

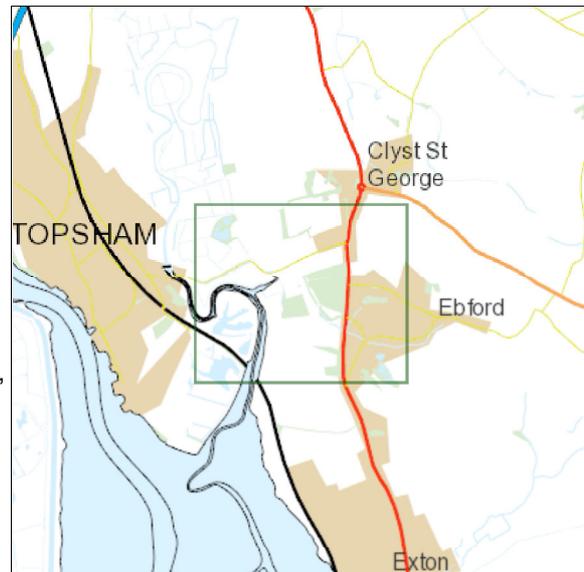
**Ward** Clyst Valley

**Reference** 17/3002/MOUT

**Applicant** Andrew Langdon (Langdon Properties)

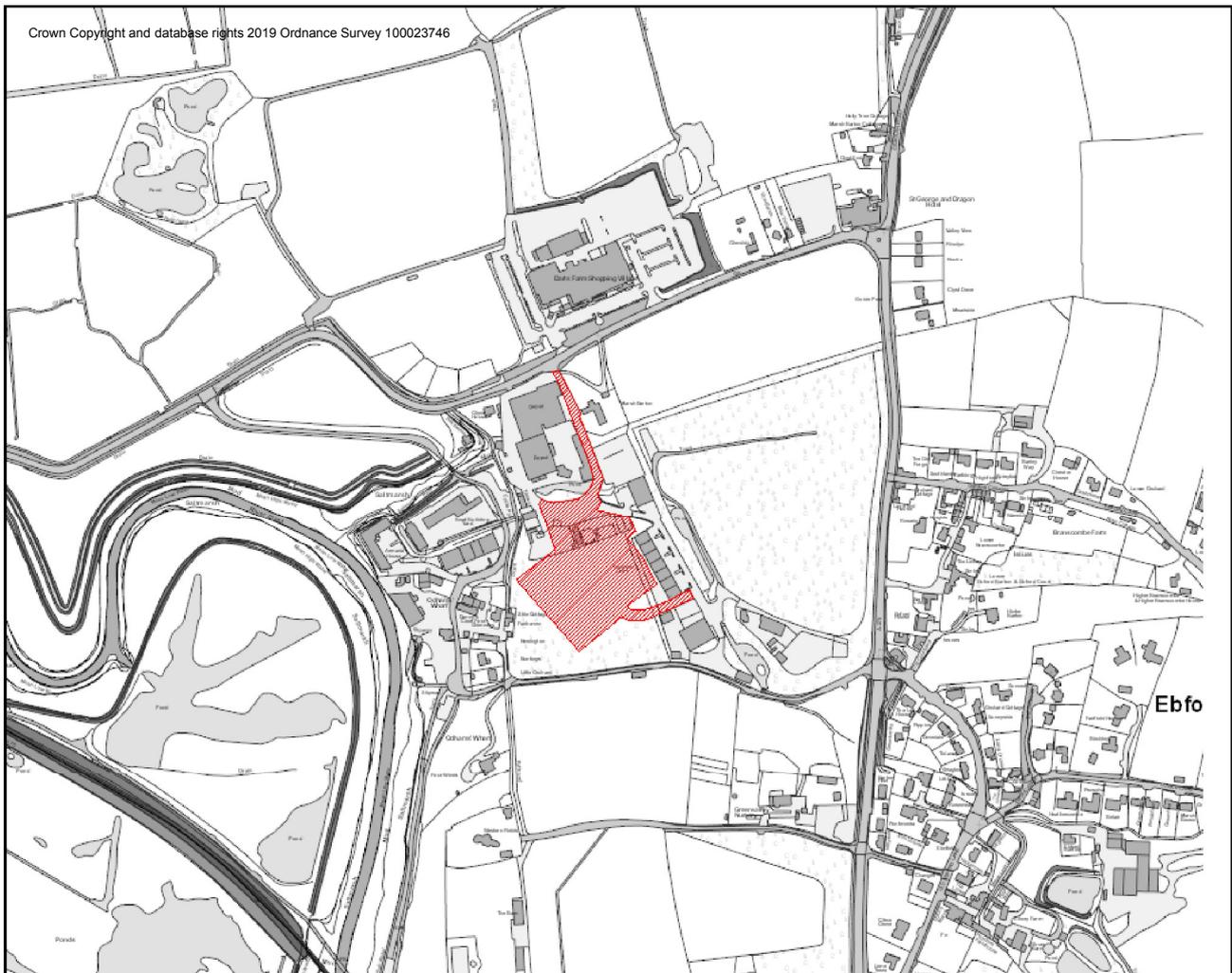
**Location** Dart Business Park Road Past Darts Farm  
Clyst St George

**Proposal** Outline application to extend Business Park to create 10 additional units to be used for offices, light industry and storage and distribution (Use Classes Order B1 & B8): all matters reserved other than access; consideration of scale and layout



**RECOMMENDATION:**

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



		<b>Committee Date: 30<sup>th</sup> April 2019</b>
<b>Clyst Valley (CLYST ST GEORGE)</b>	<b>17/3002/MOUT</b>	<b>Target Date: 23.03.2018</b>
<b>Applicant:</b>	<b>Andrew Langdon, Langdon Properties</b>	
<b>Location:</b>	<b>Dart Business Park Road Past Darts Farm</b>	
<b>Proposal:</b>	<b>Outline application to extend Business Park to create 10 additional units to be used for offices, light industry and storage and distribution (Use Classes Order B1 &amp; B8): all matters reserved other than access; consideration of scale and layout</b>	

**RECOMMENDATION:**

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

**EXECUTIVE SUMMARY**

This application is before Members as the Officer view is contrary to that of the Parish Council and the proposal represents a departure from the adopted East Devon Local Plan and is contrary to Policies CSG5, CSG6 and CSG9 of the Clyst St. George Neighbourhood Plan.

The site lies in the open countryside within an area designated as Green Wedge and Coastal Preservation Area in the Local Plan, and identified within the Clyst St. George Neighbourhood Plan as being outside of the business park area and identified as an area of woodland for protection.

Within the open countryside new development is strictly controlled by the Local Plan and Neighbourhood Plan so that it does not have a detrimental impact on the character and appearance of its surroundings. Some development may be acceptable where it accords with other policies, or where the benefit of the proposal outweigh any harm.

In this instance the Local Plan (Policy E7 - Extensions to Existing Employment Sites) would only allow the small scale expansion of existing businesses or where extensions to existing employment sites are proposed where these are proportionate to the existing size and scale of site operations and any impacts arising from the proposals are acceptable. The scale of the proposed

development is not considered to be small scale and represents a departure from the local plan. The Neighbourhood Plan supports business development within the identified business parks (which the site falls outside of) however it also identifies the woodland on the site as being of particular value and worthy of protection and seeks appropriate mitigation for any loss of trees which the site cannot provide. This all weighs heavily against the proposal.

Outline permission is sought, although in order that the proposal can be accurately assessed, matters of scale and layout, in addition to access are to be considered.

The site forms part of a woodland plantation, much of which will need to be removed to accommodate the development proposed. Part of the site also lies within an area identified as floodzone 2/3.

It is anticipated that the proposed development could create between 40-50 new jobs, some of which would result from the expansion of existing businesses operating from the business park. This matter is considered to weigh heavily in favour of the proposal and accords with the provisions of the NPPF in support of a prosperous rural economy (Paragraph 83).

No highway objections are raised to the proposal and whilst part of the development will be visible in longer range views, some of the harm arising from this would be mitigated by planting and the current built development surrounding the site. Other technical issues, including surface water drainage details, flooding and wider environmental mitigation will need further information, although the principle is considered to be acceptable.

The new units will be more visible from neighbouring properties than the current level of development on the site, due to the removal of trees and increased activity on the site, however the distances between the new units and existing properties is considered to be reasonable, and the orientation and positioning of the development is considered to be such that any additional light and noise nuisance would be focused away from the properties.

Overall, and on balance, it is considered that the economic benefits arising from the proposed development and the creation of a significant number of new jobs outweighs any visual or other harm arising from the proposed development and conflict with the Neighbourhood Plan policies that seek to retain the woodland and restrict employment development to within existing employment areas.

This recommendation is however very finely balanced and given the conflict with local and neighbourhood plan policies, a refusal of planning permission could be justified if harm from this is considered to outweigh the benefits of the proposal.

## **CONSULTATIONS**

### **Local Consultations**

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

06/02/18 - The PC wishes to object to the application on a number of grounds.

The proposal would involve the removal of an extensive area of woodland and associated wildlife that would cause significant harm to the area. We are informed that this area of woodland actually formed part of the landscaping mitigation works which were part of the original consent to create the business park. The scheme would also involve development in area which is designated 'green wedge' and we can see little benefit that would be achieved (very minor economic impact) to outweigh the substantial harm caused.

The site area is within a flood zone and this issue has been highlighted by the Applicant. In our view, the proposal does not adequately address the problems caused by loss of flood plain but clearly other Statutory Consultees will no doubt comment further.

There would be additional traffic flows as a result of the increase in the number of units which is a concern and no consideration has been given to access to the site by pedestrians and cycle users. Whilst the site is served by cycle path from Topsham, the access from Clyst St George is wholly inadequate as it involves the use of a very narrow, substandard pavement which also means that pedestrians must cross the A376 at a point where no crossing exists."

26/06/18 – The Parish Council objects to this application, We have concerns that the development will result in the loss of woodland and affect the amenity of the neighbours. If consent is granted, there will be a significant rise in traffic movements and we would ask that a contribution is sought for improvements to paths and cycle network serving the site, particularly the route from the George and Dragon roundabout.

20/11/18 - Please find below the Parish Council's response to the above Planning Application.

Comments by a majority of Councillors :-17/3002/MOUT

Clyst St George Parish Neighbourhood Plan referendum result has confirmed our Plan, judging this application against the plan we wish to emphasise that We wish the D.M.C to take the following policies into account when determining this application.

Policy No. CSG4 Areas of Ecological Significance

Areas of ecological significance should be protected from the impact of development. Development proposals that adversely affect areas of ecological significance will be resisted.

Policy No. CSG6 Protection of Trees and Woodlands

Development proposals should avoid the loss of or damage to trees, woodland or hedgerows that contribute positively to the character, biodiversity and amenity of the area. Development proposals which could result in loss or damage to aged or veteran trees will not be supported. Where it is unavoidable, development proposals must provide for appropriate replacement planting on the site, together or as close as possible to it together with a method statement for the ongoing care and maintenance of that planting. Such replacement planting should be in the ratio of three trees for the loss of a large tree, two for a medium sized tree and one for a small tree.

New development within the proximity of existing mature trees will be expected to have an arboricultural method statement in place before any development commences. This will detail tree protection strategies to be employed during construction.

The areas of woodland delineated on Map 7 are regarded as important natural features. Any development proposals that would result in the loss, damage or deterioration of these areas will be resisted.

The area of woodland on this site is on Map 7 and has an ecological value and should be enhanced as set out in the ecology survey.

#### Policy No. CSG5 Development Outside the Settlement Areas

Development proposals on land outside the confines of the settlement areas will usually be supported if they are necessary for the purposes of agriculture, or farm diversification or outdoor recreation, without harming the countryside. Such development proposals should make a positive contribution to the preservation of the countryside and its biodiversity and enhancing its setting, or its responsible use and enjoyment by the public.

Development proposals will not be supported that result in the net loss of:

- i. publicly accessible open space, footpaths or bridleways;
- ii. important views;
- iii. landscape features;
- iv. biodiversity features;
- v. higher grade agricultural land; or
- vi. damage to the essential character of the area.

The report from EDDC's Landscape Architect highlights that views of this site from across the Clyst would be adversely affected and makes recommendations that the Parish Council supports.

We have seen no evidence that the application is being modified to take these reports into account.

### **Technical Consultations**

#### County Highway Authority

Outline application to extend Business Park to create 10 additional units to be used for offices, light industry and storage and distribution (Use Classes Order B1 & B8): all matters reserved other than access.

LOCATION: Dart Business Park Road Past Darts Farm Clyst St George

Observations:

The site already benefits from a car park. The site also benefits from good vehicle access from both the Topsham direction and the A376.

I would suggest a few improvements that would encourage cyclists and continues to work towards our aim of reducing congestion utilising the nearby Exe Estuary trail and encouraging sustainable employee commuting.

This is to extend the shared use path on Topsham road by approximately 60m, which would therefore reach this sites vehicular access, extend the already planned footpath and crossings through the site to include cyclists as well and finally, although outside of this application, to look into opening up a pedestrian/cycle access onto the site from Ebford Lane.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Further comments:

The nearest County Highway Authority road to the extended business park is the C527 with the proposed extension to the business park to also use the existing access.

The business park has significant existing traffic, although that being said the site can be accessed from either the Topsham direction, the Sandygate roundabout of Exeter, or Exmouth using primary and secondary county highway roads. Therefore I do not believe with the size of the additional units any business will exceed light industry and light storage, therefore the nature of the units limits the additional traffic expected.

I would recommend that should this planning application be submitted for reserved measures, that work is carried out upon the corner of the extended estate road, to safely accommodate the swept path of articulated vehicles. In addition to cycle parking facility provision, especially with the nearby Exe-estuary trail, this will reduce the impact of any traffic intensification as well as encourage sustainable travel.

Overall, the County Highway Authority has no objection to this outline planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

#### Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns. However there may be potential for materials to be encountered during oversite works and I therefore recommend that the following condition is included in any approval:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily

suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

#### Natural England

13/02/18 – 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.

#### FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON EXE ESTUARY SPECIAL PROTECTION AREA (SPA), EXE ESTUARY RAMSAR SITE AND EXE ESTUARY SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

As submitted, the application could have potential significant effects on the above designated sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Further information on the proposed lighting scheme. The proposed lighting scheme should not increase luminance over that at present. It would ideally be reduced.

Given the close proximity of the application site to designated sites, Natural England have concerns about the impacts of noise during demolition/construction. Further information regarding construction methods and timing should be contained within a Construction and Environmental Management Plan (CEMP). The least sensitive period for birds that are qualifying features of the Exe Estuary SPA is summer. If noise levels are high enough cause disturbance, demolition and construction activities should be timed for the months May to August.

Without this information, Natural England may need to object to the proposal.

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

Natural England's advice on other issues is set out below.

#### Additional Information required

The proposed development site is just 120m from the designated sites (Exe Estuary SPA, Exe Estuary Ramsar Site and Exe Estuary SSSI).

Natural England are concerned about potential impacts on the designated sites from any additional lighting and from noise during demolition and construction works and request consultation on the further information detailed above.

#### Local Plan policy

We note that the application site is covered by the following Local Plan policies:

Strategy 8: Green Wedge

Strategy 44: Coastal Preservation Area

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

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

If you have any queries relating to the advice in this letter please contact me on 0208 026 7400.

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.

#### Annex A - Additional advice

Natural England offers the following additional advice:

##### Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

##### Soils

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that 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 the best use of soils on site.

##### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise

you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.  
Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

#### Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>  
<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

#### Annex A - Additional advice Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

Providing a new footpath through the new development to link into existing rights of way.

Restoring a neglected hedgerow.

Creating a new pond as an attractive feature on the site.

Planting trees characteristic to the local area to make a positive contribution to the local landscape.

Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

Incorporating swift boxes or bat boxes into the design of new buildings.

Designing lighting to encourage wildlife.

Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

Links to existing greenspace and/or opportunities to enhance and improve access.

Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)

Planting additional street trees.

Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

#### Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

#### Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

#### Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

27/06/18 – Thank you for consulting us on these additional plans. However, this information does not change our advice given on 12th February 2018. Having reviewed the additional information, I have the following comments:

As stated in our previous response:

As submitted, the application could have potential significant effects on the designated sites (Exe Estuary SPA, Exe Estuary Ramsar Site and Exe Estuary SSSI) 120m away. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation (refer to previous advice - attached).

- Ecologist additional comments (11/05/2018)

Point 5 notes that any lighting scheme should be sympathetic to local conditions and that it should be reviewed by an ecologist. We would agree with this but there are no further details to examine. The applicant therefore needs to provide detail of the proposed lighting scheme which should demonstrate how this will avoid impacts on the SPA together with any functionally linked areas used by SPA birds, not just the actual boundary of the SPA.

Point 10 notes that external construction work will not be carried out during winter months from Oct/Nov to February inclusive. We have already advised that demolition and construction works should be carried out in summer months only (this could be extended to include April to September) - a point also advised in the agent correspondence on 28/05/2018.

If the applicant wishes to pursue the option to work outside the recommended period they will need to provide additional evidence to justify any deviation from this working period e.g. evidence that SPA birds are not using the surrounding area during the proposed period of construction (e.g. from Wetland Bird Survey Data or other surveys). They should also provide evidence that the level and duration of noise and visual disturbance generated by construction and demolition activities e.g. piling, drilling, use of machinery etc. will not cause disturbance to the SPA birds. This should be contained within a Construction and Environmental Management Plan (CEMP).

Without this further information, Natural England may need to object to the proposal (refer to our previous advice attached). Please re-consult Natural England once this information has been obtained.

Further comments 24/10/18 - Our main concerns:

1. Noise impacts from construction and demolition works (refer to Point 10)

We are satisfied with the proposal to restrict works to the months of April to September (Point 10: No construction work/working between 1st October - 31st March). This needs to be clarified to include construction and demolition works.

2. Lighting impacts (refer to Point 5)

Due to the sensitivity of the location in close proximity to the Exe Estuary SPA and Ramsar Site, there should be a condition which requires that the lighting should not exceed the lower E2 lighting standard for rural areas (standards are referred to in the additional information).

The statement that "significant lighting already exists around the industrial park" does not provide justification for this development to mirror those levels and further add to the light levels in the area. We note that the lighting scheme will be reviewed by an ecologist.

We also note that a CEMP will be conditioned and provided to the LPA (refer to Point 12).

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further comments 18/03/19 - EXE ESTUARY SPA/ EXE ESTUARY RAMSAR SITE/ EAST DEVON PEBBLEBED HEATHS SAC/ EAST DEVON HEATHS SPA/ DAWLISH WARREN SAC

Thank you for your consultation on this Appropriate Assessment for the above development, received by Natural England on 19 February 2019, and in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the mitigation measures (CEMP, restricted hours of working and noise and lighting restrictions) being secured through conditions, Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Exe Estuary SPA and Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC, East Devon Heaths SPA, Dawlish Warren SAC.

Further comments 03/04/19 –

Natural England has previously commented on this proposal and made comments five times to the authority. The advice provided in our previous responses applies equally to these amendments.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

### Environmental Health

23/01/18 – I have considered this application and would require all the following documentation to be submitted and agreed by the LOcal PLanning Authority (which was requested at pre-app stage) before any recommendations can be made by Environmental Health.

I am concerned about this development impacting on local residents including these properties which are very close to the proposed site:

1. The properties below may be particularly affected by the development proposal:

LITTLE ORCHARD	EBFORD	EXETER	EX3 0PA
NEWINGTON	EBFORD	EXETER	EX3 0PA
STILE COTTAGE	EBFORD	EXETER	EX3 0PA
BUNTINGS	EBFORD	EXETER	EX3 0PA
FOUR CHIMNEYS	EBFORD	EXETER	EX3 0PA

2. Noise from the Exmouth to Exeter Road is generally the dominant noise source in this location. However, from time to time and particularly at night, this road becomes significantly quieter and other potential noise sources could affect local residents, particularly those in the aforementioned list. The proximity and potentially "different" noise sources from the proposed application may have an impact on the nearest properties. For example vehicles coming in and out of the site have a different noise characteristic than traffic moving along the Exmouth Road. I believe this to have potentially more impact at night when the road becomes less busy.

3. I am also concerned about other issues including the noise impact from electromechanical plant and have a list of proposed planning conditions below:

#### Noise and other environmental impacts

Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. This may include the use of noise mitigation measures such as bunds and acoustic barriers. The Plan shall consider the impacts of noise (including low frequency noise), traffic, odour, smoke, air pollution and light on the local environment and air quality, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15."

#### Times of operations (including servicing) from the operational use of the site

	Monday	to	Saturday
Sunday			
Servicing, deliveries & associated activities			07:00 to 18:00
10:00 to 16:00			
Recycling Facilities, Waste & other collections			07:00 to 18:00
None			

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15."

#### Noise impact from electromechanical plant

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

#### Construction impacts

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

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

Further comments 30.01.18 – EH require a full and comprehensive noise assessment which is carried out by an independent noise consultant, which details the noise levels now from the site and the levels predicted, the report must also contain any recommendations and mitigation measures.

The noise information submitted was not considered detailed enough or sufficient in content.

Further comments 27/06/18 - I have looked at the noise report submitted by ACT Acoustics and they have stated that to achieve the 5 dB below background which is what we require, each unit must emit less than 68 dB (A) @ 1 meter from the westerly façade, they also go on to say on page 9 that they understand that units are to primarily be used for offices and storage so this level can be achieved.

Correct me if I am wrong but are they applying for B8?

If this is the case then from the report with no mitigation or recommendations submitted I can only assume that B8 usage would not reach the required noise levels, therefore I can only object to the application on noise grounds.

Further comments 19/02/2019

I would like to recommend the following conditions to be attached to any permission granted:

The specific noise level of any vehicle movement or plant installed and operated on the site must not exceed 25dBa (5dB below nighttime background which can be taken as 30dBa) at the boundary of the nearest noise sensitive dwellings, and must not exceed the background level at any other time. Background noise level to be measured at each unit must emit less than 68 dB (A) @ 1 meter from the westerly façade,

The premises shall not be open for business except between the hours of 1800hrs and 0700hrs Monday to Friday, or 1800hrs and 1300hrs on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of local residents.

Further comments 04/04/19 –

I have reviewed earlier environmental health comments and additional information now provided. We have no objection to the development in principle but consider that conditions would be required in order to protect the amenity of residents, some of whom live close to the west/south west boundary. There is one specific query though - the description of the development on the portal is for B1 and B8 units, whereas on the application B1 and B2 uses are applied for. B2 uses have the potential to create noise, dust and odour and therefore would require additional conditions as the proposed uses are not specified. B8 uses sometimes request extended working hours and again this needs to be clarified. I have covered both scenarios in the controls that I am suggesting.

I therefore recommend that the following conditions be applied to any approval, with their requirements being maintained throughout the life of the site:

1. Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic, odour, smoke, air pollution and light on the local environment and air quality, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15

2. Noise emitted from any refrigeration unit, cooling system, extract ventilation system or any other specific noise source shall be inaudible beyond the boundary of the premises. Within one month of the installation of such equipment, details of any acoustic mitigation required to achieve this noise level shall be submitted to and agreed in writing by the Local Planning Authority and the equipment shall not be used until and unless the mitigation has been installed as agreed. For these purposes, "inaudibility" shall be determined as the specific noise level (after corrections have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment, all measured in accordance with BS4142:2014.

Reason: To protect adjoining occupiers from excessive noise.

3. No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 7am and 7pm Monday to Friday, or 7am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

4. No external openings, plant or vehicular access shall be located on the western elevations of units A-D, as shown on the site layout plan.

Reason: To protect the amenities of close by residents from noise, emissions or light pollution in accordance with Policy EN15.

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

6. A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. Reason: To comply with Policy EN15 for the avoidance of light pollution.

#### Environment Agency

29/01/18 – Thank you for your consultation of 08 January 2018 in respect of the above planning application.

#### Environment Agency position

We broadly agree with the conclusions of the flood risk assessment (FRA) submitted and have no objections to the proposal. Your authority may consider it appropriate to condition the permission to ensure implementation of the mitigation measures recommended by the FRA. The reasons for our position are set out below.

#### Reasons

We have reviewed the FRA (dated December 2017) prepared by Dennis Gedge Consulting Engineer. Our position is on the basis that a design flood level of 4.7mAOD has been referenced in the FRA and that both ground levels and finished floor levels for the development have been set accordingly. In addition, there is support for the mitigation work to secure a degree of replacement floodplain storage.

Local knowledge of the area indicates that tide-locking scenarios prevent the drainage of surface water into the adjoining River Clyst, owing to the presence of private defences with valved outlets. It is therefore felt that creating a new drainage channel along the western boundary of the site, linking in to the existing channel through Odhams Wharf, would assist with water storage in the locality and potentially aid any surface water management scheme for the development. We would ask that you highlight this matter to the Lead Local Flood Authority (Devon County Council) in respect of their responsibility to comment on surface water matters. We provide you with an annotated plan to show the suggested drainage channel.

Further comments 29/06/18 – Thank you for consulting us on this planning application.

#### Environment Agency position

We recommend that you do not determine this application until the applicant has clarified whether it is possible to incorporate a 'safe refuge' into units I and J. If this is not possible, we advise you to reconsult us so that we can recommend conditions in respect of flood resilience and flood warning and evacuation.

Before determining the application your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

The reasons for this position are set out below.

#### Reasons - Flood risk

The 'less vulnerable' nature of the development in flood zone is considered appropriate in principle in this location provided that the flood risk Sequential Test can be satisfied and it is demonstrated that the proposed development will be safe from flooding over its lifetime.

We have reviewed the Flood Risk Assessment (FRA) prepared by Dennis Gedge, dated December 2017. The assessment of flood risk is acceptable. It has derived a design water level of 4.7mAOD. Whilst no specific analysis of climate change allowances has been undertaken, the design water level is felt to be precautionary on the basis that it reflects the level associated with the extent of flood zone 2 (i.e. 1-in-1000 year AEP).

We note that the majority of the development will have floor levels above the design water level and that compensatory flood plain will be provided - the implementation of this can be secured by condition. However, we are concerned that the finished floor levels of units I and J fall approximately 400mm below the design water level.

To manage the impact of this we recommend that the applicant designs units I and J to ensure that they allow for safe refuge on a higher level (i.e. mezzanine or second floor) and incorporate the potential to fit flood defence barriers across openings. We recommend that this is considered before the application is determined. If the applicant demonstrates that this is not possible, an alternative method of flood risk management will need to be provided, e.g. flood resilient measures and a flood warning and evacuation plan.

#### Advice - Flood Resilience

In view of the potential flood risks in this locality, we would also recommend that flood resilient construction practices and materials are incorporated in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

The applicant should also prepare a flood plan which outlines how they will respond to a flood. Further advice on this can be found in the following links:  
<https://www.gov.uk/prepare-for-a-flood>

#### Advice to the LPA

The application should not be determined until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. Also, a note that the site was a former gas depot and retail fuel outlet. There were no land contamination reports submitted with the application and we don't think it warrants inclusion of a contaminated land condition.

We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation. If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Further comments 07/09/18 - Thank you for reconsulting us on this planning application.

#### Environment Agency position

There are some remaining issues that need to be resolved, which were raised in our previous correspondence (DC/2018/119540/02-L01 dated 29 June 2018) in regards to minimum floor level of all the units and whether it is possible to incorporate a 'safe refuge' within units I and J.

Before determining the application your Authority will also need to be content that the flood risk Sequential Test and first part of the Exception Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already.

#### Advice to LPA

We do not normally comment upon the acceptability of a Sequential Test, or the first part of the Exception Test.

We can confirm the flood risks to the site i.e. parts of the site lie within Flood Zones 1, 2 and 3a. We note that the site is allocated, but the allocation was not informed by a Level 2 SFRA. If the site was not sequentially tested as part of the Local Plan process, then the Sequential Test will need to be undertaken at this stage. Your Authority will need to be content that it has been satisfied before determining the application.

It will also be for your Authority to review the information submitted by the applicant to determine whether the first part of the Exception Test is satisfied i.e. whether you consider that there are wider sustainability benefits which outweigh flood risk. We have

previously advised you on the second part of the Exception Test in respect of whether the development will be safe from flooding over its lifetime, not increase flood risk elsewhere and, where possible, reduces flood risk over all.

Our previous advice was that the majority of the development would be above the design flood level, but that the finished floor levels of units I and J are too low. It does not appear to have been established whether the floor levels of these units can be raised or, if not, whether flood resilience/resistance measures can be incorporated into the buildings. Please can you provide confirmation on this and your Authority's view on whether you are minded to approve the application as submitted.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Further comments 05/11/18 - We write further to letter from the applicant's agent John Milverton on 02 October 2018 and your amended plan consultation of 09 October 2018.

#### Environment Agency position

Our position remains unchanged from our letters of 29 June 2018 and 07 September 2018 in that we consider the proposal will only be acceptable if floor levels of units I and J are raised to the level of 4.70mAOD recommended in the applicant's Flood Risk Assessment (FRA). Nonetheless, if your authority is minded to approve the application, taking into account other material considerations, then we would ask to be reconsulted so we can recommend suitably worded planning conditions to manage flood risks to the proposal.

#### Reasons - Flood risk

Mr Milverton's letter of 02 October 2018 highlights the change in our position between our letters of 25 January 2018 and 29 June 2018. Our first letter supported the FRA's recommendation that floor levels be set at 4.70mAOD and assumed that the levels of the proposed units had been set accordingly. However, in our letter of 29 June 2018 it came to our attention that units I and J were in fact to be set 400mm below the level of 4.70mAOD.

We note Mr Milverton's comments that the units could be raised by 400mm but that this would have a consequence for access and parking. We acknowledge that it is for your authority to determine the balance of material issues here. Our detailed comments on the flood risks to these units has been set out in our previous letters in June and September. If your authority is minded to approve without raising the level of units I and J we would asked to be reconsulted to in order to recommend suitable planning conditions to address flood resistance and resilience measures to protect the building against flood depths of up to 400mm.

We also note that Mr Milverton requests that your authority undertake the flood risk Exception Test. However, because the proposal is for a 'less vulnerable' use the application of the Exception Test is unnecessary.

Before determining the application your Authority will also need to be content that the flood risk Sequential Test and first part of the Exception Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already.

#### Advice to LPA

We do not normally comment upon the acceptability of a Sequential Test, or the first part of the Exception Test.

We can confirm the flood risks to the site i.e. parts of the site lie within Flood Zones 1, 2 and 3a. We note that the site is allocated, but the allocation was not informed by a Level 2 SFRA. If the site was not sequentially tested as part of the Local Plan process, then the Sequential Test will need to be undertaken at this stage. Your Authority will need to be content that it has been satisfied before determining the application.

It will also be for your Authority to review the information submitted by the applicant to determine whether the first part of the Exception Test is satisfied i.e. whether you consider that there are wider sustainability benefits which outweigh flood risk. We have previously advised you on the second part of the Exception Test in respect of whether the development will be safe from flooding over its lifetime, not increase flood risk elsewhere and, where possible, reduces flood risk over all.

Our previous advice was that the majority of the development would be above the design flood level, but that the finished floor levels of units I and J are too low. It does not appear to have been established whether the floor levels of these units can be raised or, if not, whether flood resilience/resistance measures can be incorporated into the buildings. Please can you provide confirmation on this and your Authority's view on whether you are minded to approve the application as submitted.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Further comments 03/04/19 - Environment Agency position

We are happy to remove our previous objection.

#### Reason

The Environment Agency is pleased to note that the finished floor levels for Units I and J have now been raised to 4.70mAOD. This detail is shown by the Space Architects drawing reference 297\_L02.04 Rev P2.

On the basis that this now aligns with the design flood level, we can confirm that we have no objections to the proposal.

#### EDDC Trees

29/11/18 - In principle I would object to this application as it results in a net loss in woodland and is thus contrary to our local planning policies D1 and D2.

For clarity, the woodland has not been made the subject of a Tree Preservation Order, as it is protected by the Forestry Act 1967. However, if it was thought there was an attempt to remove the trees in a manner to circumvent the Forestry Act a Tree Preservation Order would be made.

Should the application be approved there should be conditions to cover the follow, based on the reserved matters finalised layout:

Submission of suitable tree protection details in accordance with BS5837:2012 for all retained trees.

A detailed landscaping scheme for significant landscape planting including trees to reduce the landscape impact due to the loss of woodland.

A detailed management plan for the successful establishment of landscape planting and for the proactive management of the retained woodland trees.

#### South West Water

07/06/18 - I refer to the above and would advise that South West Water has no comment other than to re-confirm the presence of a public water main within the site and no structures or the proposed wetland swale must be located within 3m of this.

10/10/18 - I refer to the above and would advise that South West Water has no comment on the amended plans.

21/03/19 - I refer to the above and would advise that South West Water has no comment.

#### Economic Development Officer

13/02/18 - Re: 17/3002/MOUT (Dart Business Park, Clyst St George)

Outline application to extend business park to create 10 additional units to be used for offices, light industry and storage and distribution (Use classes order B1 & B8): all matters reserved other than access.

We have reviewed this outline application and the associated documents.

We note the objection of the Parish Council but cannot concur with their assessment of the economic impact of this development. The high level of existing demand for this workspace which is now at capacity (including live enquiries being received by our ED service), coupled with the strong (C.50 FTE) jobs provision warrant strong economic support for the application. The 2,400 sqm of additional commercial and light industrial space will enable new and growing businesses in our district to secure attractive accommodation close to existing labour markets and with good transport and broadband connectivity.

There is a critical shortage of well-located B1 office accommodation in East Devon, such that the East Devon Business Centre is full to capacity and we are currently applying for ERDF funding to help address this market failure in Honiton. B8 provision

outside of the Growth Point is also in short supply with JLL reporting a shortage of sites coming to market offering an adequate logistics function.

This proposal will improve the self-containment and sustainability of our district which has seen strong housing development outstrip employment land supply by a substantial margin and significant out-commuting continue. Foremost in our minds should be the requirement of the local businesses already onsite who are seeking to expand their business, providing additional local jobs and growing our economy. Failure to meet the needs of these developing enterprises constrains economic and employment growth, leading to reduced investment, fewer opportunities for young people wanting to seek careers in East Devon and ultimately, lost incomes as the businesses are lost to other locations.

Economic Development welcome this investment and recommend the scheme is supported.

Further comments 15/03/19 –

I have read the documents sent and admit to being at a loss as to how, in the face of such compelling specific evidence of economic need, benefit and even loss through planning delay, it has not been possible to make a determination that these outweigh the loss of trees which are not subject to a TPO.

The facts have been clearly set out and are entirely consistent with our own service's finding that we are facing market failure in East Devon in the supply of B use premises to meet demand. I have reiterated this so many of my planning consultation responses over the last 2 years, supported by evidence of constrained supply from the CoStar database, that Planning colleagues should feel sufficiently informed and confident to balance this demonstrable harm to employment opportunity in the district and relevant policy against the less pressing and consequences of workspace delivery in this instance.

It is with regret that we report EDDC remains 36% behind in the delivery of new jobs compared to new housing in the district since the adoption of our local plan and this balanced target in 2013. As a council, we are compelled to be more supportive of positive and appropriate commercial development, such as that proposed here, which directly addresses this unsustainable imbalance and provides meaningful careers for younger people.

We concur with the submitted evidence of demand and limited B use premises supply and recommend the application is supported in the strongest possible terms and with the least possible delay to avoid further loss of valuable employment on site.

EDDC Landscape Architect - Chris Hariades

30/08/18 - The site is considered sensitive to the type of development proposed and the current scheme is likely to have an adverse landscape and visual impact.

On the basis of the details submitted the scheme should be considered in conflict with the following Local Plan policies and is consequently unacceptable in terms of landscape design/ impact:

- o Strategy 3 - Sustainable development, para a) Conserving and enhancing the environment.
- o Strategy 7 - Development in the countryside
- o Strategy 8 - Green wedges
- o Strategy 46 - Landscape conservation and enhancement, especially sections 1 and 2
- o D1 Landscaping - paras 1, 2, and 3
- o D2 Landscape requirements - paras 1 and 2
- o D3 Trees

In view of the site sensitivity and the importance of the existing site woodland to the local landscape character it is not considered that an outline application is suitable for the extent of development proposed and a full application should be submitted with all necessary supporting documentation showing clearly the full extent of tree loss.

It is recommended that the applicant seeks the advice of a qualified landscape architect as to whether a suitable scheme can be designed that can adequately address the issues raised above and to prepare an amended Landscape and Visual Impact Assessment and amended layout and landscape design scheme covering hard and soft landscape elements as part of a full application

12/09/18 - I have now reviewed the LVIA by Taylor Grange and consider it fundamentally flawed in that the extent of tree loss which the development would entail is not clearly defined within the submitted details and therefore cannot be fully assessed within the LVIA.

In view of the nature of the proposals, which will entail the loss of approximately 1 Ha of woodland and extension of the development footprint within a designated Green Wedge, a full application is required addressing the points raised in my landscape response, in particular section 2.2, which includes reconsidering the layout to the northern part of the site to make better use of available space, lowering the height of the development and reducing the extent of woodland loss to the south.

The submitted LVIA will then need to be updated accordingly.

The LVIA recognises the importance of the existing woodland as a significant landscape feature forming part of a larger woodland block which provides a strong woodland character to the area. Key considerations which the LVIA needs to address more substantively are:

- a) the impact of the loss of tree and woodland cover within the site on this wider block of woodland and local landscape character
- b) the extent to which the development will be visible from the key visual receptors - the use of photomontage from key views to the northwest and west would be helpful to illustrate this.

In respect of the Green Wedge, the existing woodland within and adjacent to the site is of great importance in maintaining visual separation between Ebford and the existing business and retail park and a more thorough consideration is needed on whether the loss of woodland associated with the development together with the introduction of new buildings with increased roof height would add to existing or sporadic

development or damage individual identity of a settlement or could lead to or encourage settlement coalescence.

Further comments 06/12/18 –

Generally I would agree with the comments received from Tyler Grange dated 9.11.2018 in respect of the landscape and visual impact of the proposed scheme but disagree with their assessment of the visual impact in views from the northwest, especially elevated land at Bridge Hill. The Tyler Grange response quotes para 7.8 of the LVIA which, while recognising that the development may just be partially visible from this location, states it would be 'heavily filtered by remaining trees'. However from the information on the Landscape Scheme and Habitat Creation Plan it would seem that with the exception of a line of hedgerow on the western site boundary which itself is to be cut back, all other existing site trees to the northwest of the proposed buildings are to be removed. Given the loss of this screen cover and the fact that the proposed buildings will be set on a mound some 6m higher than existing site buildings it would seem that Tyler Grange may have underestimated the visual effect of the development from this view point.

I accept that the proposed development when viewed from here will be seen in the context of existing development of Dart Park and Odhams Wharf to the west but am concerned that although a woodland buffer is to be retained to the southern end of the site the highest proposed buildings may protrude above this. A photomontage from this view point would help to further understand the degree of change in this view and also to inform the impact of the development on the Green Wedge.

In respect of the revised tree protection plan I note that the protective fencing lines are still shown beneath the canopies of a number of trees. If the trees as shown are intended to be indicative only then this should be stated and the positions of trees to be retained adjusted clear of protective fencing. If they are accurately plotted then the protective fence lines need to be adjusted clear of their root protection zones.

In relation to the submitted landscape and habitat creation plan this is incomplete with significant areas of ground left blank.

I note that landscape and tree protection are reserved matters and would expect tree protection plan and hard and soft landscape details to be submitted for approval as part of a reserved matters application should consent be granted but for avoidance of doubt the status of these submitted drawings should be clarified.

#### DCC Flood Risk Management Team

We are content with the principles of the proposals. However, further details will be required at the next stage of planning to demonstrate that these proposals are feasible.

You mentioned that you are having difficulties with the levels of the road around buildings G – J, at the detailed design stage (ideally the next stage of planning) you will need to demonstrate that the existing drainage system can accommodate the slight increase in impermeable area. If the existing drainage could be improved, perhaps by

providing a means of attenuation within the area of the G – J buildings, that would be helpful.

We would prefer that model outputs to demonstrate that the surface water drainage system is viable do not show flooding up to the 1 in 100 year (+40% allowance for climate change) rainfall event.

Further details of oil interceptor/s can be provided at the detailed design stage. As this is an industrial site I think oil interceptors should be implemented if a SuDS management train cannot be implemented.

We will require details of exceedance routes and maintenance at the detailed design stage. Maintenance should take into account any SuDS features located within flood zones. Maintenance checks should be made after flood events and any features remediated if necessary.

Overflow from the swale will need to be considered at the next stage of planning. As this area can experience tidal locking I think overflows from the swale will need to be considered carefully.

Details of any bank levels to the swale will be needed at the next stage of planning. Details of the outfall from the swale to the ditch (ordinary watercourse) will also be needed to demonstrate that a suitable and sustainable outfall can be constructed.

Planting details could be submitted at the detailed design stage.

At the moment it looks like the attenuation tank behind Units B and C will be in grassed areas and so should not experience any loadings (e.g. from delivery vehicles). However, this should be clarified at detailed design stage.

01/02/18 - Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Only principles of the surface water drainage management plan have been submitted. Further details of the plan need to be submitted.

Details of the greenfield runoff rates for the site are required, including long-term storage.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

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

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

An assessment of the site for above-ground SuDS components, including source control components, should be completed.

Further comments:

Recommendation:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- o No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the SURFACE WATER DRAINAGE STRATEGY.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- o No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

- o No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent

surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

o No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response (FRM/ED/3002/2018; dated 1st February 2018), the drainage consultant acting on behalf of the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 13th August 2018, for which I am grateful.

If the swale is to be constructed without a liner then groundwater should be assessed (possibly by monitoring levels) to ensure that the swale will not be overwhelmed by groundwater during rainfall events.

The swale will also need to be assessed during a 'tide-locked' scenario. The watercourse which the swale is currently proposed to drain to can 'back-up' during high tides, this may prevent the swale from draining and may even cause the swale to 'back-up'. The watercourse isn't very well defined here so this scenario should be carefully assessed.

If part of the site will have to drain to an existing surface water drainage system then it will need to be demonstrated that the existing system has capacity to accept an increase in volume draining to it. If there is potential to improve the existing system then this should be pursued.

If a SuDS Management Train cannot be implemented then a robust statement will need to address this. If a SuDS Management Train cannot be implemented then oil interceptors should be utilised.

A scaled plan depicting the surface water drainage system will be needed at the next stage of planning. This plan should depict levels and falls of all surface water drainage components, as well as any side slopes.

Maintenance details for all components of the surface water drainage system will need to be submitted. If Sustainable Drainage features are to be situated within flood zones then the maintenance details will need to take account of this. Sustainable Drainage features will need to be inspected after flood events and remediated if necessary.

If any surface water drainage features are likely to experience any loadings (such as from heavy goods vehicles) then this should be assessed and clarified at the next stage of planning.

### Other Representations

A total of 9 representations have been received, with 8 raising objections and one in support. The comments are summarised below

#### Objections

- Increased noise and disturbance
- Land is within Green Wedge
- Loss of trees
- Loss of and impact on wildlife and protected species
- Removal of the trees would reduce air quality and increase environmental pollution
- Significant visual impact from removal of trees and new buildings
- Buildings too large and over bearing
- Increased risk of flooding
- Additional sewage pollution
- No justification for additional industrial buildings
- Proposed earth moving would exacerbate existing flooding issues
- Loss of privacy and overlooking
- Loss of outlook
- Light pollution
- Inappropriate use of contaminated land
- Impact on protected habitats
- Potential damage to water main
- Additional traffic and delivery vehicles
- Inappropriate position of proposed cycle track

Support

- Will bring additional jobs to the area

## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E5 (Small Scale Economic Development in Rural Areas)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### Neighbourhood Plan

Clyst St George Parish Neighbourhood Plan

CGS1 – Sustainable Development

CGS3 – Flood Risk

CGS5 – Development Outside the Settlement Areas

CGS6 – Protection of Trees and Woodland

CGS9 – Design Matters

CGS17 – Parking Standards for New Development

CGS19 – Business Development

## **Site Location and Description**

The application site is located to the south of the Dart's Business Park in Clyst St George. It extends to an area of 1.22ha, part of which, until recently, has been used as a fuel storage depot with the remainder currently part of a wooded plantation.

The site falls within the 'Made' Clyst St. George Neighbourhood Plan area.

### **Proposed Development**

This application seeks outline planning permission to extend Darts Business Park by the creation of 10 additional units to be used for offices, light industry and storage and distribution (Use Classes B1 and B8). The application seeks to consider access, scale and layout as part of the proposal, with other matters reserved.

Illustrative plans have been submitted, although during the course of the application details of the site layout and scale of the buildings are now being considered in detail, together with the proposed access arrangements. These indicate the units being accommodated in four blocks with 8 smaller units (188m<sup>2</sup>) each, similar to those most recently constructed on the business park, and two larger units (468m<sup>2</sup>) each.

The application states that between 40-50 additional jobs would be created, some of which would be as a result of the expansion of businesses which are already located on the business park, and some new businesses moving into the units.

### **CONSIDERATIONS AND ASSESSMENT**

In determining this application it is considered that the main issues relate to:

- Principle of the proposed development
- Economic benefits
- Landscape and visual impact
- Impact on trees
- Residential Amenity
- Highway safety
- Drainage and flooding
- Noise and pollution
- Ecology
- Impact on protected landscapes
- Planning balance

#### **Principle**

The site lies in the open countryside as defined by Strategy 7 of the East Devon Local Plan where all development must be strictly controlled so that it does not impact unreasonably on the character and appearance of its surroundings. That does not preclude all development, however only proposals which are in accordance with a specific policy of the Local Plan or Neighbourhood Plan would be permissible. In this instance as the site lies outside of any recognised built up area boundary it must be judged whether there are any economic based policies or Neighbourhood Plan policies which would support the provision of new business units.

Policy E7 of the local plan supports the *small scale* (our emphasis) expansion of existing employment sites where these are at or near full occupancy, provided that it is proportionate to the existing size and scale of site operations and that the following criteria are met:

1. The local highways network is capable of accommodating the additional traffic
2. No detrimental impact on residential amenity
3. No protected landscapes or historic interests or other environmental interests are adversely affected, and existing local biodiversity and habitats are conserved or enhanced.

Whilst Policy E7 relates to the expansion of existing business parks, it also relates to 'small scale' expansion, proportionate to the size and scale of existing operations. It is therefore necessary firstly to consider the scale of the proposed development and whether the proposal would constitute 'small scale'

In this respect, the proposal is for the development of 10 commercial and light industrial units, totalling a floor space of around 2,400 square metres. Whilst the policy does not specify what is small scale it is not considered that a development of this scale would be classed small scale. With this in mind and as there are no other specific policies which support the proposed development it is considered that the principle is contrary to Strategy 7 (Development in the Countryside) of the Local Plan.

Policy CSG19 of the Neighbourhood Plan supports business development within the existing business parks. As the site is outside of the business park, the proposal is contrary to this Neighbourhood Plan policy. This weighs heavily against the proposal.

Policy CSG5 deals with development outside of the Settlement Areas stating:

'Development proposals on land outside the confines of the settlement areas will usually be supported if they are necessary for the purposes of agriculture, or farm diversification or outdoor recreation, without harming the countryside. Such development proposals should make a positive contribution to the preservation of the countryside and its biodiversity and enhancing its setting, or its responsible use and enjoyment by the public.

Development proposals will not be supported that result in the net loss of:

- i. publicly accessible open space, footpaths or bridleways;
- ii. important views;
- iii. landscape features;
- iv. biodiversity features;
- v. higher grade agricultural land; or
- vi. damage to the essential character of the area.'

The proposal is for new employment units and would result in the partial loss of a woodland feature and as such is contrary to this policy.

Also with regard to the Neighbourhood Plan, Policy CSG6 protects trees and identifies the woodland that forms part of the site as being an important natural feature stating the following:

'Development proposals should avoid the loss of or damage to trees, woodland or hedgerows that contribute positively to the character, biodiversity and amenity of the area. Development proposals which could result in loss or damage to aged or veteran trees will not be supported. Where it is unavoidable, development proposals must provide for appropriate replacement planting on the site, together or as close as possible to it together with a method statement for the ongoing care and maintenance of that planting. Such replacement planting should be in the ratio of three trees for the loss of a large tree, two for a medium sized tree and one for a small tree.

New development within the proximity of existing mature trees will be expected to have an arboricultural method statement in place before any development commences. This will detail tree protection strategies to be employed during construction.

The areas of woodland delineated on Map 7 are regarded as important natural features. Any development proposals that would result in the loss, damage or deterioration of these areas will be resisted.'

The proposal would result in the loss of some of woodland (as identified on Map 7) without significant replacement planting and as such the proposal is contrary to Policy CSG6. This also weighs heavily against the proposal.

In addition to the above, the site is located within the Coastal Preservation Area and Green Wedge. The related policies seek to retain the open status of the coastal area and resist coalescence. However, the site has existing built development to three sides and as such it is considered that it would be difficult to argue that the development would harm the open status of the coast or result in settlement coalescence to an extent that could justify refusal of planning permission.

In light of the above, the application is contrary to local and neighbourhood plan policies and has been advertised as a departure. This weighs heavily against the proposal.

It is however necessary to establish whether there are any material considerations that support the proposal and outweigh any harm caused by the proposal being contrary to local and neighbourhood plan policy. These are addressed below alongside a more detailed consideration of the other considerations.

### **Economic Benefits**

Darts Business Park has been operating from the site since the 1970's and has over the last few years seen a change in shift from a more industrial base with a number of workshops and repair businesses to a light industrial/office base, particularly through the construction of the 'Topsham Units' a range of 7 small units (140m<sup>2</sup>) which are occupied by a range of business including a sail maker and a charcuterie.

The proposed units are larger than these, with 8 being 188m<sup>2</sup> and 2 being 468m<sup>2</sup> which would offer a range of modern units which does not currently exist on the park. Supporting information suggests that between 40 and 50 new jobs would be created by the proposal and would offer a medium sized unit.

The application is supported by letters from commercial property agents stating that there are a lack of business units on the market resulting in an outflow of companies to Willand and Cullompton; lack of vacancies at Darts Business Park; with evidence provided of interest in units on the site.

The Councils Economic Development Officer (EDO) has been consulted on the application and the additional information submitted in respect of the demand for new units and additional floorspace, and considers that at the present time *“we are facing market failure in East Devon in the supply of B use premises to meet demand”*. It is considered that the shortage of new jobs is failing the District. The East Devon Local Plan 2013-2031 recognises that the creation of jobs and economic growth is one of the main issues of greatest importance, and whilst it is recognised that the majority of new jobs and employment provision will be made as part of the major development of the West End of the District, in the rest of East Devon employment provision will mostly be geared to serving local needs with jobs being located close to existing homes to minimise commuting and offering people the opportunity to have options in their transport options. It is noted that within the CSGNP of those in employment, work mainly in Exeter and the business survey showed only 1% of people working for a business in the Parish, actually reside in the Parish.

In respect of the economic benefits of the proposal the EDO considers that:

*“The high level of existing demand for this workspace which is now at capacity (including live enquiries being received by our ED service), coupled with the strong (C.50 FTE) jobs provision warrant strong economic support for the application. The 2,400 sqm of additional commercial and light industrial space will enable new and growing businesses in our district to secure attractive accommodation close to existing labour markets and with good transport and broadband connectivity.”*

The need to provide a sufficient number of jobs against the development of new housing is also recognised and the creation of new jobs and economic development outside of the large West End and other substantial industrial areas such as Greendale Business Park and Hill Barton in smaller units is considered to be essential to achieving the growth and continued economic success of the wider district.

The National Planning Policy Framework considers that in order to support a prosperous rural economy planning policies and decision should enable the sustainable growth and expansion of all types of business in rural areas and recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements.

It is therefore considered that there are clear economic benefits associated with the proposal that will help to improve self-containment and sustainability by the development of local jobs and encourage a reduction in out-commuting, particularly to Exeter, and that the expansion of local business already on site should be encouraged.

This economic benefit weigh heavily in favour of the proposal with the final balance between these benefits and any harm from the proposal being contrary to local and

neighbourhood plan policy discussed under the Conclusion section after consideration of all other matters.

## **Landscape and Visual Impact**

The application site lies in the the open countryside as defined by Strategy 7 (Development in the Countryside) where new development will only be permitted where it would not harm the distinctive landscape, amenity and environmental within which which it is located. The site lies outside of the East Devon Area of Outstanding Natural Beauty, or any other designated area where development should be restricted, but is located within an area identified as being a Green Wedge, where Strategy 8 (Development in Green Wedges) of the Local Plan which seeks to restrict new development which could lead to the coalescence of adjacent or neighbouring settlements, and seeks to retain open land between settlements.

As detailed above, the site also forms part of a woodland protected by Policy CSG6 of the Neighbourhood Plan, a feature identified as contributing positively to the area.

The site comprises part of a plantation area that was planted around 30 years ago understood to have been part of the wider management scheme of the original development of the business park. It has continued to grow since although there has been little management of the woodland during this time. It is not covered by a TPO as it is covered under the Forestry Act and therefore requiring consent from the Forestry Commission for works.

The site is largely constrained by the presence of a gas main which dissects the site, the trees on it and its location including with part of the site within an area identified as being within floodzone 2/3. The central area of the site is at a higher level than the existing units.

The proposed units will be visible in views from the west and south west, specifically in the stretch of road between the entrance to the Business Park and the junction of Bridge Hill with Elm Grove Road. From these vantage points they will be visible, and the loss of trees will be apparent, with the proposed units breaking through the existing treed skyline, however it is considered to a certain extent they will be viewed against the backdrop of the existing units, both the Darts Business Park units but also those at Odhams Wharf.

A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the proposal which assessed the impact which the proposed buildings would have from various receptor points. This report concludes that there would be some localised effects resulting from the loss of the trees the western boundary, particularly the loss of the coniferous trees due to their larger scale and prominence in existing views.

Whilst the findings of the submitted LVIA are generally agreed there is some disagreement regarding the visibility of the proposed units in views from the northwest particularly the elevated land at Bridge Hill. From this vantage point it is considered that the visual impact of the proposed buildings would be more significant. This being said the development from this aspect would be seen in the context of the existing development of the existing business park and Odhams Wharf to the west, and whilst

some planting and a woodland buffer is to be retained to the southern end of the site, some of the buildings may be visible above this.

As stated above there will be some additional visual impact arising from the proposed development in these views, however the development is not readily visible from other views and the overall impact arising from the development is considered to be limited and localised which can to a certain extent be mitigated by additional planting and appropriate landscaping.

## **Trees**

The proposal will result in the loss of a significant proportion of the trees within the plantation amounting to an area of approximately 1 hectare for which there is no opportunity to accommodate replacement planting. The applicant argues that the loss is mitigated by the following:

- removal of a fuel depot from the floodplain of the estuary;
- highway safety improvements;
- flood improvements;
- improved amenity along footpath;
- improved woodland management; and,
- improved appearance of the business park.

Whilst these are improvements that are of benefits as a result of the proposal, they could equally be achieved without the need for the application.

Whilst the trees within the area are not of any individual merit the plantation does offer screening to the existing development on the site and is identified within the Neighbourhood Plan as an important local feature under Policy CGS6. The trees to the south would be largely retained, but those to the west would be removed, with the exception of some specimen trees on the western boundary.

This area of woodland is identified in the CSGNP Policy CSG6 as being regarded as an important natural feature with the policy seeking to resist any development proposals that would result in the loss, damage or deterioration of these areas. The application proposal would result in the removal of a large proportion of the trees from this area of plantation to accommodate the units, associated roads and infrastructure.

The Councils Arboricultural Officer and Landscape Architect in considering this removal both recognise that although the plantation is relatively young and has not been managed for many years, overall the trees make a valuable contribution to the character of area. Their removal would open up views into the site, with replacement planting and landscaping taking a number of years to provide substantive and effective screening. The views of the Parish Council are also appreciated, and it is recognised that the neighbourhood plan has been recently adopted and the harm arising from removal of this area of plantation, identified for protection within the neighbourhood plan has therefore to be balanced against any other benefits which may arise from the proposed development.

Some concern has been raised regarding the available space to provide meaningful additional planting to the western boundary to ensure the removal of significant numbers of trees in this area can be completely mitigated. In this respect the landscape details which have been submitted recognise that it will not be possible to fully mitigate the trees removed, and the proposed development will result in the net loss of woodland. Detailed landscaping proposals would form part of a reserved matters application, however it is considered that subject to appropriate conditions to ensure that significant additional planting is undertaken, the impact arising from the removal of the trees can be minimised.

### **Residential Amenity**

There are two residential properties which share boundaries with the site to the west, and a further 6 which are in close proximity to this. The proposed development would extend the built form of the business park towards the rear of these properties, and remove a number of trees from within the plantation which would increase the visibility of the proposed units. A woodland swale and new planting is proposed to the east of these properties. Concern has been raised regarding the position of the buildings and the relationship with the existing properties, particularly as the application was submitted in outline with all matters other than access reserved. During the course of the application, however, it has been confirmed that matters of scale and layout of the site and buildings should also be considered as part of the current proposal. This provides some certainty in the consideration of the proposal and in this respect it is considered that whilst the outlook from these properties would be altered by the proposal, the distance between the proposed units and the existing properties, at their closest would be in excess of 45 metres.

Other amenity concerns have been raised in terms of noise and nuisance and light pollution, which are appreciated, and which have also been raised as an issue in terms of potential impact on habitats. The impact of light and noise can be a significant issue in terms of neighbour amenity, although it is noted that the orientation of the buildings is such that the rear of the units would be facing the existing dwellings with the result that the buildings themselves should provide a visual and acoustic barrier between the dwellings and the main activity areas of the proposed units. Having said this and in order to ensure that appropriate protection is afforded for the occupiers of the existing dwellings, conditions relating to noise and light pollution, as required by Environmental Health are considered to be appropriate, and in addition no external lighting to the rear of the units should be permitted.

Subject to the above being appropriately conditioned, it is considered that the impact on residential amenity arising from the proposed development would be acceptable.

### **Highway safety**

Access to the new units would be taken from the existing business park entrance, with a new link road being created to the south of the Topsham Units linking into the existing hardstanding area to front of the former fuel depot, which is currently used as a vehicle sales area.

It is considered that the additional traffic generated by the additional units would be able to be accommodated using the existing internal road network with the proposed additional linking road and that the existing junction with the adopted highway network, including the visibility splays and road construction is capable of accommodating any increase in vehicle numbers.

Internal parking and turning facilities are also considered to be appropriate to the development proposed.

The site is considered to be reasonably sustainable in terms of alternative transport with bus stops outside the site, and at St George and Dragon for the main Exeter to Exmouth route. In addition the site lies on the Exe Valley Cycle way and is well served by dedicated cycle routes which offer an alternative to car borne visitors.

### **Drainage and flooding**

The site has been the subject of considerable discussion regarding suitable drainage arrangements, disposal of surface water and potential flood risk.

Part of the site is located within an area identified as being within floodzone 2/3 where new development will normally be resisted. Having said this the nature of the proposed use is categorised as 'less vulnerable'. There is an identified shortfall of available business floorspace of the nature proposed and demand for this is high. Given this and the fact that the majority of the site lies outside of the floodzone it is considered subject to appropriate floor levels being achieved and suitable flood resistance/resilience measures being adopted the proposal will be acceptable in this regard.

A drainage strategy and flood risk assessment has been submitted with the application which are indicated as being illustrative at this stage, the details of which are considered acceptable in principle as commented by the Environment Agency subject to confirmation that appropriate floor levels can be achieved. Revised plans have been received which confirm that the floor levels indicated within units I and J would now meet the recommended 4.70m AOD to ensure that these units can be provided with safe refuge and that flood resistance and resilience measures can be put in place to protect the building against flood depths of up to 400mm, and the previous objections in this respect have been overcome.

In terms of surface water arrangements, considerable discussion has taken place to ensure that an appropriate scheme can be achieved. The resultant scheme comprises a large wetland swale to the west of the development with a restricted rate of flow into it and then a restricted rate of flow out to the natural watercourse, with potential for the swale to slightly overflow to permit the land around it to become a wetland reserve as part of the development proposal.

### **Noise, pollution, and contaminated land**

The introduction of further business units in this location has the potential to increase/introduce additional noise and pollution (generally in the form of light pollution) to the area. The proposal seeks consent for B1 and B8 uses which tend to be less polluting than other business uses, although the activity associated with an unrestricted B8 use in terms of vehicle movements, reversing alarms and light pollution can be significant.

In order to minimise any additional impact arising from the development a number of mitigation measures are suggested, including restrictions on noise levels at the boundary of the site and the submission of an Environmental Management Plan to ensure that the proposed development does not result in a loss of amenity for the occupiers of nearby residential properties. Some concern has also been raised that the occupation of some of the units by an unrestricted B8 use could give rise to noise nuisance and would not be able to comply with the 5dB below background noise level required at the site boundary. It is understood that whilst a B1/B8 use is being sought, the intended occupiers would be able to comply with this requirement. However in order to ensure that the proposed units do not give rise to nuisance, conditions to restrict hours of operation, and noise levels will be necessary.

Similarly light pollution can have a significant impact on the amenities of the occupiers of neighbouring properties (and wildlife, which is considered below). With this in mind the submitted layout has been arranged such that the units to the south west of the site are orientated to have the rear of the buildings are sited between the access road and the nearest residential properties. The openings on these elevations are suggested to be limited, which is considered appropriate, and this together with restrictions on the position and nature of any external lighting are considered to be fundamental to ensuring that no nuisance arises from the development.

The former use of part of the site for the storage and distribution of fuel, using above ground storage tanks has ceased and the tanks removed. The Contaminated Land Officer has been consulted but does not anticipate any contaminated land concerns in respect of the development. Notwithstanding this, and as a precautionary measure a suitable condition will be required in the event of any contamination being found.

## **Ecology**

An ecological assessment has been submitted with the application which included an appraisal of the site and the potential impact arising from the proposed development on habitats and protected species. This found that the woodland plantation was not an integral part of the neighbouring Exe Estuary designated sites or contributes to its ecological functionalities. It also found that there was no evidence of badgers or dormice, great crested newts or roosting bats, although the site provided potential for reptiles and breeding birds.

The site has been identified in the Clyst St George Neighbourhood Plan as an area of woodland that should be protected for its ecological and visual value. Whilst this is appreciated and the loss of a significant area of the plantation is regrettable, if the Business Park is to expand there is no other direction in which it could go. This woodland is not accessible to the public and whilst there is some ecological value, it is not a significant site or of any particular sensitivity.

Having regard to this and the impact which a loss of part of the plantation would have, a number of mitigation measures are proposed including protection of reptile habitats, installation of bird nesting boxes on the units, bat boxes on trees, a 15 year woodland management plan for retained trees, and the review of any lighting scheme by an ecologist. Subject to the above being implemented in full it is considered that suitable provision will be made to ensure the adequate protection of protected species.

### **Appropriate Assessment and Habitats Mitigation**

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

### **Impact on protected landscapes**

The site lies within an area identified as Green Wedge and Coastal Preservation Area, where development will not be permitted if it would add to sporadic or isolated development, or damage the individual identity of a settlement or open nature of the area. In this instance the site is effectively surrounded by existing development on three sides, with the existing business park to the north, other industrial and commercial premises and residential properties to the west, and a boat storage yard to the east. As such it is considered that development of the site would not encroach into the open countryside such that it would encourage or lead to any coalescence of existing settlements, given the relationship with existing development.

The main built form of Ebford lies to the east, beyond the boatyard and the additional plantation and on the opposite side of A376 Exmouth Road. The proposed development would not have any impact on this and would not extend any built form into the open countryside in this area.

Clearly some new development is proposed where none exists at the present time, and consequently the appearance of the area will change, however it is not considered that this will have any significant impact in terms of coalescence or will encroach on any important open land.

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

## **CONCLUSION**

The proposed development is contrary to Local Plan policies by proposing development within the countryside outside of an existing business park and of a large scale and consequently represents a departure from the local plan.

The proposal is also contrary to the Clyst St. George Neighbourhood Plan as it would lead to the outward expansion of the existing business park, and felling of part of a woodland that is identified as being an important natural feature.

The proposal will result in the substantial loss of part of an area of woodland identified in the Neighbourhood Plan for retention, and the proposed development will result in further built form and be more visually prominent than the current situation.

This weighs heavily against the proposal and could justify refusal of planning permission.

However the site is well related to the existing business park and there are significant benefits in terms of job creation and economic growth associated with the proposal and the visual impact is considered to be local not highly detrimental.

Coupled with the economic benefits are the lack of harm to highway safety, neighbour amenity, ecology, flood risk and drainage.

These weigh heavily in favour of the proposal and could be considered to justify a departure from local and neighbourhood plan policies and justify approval of permission.

Whilst very finely balanced, it is considered that the visual impact of the proposed development, and the loss of trees within the plantation does not result in a level of harm that outweighs the economic benefits and the creation of a significant number of new jobs resulting from the proposal, particularly given the location and characteristics of the site.

The application is therefore, on balance, recommended for approval subject to conditions.

## **RECOMMENDATION**

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

1. Approval of the details of the layout scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
3. The premises hereby approved shall only be used for the purposes within Classes B1 and B7 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.  
(Reason – To protect adjoining occupiers with noise and disturbance in accordance with the requirements of Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)
4. The development hereby permitted shall be undertaken in accordance with the conclusions and mitigation measures indicated in the Preliminary Ecological Appraisal dated February 2017 and Ecological Assessment dated 11 May 2018 by Colmer Ecology Ltd.  
(Reason - To ensure the planned mitigation measures for biodiversity enhancement and wildlife protection are appropriate and provided in an appropriate manner in accordance with Policies EN5 (Wildlife Habitats and Features) and Strategy 5 (Environment) of the East Devon Local Plan and advice contained in Paragraphs 170, 172, 175 and 176 of the revised National Planning Policy Framework)
5. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.  
(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)
6. Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. This may include the use of noise mitigation measures such as bunds and acoustic barriers. The Plan shall consider the impacts of noise (including low frequency noise), traffic, odour, smoke, air pollution and light on the local environment and air quality, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.  
(Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15.)
7. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site,

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

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)

8. As part of any reserved matters application, a lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The development shall thereafter be carried out in accordance with the agreed scheme.

(Reason: To ensure that light pollution levels are kept to a minimum in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan and advice contained in Paragraph 180 of the revised National)

9. No development shall take place until details of proposed groundworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the following:
  - Plans showing the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.
  - Sections showing the proposed grading and mounding of land areas including the levels to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Each section shall include the existing site levels as a red dashed line.

Development shall be carried out in accordance with the approved details prior to the occupation of the development.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031. These details are required prior to the beginning of construction as groundworks will take place at the start.)

10. As part of any reserved matters application a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each species and notes describing how the scheme will be implemented. For the avoidance of doubt the scheme shall include additional planting on the northern and north western road boundaries. The landscaping scheme shall be carried out in the first planting season after commencement of

the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

11. As part of any reserved matters application a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. The proposals shall be carried out as approved for the full duration of the plan.

(Reason - To ensure that the details are considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted New East Devon Local Plan 2016.)

12. As part of any reserved matters application a detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved AMS. The AMS shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme

- b) Implementation, supervision and monitoring of the approved Tree Work Specification

- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme

- d) Timing and phasing of Arboricultural works in relation to the approved development. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

13. As part of any reserved matters details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
14. As part of any reserved matters application the detailed drainage design for the site shall be submitted building upon the principles outlined in the Flood Risk Assessment dated December 2017 and Drainage Strategy dated May 2018 by Dennis Gedge received on 18 December 2017 and 29 May 2018 respectively.  
(Reason: To ensure that the proposed drainage of the site is considered with the proposed layout of the site as a whole in accordance with Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewerage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.
15. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
16. Noise emitted from any refrigeration unit, cooling system, extract ventilation system or any other specific noise source shall be inaudible beyond the boundary of the premises. Within one month of the installation of such equipment, details of any acoustic mitigation required to achieve this noise level shall be submitted to and agreed in writing by the Local Planning Authority and the equipment shall not be used until and unless the mitigation has been installed as agreed. For these purposes, "inaudibility" shall be determined as the specific noise level (after corrections have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment, all measured in accordance with BS4142:2014.  
(Reason: To protect the amenity of local residents from noise and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)
17. Notwithstanding the submitted details none of the units hereby approved shall be occupied until details of flood refuge, flood resistance and resilience measures have been installed in accordance with details which have been submitted to and approved in writing by the local planning authority. These measures shall remain in place in perpetuity.

(Reason – To ensure that a safe refuge and appropriate provision is made in the event of flooding and in accordance with the guidance contained in the National Planning Policy Framework 2018.

18. No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 7am and 7pm Monday to Friday, or 7am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

(Reason: To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)

19. No external openings, plant or vehicular access shall be located on the western elevations of units A-D, as shown on the site layout plan.

(Reason: To protect the amenities of close by residents from noise, emissions or light pollution in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

20. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the SURFACE WATER DRAINAGE STRATEGY.

(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.)

21. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

(Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.)

22. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

(Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.)

23. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.)

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:

297_L01.01 REV P1	Location Plan	18.12.17
297_L01.04 REV P2	Proposed Site Plan	12.03.19
297_L02.01 REV P1	Proposed Combined Plans	18.12.17
297_L02.02 REV P1	Proposed Combined Plans	18.12.17
297_L02.03 REV P1	Proposed Combined Plans	18.12.17
297_L02.04 REV P2	Proposed Combined Plans	12.03.19
297_L03.01 REV P2	Combined Plans	12.03.19
297_L03.02 REV P1	Combined Plans	18.12.17
297_L03.03 REV P2	Combined Plans	12.03.19

297_L03.04 REV P1	Combined Plans	18.12.17
297_L03.05 REV P1	Combined Plans	21.12.17
297_L01.02 REV P2 (AMENDED)	Proposed Site Plan	29.05.18

List of Background Papers

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

## Appropriate Assessment

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

Application Reference	17/3002/MOUT
Brief description of proposal	<b>Outline application to extend Business Park to create 10 additional units to be used for offices, light industry and storage and distribution (Use Classes Order B1 &amp; B8): all matters reserved other than access; consideration of scale and layout</b>
Location	<b>Dart Business Park Road Past Darts Farm Clyst St George</b>
Site is:	Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site Within 10km of the Exe Estuary SPA site alone (UK9010081) Within 10km of the East Devon Heaths SPA (UK9010121) Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602) Within 10km of the Exe Estuary Ramsar (UK 542)  (See Appendix 1 for list of interest features of the SPA/SAC)

#### Step 1

#### Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites

#### Risk Assessment

Could the Qualifying Features of the European site be affected by the proposal?

Consider both construction and operational stages.

The proposal is for an employment use and whilst within 10km of the Protected Landscapes, the employment units will not generate any increase in recreation impacts on the Protected Landscapes in themselves

The development will result in additional traffic, disturbance and employment/industrial activity adjacent to the Exe Estuary. This could result in general noise and disturbance in addition to pressure from staff and visitors using the protected landscapes during break times. Additional disturbance is likely during the construction period

#### Conclusion of Screening

<p>Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?</p>	<p>East Devon District Council concludes that there <b>may be</b> Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at Dart Business Park, Road Past Darts Farm, Clyst St George</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - <a href="http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf">http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</a></p> <p>Exeter City Council - <a href="https://exeter.gov.uk/media/4153/sedesms.pdf">https://exeter.gov.uk/media/4153/sedesms.pdf</a></p> <p>Teignbridge District Council - <a href="https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/evidence-base/">https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/evidence-base/</a></p> <p>An <b>Appropriate Assessment</b> of the plan or proposal is <b>necessary</b>.</p>
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Local Authority Officer		Date:
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**Step 2**  
**Appropriate Assessment**  
 NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

<b>In-combination Effects</b>	
<p>Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.</p>	<p>Whilst there is additional housing and tourist accommodation within 10km of the SPA/SAC which will add to the existing issues of damage and disturbance arising from recreational use, the proposal being of an industrial/business nature is not considered to add to the recreational pressure or to have an adverse effect on the integrity of the Exe Estuary SPA, Dawlish Warren SAC and Ramsar sites alone or in combination with other plans or projects.</p>
Mitigation of in-combination effects.	

<b>Assessment of Impacts with Mitigation Measures</b>	
<p>Mitigation measures included in the proposal.</p>	<p>As identified the application site lies close to the Exe Estuary Special Protection Area (SPA) and Ramsar site. These sites are designated for their overwintering wildfowl and waders. In addition the works are within close proximity to the Dawlish Warren Special Area of Conservation (SAC), designated for its coastal geomorphology and dune systems. A Preliminary Ecological Appraisal and Additional Ecological Recommendations have been submitted as part of the application which outlines how the development could impact on the overwintering bird species. Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application. Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Assessment (AA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which is likely to have a significant effect upon a European site.</p>

	<p>East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and Dawlish Warren, building upon the content contained in the Colmer Ecology submissions (the majority of which has been used in this AIA) and concludes the following:</p> <p>Construction phase:  No construction or demolition works shall be undertaken between 1 October and 31 March.  Working practices and procedures shall be undertaken in accordance with a Construction and Environment Management Plan (CEMP) prepared and submitted to the satisfaction of the Local Planning Authority.  The removal of the existing fuel storage area must be carried out so as to remove the risk of having stored gas and fuel in close proximity to the Exe Estuary designated areas and all removal work must be carried out so as to reduce the risk of contamination and any fuel spillage into drainage ditches. The applicant must follow a working method statement in relation to any fuel tank removal.</p> <p>Operation Phase  All lighting of the site shall be undertaken in accordance with a scheme reviewed by an appropriately qualified ecologist and submitted to and approved by the Local Planning Authority, and designed to meet zone E2 (rural/suburban) standards within the Guidance Note for the Reduction of Obtrusive Light 2011.  Any cleared trees will be chipped and material removed, and at least four habitat log pies created beyond the south-western boundary of the site, but within the applicant's control.  Tree planting around the edge of the site will provide long term screening. Planting will comprise native species and be undertaken in accordance with an agreed landscaping scheme and any replacement trees will be of a broadleaf species, locally sourced and of UK stock.</p> <p>Effect on Achievement of Conservation Objectives and Site Integrity  Table 3.2 considers the impacts assessed above in relation to the achievement of the conservation objectives for the Exe Estuary SPA. Given that no influences or changes arise which could result in the failure to achieve any of the conservation objectives for any of the qualifying habitats or species, it is concluded that no adverse effect on the integrity of the Exe Estuary SPA would occur.</p>
<p>Are the proposed mitigation measures sufficient to overcome the likely significant effects?</p>	<p>Yes – the above mitigation measures are considered to be appropriate to overcome any significant effects of the proposed development.</p>
<b>Conclusion</b>	
<p>List of mitigation measures and safeguards</p>	<p>CEMP submission  Hours of working restricted  Noise and lighting limitations</p>

The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the land at Darts Business Park can be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be <b>NO</b> adverse effect on integrity of the Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites <b>provided</b> the mitigation measures are secured as above.	
Local Authority Officer		Date:
21 day consultation to be sent to Natural England Hub on completion of this form.		

**Appendix 1. List of interest features:**

**Exe Estuary SPA**

**Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):**

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

**Migratory species that are a primary reason for selection of this site**

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

**Waterfowl Assemblage**

>20,000 waterfowl over winter

**Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.**

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

**SPA Conservation Objectives**

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

**The extent and distribution of the habitats of the qualifying features**

**The structure and function of the habitats of the qualifying features**

**The supporting processes on which the habitats of the qualifying features rely**

**The population of each of the qualifying features, and,**

**The distribution of the qualifying features within the site.**

**Dawlish Warren SAC**

**Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):**

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'). (Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus-Glaucium flavum* shingle community  
SD2 *Cakile maritima-Honkenya peploides* strandline community  
SD6 *Ammophila arenaria* mobile dune community  
SD7 *Ammophila arenaria-Festuca rubra* semi-fixed dune community  
Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').  
SD8 *Festuca rubra-Galium verum* fixed dune grassland  
SD12 *Carex arenaria-Festuca ovina-Agrostis capillaris* dune grassland  
SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community  
Annex I habitat: Humid dune slacks.  
SD15 *Salix repens-Calliargon cuspidatum* dune-slack community  
SD16 *Salix repens-Holcus lanatus* dune slack community  
SD17 *Potentilla anserina-Carex nigra* dune-slack community

**Habitats Directive Annex II species that are a primary reason for selection of this site:**  
Petalwort (*Petalophyllum ralfsii*)

### **SAC Conservation Objectives**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

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

**List of interest features:**

### **East Devon Heaths SPA:**

**A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)**

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

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

### **East Devon Pebblebed Heaths SAC:**

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

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

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

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

**S1044. *Coenagrion mercuriale*; Southern damselfly**

**Objectives:**

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

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

### **Exe Estuary SPA**

**Qualifying Features:**

**A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)**  
**A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)**  
**A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)**  
**A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)**  
**A141 *Pluvialis squatarola*; Grey plover (Non-breeding)**  
**A149 *Calidris alpina alpina*; Dunlin (Non-breeding)**  
**A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)**  
**Waterbird assemblage**

**Objectives:**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

### **Exe Estuary Ramsar**

#### **Principal Features (updated 1999)**

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

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

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