow and therefore considered to be located in an acceptable location to serve this part of SANGS. Furthermore, additional car parking is expected within the town centre (north of Tillhouse Road) and would be located closer to the existing country park and Elbury Meadow. It is noted that Elbury Meadow would be an exception to the other areas of SANGS proposed as it would not include a car park and all other expansion areas would include dedicated car parking for SANGS. Given the above, it is considered that on balance the lack of car parking for Elbury Meadow is acceptable due to its proximity to Cranbrook and walking distance to available car parking.



As indicated on the Phasing Plan (WCN055/PAW/005 A), the phasing of the SANGS delivery would include the delivery of 9.07 hectares within the first phase of development (Bluehayes Parkland and Bluehayes Meadow) including a foot path connection between them, followed by a subsequent phase of 8.93ha at Elbury Meadow. The first phase of SANGS would be made available ahead of the first occupation of any dwelling at Bluehayes and the second phase of SANGS would be made available at prior to the occupation of the 425<sup>th</sup> dwelling at Bluehayes. The phasing and delivery of the SANGS as noted above would be secured via a S106 agreement. This ensures that SANGs are delivered in line with the growth of the development and growth in population. This approach prevents small isolated areas of SANGS being brought forward which don't fulfil the function of a SANGs. In effect it starts with a modest sized area of SANGS in a central location and then grows as housing build out continues.

As part of the long term commitment to SANGs the developers are proposing a contribution towards the long term cost of its management in accordance with Cranbrook Plan Policy CB14 and would be secured via a S106 agreement. This aims to follow the endowment based model although no decision has yet been taken on the managing partner. For the scope and consideration of this Appropriate Assessment, the commitment to the in-perpetuity maintenance (a period of least 80 years) is the key principle. At this stage there is nothing to suggest that either through a Local Authority partnership or a managing third party, that the long term maintenance of the SANGS can't be achieved. The SANGS would also be covered by a SANG delivery, enhancement and management strategy.

The approach taken with SANGS delivery addresses the SEDEMS Management Options - option 2c - Provision of suitable alternative natural greenspace sites ('SANGs').

#### Off Site Measures

Slightly confusingly labelled as offsite measure the developers are also proposing the provision of a financial contribution towards direct measures affecting the designated environments – offsite to

the actual development, “on site” in terms of the Heaths and Exe Estuary. These financial contribution would be secured via a S106 agreement.

This contribution recognizes an approach that has already been used effectively across parts of the District where contributions are used by the managing Authority to in particular help with the delivery of Management Options 3 (On site Access Management) and 4 (Education and communication to Public Users). In this instance the contributions are expected to be paid in quarterly instalments based on the number of housing starts that have been made in the preceding quarter. While this approach spreads the costs of such mitigation for the developer and therefore helps to ease cash flow, it does ensure that contributions have been paid ahead of first occupation of the respective dwelling and therefore any additional recreational pressures that occupiers of that particular dwelling could place on the particular environment.

**List of mitigation measures to be covered by planning condition and/or legal agreement:**

Planning Conditions

- Phasing Plan Prior to First RM (to include a programme for SANGs delivery)
- SANGS Management Strategy Prior to First RM

S106 Agreement Requirements:

- Category 1 infrastructure (delivered on site) - SANGS establishment and enhancement (set up costs)
- Category 2 infrastructure (off site contributions) - SANGS management and maintenance contributions and Offsite habitat mitigation

**Conclusions and final assessment**

<p><b>Conclusion:</b>  <b>Is the proposal likely to have an adverse effect on the integrity of any Habitats site?</b></p>	<p>East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.</p>
<p><b>Natural England’s Response</b></p>	
<p><b>Do we need to consider alternative solutions</b></p>	<p>No</p>
<p><b>Are there imperative reasons of Overriding Public Interest (IROPI)</b></p>	<p>No</p>
<p><b>Final Assessment and</b></p>	



<b>Recommendation</b>	East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.	
<b>Local Authority Officer</b>	Liam Fisher	<b>Date: 2 March 2023</b>

## **Natural England Appropriate Assessment Consultation Responses**

15 February 2023

Thank you for consultation on your Appropriate Assessment in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment (AA) process, and a competent authority should have regard to Natural England's advice.

On the basis of information provided, Natural England's advice is that this proposed development contains (or requires) measures intended to avoid or reduce the likely harmful effects on European sites which cannot be taken into account when determining whether or not a project is likely to have a significant effect on a site and requires an appropriate assessment (following the People Over Wind ruling by the Court of Justice of the European Union). <https://www.gov.uk/guidance/appropriate-assessment#what-are-the-implications-of-the-people-over-wind-judgment-for-habitats-regulations-assessments>

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in a likely significant effect on the sites in question. Natural England's advice is that your assessment is not sufficiently robust to justify this conclusion. Therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Regard needs to be paid to Natural England's advice but it is not clear in the AA that this is the case.

- o Our most recent advice letter dated 12 November 2020 (attached) explains why we consider that a dedicated car park meeting the requirements set out in the Cranbrook Plan is necessary for the Elbury Meadows SANGs. Your AA should explain how this has been addressed. We note that the other current Cranbrook expansions applications both provide parking to access their associated SANGs.
- o We confirm we are satisfied with the size of SANGs proposed for the proposal in question.
- o The SANG delivery, enhancement & management strategy and phasing plans need to be secured and referenced in the AA.
- o The conclusion of the AA should ascertain why the proposal will not result in adverse effects on the integrity of the sites in question and set out all the mitigation measures necessary.

To give you feedback, it is not necessary to go into detail in an AA on the Cranbrook Plan HRA or the on-site mitigation measures in the South East Devon European Site Mitigation Strategy. Lengthy information can be put into Appendices and supporting documents can be referenced. This AA should concentrate on the key mitigation measure being delivered i.e. Suitable Alternative Natural Greenspace (SANGs).

Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

For information, Natural England does not have a role in checking Biodiversity Net Gain calculations. Please do contact me if you have queries on the above.

6 March 2023

Thank you for your email below, consulting Natural England on the attached revised Appropriate Assessment dated 2 March 2023, in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017.

Further to our discussion on the 28th February 2023, please be advised that on the basis of all the mitigation measures being secured by planning condition or S106 agreement, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA/RAMSAR, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.