

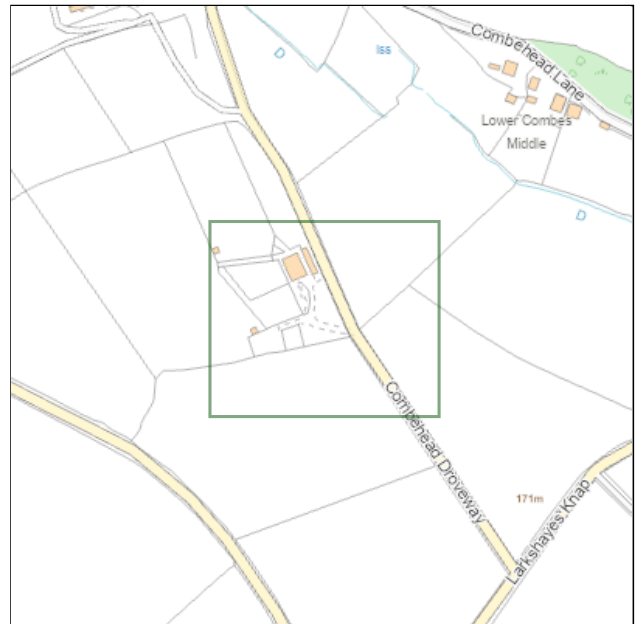
Ward Newbridges

Reference 22/2633/FUL

Applicant Mr & Miss C & R Meecham & Hunter

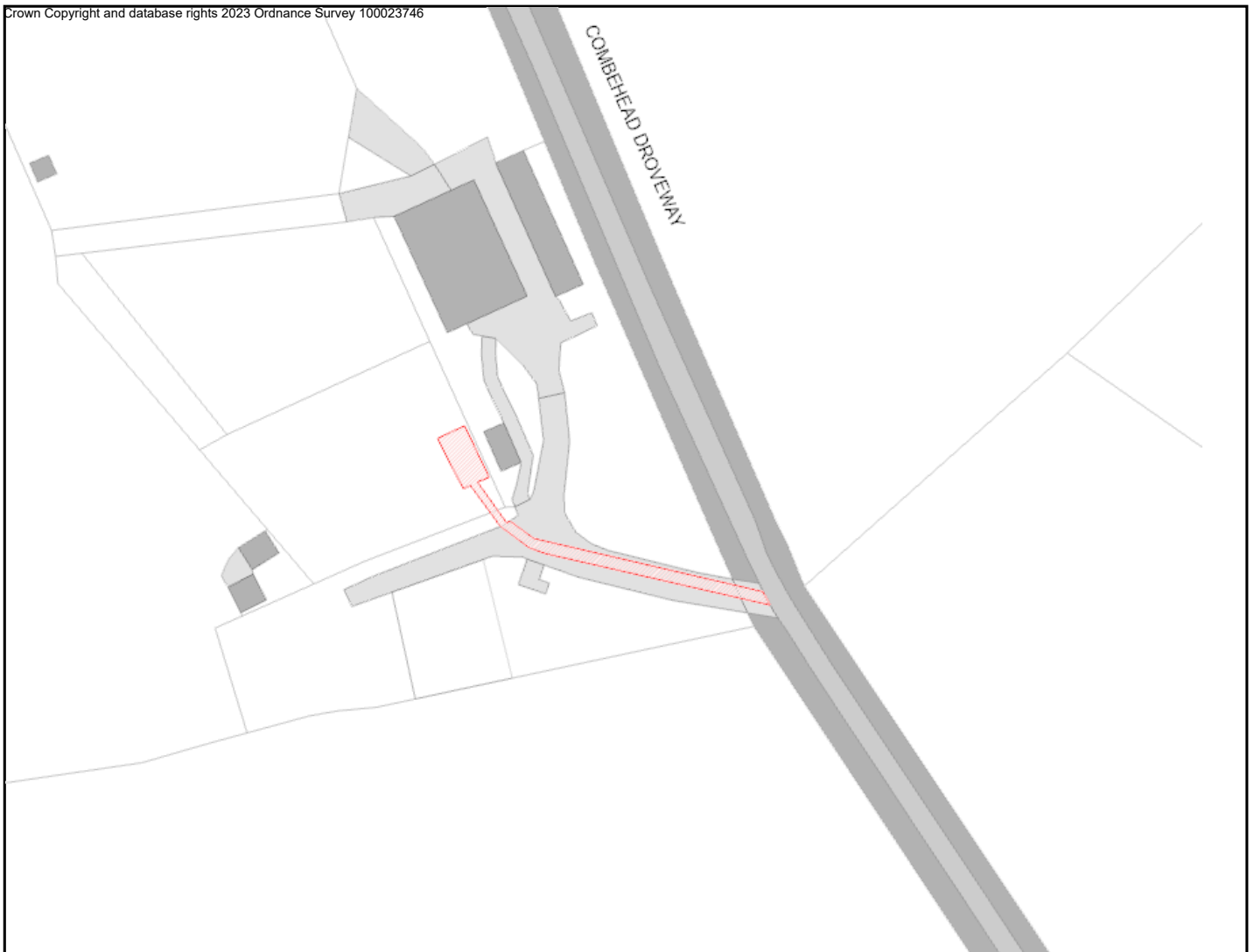
Location Ashdale Farm Dalwood EX13 7HS

Proposal Temporary agricultural workers dwelling.



RECOMMENDATION: Approval with conditions

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		Committee Date: 26.09.2023
Newbridges (Dalwood)	22/2633/FUL	Target Date: 26.01.2023
Applicant:	Mr & Miss C & R Meecham & Hunter	
Location:	Ashdale Farm Dalwood	
Proposal:	Temporary agricultural workers dwelling	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the committee as the officer recommendation differs from that of the ward member.

A temporary three year permission is sought for the siting of a static caravan to serve as residential accommodation for an onsite worker to manage a proposed calf rearing enterprise. The proposal is to house the young stock and calves from a nearby dairy business (based at Culverhayes Farm, Awliscombe) and to manage these at the site, under contract, until such time as they can be introduced back into the main herd.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan permits such dwellings subject to meeting all of the relevant criteria set out in the policy.

The key issue for consideration is whether the application demonstrates that there is an essential functional requirement for an on-site worker. It is also necessary to be able to demonstrate future operational viability of the business.

The submitted information sets out the functional requirement for the proposed enterprise in terms of Standard Man Days (SMDs), with 275 SMDs equating to a full-time worker. Taking into account the projected livestock numbers and other agricultural work outlined a need for a full-time worker at the site is demonstrated and where the young nature of the livestock requires close supervision. In financial terms, the enterprise would be run as a separate enterprise albeit in conjunction with the main farm. Budget forecasts set out how the business would be expanded and where at the end of the three year period a trading profit capable of supporting a full time agricultural worker is projected.

The concerns expressed by the Ward Member regarding the isolated location of the site and impact of the proposal on the surrounding AONB are noted. However

these matters have previously been considered in relation to a previous agricultural venture at the site – for a different enterprise and by a different applicant – where an appeal Inspector consider the siting of a temporary mobile home not to cause harm.

In all other respects including means of access and impact on the character and appearance of the area and the wider designated landscape and amenity impact, the proposal is found to be acceptable. The proposed means of foul drainage is also considered to fall below the threshold whereby it would give rise to any likely significant effect on the River Axe Special Area of Conservation.

As such, it is recommended that temporary permission is granted for the siting of the static caravan as a rural worker's dwelling.

CONSULTATIONS

Local Consultations

Newbridges - Cllr Iain Chubb

Dear Planning East Team

I have now read the planning statement with the agricultural appraisal and my comments are:

Although this field is called "Ashdale Farm", this was named by previous owners who tried to farm Alpacas in the field, although this was an unsuccessful venture; seven acres is not viable as a livestock farm it is just a field.

I therefore think this application should be refused due to its isolated location and visual intrusion in the Blackdown Hills AONB. This application also does not fit within Dalwood's neighbourhood plan. This is a temporary application but the caravan that has been sited does nothing to enhance the setting it has been placed in. I do not think the agricultural need outweighs the AONB status.

An AONB is protected by law and should only have building that enhances, preserves or conserves its natural beauty due to the significant value of the landscape and should be safeguarded for future generations.

Regards

Cllr Iain Chubb

Technical Consultations

Natural England

Our ref: 421093

Your ref: 22/2633/FUL

Dear Planning East Team,

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

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of the River Axe SAC. Having considered the assessment, and noting that no mitigation measures were proposed, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Other Representations

None received.

PLANNING HISTORY

Reference	Description	Decision	Date
05/2472/FUL	Site temporary mobile home for agriculture and construction of two timber buildings with field shelters	Withdrawn	24.01.2006
08/1307/FUL	Siting of temporary agricultural workers dwelling	Refusal - Allowed at appeal	05.11.2008
08/1308/FUL	General purpose agricultural building	Refusal- Allowed at appeal	03.11.2008
12/1589/FUL	Retention of temporary agricultural workers dwelling for a further period of 2 years.	Temporary Approval	02.11.2012

Note: The 2008 applications for the siting of a temporary agricultural worker's dwelling and general purpose agricultural building were allowed at appeal.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN5 (Wildlife Habitats and Features)

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

Dalwood Neighbourhood Plan 2018-2031 (Made)

NE1: Conserving and Enhancing the Natural Beauty of the Parish

EE2: Farming (New Development Proposals)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2021)

Site Location and Description

The application site lies in open countryside within the designated Blackdown Hills Area of Outstanding Natural Beauty. It occupies an elevated site on the edge of an inland plateau approximately midway between the villages of Wilmington and Dalwood and to the north of the A35. The site is located in the southwest corner of a large agricultural field which extends to 2.8 ha is laid to a pasture and surround by native hedgerow. There is a static caravan already sited on the land, an existing agricultural storage barn just to the northwest and two smaller timber buildings to the east. Access to the site is via an existing access in the southwest corner of the field from Combehead Drove. The entrance to the site is set back from the junction with the lane and is enclosed by high level close boarded timber gates, similar fencing lines this existing section of access drive.

Proposed development

The application seeks a temporary permission for siting of a static caravan to house an agricultural worker. Whilst there is a static caravan already located on the site it is understood that this is currently not being used for residential purposes.

Background

The site has previously had consent, granted at appeal, for a temporary agricultural worker's dwelling in respect of an alpaca enterprise (08/1307/FUL). At the same time

permission was granted for the agricultural storage barn on site. A subsequent permission (12/1589/FUL) granted a temporary consent for a further period of 2 years for the retention of the temporary agricultural workers dwelling.

The previous agricultural enterprise ceased some time ago and the current applicants purchased the land in July of 2022.

The application is accompanied by an agricultural appraisal which sets out the background of development at the site, brief details of the applicant's employment background and details the agricultural operations it is intended to undertake on the land.

The intended agricultural enterprise is the rearing of dairy replacements, this involves bringing in young/new-born dairy calves and rearing them to the age of 3 months prior to them being returned back to the dairy farm for growing on and breeding.

The enterprise is intended to be run as a separate agricultural unit but it is intended that it would be supplied with baby calves from an existing farm business (Culverhayes Farm, Awliscombe) to which the animals will be returned at the end of the 3 month rearing period. It is understood that for bio-security reasons all animal would be from this same farm. Rather than the applicants purchasing in the baby calves and selling them back at a higher rate they would instead be contracted to manage the animals at a day rate per animal.

The appraisal goes on to confirm that the supplying dairy farm operates all year round calving and as such there will be calves supplied throughout the year. It is stated that the existing buildings on site would be sufficient to house the animal in winter with older calves able to graze outside in the summer months.

The appraisal recognises the small size of the holding and provides figures derived from industry standard sources (John Nix Pocketbook, 52nd Edition and The Agricultural Budgeting and Costing Book, 94th Edition) to determine the stocking rate of the land and SMDs (Standard Man Days) required for rearing. The figures indicate that based on the young age of the calves, their diet (mainly milk, concentrates and hay) and the limited time on the holding per calf that the land can accommodate the intended 70 calf's maximum capacity.

ANALYSIS

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

- The principle of development and assessment of agricultural need
- Impact on character and appearance of the area
- Impact on the River Axe Special Area of Conservation (SAC)
- Other considerations

The principle of development and assessment of agricultural need

The development plan for the area currently consists of the adopted East Devon Local Plan 2013-2031 (EDLP) There is currently no neighbourhood plan in place covering the area.

Strategy 7 of the EDLP defines the countryside as all those parts of the plan area that are outside of site specific allocations or built-up area boundaries as defined by the Proposals Map. On this basis the site lies in open countryside and therefore falls to be considered under this policy.

Strategy 7 is quite specific by stating,

'Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development'

And goes on to say,

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

Policy TC2 of the EDLP (Accessibility of New Development) is also relevant, it states that,

'New Development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car'

As the site lies outside a defined built-up area boundary there is a general presumption against residential development under Strategy 7 of the Local Plan, unless this is explicitly permitted by another policy of the Local or Neighbourhood Plan.

Whilst the presumption in favour of sustainable development, set out at para. 11 of the NPPF, is considered to apply (as the Council is currently unable to demonstrate an up-to date 5 year supply of housing land), in this case the location of the site at a distance from services and facilities required to serve it and the lack of options to access it by sustainable modes of transport are such that its location for unrestricted residential occupation would outweigh any benefits that might otherwise be delivered.

Policy H4, following guidance at para. 80 in the National Planning Policy Framework (NPPF), sets out a criteria based approach by which to assess applications for dwellings to support rural businesses to establish whether an 'essential need' for such a dwelling has been demonstrated.

Policy H4 sets out the following criteria to be satisfied:

1. There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a

mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will normally be permitted for a period of three years, subject to meeting relevant criteria detailed below.

2. In the case of a permanent dwelling, the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so.

3. In the case of a temporary dwelling, a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability.

4. The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. Two occupants in partnership can meet the condition so long as their joint weekly hours equate to a full working week

5. There are no buildings on the operational holding suitable for conversion to meet the residential need or existing dwellings available now or likely to be available within a nearby location or settlement. Sale within the last three years of any dwellings or buildings suitable for conversion will be taken into account and will count against 'need' in the assessment carried out.

6. Any permission granted will be subject to an occupancy condition tying it to the relevant business on the proposed dwelling and where appropriate, any existing dwelling on the farm holding.

These criteria are discussed below, in relation to this application.

1. The proposal relates to a new enterprise where the policy states that a temporary dwelling may be allowed where 'need is unproven or a new business is being established' in order to, 'allow time to establish that there is a genuine functional and financial need for a permanent dwelling.'

The submitted appraisal calculates the calf rearing enterprise would generate a functional requirement for 241.5 SMDs (Standard Man Days) added to this grassland management and general management, maintenance and repairs of the holding gives a figure of 287 SMDs, this is above the recognised 275 SMDs relating to one full time worker.

There is no reason to dispute the labour requirement figures put forward by the applicant, however, it is necessary to determine whether this labour requirement relates to an essential need for a rural worker to be permanently housed on the unit or in the specific rural location. The appraisal goes on to assess this essential need, which can be summarised as follows:

- to meet the husbandry needs of the calves which require regular feeding/checking and where they are more prone to disease requiring urgent attention/close monitoring;
- responding to unpredicted incidents which could result in losses

In this case whilst the stocking numbers are relatively low, it is recognised that the calves would be more sensitive to change and require close monitoring throughout the day and night which could only be satisfactorily achieved through an on-site presence.

2. Not applicable in this instance.

3. The submitted appraisal includes projected profit forecast for the next three years based purely on the calf rearing enterprise. It is intended to run the enterprise at 75% capacity in the first year followed by full capacity in the next two years. The projection indicates that a profit capable of sustaining a full time worker would be achieved in the second and third years, however it is unclear if there is potential to grow the business further after this. Whilst such figures can of course not be guaranteed and could be affected by a number of variables they demonstrate the business has been planned on a sound financial basis.

4. The dwelling is proposed to serve the applicant and based on the standard man days calculation it would appear that this criteria could be met.

5. There are no other dwellings on the holding that would serve any demonstrated essential need. Furthermore, there are no buildings suitable for conversion and no evidence of any dwellings having been sold off. Given the stated need for on-site/close by care of youngstock and the relatively remote location of the site it is not considered that an off-site presence could meet this need.

6. If the case were accepted that there was an essential need for a full-time worker to be housed on the site and that there were no other dwellings available to meet such a need then it would be necessary to tie the occupancy of such a dwelling to existing business.

It is considered that the proposal meets the policy requirements of policy H4 of the EDLP.

In terms of national planning policy and guidance para. 80 of the NPPF includes at sub paragraph a) the essential need for a rural worker...to live permanently at or near their place of work in the countryside, as one of the exceptions to the construction of isolated dwellings in the countryside.

Planning Practice Guidance (Paragraph: 010 Reference ID: 67-010-20190722) sets out considerations that it may be relevant to take into account when considering applications for rural workers these include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

In the current case it is considered that there is evidence, in terms of the age of the livestock and close supervision required, of need on animal welfare grounds and for emergency care. The business plan indicates potential future viability and therefore it is considered to be reasonable to grant a temporary permission for a dwelling to allow the applicant the opportunity to demonstrate that a viable business can be established.

Impact on character and appearance of the area

Strategy 7 and 46 of the EDLP both seek to protect the countryside from development unless specifically justified and to protect (and in the case of Strategy 46) conserve and enhance the landscape character of the area. Similarly policy NE1 of the Dalwood Neighbourhood Plan (DNP) seeks to protect and enhance the natural environment and requires appropriate landscaping to mitigate impacts of development where required.

The colour and form of caravan already on site is somewhat incongruous to its setting and the concerns of the ward member councillor are noted in relation to the need to conserve and enhance the AONB landscape. However, the caravan on site has been located in the southeast corner of the field close to the existing buildings and access and on the lowest part of the field. In this location public views of the unit would be limited to glimpsed views through the boundary hedgerow from the lane on approach from the southeast.

It should be noted that this application is for the siting of a caravan/mobile home and it is not clear if the existing mobile home will be reused or a different structure brought onto the site. The detail of the appearance of the caravan/static home can be agreed through a planning condition.

It is also recognised that permission has previously been granted for a temporary dwelling on this site. Whilst the earlier permission has expired and was in relation to a different enterprise, in relation to the visual and landscape impact it was for a very similar form of development in a very similar location, the appeal inspector in considering such impact at the time made the following comments:

“Despite some objections about how the caravan and the barn would be seen on this relatively high ground, from further away the appeal site and the existing caravan are very difficult to see due to intervening vegetation and the contours of the land. I therefore consider that, despite less leaf cover during certain times, the new dwelling and the proposed barn would not be unduly prominent. Furthermore, seeing what is

proposed would not necessarily be harmful in a wider landscape that is already dotted with numerous other development including dwelling and farm buildings.”
(para. 7 of appeal reference APP/U1105/A/08/2093012)

It is not considered that the circumstances have changed significantly since this previous decision such that refusal on these ground would be warranted.

The applicants have stated their intention to paint the static home brown and plant trees to reduce its visibility. Whilst such measures may provide some benefit it is not considered reasonable to condition additional landscape planting in relation to a temporary permission and the caravan itself is transitory in character which reduces its harm.

Impact on the River Axe Special Area of Conservation (SAC)

The application site lies within the catchment area for the River Axe where Natural England have issued guidance in relation to the current conservation status of the river which is designated as a Special Area of Conservation (SAC) and which is considered to be in an 'unfavourable condition'. The advice is that the condition status is affected by increased phosphate levels in the river. Excessive levels of such nutrients can lead to rapid growth of certain plants through the process of eutrophication, leading to a loss of biodiversity and the decline in the condition of designated sites. In order to achieve improvements in water quality it is advised that substantial reductions in nutrients are needed and that mitigation solutions will be needed to enable new development to proceed without causing further harm.

The Council as the Competent Authority should only grant permission if they are certain at the time of Appropriate Assessment that a plan or project (in this case the proposed development) will not adversely affect the integrity of a habitats site i.e. where no reasonable scientific doubt remains as to the absence of effects. In this regard, new residential development will, without appropriate mitigation, lead to increased phosphate loading (from greywater discharge) and as such should not be permitted. On this basis an Appropriate Assessment was previously carried out which concluded that Likely Significant Effect could not be ruled out. As required, Natural England were consulted on the conclusion of the Appropriate Assessment and supported this at the time – their comments in this regard are provided above.

However, Natural England has since confirmed that the exception to the usual requirements, set out in its guidance issued to affected local authorities (March 2022), can be applied to the River Axe SAC. The guidance applies where the nutrient impact is due to increased phosphates and where non-mains drainage is proposed. This exception is referred to as 'Thresholds for Insignificant Effects' (The Thresholds) and is contained within Annex F of the aforementioned guidance. Essentially the guidance states that proposals draining to private drainage systems and that discharge to ground, *“...should pose little threat to the environment, because much of the P discharged is removed from the effluent as it percolates through the soil in the drainage field.”* This though is reliant on a number of factors including location, design and management of the system. Where 'The thresholds' can be demonstrated to be met Natural England's guidance states that,

“Where best available evidence indicates that these conditions are met, Natural England advice is a conclusion of no LSE alone or in combination for phosphorus can be reached in these circumstances.”

The application is supported by a ‘Nutrient Neutrality Assessment and Mitigation Strategy’, prepared by Halpin Robbins and dated 1st August 2023.

The site is located where mains drainage is not available and therefore a non-mains system is required. The report has assessed the proposal against the 9 criteria set out in the ‘The Thresholds’ and indicates in each case how the proposal meets these.

On this basis, it is concluded that the project would not have a likely significant effect, when considered either alone or in combination, upon the qualifying features of the River Axe SAC and that the need for an Appropriate Assessment can be screened out. As there is no requirement to carry out an Appropriate Assessment there is no requirement to consult Natural England in this instance.

Other considerations

The proposal would utilise the existing site access which is considered to be capable of safely accommodating the traffic associated with the site and which has previously provided access in relation to a previous temporary residential permission.

There are no nearby residential properties that would be adversely impacted by the proposal.

Conclusion

The proposal seeks to provide a temporary agricultural workers dwelling to support the proposed calf rearing business which would operate from the site. The caravan would be located in close proximity to existing buildings and would be well related in to these in terms of landscape and visual impact. There is considered to be a reasonable case for an on-site presence and the temporary nature of the proposal allows the applicant time to further establish the business and at the end of which the ongoing need can be reassessed. In other regards the non-mains drainage system proposed is considered to be appropriate and to meet the ‘Thresholds for Insignificant Effect’. The proposal is therefore considered to represent sustainable development and is recommended for approval subject to conditions as set out below.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The permission hereby granted shall be for a limited period only beginning on the date of the permission hereby granted and expiring, on or before 3 years after this date, at which point the land shall revert to an agricultural use and the caravan/mobile home shall have been removed and the site restored to its previous condition, unless the prior consent of the Local Planning Authority has been obtained in writing for a further period of such use.
(Reason - The permission is only justified for a limited period to allow the applicant to demonstrate the agricultural businesses viability and the continued functional need for the on-site accommodation of an agricultural worker and to control development in the open countryside in accordance with policy H4 (Dwellings for Persons Employed in Rural Businesses) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031).
4. The occupation of the caravan/mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
(Reason - The dwelling is justified only by agricultural need and should remain available for this purpose in accordance with Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013-2031.)
5. The means of foul drainage to serve the residential occupation of the caravan/mobile home shall accord with the details set out in the submitted Nutrient Neutrality report prepared by HalpinRobbins Ltd. and dated 1st August 2023 and shall thereafter be maintained and retained for the period of the permission hereby granted.
(Reason - To ensure an appropriate means of foul drainage is installed to serve the site and which does not give rise to an adverse impact on the integrity of the River Axe Special Area of Conservation in accordance with Strategies 3 (Sustainable Development), 5 (Environment), 47 (Nature Conservation and Geology) and Policies EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 and Guidance in the National Planning Policy Framework and the National Planning Practice Guidance.)
6. Prior to the commencement of the use hereby permitted details of the finished external appearance of the caravan/mobile home (including finished paint colour) shall have been submitted to the Local Planning Authority for their written approval. The caravan/mobile home to be used for the purpose hereby permitted shall accord with the approved detail prior to occupation and shall be retained as such.
(Reason – To ensure the appearance of the unit is appropriate in relation to the site's rural context and the character and appearance of the surrounding area in accordance with Stgy. 46 (Landscape Conservation and Enhancement and

AONBs) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

SM1	Location Plan	28.11.22
2052/01	Combined Plans	28.11.22

List of Background Papers

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

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

Appropriate Assessment and HRA Screening Report The Conservation of Habitats and Species Regulations 2017, Section (63)	
Application Reference	22/2633/FUL
Brief description of proposal	Temporary agricultural workers dwelling
Location	Ashdale Farm, Dalwood, EX13 7HS
Site is:	<p>Within the nutrients Catchment Area for the River Axe SAC as defined by Natural England.</p> <p>See Appendix 1 for list of interest features of the SPA/SAC.</p>
Step 1 Screening for Likely Significant Effect on the River Axe SAC	
Risk Assessment	
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>No –the proposal includes residential development within the catchment of the River Axe SAC and therefore is covered by the Natural England guidance issued on 16th March 2022.</p> <p>A previous screening opinion carried out in February of this year concluded that Likely Significant Effect (LSE) could not be ruled out on the basis that appropriate mitigation to offset the impact of increased phosphates in wastewater discharge has not been demonstrated.</p> <p>Subsequently discussions with Natural England have confirmed that the ‘Thresholds for Insignificant Effects’ (The Thresholds) contained within Annex F of the aforementioned guidance are applicable to East Devon where the nutrient impact relates to phosphates.</p> <p>Whilst the proposal falls within the catchment and the wastewater associated with the development would result in increased phosphate discharge, submitted evidence indicates that the development would fall below the aforementioned ‘Thresholds’. Where this is the case, the guidance indicates that Likely Significant Effect (LSE) can be ruled out.</p> <p>The application is supported by a ‘Nutrient Neutrality Assessment and Mitigation Strategy’, prepared by Halpin Robbins and dated 1st August 2023.</p> <p>The site is located where mains drainage is not available and therefore a non-mains system is required. The report has assessed the proposal against the 9 criteria set out in the ‘The Thresholds’ and indicates in each case how the proposal meets each one.</p> <p>In such circumstances the advice set out in Annexe F to Natural England’s guidance (16.3.22) is that,</p> <p><i>“Where best available evidence indicates that these conditions are met, Natural England advice is a conclusion of no LSE alone or in combination for phosphorus can be reached in these circumstances.”</i></p>

Conclusion of Screening		
Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>In accordance with Natural England guidance, East Devon District Council concludes that the proposal would not have a likely significant effect, when considered either alone or in combination, upon the qualifying features of the River Axe SAC.</p> <p>An Appropriate Assessment of the plan or proposal is therefore not necessary.</p>	
Local Authority Officer	Charlie McCullough	Date: 04.08.23

Appendix 1. List of interest features:

River Axe SAC – Component SSSI

H3260 Water courses of plain to montane levels with *R. fluitantis*

S1095 Sea lamprey, *Petromyzon marinus*

S1096 Brook lamprey, *Lampetra planeri*

S1163 Bullhead, *Cottus gobio*

Site Description

Site description: The mixed catchment geology of sandstones and limestones gives rise to calcareous waters where stream water-crowfoot *Ranunculus penicillatus* ssp. *pseudofluitans* dominates, giving way to river water-crowfoot *R. fluitans* further downstream. Short-leaved water-starwort *Callitriche truncata* is an unusual addition to the water-crowfoot community. The diverse flora results from a number of contributing factors. Firstly, the lower reaches of the Axe have high bed stability. Secondly, the river has few trees along its banks, allowing much light to reach the riverbed. Finally, the active geomorphology of the river has generated a range of natural features (including long riffles, deep pools, islands and meanders), which provide a variety of ecological niches. This variety of river channel habitats also supports an important fish community, including Atlantic salmon *Salmo salar*, sea lamprey *Petromyzon marinus*, brook lamprey *Lampetra planeri* and bullhead *Cottus gobio*.

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:

- Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche Batrachion* vegetation. (Rivers with floating vegetation often dominated by water crowfoot)

SAC Conservation Objectives

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

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

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