

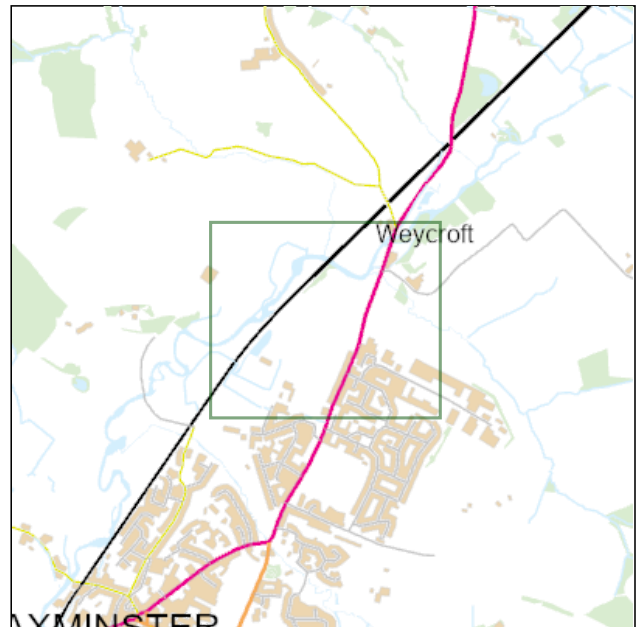
Ward Axminster

Reference 23/0685/MOUT

Applicant Hortons Estate Developments Ltd

Location Land Adjacent Cloakham Lawn And Chard Road Chard Road Axminster

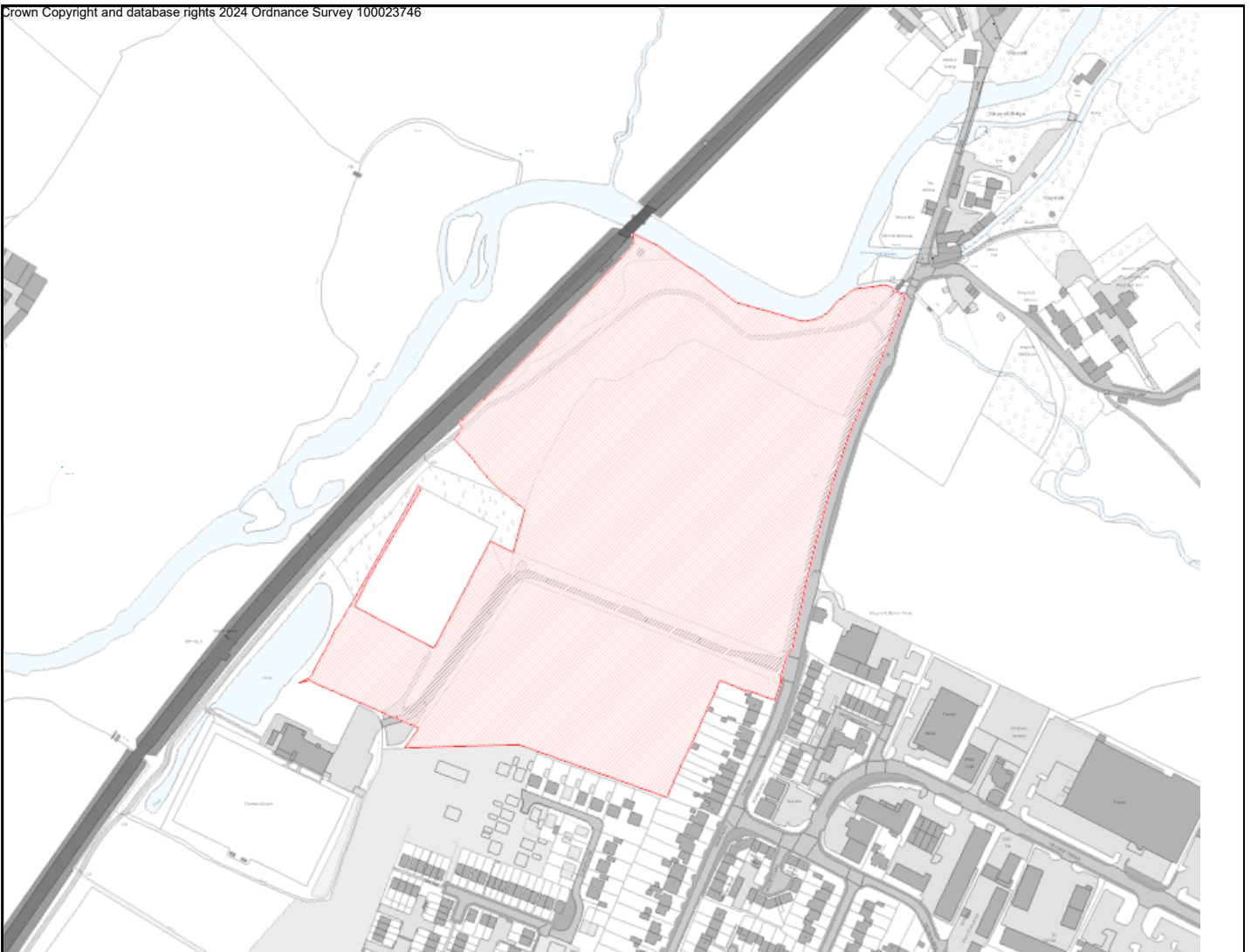
Proposal Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground.



RECOMMENDATION:

- 1. Adopt the appropriate assessment**
- 2. Secure financial contributions and other matters through a Section 106 legal agreement.**
- 3. Approve with conditions**

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		Committee Date: 21.05.2024
Axminster (Axminster)	23/0685/MOUT	Target Date:
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EXECUTIVE SUMMARY

This application is being considered by the Planning Committee because it is a major application and the officer's recommendation of approval differs from the Ward Member and Town Council who object.

The proposal is not in accordance with the Local Plan, specifically Strategy 7 which limits development outside of Built Up Area Boundaries. It does not form part of the Strategy 20 allocation for Axminster which proposes significant housing and employment development adjacent to the town. As planning applications must be determined in accordance with the development plan this would suggest that planning permission ought to be refused, unless material considerations indicate otherwise.

The development can be delivered without detriment to the safety of the local highway network. The proposal would provide an access with better visibility than exists presently when using the football club vehicular access. Therefore, the reserved matter of access, for which approval is sought now, is considered to be acceptable.

The site does not lie within a designated landscape but the Blackdown Hills National Landscape lies a short distance away to the west on the other side of the River Axe. Great weight should be afforded to the protection of these landscapes. It is not expected that the proposed development would have a significant adverse effect on the NL. The character and appearance of the site itself naturally would be changed significantly from being an undeveloped field to urban built form. However, this would be seen in the context of butting up against the existing town edge and in some respects constrained by the railway line, the river and Chard Road. The landscape and visual effects are considered to be acceptable, noting that details of the design scale layout and landscaping have yet to be approved.

The site lies in close proximity to the River Axe, which is designated as an SAC and SSSI. The proposal includes mitigation measures to ensure that no additional phosphate loading off the river will occur thereby ensuring the integrity of the SAC.

The site has some site specific ecological interests concentrated around the river corridor. The council's ecologist is satisfied that the development could proceed without undue detriment to the different habitats and species of the site, provided the suggested conditions are applied and the mitigation is put in place.

The drainage strategy appears to be sound but further details will be required to be approved at the reserved matters stage once the design and layout of the development is clearer.

The development proposes to provide Class E type of commercial development which is generally the type of development that is compatible in residential areas. The application does not appear to be supported by robust evidence in relation to the need for this particular type of land use and it is noted that the economic development officer suggests there is evidence of a need for general industrial and storage and distribution commercial development instead. Strategy 20 of the local plan proposed 8 hectares of land for mixed job generating commercial and employment uses. This seems unlikely to be delivered under the current local plan and the provision of the proposed commercial use would go some way to offsetting the lack of provision. This weighs in favour of the proposal being granted permission as a failure to deliver the employment land as part of strategy 20 is a significant issue for the spatial strategy of the local plan and risks Axminster missing out on these opportunities.

It is considered necessary to apply planning conditions limiting the amount of retail floor space that may come forward, so that any proposals for over 500 square metres of retail floor space either in a single block or cumulatively, must be tested through a retail impact assessment to ensure the vitality and viability of the town centre is maintained.

Strategy 20 has also not delivered what was proposed to be a significant amount of housing in the local plan (650 houses, later updated to 850 in the master planning exercise). This also is a very significant issue undermining the spatial strategy of the local plan and potentially leaving many people in Axminster with

nowhere to live and undermining sustainability of the settlement. It is therefore considered that significant weight should be afforded to the proposed housing.

In accordance with adopted policy as a site that is outside of the BUAB it requires any housing provided to deliver 50% affordable housing, which is what is proposed here. Whilst providing policy compliant level of affordable housing is not an exceptional benefit, in a situation where none of the strategy 20 allocation is likely to be delivered, this is also considered to be a significant benefit in favour of granting permission.

The proposed improvements to the football club will be delivered by the developer. This will be of benefit to those who use the facility but it is not required as part of the wider development under any policy and therefore cannot be secured in any legal agreement with the council and so no weight should be attached to this consideration.

The site lies near to a number of heritage assets including listed buildings and non-designated heritage assets. Any harm identified by the conservation officer is considered to be at worst less than substantial and concerns their setting rather than any direct effect to those buildings. In this respect it is necessary to consider the public benefits of granting permission over any harm. The benefits identified above are considered to outweigh any such harm.

It is noted that the Council is able to demonstrate the necessary 4 year housing land supply required through recent changes to the NPPF such that the tilted balance need no longer be applied to the assessment of housing development. Nevertheless, this planning application has addressed the main technical considerations identified by the draft consultation local plan and the responses it received. It therefore is considered to be a good site for development and that there are significant material considerations which indicate that permission be granted as a departure from the adopted local plan. It is recommended therefore that the Shadow Appropriate Assessment be adopted, that full planning permission is granted for the football club proposals and outline permission (with access approved) is granted subject to the completion of a S106 agreement and the conditions set out below.

CONSULTATIONS

Local Consultations

Axminster - Cllr Paul Hayward

19/5/23

May I firstly declare an 'affects NRI' in this matter as I live on the estate immediately to the south of the proposed site and regularly walk through the land for recreational reasons.

Whilst I would wish to thank the applicants for the comprehensive and clear format of their application documents, I regret that I cannot support this application for a number of reasons as follows:

1) The current moratorium on development in the Axe Valley Catchment due to Natural England warnings on nitrate and phosphate loading in the River Axe appears contrary to what is proposed here, on a site barely metres from the river in question. That alone would lead me to support refusal.

2) The application skirts over the issue of environmental impact to habitat and species nearby and I would need to see a far more robust and demonstrative approach to these issues before giving any amended plans more consideration.

3) The issues of traffic congestions, delays and volumes on this stretch of the A358 just south of the single lane Weycroft Bridge (already suffering from structural integrity problems with existing loadings) are well known to anyone living in the town and using this North-South access point. Any traffic congestion as a result of 140 new dwellings with the ingress/egress point proposed (and perhaps 200 new private vehicle movements and associated delivery vehicles, service vehicles etc) would have an immediate detrimental effect of the quality of life for all living in this area, particularly at Weycroft itself.

4) Drainage and flooding (downhill) from this elevated position are serious concerns to all living south of the Mill Brook in those lower developments. I note that officers have asked for further clarity and evidence in this regard from the applicant and, as such, I'd wish to see those responses/amended plans before making further comment in that respect.

5) Whilst accepting that this application is just outline, I share the Town Councillors concerns about infrastructure delivery in the Axminster area and would wish to see some stronger assurances from the development applicant about what would be delivered in what order, so that existing residents could be confident that any future development on this site (if ultimately approved) was not disadvantageous to them and the new occupants of the dwellings.

6) I am happy to see that the proposals include improvements to the Axminster FC site which provides amenity, recreation and enjoyment to many in the town, including sporting facilities to hundreds of our younger citizens. This is to be welcomed and supported generally. I do have reservations however about the proposed new access into the site, and they're on, into the Football Club grounds to the south. Currently, the visiting supporters access the club via a straight road off Chard Road. The new proposals would remove this access and require visitors (including coaches perhaps) to wind their way through the housing estate road layout to reach their destination.

This seems counter-intuitive and could lead to even more congestion on the proposed site once residents start using the access roads for additional parking (as they inevitably will due to car ownership and the constraints of smaller roads within such build-outs)

Axminster - Cllr Paul Hayward
18/10/23

I thank the applicant for the additional planning information submitted. Regrettably, I still have grave concerns about the effects of this development on the River Axe and the wider Axe Catchment and would wish to see more information provided to support their argument that off-site package treatment (non-mains sewerage) plants would effectively deal with the effluent and nitrate loadings from this development. On that basis, I would maintain my opposition to these proposals as submitted.

Parish/Town Council
16/5/23

The Town Council considered this application at the FULL Council meeting held on 15th May 2023 (agenda item FC23/082AM refers).

After receiving representations from members of the Axminster community, and taking on board written comment submission from community stakeholders and organisations, the Town Council resolved the following:

That this Council does NOT support the Outline planning application (23/0685/MOUT) on the following grounds:

- a) The proximity of the River Axe to this proposed development is a cause of concern to the Council. There would be an expectation that nutrient neutrality should be taken further to actively improve the health of the watercourse, rather than simply aiming to maintain its current unhealthy status quo.
- b) The issues of traffic volumes, congestion and resident safety have not been adequately addressed. The additional housing would inevitably lead to increased vehicle numbers joining the A358 south of a single-carriageway heritage bridge, and a short distance from another major junction; the road currently suffers from significant congestion at peak times ' this proposed development would simply exacerbate the problems that already exist.
- c) Drainage from the site is a huge concern to the Town Council. Recent flooding events downstream from other sites nearby has caused catastrophic damage to dwellings and immeasurable hardship to the residents therein. The Council would wish to see incontrovertible evidence that this development would NOT impact negatively on other existing dwellings in the town.
- d) The density of housing proposed on the site is higher than the Council would wish to see in a rural, out-of-town development.
- e) There is a huge amount of biodiversity in the development area. Particularly, the Council is concerned over the impact of building on the site to the emerging Otter community, and also upon the habitat of the Brown Hair Streak Butterfly which uses the hedgerow as its food supply and home.

This insect is protected in the UK under the Wildlife and Countryside Act, 1981 and is a priority species within the definition of the UK Post-2010 Biodiversity Framework. Proposals to cut the hedges at certain times of year will cause harm to this species which is already dramatically suffering from over-development and habitat loss in this area.

f) The Council maintains its opposition to any new residential development in the Axe Valley catchment area until suitable mitigation and protection of the River Axe in respect of nitrate and phosphate loading can be introduced as per the Natural England guidance & direction from 2022.

g) The issue of infrastructure in the town as a whole is a matter of concern to all Councillors and the Town Council would wish to see a robust schedule of the planned infrastructure improvements which the existing town residents would expect to benefit from as a result of these proposals. Any such infrastructure should be forwarded delivered.

In summary, the Town Council is opposed to this application as submitted.

Parish/Town Council

23/10/23

The Town Council maintains its objections to these proposals citing uncertainty as to the efficacy and suitability of the proposed nitrate mitigation measures.

Parish/Town Council

28/11/23

The Town Council has no further comment to add at this time other than to reiterate previous concerns raised over the development of this site.

Technical Consultations

County Highway Authority

Acceptable subject to conditions.

Natural England

12 February 2024

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the River Axe Special Area of Conservation (SAC).
- damage or destroy the interest features for which the River Axe Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

Mitigation measures set out in the shadow Habitats Regulation Assessment (sHRA) and accompanying Nutrient Neutrality Report (Revision 2 30/11/2023) need to be secured. We advise that appropriate planning conditions and obligations are attached to any planning permission to secure these measures. Natural England's further advice on designated sites is set out below.

EDDC District Ecologist 5.3.24

The application is supported by a Nutrient Neutral Assessment/Mitigation Strategy (NNAMS)iv and shadow Habitats Regulation Assessment (sHRA) screening report and Appropriate Assessment. The NNAMS and sHRA have been subject to amendments following two separate reviews from Natural England, the statutory consultee. Natural England raise no objection to the proposal, subject to appropriate mitigation being secured. The NNAMS and sHRA have also been reviewed by district ecologist.

In summary the proposed mitigation measures include:

- Provision of an onsite wastewater treatment facilities managed by an OFWAT-appointed statutory sewage undertaker. It is proposed to use an iron dosed package treatment plant (PTP). An agreement in principle to adopt the management of the onsite chemical dosed PTP has been provided by Albion Water, subject to necessary consents for discharge and construction.
- Provision of onsite suitable urban drainage systems in accordance with CIRIA 808 guidance.
- Replacement of two septic tanks with efficient (in terms of P removal) PTPs. The locations of the proposed septic tank replacements have been screened against the small-scale thresholds criteria and are upstream of the development site within the River Axe affected catchment. Therefore, these replacements would qualify for nutrient mitigation.

Therefore, assuming suitable planning obligations and conditions are applied to ensure the proposed mitigation measures are provided and maintained in perpetuity, the proposed mitigation measures are considered to mitigate for the predicted increase in P from the proposed development.

Based on the submitted NNAMS and sHRA it is considered that an Adverse Effect on the Integrity of the River Axe SAC can be ruled out.

It is considered that the conclusions of appropriate assessment can be adopted by the Local Planning Authority, in its role as the competent authority under the Habitats Regulations.

EDDC District Ecologist 4.12.23

Revised Ecological Impact Assessment (EclA)

Comments raised previously have mostly been addressed in an amended EclA (Grassroots Ecology, September 2023). This included further clarification of habitat condition, details of a pill box, bat survey effort, bat and dormouse mitigation, and the submission of the biodiversity net gain spreadsheet and condition assessment sheets. No change to the recommended number of bird boxes has been made, although this detail could be secured within a Landscape and Ecological Management Plan (LEMP).

The submitted biodiversity net gain spreadsheet indicates the development could result in an enhancement for biodiversity above the baseline habitat value, even if assuming a precautionary approach to the predicted habitat condition and strategic significance.

The submitted proposal provides a lighting strategy indicating that a dark corridor (<0.5 lux) would be provided along the north and west boundaries of the built development form (Plan ref 1290 Rev B), to be detailed within a supporting lighting impact assessment at the reserves matters stage.

Acceptability of the proposals

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable notwithstanding the above comments and assuming the following conditions are imposed and the successful implementation of the mitigation and enhancement measures.

Housing Enabling Officer
7/7/23

Response: OBJECTION

The Affordable Housing Enabling team have the following comments to make:

Percentage of affordable housing – Strategy 34 of the adopted Local Plan states that land that sits outside the built up area boundary for Axminster should provide 50% affordable housing. The applicant has not submitted a viability assessment to demonstrate why they are only offering 35% affordable housing.

Tenure - The adopted Affordable Housing SPD seeks a tenure split of 70% social rent and 30% intermediate housing. The applicant has suggested in their planning statement that they will provide Affordable Rent tenure, this is not acceptable and would not be affordable to households on local incomes in East Devon. The applicant also mentions First Homes, these are not acceptable either as they are also not affordable in relation to local incomes.

Section 106 requirements – percentage of affordable housing, tenure mix, unit size of affordable dwellings, arrangements for transfer to a Registered Provider and local connection.

DCC Flood Risk SuDS Consultation

24 April 2024

Recommendation:

Objection is withdrawn and no in-principle objections to the above planning application at this stage, assuming conditions imposed for further details on both the outline and full permissions.

Observations:

The applicant has submitted 23/0685/MOUT - Chard Road Axminster Covering Letter (Letter Ref. IMA-22-013/LLFA, dated 16th February 2024).

Outline Planning:

The applicant has revised Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023) to support the development of 140 residential dwellings and associated estate roads and infrastructures, with an allocation of 0.8ha of Class E employment.

The applicant has carried out soakaway testing which confirmed that ground conditions will not support infiltration.

A pond is present adjacent to the Axminster Football Club. It is anticipated that a drainage ditch runs parallel to the base of the railway embankment, and connects to pond, prior to crossing below the railway, south west of the football club and converging with the River Axe.

The Drainage Strategy Catchment Areas Drawing (Drawing No. P/510 Rev. P3, dated June 2023) indicates that the proposed residential area is 22,280m² and the Class E Employment area is 8,080m² (total of 3.036ha). The whole site restricting greenfield runoff rate is 29.5l/s (for 3.036ha) and 7.9l/s for the Class E employment area. However, greenfield runoff calculation in Appendix D indicates an area of 2.813ha for the proposed residential area. The 10% urban creep shall only be applied to the residential property element only. The applicant mentioned in their covering letter above that the corrected information will be submitted during the detailed design. areas used in the model shall also be reviewed.

The applicant mentioned that Class E employment development will be subject to further standalone planning application. The applicant shall ensure that this proposed development will not impact on the overall drainage strategy. Any changes would need to be incorporated.

The applicant will consider bio retention area, rainwater gardens, tree pits, swales etc to capture and treat surface water runoff during detailed design. The downstream section from the attenuation basin shall be changed to swales to provide further amenity, biodiversity and water quality purposes. This shall be looked into detailed during detailed design although the applicant mentioned that the existing pillbox

structure require that the landscape fronting the structure are retained and undeveloped.

The area for the footway or cycleway link to connect to existing football club access is not included as part of this application.

Full Planning:

The applicant proposed a new drainage system of land drains under the training pitch of an area of 60m x 50m. The land drains or lateral drains are further discharging into the carrier drain before outfalling into the adjacent swale. The applicant further clarified in their covering letter that the pitch drains by nature of its gradient to the existing drainage swales. The applicant shall demonstrate during the detailed design that the existing drainage swales have been designed to cater for the flow from this training pitch.

Environment Agency

25.10.23

Environment Agency position

Following review of the additional information submitted we are able to advise that we have no objection to the proposed development subject to a condition which relates to retaining the functionality of the land within the flood zone.

EDDC Landscape Architect

9 August 2023

Summary and Conclusions

While the LVIA generally assesses the level of landscape and visual effects of the proposal as moderate or minor at year 1 and minor or negligible at year 15 it is considered in a number of instances that the level of impact is understated as noted above.

The impact of the proposed development on landscape and visual receptors will be greatest within the Central field due to a number of factors particularly, its existing rural character, relative prominence, the proposed felling of all existing trees to its Chard Road boundary and the extent of built development which are considered likely to give rise to unacceptable landscape and visual harm.

Limiting building heights to two storey within the central field and retaining a greater proportion of trees along the Chard Road boundary would go some way toward reducing impacts on the central field but would not overcome these concerns.

The height of proposed floodlighting the mini pitch should be reconsidered to reduce them to 12m or less and provide stronger screen planting to the western edge.

Conditions suggested.

Conservation

30.5.23

Recommend approval with conditions for interpretations boards.

Environmental Health

10.5.23

No objection, conditions suggested.

Contaminated Land

10.5.23

No objection, suggest conditions regarding potential contaminated land.

EDDC Trees

13/6/23

In principle I have no objection to the proposal, however I do question the location of the proposed new access onto the A358 due to the impact on the existing trees and requirement for a large number to be removed to facilitate the access. It is noted that there are many Ash which will require appropriate management in the future due to Ash Dieback but alternative access points to the south including the existing access are considered possible.

Police Architectural Liaison Officer

28.4.23

No objection to the proposal at this stage.

Devon County Archaeologist

25/4/23

No objection subject to conditions.

Economic Development Officer

31 July 2023

Support proposals which could generate employment but their available evidence suggests a greater demand for B2 and B8 uses than what is proposed.

Other Representations

20 letters of objection raising the following matters:

- River Axe SAC/SSSI; very little in mitigation that would balance, the damage and disturbance on the river, its wildlife and this important green corridor. As the ecology report points out, many protected and rare species use this green space notably Horseshoe bats, otters, kingfishers and dormice to name but a few. This development would block connectivity in the landscape along this important river corridor. Wildlife will be impacted both directly through loss of

habitat but also indirectly through increase in light, noise and increased footfall causing disturbance. The river itself is in poor health, this development will increase phosphate and nitrates levels and increase flood risk impacting the whole river system.

- Proposed Access to the site is going to have a big impact on traffic flows through Weycroft bridge, and all traffic to the football ground will now pass through the residential area ,rather than the current direct route .
- The applicant has carried out traffic surveys in 2022. However, they have used 2011 data from the census on commuting around the area. In 2011 the 340 Cloakham properties were not built and so many of the figures quoted are not relevant.
- Urban sprawl.
- No proper cycle path into town, nor room to build one.
- Should regenerate brownfield sites in town before developing greenfield sites.
- Will add more noise disturbance to area from development following Cloakham Lawn development.
- Impact on traffic in town centre.
- More traffic will block Weycroft residents from getting out of junction.
- No more development should be allowed until the bypass is built.
- Need 1 or 2 bed properties for young people, not 3 or 4 bed properties.
- Lack of employment opportunities in town due to economic downturn leading to more travel away from town.
- Will make flooding worse in town.
- What will happen to hedgerow alongside existing homes?
- Harmful to the listed buildings at Weycroft.

7 letters of support:

- A good addition giving more houses and local work opportunities.
- In favour of looking after our environment, the football club has done much for the development of our new facilities to offset the impact of the new housing development had on the environment. The new facilities have enabled us to run youth teams for boys and girls of all ages and the money for the new housing development will go towards improving and maintaining our facilities to allow the club to continue and further develop our youth team structure.
- Sustainability of our local communities depend on the building of a range of houses (affordable and open market) so that young families can continue to live in Axminster.

PLANNING HISTORY

Reference	Description	Decision	Date
11/1661/MFUL	Change of use of land to recreational land, provision of 2 no full size football pitches with floodlighting to main pitch, clubhouse building and third generation floodlit pitch including new access to Chard Road,	Granted	27.6.2011

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 20 (Development at Axminster)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E11 (Large Stores and Retail Related Uses in Area Centres)

EN5 (Wildlife Habitats and Features)

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

EN8 (Significance of Heritage Assets and their setting)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Site Location and Description

The site lies adjacent to the outside of the built up area boundary at the northern end of Axminster. It is bounded by Chard Road to the east the river axe to the north and West and also the London to Penzance railway line on the western boundary. On the southern boundary awesome existing dwellings along child road and also the cloak and launch development which continues to be built out. The site includes parts of football ground Axminster football club but mostly is comprised of agricultural lands currently used for growing maize.

The application is a hybrid application with full planning permission sort for works to the football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground. Outline planning permission is sought for the erection of up to 140 dwellings, 0.8 hectares of class E employment land, public open space, drainage and ancillary works. Permission is sought for access at this point with layout appearance scale and landscaping reserved for future determination. The existing access to the football club would be closed and used instead for pedestrian access and then you vehicular and pedestrian access would be provided further north along Chard Road. The indicative layout and an accommodation schedule illustrate that 140 dwellings on site is feasible, with the provision of some units as flats/apartments.

There are no landscape designations on the site. There are a number of listed buildings close to the site to the east and north. The northern and eastern boundaries include a public footpath which also makes up a section of the Sustrans route 33 cycle route. The River Axe close to the site is designated as a Special Area of Conservation (SAC) and as a Site of Special Scientific Interest (SSSI).

ANALYSIS

Main Issues

The main issues in the consideration of this application are:

- The principle of development

- Sustainability of location
- Housing Land Supply Position
- Affordable Housing requirements
- Employment/Town Centre Impact
- Access
- Flooding and drainage
- River Axe SAC and SSSI
- On site ecology
- Illustrative Masterplan & Parameters Plan
- Landscape & Trees
- Heritage
- Effects on nearby dwellings
- Other matters
- Planning balance
- Planning obligations

Principle

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site falls outside of any allocation for development at Axminster. The main allocation at Axminster is dealt with under Strategy 20 of the Local Plan. While planning applications for these main parcels of land within this allocation were submitted, and the requisite master planning work was carried out, among other issues the uncertainty over the funding of the relief road means that the delivery of these schemes is unlikely to be viable at present. These applications remain undetermined. A smaller parcel of land under application 21/3025/MFUL may yet deliver a minor portion (29 houses) of the Strategy 20 housing but at the time of writing is undetermined.

As the site is not allocated it falls to be considered under Strategy 7. Strategy 7 only permits development outside Built-Up Area Boundaries where permitted by some other policy in the Local Plan or any Neighbourhood Plan. There are no other policies or strategies in the Local Plan that would permit the development proposed in principle and there is no Neighbourhood Plan in effect in this location. The proposal would therefore be in conflict with Strategy 7 and unacceptable in principle. Despite being adjacent to the boundary of Axminster, the prevailing Development Plan should not be set aside lightly and several appeal decisions (albeit on smaller sites) have recently affirmed the importance of the development plan in determining applications (i.e., APP/U1105/W/20/3246861). Conflict with Strategy 7 attracts significant weight in the balance of considerations.

Sustainability of location

The site lies at the northern end of Axminster along Chard Road. The nearest bus stop is a simple flag-type on Second Avenue at Millwey Court, 120m southeast from the site. There are also stops at First Avenue with shelters and bus

boarders either side of the A358 just south of Cloakham Drive, 380m from the site.

The Millwey Court stops are served by route 30 running 8 times a day each way between Axminster and Taunton via Chard and Ilminster, Monday to Saturday. Route 885 also uses the stops, running hourly between Axminster and Beer via Seaton and Colyton, Monday to Saturday.

The First Avenue stops are also served by route 4/4A/4B running hourly between Axminster and Exeter via Honiton and Ottery St Mary, in addition to routes 30 and 885 that stop closer to the site at Millwey Court.

The buses run at times suitable for commuting with journey times as follows to main destinations (times from TravelineSW.com):

- 5 minutes to Axminster Hospital & the Axe Valley Academy
- 5 minutes to Axminster Town Centre
- 6 minutes to a Tesco Superstore
- 9 minutes to Axminster Railway Station
- 29 minutes to Chard

There is a wide range of amenities within a direct bus ride from the site, including employment, education, retail a railway station.

Axminster railway station is a short bus or cycle ride from the site, with hourly services between London and Exeter. Direct journey times to main settlements are as follows:

- 12 minutes to Honiton
- 13 minutes to Crewkerne
- 22 minutes to Yeovil
- 42 minutes to Exeter

The site therefore has good links to main day to day amenities by bus and rail, as well as having a wide range of daily facilities within reach on foot and by bicycle.

The site is served by a footway on the eastern side of Chard Road, which extends south to the network of footways serving the town. The nearest formal crossing over the A358 is at Cloakham Drive some 380m south of the site.

The surfaced footway ends at the existing football club access, but a pedestrian route has been extended along the A358 within the site as a Permissive Path with an unconsolidated surface, linking National Cycle Route 33.

There are a good range of sustainable travel options for residents to access local services, facilities and employment opportunities. The site is therefore considered to be sustainably located and complies with Strategy 5b (Sustainable Transport) and policy TC2 (Accessibility of New Development) of the Local Plan.

4/5 Year Housing Land Supply (4/5YHLS)

The National Planning Policy Framework, Dec 2023, states at paragraph 77 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of

housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. Paragraph 226 states: "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

The draft local plan consultation undertaken by East Devon District council in November 2022 to January 2023 was carried out under Regulation 18 and so the Local Plan is sufficiently progressed to benefit from this provision. On this basis, as the Council can demonstrate a 4.5 year housing land supply, policies within the adopted Local Plan most important for determining the application remain up to date and the tilted balance in favour of sustainable development need not be applied. Therefore, unless there are material considerations that indicate otherwise, the development remains unacceptable in principle and is contrary to Strategy 7 of the Local Plan. For instance, there would have to be significant benefits over and above meeting normal local plan requirements for a scheme to be supported contrary to adopted policy.

Affordable Housing

As the site lies outside the BUAB for Axminster and in accordance with Strategy 34 the development should provide 50% affordable housing. Full weight can be given the Local Plan policies on housing as the Council has the requisite housing land supply as noted above. This would equate to 70 dwellings (based on 140 dwelling total). The proposal initially offered affordable housing of 35%. At the time of the submission of the planning application (when the Council did not have the requisite housing land supply and therefore our housing policies were out of date) the requirement would have been 25%, so an overprovision. Since the publication of the new NPPF, to reflect the new position the Council now finds itself in with regard to having an up to date set of housing policies, the developer has confirmed it will propose 50% affordable housing in line with Strategy 34.

There are over 5000 households on the housing register in East Devon and 412 of those registering a preference for Axminster. This is a substantial need. The allocation under Strategy 20 should have delivered 25% of the 650 homes as affordable homes, which would have been 162.5 affordable units. Recalling that the masterplan for Axminster was based on nearer to 850 homes (uplifted to improve the viability and therefore deliverability of the plan) this would have been 212.5 affordable homes. The proposed scheme could deliver up to 70 affordable homes. (50% of 140 homes).

Additionally, the affordability of housing in East Devon is worse than the national average in England and Wales as shown in the following table. These figures show the affordability ratios nationally versus East Devon. The figures show house prices relative to earnings as a ratio. So for England and Wales in 2021 house prices were 8.93 times earnings whereas in East Devon they were 10.88

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021
England & Wales	6.74	6.95	7.37	7.59	7.77	7.85	7.73	7.75	8.93
East Devon	10.00	10.05	10.34	9.39	9.84	9.93	10.56	10.08	10.88

Based on the above it is considered that the provision of affordable housing should be given significant weight in the planning balance.

The developer is offering a tenure that the Housing Enabling officer finds unacceptable (affordable rent and First Homes). The Affordable Housing SPD adopted by the Council identifies that either affordable rent or social rent dwellings would be acceptable. Social rent is set at a level that takes into account local earnings and property values, typically around 50-60% of market rents; affordable rent levels are set at a maximum of 80% of market rent. The Housing Enabling officer considers that only social rent would be truly affordable in this location. The exact tenure would be agreed as part of the S106 negotiations and having discussed the matter with the Housing Enabling Officer some flexibility might be acceptable.

The provision of 50% affordable housing, while only a policy compliant position, would provide a significant benefit in Axminster where affordable housing delivery is significantly stalled due to the problems in delivering the Strategy 20 allocation. Within the District as a whole affordable housing delivery is below targets. This should be afforded significant weight in the planning balance.

Employment/Town Centre Impact

The Economic Development Manager indicates that employment development would be welcome, particularly when Strategy 20 has not delivered the employment land it allocated. The application is light on evidence as to whether the proposed commercial uses are those specifically needed, and it is reported by the ED team that B2 (general industrial) and B8 (storage and distribution) uses are in demand locally. These are not proposed in this application. The ED team do state that the market for office uses (Class E) is somewhat reduced in this area presently and it would be unfortunate if this land was instead turned over to housing instead in the future.

As originally proposed the development could give rise to a substantial development of retail floorspace were a subsequent reserved matters application submitted for a single retailer, even possibly a food retailer. It is necessary at this stage to consider

the possible effects of that on the town centre as the uses proposed are town centre uses.

Policy E11 of the LP requires any out-of-town retail development above 500m² floorspace to demonstrate that it would not have an unacceptable impact on the town centre. Normally this would be demonstrated through the submission of a retail impact assessment (where retail is proposed). The use class being proposed (Class E) includes retail and so the applicant has been asked how this would be addressed.

In addition, it should also be considered that policy E12 does permit neighbourhood centres and shops. This policy permits development within built up area boundaries, which this is not, “for new local facilities predominantly selling convenience goods of a scale to serve new residential areas or housing areas, provided the vitality and viability of no existing centre is prejudiced”. There are other criteria with this policy but this demonstrates that small convenience shopping is not entirely inappropriate in residential areas. So a balance needs to be struck between promising appropriate commercial development and safeguarding the existing town centre commercial activity.

In response the applicant has suggested a planning condition be used that prevents any retail uses on the Class-E parcel of land unless it has been fully assessed in terms of its retail impacts and associated sequential testing at the reserved matters stage. It is agreed that a condition could be used to restrict any retail uses without such prior assessment and subsequent authorisation, although this seems somewhat heavy handed. Alternatively, a threshold could be set so that only proposals for any individual retail unit over 500m², and/or several smaller units with a cumulative floorspace of over 500m² would be caught by this restriction, thereby not encumbering a proposal for a smaller neighbourhood scale convenience store. It will also be necessary for a separate condition withdrawing permitted development rights for changes of use from retail to dwellinghouses so further housing results where the full considerations of this have not been assessed.

The proposed commercial uses are welcome, especially when the employment allocation in Strategy 20 has not been delivered. This adds some weight to the case for granting permission although this is somewhat tempered because as noted by the ED team the proposed commercial uses are not necessarily those that were envisaged in Strategy 20 or are evidenced as being in demand locally.

Access

The only reserved matter in relation to the housing and commercial proposal is the access arrangements from the highway. The existing access to the football club would be closed and used instead for pedestrian access and then vehicular and pedestrian access would be provided further north along Chard Road.

The vehicular access point is located approximately opposite the proposed access for application 19/0108/MOUT which is the application for the northern parcel of the Strategy 20 allocation i.e., opposite the start of the northern part of the relief road.

The application will provide a benefit through the removal of the sub-standard access to the football ground, which the County Highway Authority notes is a safety gain. The road would be widened to provide a dedicated right-turn lane for southbound traffic turning into the site. Visibility splays of 2.4m x 43m in each direction would be provided. A 3m wide shared footway/cycleway would be provided at the edge of the carriageway from within the site and turning south to meet a new pedestrian/cycle access which will replace the existing football club vehicular access. Access to the football club by vehicles would be provided via the new estate. A pedestrian island/refuge is provided to assist access to the existing industrial estate opposite.

Subject to conditions set out by the highways officer for a Construction Management Plan, delivery of highways and parking, the proposed access is acceptable in accordance with policy TC7 of the Local Plan.

Flooding and Drainage

The outer fringes of the site lie within Flood Zones 2 and 3 which relate to the adjoining River Axe. The illustrative masterplan indicates that the built up areas will avoid flood zone 3 areas completely but some areas of the northern parcel of housing look like they fall within flood zone 2 as indicated on the Council's mapping database (using EA provided data). As the site falls in these flood zones technically both the sequential test and the exceptions test would be applicable.

However, the EA has accepted the applicant's analysis of the site specific flood level analysis and has commented it recognises that "all built development will be located outside of the zones of medium and high flood risk, so the applicability of the Sequential Test is the decision of your authority."

Sequential Test

The approach to the test is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. There is some limited national guidance (NPPG) on what information is required to inform the Sequential Test, which essentially suggests that a developer discuss with a local planning authority (LPA) what it requires.

The guidance states that for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration.

The NPPG does state that local factors can be considered when deciding the area of search to draw up. It is considered relevant that the strategic allocation in Strategy 20 has not been demonstrated to be deliverable and that this leaves a strategic deficit of

housing and employment land in Axminster, undermining the spatial strategy of the Local Plan. This proposal, in principle, would offset that failing. Therefore it is considered that in this particular circumstance it would be appropriate to limit the area of search to Axminster and areas immediately adjoining the town. There are no sites in Axminster which could deliver a similar scale of development. While there are undeveloped fields adjoining the town on its southern and south-eastern flank which lie in areas of lower flood risk, it is considered that as the proposal (in illustrative terms) limits built development to areas outside of floods risk zones 2 & 3 (the precise location of those zones now being agreed by the EA to be as stated by the applicant), the need for the sequential test is actually only the result of the application red line site boundary containing the landscaped and amenity areas and existing football club pitches falling in these zones. Consequently it is considered that the Sequential Test is passed in respect of the housing and employment proposals. The Sequential Test is not considered necessary in respect of the football pitch proposals as these are considered to be minor works . Given that the application for housing and commercial uses in in outline it is not possible to carry out the Exceptions Test at this point.

Sustainable Drainage

Ground infiltration investigations have confirmed that conditions on site will not be suitable for infiltration techniques. The proposed strategy is therefore for surface water to be attenuated on site before being discharged to a river, watercourse feature or local land drainage feature, mimicking the existing drainage characteristics of the site.

Following revisions to the FRA and drainage strategy, Devon County Council as the Lead Local Flood Authority has now removed its previous objections. Planning conditions are suggested by DCC in order to ensure the reserved matters application is fully detailed in respect of surface water drainage plans. Other conditions are proposed in respect of the full permission for the football club. These conditions are considered reasonable in all respects and will make the development acceptable in respect of surface water drainage.

Overall, the proposal is considered to comply with policies EN21 and EN22 of the Local Plan.

River Axe SAC and SSSI

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

New residential development can increase the impacts on the designated sites due to wastewater discharge from water treatment works or from private treatment works that discharge within the catchment area and lead to increase in phosphate levels.

The Council as the Competent Authority should only grant permission if they are certain at the time of Appropriate Assessment that a plan or project (in this case the proposed development) will not adversely affect the integrity of a habitats site i.e., where no reasonable scientific doubt remains as to the absence of effects. In this regard, new residential development, such as that proposed will, without appropriate mitigation, lead to increased phosphate loading (from greywater discharge) and as such should not be permitted.

A Nutrient Neutral Assessment and Mitigation Strategy (NNAMS) and a Shadow Habitat Regulations Assessment (sHRA) has been submitted to assess the effects on nutrient loading and describe the necessary mitigation proposals. In summary the proposals are:

- Provision of an onsite wastewater treatment facilities managed by an OFWAT-appointed statutory sewage undertaker. It is proposed to use an iron dosed package treatment plant (PTP). An agreement in principle to adopt the management of the onsite chemical dosed PTP has been provided by Albion Water, subject to necessary consents for discharge and construction.
- Provision of onsite suitable urban drainage systems in accordance with CIRIA 808 guidance.
- Replacement of two septic tanks with efficient (in terms of Phosphate removal) PTPs. The locations of the proposed septic tank replacements have been screened against the small-scale thresholds criteria and are upstream of the development site within the River Axe affected catchment. Therefore, these replacements would qualify for nutrient mitigation.

Therefore, assuming suitable planning obligations and conditions are applied to ensure the proposed mitigation measures are provided and maintained in perpetuity, the proposed mitigation measures are considered to mitigate for the predicted increase in Phosphate from the proposed development.

Based on the submitted NNAMS and sHRA it is considered that an Adverse Effect on the Integrity of the River Axe SAC can be ruled out.

The sHRA has been submitted to Natural England as the statutory consultee for comment. Natural England raises no objections to the proposed development with the mitigation proposed, therefore it is considered that the conclusions of appropriate assessment could be adopted by the Local Planning Authority, in its role as the competent authority under the Habitats Regulations.

The mechanism for delivery of the mitigation would be via a S106 agreement between the developer, the Council and the third-party landowners whose septic tanks are being replaced. This may involve a separate S106 from the 'usual' S106 used to secure affordable housing and other matters, as the third parties would not want to, nor need to be, bound up in liability for matters beyond the septic tank replacements.

On-site ecology

The Ecological Impact Assessment (ECIA) submitted with the application. This identified that protected species use the site, including bats and dormice. This riverine corridor provides a suitable habitat area for many species and is of the most value on the site.

A dormouse survey has demonstrated that dormice are present on the site. A licence from Natural England will be necessary for the development to go ahead (under the Conservation of Habitats and Species Regulations 2010).

However, Planning Practice Guidance (PPG) requires that the Local Planning Authority is satisfied that a licence is likely to be granted before it grants planning permission.

To this end, it is required to consider proposals against three licensing tests for European protected species. If these are not satisfied, a licence cannot be issued and the developer may not be able to implement a grant of planning permission.

The proposals are assessed against the three tests as follows:

1. The activity is for a certain purpose

The activities are required to develop the site which is not allocated for development in the Local Plan, but is proposed to offset the failure of Strategy 20 to deliver the housing it proposed at Axminster. This is to help meet an identified and robustly tested housing need to meet the needs of the town and district, which is considered to be a matter of overriding public interest. Further, benefits to the local economy would be gained through the employment in relation to the construction works which will add a significant if temporary uplift to the economy.

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

The layout of the development on the site is not yet fixed and the ecological surveys can inform an appropriate scheme which avoids or mitigates any harm.

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

The proposed avoidance, mitigation and compensation measures for the dormice identified in the ECIA have been sympathetically designed, in consultation with suitably qualified experts, so as to appropriately safeguard their conservation status.

In conclusion, it is considered likely that a licence for the works affecting dormice would be granted and is therefore not a barrier to granting planning permission.

The submitted proposals includes a lighting strategy indicating a dark corridor (<0.5 lux) would be provided along the north and west boundaries of the built development form, to be detailed with a lighting impact assessment at the reserved matters stage. Following revisions to the ECIA the Council's ecologist is satisfied that the effect of the development on the on-site ecology is generally acceptable. Suitable conditions are

proposed to secure the submission of further necessary information and mitigation at the reserved matters stage.

Biodiversity Net Gain

This planning application was submitted prior to BNG becoming mandatory in February 2024. Nonetheless the applicant had set out to provide a net gain in biodiversity.

From 12 February 2024 all major planning applications consented in England will be deemed subject to the general biodiversity gain condition to secure the biodiversity gain objective. This objective is to deliver at least a 10% increase in relation to the pre-development biodiversity value of the development granted permission. This legal requirement does not apply to application submitted before 12 February 2024.

The applicant is claiming on-site net change as follows; (Habitat Units +38.69%, Hedgerow Units, +10.4%, Watercourse Units +29.5%). The Council's Ecologist reviewed the data and came out with some lower figures for (Habitat Units +17%, Hedgerow Units +3.32%, Watercourse Units +23%). The Council's ecologist concludes that the development could result in an enhancement for biodiversity above the baseline habitat value, even if assuming a precautionary approach to the predicted habitat condition and strategic significance. While there is some disagreement about whether it meets the 10% threshold which is now required for applications submitted after February 12 2024, there is an overall biodiversity net gain which the developer is not obliged to deliver as the application was submitted last year. This is a benefit and weighs in favour of granting permission, provided this gain is secured and it is suggested that it forms part of the S106 legal agreement to ensure delivery.

Illustrative Masterplan & Parameters Plan

The plans indicate how the proposed different land uses are positioned. Immediately north and west of the proposed vehicular access is the largest proposed residential block. The key indicates this area could include development up to two storeys in height, although scale is a reserved matter. Between the vehicular and pedestrian/cycle access to the site is the propose commercial/employment area butting against Chard Road.

South of the pedestrian/cycle access lies another block of residential development which would abut the Cloakham Lawns development. The scale of development suggested against the boundary with Cloakham Lawns is two storey while the more central part could be up to three storeys. Public open space is proposed alongside the river and railway line, as well as through the middles of the site on the route through the site to the football club.

Overall there are no objections to the suggested parameters or indicative layout noting that both layout and scale are still reserved matters.

Landscape & Trees

The site does not lie within a protected landscape. However the Blackdown Hills National Landscape (NL) lies around 350 metres to the west.

There are some disagreements between the applicant and the Council's landscape architect over the value and sensitivity of some receptors. The change to the site's character for instance is suggested by the applicant as being less than the Council's view, both after 1 year and 15 years. Other differences relate to the National Cycle route through the site, Chard Road residents east of the site, Chard Road motorists, users of Axminster public footpath 45 (on boundary of NL), walkers and cyclists on Uphay Lane, users of All Saints public footpath 66 and residents at Smallridge.

It is possible to make an assessment nonetheless. The Landscape and Visual Impact Assessment (LVIA) seems to underplay the landscape and visual effects. Some planting and trees (category C) would be removed to make way for the vehicular access. These need to be replaced and the landscaping proposed as part of any reserved matters application needs to address this point. While the access could be moved to retain trees, this has not been assessed in terms of highway safety. The location of the access was also selected to avoid prejudicing access into the land east of the site forming the allocation for Strategy 20.

The landscape officer suggests reducing the height of the floodlighting columns to reduce effects on views from the west in the NL. The planning approval for the football club (11/1661/MFUL) included the provision of two pitches with floodlighting, with 6 lighting columns on the main pitch at 15m height and 6 columns of the training pitch under 12m in height. The training pitch floodlighting does not seem to have been installed but still could be. The current proposal is for floodlighting to the training pitch with 4 lighting columns of 15 metres in height. Overall it is considered that the effects are broadly similar and given that there would be fewer but slightly taller columns. The 6m high ballstop netting proposed on the west side of the pitches is generally accepted to have a negligible landscape and visual effect.

Clearly the proposed development would change the character and appearance of the site from undeveloped fields to urban form. There are likely to be, at worst, moderate adverse effects on views of the site from different receptors (as shown in the landscape architects table) in the surrounding countryside from the east, north and west (the latter being in the NL). Great weight should be given to conserving and enhancing landscape and scenic beauty of NLs (NPPF para 182) but this development is not in one. While views from the nearby NL are important, the effects of the development will be seen against the backdrop of the townscape of Axminster. Overall the development (both full and outline) are considered to comply with policies D2 and D3 of the Local Plan.

Heritage

The site lies near to a number of heritage assets, the closest being the Grade II Water Mill at Weycroft which lies immediately adjacent to Chard Road. The northern tip of the site lies only 32m from this building, although looking at the parameter plan, the nearest buildings on the development site could be 143m away. 140m north of the site lies the Grade II Weycroft Bridge. 100-110m east of the site lie the Grade II* Weycroft Manor, the Grade II Weycroft Hall and Garden Wall, and the Grade I Weycroft Hall.

In addition, the site is situated within a landscape in which there is known evidence for numerous Second World War defence structures and earthworks relating to the Taunton Stop Line and the Weycroft Defence Area. Including three Pillarboxes to the north-west of the site boundary.

The effect of the development of these heritage assets is a material consideration and Section 66 of the Listed Building and Conservation Area Act 1990 (amended) establishes a statutory duty to preserve listed buildings / structures and their settings.

Such requirements are reflected in policy EN8 of the LP. Where proposals are likely to affect heritage assets there is a requirement to consider the significance of the asset and how such significance may be affected by the development proposed. Policy EN9 of the EDLP and the National Planning Policy Framework (NPPF) at paras. 205-209 require, where harm is considered to arise, for consideration to be given to the degree of harm and where this is considered to be less than substantial for this to be weighed against the public benefits of the proposal.

The conservation officer has considered the proposals. Having considered the effects of both the outline proposals and the full proposals (particularly the floodlighting) the conservation officer considers that there would be no significant or less than significant harm to the heritage assets and recommends approval subject to conditions requiring the provision of some interpretation boards.

It is not clear if this means 'less than substantial harm', the terminology used in the NPPF. A similar phrase has been used and it should be noted that the recommendation is positive i.e., that permission should be granted. In the event that this is interpreted as meaning there would be 'less than substantial harm' it is necessary to carry out the 'public benefits' balancing exercise.

The main concern raised appears to be with the proposed floodlighting. The conservation officer's advice that it will visually intrude as an uncharacteristic feature within the agricultural landscape that surrounds and forms the historic setting of Weycroft Hall, a feature that will have an impact on the contribution the wider setting makes to the historic interest of the group of heritage assets. This consideration needs to be balanced though against the fact that permission already exists for 6 floodlighting columns on the training pitch, albeit at a lesser height. There is already therefore some effect 'baked in' from the permission in 2012 for these columns. In terms of public benefits, the proposal would deliver much needed housing, including 50% affordable housing, which will offset some of the housing that Strategy 20 has failed to deliver thus far. The scheme also will provide improvements to the football club, which although not generally what would be called a public facility, is of benefit to the local community. Some employment could also be generated which also has not been delivered under strategy 20. Given the lack of concern over the identified level harm expressed by the conservation officer it is considered that the public interests outweigh any such harms. The reserved matters proposals will still need to consider these matters at the later design stages. The proposal is considered to comply with policy EN8 of the LP.

Archaeology -

The County Archaeologist has noted the findings of the survey work provided and is content to propose a planning condition requiring survey work to take place to record any findings prior to development taking place.

Effects on nearby dwellings/residents

The application for housing and commercial use is in outline form only at this stage and so effects on neighbouring dwellings cannot be assessed. Designs submitted at the reserved matters stage will need to consider this matter.

The proposed commercial use would be before Use Class E, which includes shops, food and drink units for consumption on site, financial and professional services, office use light industrial uses, and other uses which can be carried out in residential areas without detriment to the amenity of that area. Any subsequent applications on this section of the site will need to take account appropriate designs, layout, scale and control of specific uses that might be necessary.

The floodlighting proposed could potentially have an effect due to light spill. The nearest houses would be located on the development site for which outline permission is sought in this application. There are also as yet unbuilt houses at the Cloakham Lawns development that might be affected but are further away. The Environmental Health Officer has asked for a condition to assess the lighting in this respect. While permission already exists for 6 floodlights on the training pitch these are lower stands (11.3m) and it would be appropriate to ensure that they do not harm amenity of future occupiers of either site. The former consent for the lighting also imposed a cut off time for the floodlighting of 10pm and so it is considered appropriate to include this in the condition.

Overall the proposal is considered acceptable on these matters subject to condition and the approval of further reserved matters.

Other matters

NHS request

The Royal Devon University Healthcare NHS Foundation Trust has commented on the planning application. It seeks a £96,021.00 contribution towards health services. However the request is not considered to be robustly justified to warrant such a contribution.

Census data from 2011 is used when data from 2021 is available. The main concern though is with the contracts for service delivery. At paragraph 29 of its letter it states that it predominantly uses a tariff approach for funding but does not explain either in the body of the report, nor in the glossary, what this means. The tariff is a fixed payment per patient seen that is set centrally for the delivery of an identified service - effectively it is payment by results. Without evidence to the contrary, it therefore stands

to reason that any service paid under this mechanism is unaffected by population growth.

Paragraph 32 of its letter states that outpatient services are paid for via a block contract. There's relatively minimal explanation of what this means in its letter but more detail is given in some recent high court cases (The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin) (13 February 2023) and Worcestershire Acute Hospitals NHS Trust, R (On the Application Of) v Malvern Hills District Council & Ors [2023] EWHC 1995 (Admin) (31 July 2023)) . It is a fixed amount of money paid for the delivery of services that may or may not make some allowance for population growth.

The request seems to be based on an amount of money for a variety of services - outpatient, elective and acute/emergency. Based on their own evidence it appears as though a proportion of this would be subject to a tariff approach which would bring the request down, if any request can be legally justified. Consequently, no contribution can be sought in respect of this development based on the information provided.

Consultation Draft Local Plan allocation

The site is identified as preferred site in the consultation draft. Draft Strategic Policy 19 states 'this land is proposed for 150 dwellings and 0.6 hectares of employment land. This is a preferred allocation.' The consultation draft states the site is 'quite well related to an excellent range of services and facilities within Axminster. The site borders the River Axe and development has the potential to affect an internationally recognised site of conservation importance. Further work is required to assess the impact of development on nearby heritage assets.'

Paragraph 48 of the NPPF states that LPAs may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Draft Consultation is the very first draft of the new Local Plan and generally at such an early stage no weight can be afforded to the proposed policies. The Draft East Devon Local Plan - Consultation feedback report – July 2023 summarises the responses made in respect of the site.

The Axminster Neighbourhood Plan Steering Group reports that its survey findings in relation to the site were "concerns were raised about the additional HGV traffic on Weycroft Bridge and impacts on the adjacent stream together with the need to manage the relationship with the important group of listed buildings to the north. The vast majority of respondents agreed with the comments and even those who said they did not comment on additional traffic congestion, pollution, flooding, archaeological impact

and potential impacts on listed buildings.” The summary of comments from the public consultation broadly reflects the matters raised by the different consultees and the public comments received in respect of this planning application. That being the case, and given that many of these matters, having been examined in detail during this application process, appear to be resolvable and therefore making the draft allocation consistent with the NPPF. Whilst no weight can be attributed to the draft local plan at present the outcomes of these assessment are notable.

Football Club Improvements –

The developer is offering to fund the proposed football club improvements that are subject of this planning application. These proposals have been found to be acceptable in terms of normal material considerations. The funding of these items however is not considered necessary in relation to the application for outline planning permission and so do not add any weight in favour of the outline application, nor could they be secured via the S106 agreement with the Council.

Planning balance and conclusion

The proposal is not in accordance with the Local Plan, specifically Strategy 7 which limits development outside of Built Up Area Boundaries. It does not form part of the Strategy 20 allocation for Axminster which proposes significant housing and employment development adjacent to the town. As planning applications must be determined in accordance with the development plan this would suggest that planning permission ought to be refused, unless material considerations indicate otherwise.

The current adopted local plan can be relied upon as due to changes to the National Planning Policy Framework in December 2023 the council now has the requisite supply of land for housing required through those changes.

The development can be delivered without detriment to the safety of the local highway network and there are no objections from the County Council as the highway authority in this regard. The proposal in fact would provide an access with better visibility than exists presently when using the football club vehicular access. Therefore the reserved matter of access, for which approval is sought now, is considered to be acceptable.

The site does not lie within a designated landscape, but the Blackdown Hills National Landscape lies a short distance away to the west on the other side of the River Axe. Great weight should be afforded to the protection of these landscapes. It is not expected that the proposed development would have a significant adverse effect on the NL. The character and appearance of the site itself naturally would be changed significantly from being an undeveloped field to urban built form. However, this would be seen in the context of butting up against the existing town edge and in some respects constrained by the railway line, the river and Chard Road. The landscape and visual effects are considered to be acceptable, noting that details of the design scale layout and landscaping have yet to be approved.

The site lies in close proximity to the River Axe, which is designated as a Special Area of Conservation (for ecological reasons) (SAC) and a Site of Special Scientific Interest (SSSI). The proposal includes mitigation measures to ensure that no additional phosphate loading off the river will occur thereby ensuring the integrity of the SAC.

The site has some site specific ecological interests concentrated around the river corridor. The council's ecologist is satisfied that the development could proceed without undue detriment to the different habitats and species of the site, provided the suggested conditions are applied and the mitigation is put in place.

The drainage strategy appears to be sound but further details will be required to be approved at the reserved matters stage once the design and layout of the development is more clear.

The development proposes to provide Class E type of commercial development which is generally the type of development that is compatible in residential areas. The application does not appear to be supported by robust evidence in relation to the need for this particular type of land use and it is noted that the economic development officer suggests there is evidence of a need for general industrial and storage and distribution commercial development instead. Strategy 20 of the local plan proposed 8 hectares of land for mixed job generating commercial and employment uses. This seems unlikely to be delivered under the current local plan and the provision of the proposed commercial use would go some way to offsetting the lack of provision. This weighs in favour of the proposal being granted permission as a failure to deliver the employment land as part of strategy 20 is a significant issue for the spatial strategy of the local plan and risks Axminster missing out on these opportunities.

It is considered necessary to apply planning conditions limiting the amount of retail floor space that may come forward, so that any proposals for over 500 square metres of retail floor space either in a single block or cumulatively, must be tested through a retail impact assessment to ensure the vitality and viability of the town centre is maintained.

Strategy 20 has also not delivered what was proposed to be a significant amount of housing in the local plan (650 houses, later updated to 850 in the master planning exercise). This also is a very significant issue undermining the spatial strategy of the local plan and potentially leaving many people in Axminster with nowhere to live and undermining sustainability of the settlement. It is therefore considered that significant weight should be afforded to the proposed housing.

In accordance with adopted policy as a site that is outside of the BUAB it requires any housing provided to deliver 50% affordable housing, which is what is proposed here. Whilst providing a policy compliant level of affordable housing is not an exceptional benefit, in a situation where none of the strategy 20 allocation is likely to be delivered, this is also considered to be a significant benefit in favour of granting permission.

The proposed improvements to the football club will be delivered by the developer. This will be of benefit to those who use the facility but it is not required as part of the wider development under any policy and cannot be

secured in any legal agreement with the council and so no weight should be attached to this consideration.

The site lies near to a number of heritage assets including listed buildings and non-designated heritage assets. Any harm identified by the conservation officer is considered to be at worst less than substantial and concerns their setting rather than any direct effect to those buildings. In this respect it is necessary to consider the public benefits of granting permission over any harm. The benefits identified above are considered to outweigh any such harm.

Due to the recent changes to the NPPF local planning authorities need not apply the tilted balance in favour of sustainable housing development where its housing land supply exceeds 4 years. This Council currently has a 4.5 year housing land supply. As set out above the Council should therefore determine applications in accordance with the development plan unless material considerations indicate otherwise.

Delivery of housing in Axminster has been significantly constrained in recent years due to the inability to deliver the highway improvements needed to open up the housing allocations in Strategy 20 and due to the issue of nutrient neutrality. The failure to deliver any significant housing or employment growth in Axminster is a material planning consideration.

This planning application has addressed the main technical considerations identified by the draft consultation local plan and the responses it received. It therefore is considered to be a good site for development. The scheme will deliver up to 140 dwellings of which 70 would be affordable, it will also deliver employment land and improved access to the football club in a town which has seen no notable growth within the current plan period. It is considered that these are significant material considerations which indicate that permission should be granted as a departure from the adopted local plan. It is recommended therefore that the Shadow Appropriate Assessment be adopted, that full planning permission is granted for the football club proposals and outline permission (with access approved) is granted subject to the completion of a S106 agreement and the conditions set out below.

RECOMMENDATION

For the outline element of the proposal:

- 1. Adopt the shadow Habitat Regulations Assessment as its Appropriate Assessment.**
- 2. Approve subject to the following matters to be secured by a Section 106 legal agreement:**
 - 50% Affordable Housing;
 - Delivery of Public Open Space on-site and future management;

- Travel Plan Measures and Monitoring (to be based on PROPOSED RESIDENTIAL DEVELOPMENT LAND AT CHARD ROAD, AXMINSTER, EAST DEVON Travel Plan March 2023 IMA-16-196);
- Offsite highways improvements – specifically improvements to the A358/B3261 junction a detailed in the submitted Transport Assessment ;
- Details, delivery, final inspection and future management of on-site package treatment plant to ensure nutrient mitigation is delivered.
- Delivery and future management/maintenance of all other nutrient mitigation proposals. (Off-site septic tank upgrades may be subject to separate Unilateral Undertakings).
- Monitoring fee including monitoring of LEMP
- Delivery of Biodiversity Net Gain (subject to revised details at reserved matters stage)

3. Approve subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale 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.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
4. Prior to commencement of development a Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and recommendations within the bat survey report (Grassroots Ecology, September 2023 - Plan ref 1290 Rev B), shall be submitted to and approved in writing by the local planning authority. The LIA should clearly demonstrate that dark corridors are achievable without the attenuation of habitat features which long-terms management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
(Reason: To ensure lighting from the development does not adversely affect bats that may be present on the site in accordance with Strategy 47 (Nature Conservation and Geology) and EN5 (Wildlife Habitats and Features) of the

East Devon Local Plan 2013-2033. This is a pre-commencement condition as it must inform the design of the development.)

5. Prior to commencement of development a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority based on the Ecological Impact Assessment (Grassroots Ecology, September 2023) and comments made from the District Ecologist. It should include the location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, permeable fencing, and other features to be shown clearly on submitted plans. The content of the LEMP also include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

6. Prior to commencement of development (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA

g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.

h) Use of protective fences, exclusion barriers and warning signs.

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

(Reason: To ensure the development does not adversely affect wildlife that may be present on the site in accordance with Strategy 47 (Nature Conservation and Geology) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033. This is a pre-commencement condition as it needs to inform the development design and procedure.)

7. The development shall not be first occupied until the local planning authority has been provided with evidence, including photographs and completed toolbox talk sheets, that all ecological mitigation and enhancement features, including bat boxes, bird boxes (1 per dwelling), have been installed/constructed, and compliance with any protected species licences, and ecological method statements in accordance with details within the submitted LEMP and CEcoMP. (Reason: To ensure the development does not adversely affect wildlife that may be present on the site in accordance with Strategy 47 (Nature Conservation and Geology) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033.)
8. Within the flood zone as identified on drawing P/500 "Drainage Strategy Conceptual Layout" (within the Flood Risk Assessment) there shall be no storage of, or spreading of excavated material or construction materials during construction of the development hereby approved nor any alterations to the existing land levels within the area of flood zone. (Reason - To ensure flood waters are not displaced and therefore, in the interests of limiting the risk to people and property in a flood event in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2033.)
9. No dwellings or other buildings, fences or walls shall be erected in Flood Zones 2 or 3 as defined in the Site Specific Flood Risk Assessment and Drainage Strategy June 2023 IMA-22-013. (Reason - To ensure the proposed development and its occupants are not unnecessarily exposed to flooding risks in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2033.)
10. Prior to commencement of development the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;

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

(Reason To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of the Road Network and Site Access) of the East Devon Local Plan 2013-2033. This is a pre-commencement condition as it concerns how the development is carried out.)

11. No part of the development hereby approved shall be brought into its intended use until the:
- o Access
 - o parking facilities
 - o commercial vehicle loading/unloading area
 - o visibility splays
 - o turning area
 - o parking space and garage/hardstanding
 - o access drive
 - o and access drainage

that relate to that part of the development have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall be retained for that purpose at all times.

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of the Road Network and Site Access) of the East Devon Local Plan 2013-2033).

- 12.

The reserved matters application shall include details of secure cycle/scooter storage facilities. These facilities shall be provided before the first occupation of the buildings with which they are associated in accordance with the approved details.

(Reason: To promote sustainable travel in accordance with policy 5B (Sustainable Transport) of the East Devon Local Plan 2013-2031. This is a pre-commencement condition as these details need to be agreed to inform the design of the development).

13. Prior to commencement of development the following information shall have been submitted to and approved by the Local Planning Authority:
 - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.
 - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.
External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
 - c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls at 1:250 scale or greater. This shall be accompanied by a minimum of 6 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
 - d) A landscape and green infrastructure strategy plan showing existing trees, hedgerow and habitat to be retained and removed; proposed tree and structure planting and new habitat to be created; existing and proposed watercourses, ponds and wetland areas; pedestrian and cycle routes through the site and how they connect to the existing network beyond.
 - e) Surface water drainage strategy incorporating an appropriate SuDS treatment train and details of SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc. The SuDS scheme shall be designed to enhance bio-diversity value and engineered elements should have a positive or neutral impact on visual amenity.
 - f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:
 - o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
 - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - o schedules of volumes for each material.
 - o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
 - o identification of person responsible for supervising soil management.
 - g) A full set of soft landscape details including:

- i. Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
- ii. Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii. Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv. Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

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

- 14. Prior to commencement of development a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years shall have been submitted to and approved in writing by the Local Planning Authority which should include the following details:
 - o Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
 - o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
 - o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - o Landscape and ecological aims and objectives for the site.
 - o Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - o Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.

- o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- o Arrangements for Inspection and monitoring of the site and maintenance practices.
- o Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- o Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

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

15. The works agreed as part of condition 14 shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

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

16. Any new planting or grass areas which fail to make satisfactory growth or dies within ten years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

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

17. Details of the interpretation board(s) and supporting structure in respect of the Stop Line and Pillbox shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of these works. The submitted details shall include the content, scale, design, profiles, materials and finishes. The works shall be carried out in accordance with the approved details before the occupation of 50% of the houses.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

18. Prior to commencement of development until the developer shall have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.
(Reason: To ensure, in accordance with Paragraph 211 of the NPPF and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031 that an appropriate record is made of archaeological evidence that may be affected by the development. This is a pre-commencement condition as archaeology needs to be recorded before development destroys or removes it.)
19. The development shall not be first occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.
(Reason: To comply with Paragraph 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)
20. The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-time (23:00 - 07:00 expressed as LA90 (15min) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.
(Reason: To protect the amenity of local residents from noise in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2033).
21. No use is hereby permitted on the site of any proposed building(s) for retail use [Class E(a)] with either over 500m² of floorspace individually, or proposals for smaller retail units with a cumulative floorspace of over 500m², without being supported by, in any application for the approval of reserved matters, a retail impact assessment and updated transport assessment that demonstrates to the satisfaction of the Local Planning Authority that there would be no adverse impacts on the vitality and viability of Axminster town centre or the safety of the local highway network from such a use on the application site. Thereafter and following completion of the development, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without

modification) and the provisions of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification), no further building(s) hereby permitted shall be used for retail purposes [Class E(a)] without further express consent from the Local Planning Authority where it would result in a cumulative total of more than 500m² of retail floor space being provided within the application site.

(Reason: To ensure there is no adverse effect of the vitality and viability of Axminster Town Centre or unacceptable impacts on the local highways network in accordance with policies E11 (Large Stores and Retail Related Uses in Area Centres) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2033.)

22. Prior to commencement of development a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, shall have been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A site investigation scheme, based on the already submitted preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.
 4. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of (2) above. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with (3) above.
 5. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16. This is a pre-commencement condition as it concerns potential existing contamination in the ground.)

23. As part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023).
- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be first occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and policy EN22 (Surface Run-Off Implications of New Development) nation of the East Devon Local Plan 2013-2033 and the National Planning Policy Framework and National Planning Practice Guidance. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

24. Notwithstanding the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), none of the Use Class E buildings hereby permitted shall change use to a dwellinghouse (Use Class C3) without further express consent of the Local Planning Authority.

(Reason: In order to allow the Local Planning Authority to fully assess the impacts of such development and to ensure that reasons for approving this development as a departure from the East Devon Local Plan 2013-2033 are not undermined).

NOTE FOR APPLICANT

Informative:

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

Informative: Confirmation - CIL Liable

This Informative confirms that this development is liable to a CIL charge.

Any queries regarding CIL please email cil@eastdevon.gov.uk.

Plans relating to this application:

015 : site access	Other Plans	29.03.23
1001 G	Location Plan	18.04.23
026 : proposed pedestrian/cycle access links	Other Plans	18.04.23

For the full element of the proposed development

RECOMMENDATION

APPROVE subject to the following conditions:

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

3. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023).

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and policy EN22 (Surface Run-Off Implications of New Development) nation of the East Devon Local Plan 2013-2033 and the National Planning Policy Framework and National Planning Practice Guidance. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

4. Prior to commencement of development an assessment shall be carried out of the potential impact of the floodlights on nearby residences and a scheme for ensuring that residents do not suffer loss of amenity due to light pollution shall be submitted to, and agreed in writing with, the Local Planning Authority. Works shall be carried out in accordance with the approved details. The floodlighting shall not be operated any later than 2220 hours on any day.

(Reason -To protect the amenity of neighbouring residents and to regulate and control light spillage to protect the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2033.

Plans relating to this application:

P/2203/02 REV B : pitch drainage	Layout	18.04.23
P/2203/01 REV C : training pitch	Layout	18.04.23

1001 G	Location Plan	18.04.23
D1 Training field 200 Lux 0.5	Other Plans	03.10.23
E1 Issue A4 15m Elevation drawing	Proposed Elevation	03.10.23
P2203_03_C Ballstop netting 230914	Other Plans	03.10.23

List of Background Papers

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

Natural England

12 February 2024

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the River Axe Special Area of Conservation (SAC).
- damage or destroy the interest features for which the River Axe Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

Mitigation measures set out in the shadow Habitats Regulation Assessment (sHRA) and accompanying Nutrient Neutrality Report (Revision 2 30/11/2023) need to be secured. We advise that appropriate planning conditions and obligations are attached to any planning permission to secure these measures. Natural England's further advice on designated sites is set out below.

Further advice on mitigation

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions, and to be confident that there is sufficient information to support the values used in the nutrient neutrality report. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. We would be grateful for confirmation that this is the case.

The revised sHRA has addressed the points raised in Natural England's previous response of 17 November 2023 and has provided further evidence to support the conclusions made. It is noted that to achieve nutrient neutrality it is now necessary to upgrade two septic tanks to PTP at Yeabridge and Whetley Cross Farms. Natural England confirms that these two locations currently discharge into and are upstream of the River Axe SAC. In addition, securing the SuDS features of retention basin, swales and permeable paving to address surface water runoff is necessary to achieve nutrient neutrality.

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.

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

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice below on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. As submitted, the application could have potential significant effects on the River Axe Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered your assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that your assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage. We advise that additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

Additional Information required and comments on the Habitats Regulations Assessment (HRA)

1. Section 2.7. Given the proximity of the development to the River Axe SAC, further assessment of impacts on the designated site in addition to nutrient neutrality is required. No reference is made to the Supplementary Advice on Conservation Objectives for the site (available on Designated Sites View) which include attributes and targets for the functioning of the riparian habitat and potential fish entrapment from intakes and discharges for example.

2. Section 2.9. Although Natural England does not disagree with the conclusion of no likely significant effect on the SAC from constructional noise and lighting, this is not because fish are not a priority reason for the designation. Sea lamprey, brook lamprey and bullhead are all qualifying features of the SAC and should be fully considered in any assessment.

3. Section 3.3. Natural England notes Environment Agency's in-principle support for the onsite wastewater treatment system being adopted by a NAV to undertake management and future responsibilities. Our previous advice (9 October) on the avoidance of aluminium salts for chemical dosing within the PTP should be considered in conditioning any permissions.

4. Justification for water usage figure. The Natural England methodology and calculator recommends the addition of 10 litres per person, per day to the Building Regulations standard being applied to the planning permission (e.g. 120 litres per person, per day). The calculations for this development have removed this additional 10 litres per person, per day and relies on the Building Regulations standard which is secured as part of the planning permission. We advise that the removal of the additional 10 litres per person, per day makes this assessment less precautionary than the approach set out in the Natural England methodology, and the Natural England calculator. Our methodology was informed by the analysis by Waterwise of homes in London built to a stricter 105 l/person/day under the Code for Sustainable Homes which showed that actual water usage ranged between 110 to 140.75 litres per person, per day, depending on the occupancy rates (<https://www.waterwise.org.uk/knowledge-base/advice-on-water-efficient-new-homes-forengland-september-2018>).

5. Section 3.4. Further justification required for the calculations relating to the urban phosphorus export value for the proposed development. We advise that the reduction in percentage impervious area from 80% to 40% may not be sufficiently precautionary during the lifetime of the development given the tendency for urban creep (the paving over of pervious surfaces). Use of the Modified Rational Method plus attenuation basin plus swales plus the new addition of pervious paving has reduced the total annual phosphorus load to mitigate from 6.76 kg TP from the calculator results to 1.17 kg TP now mitigated by the upgrade of a single septic tank to PTP. Your authority needs to have confidence that these calculations are sufficiently precautionary during the life of the development to be certain that nutrient neutrality has been achieved.

6. Appendix 1 of the HRA (NNAMS) states it is Revision R4 dated September 2023 when it has been updated to include a new location for septic tank upgrade and the addition of permeable paving. The NNAMS version currently on the application site is superseded.

7. The new location for the septic tank upgrade is upstream and on the same river channel as the proposed development and therefore meets that aspect of the nutrient neutrality principles.

8. We advise that further information on how the various proposed mitigation measures will be secured as part of any planning permission should form part of the HRA. 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.

Habitats Regulation Assessment (HRA) Adoption Statement

23/0685/MOUT - Land Adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster

The above site is located within the River Axe Special Area of Conservation (SAC) catchment affected by excessive phosphorus (P) causing eutrophication of the designated site. The SAC is protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

The principles underpinning Habitats Regulations assessments are well established. At the screening stage, plans and projects should only be granted consent where it is possible to exclude, on the basis of objective information, that the plan or project will have significant effects on the sites concerned. Where it is not possible to rule out likely significant effects, plans and projects should be subject to an appropriate assessment. That appropriate assessment must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of the site.

Habitats Regulations Assessments (HRAs) of new residential developments therefore need to consider whether nutrient loading will result in 'Likely Significant Effects' (LSE) on a Habitats site. If an HRA cannot exclude a LSE due to nutrient loading, the Appropriate Assessment will need to consider whether this nutrient load needs to be mitigated in order to remove adverse effects on the Habitats site.

The application is supported by a Nutrient Neutral Assessment/Mitigation Strategy (NNAMS) and shadow Habitats Regulation Assessment (sHRA) screening report and Appropriate Assessment. The NNAMS and sHRA have been subject to amendments following two separate reviews from Natural England, the statutory consultee. Natural England raise no objection to the proposal, subject to appropriate mitigation being secured. The NNAMS and sHRA have also been reviewed by district ecologist.

The nutrient budget calculations are based on the 2022 Natural England methodology, River Axe SAC catchment calculator, and CIRIA 808 guidance for removal of phosphorus (P) using sustainable urban drainage systems (SUDS). In summary the proposed mitigation measures include:

- Provision of an onsite wastewater treatment facilities managed by an OFWAT-appointed statutory sewage undertaker. It is proposed to use an iron dosed package treatment plant (PTP). An agreement in principle to adopt the management of the onsite chemical dosed PTP has been provided by Albion Water, subject to necessary consents for discharge and construction.
- Provision of onsite suitable urban drainage systems in accordance with CIRIA 808 guidance.

- Replacement of two septic tanks with efficient (in terms of P removal) PTPs. The locations of the proposed septic tank replacements have been screened against the small-scale thresholds criteria and are upstream of the development site within the River Axe affected catchment. Therefore, these replacements would qualify for nutrient mitigation.

Therefore, assuming suitable planning obligations and conditions are applied to ensure the proposed mitigation measures are provided and maintained in perpetuity, the proposed mitigation measures are considered to mitigate for the predicted increase in P from the proposed development.

Based on the submitted NNAMS and sHRA it is considered that an Adverse Effect on the Integrity of the River Axe SAC can be ruled out.

It is considered that the conclusions of appropriate assessment can be adopted by the Local Planning Authority, in its role as the competent authority under the Habitats Regulations.

EDDC District Ecologist

4 December 2023

1. Introduction

This report forms an update to the EDDC's Ecology's response to the outline application for the above site.

The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2. Review of submitted details

Revised Ecological Impact Assessment (EclA)

Comments raised previously have mostly been addressed in an amended EclA (Grassroots Ecology, September 2023). This included further clarification of habitat condition, details of a pill box, bat survey effort, bat and dormouse mitigation, and the submission of the biodiversity net gain spreadsheet and condition assessment sheets. No change to the recommended number of bird boxes has been made, although this detail could be secured within a Landscape and Ecological Management Plan (LEMP).

The submitted biodiversity net gain spreadsheet indicates the development could result in an enhancement for biodiversity above the baseline habitat value, even if assuming a precautionary approach to the predicted habitat condition and strategic significance.

The submitted proposal provides a lighting strategy indicating that a dark corridor (<0.5 lux) would be provided along the north and west boundaries of the built development form (Plan ref 1290 Rev B), to be detailed within a supporting lighting impact assessment at the reserves matters stage.

Nutrient Neutral Assessment and Mitigation Strategy

The Nutrient Neutral Assessment and Mitigation Strategy (NNAMS) proposes a combination of onsite chemical dosing package treatment plant (PTP) and SUDS features with proposed off-site septic tank replacement with efficient PTP to provide

nutrient mitigation. The NNAMS has been amended since the previous iteration and a shadow Habitats Regulation Assessment (sHRA) has been submitted.

It is understood the client is currently engaged with Natural England using the Discretionary Advice Service (DAS) to assess the proposed nutrient mitigation strategy to ensure the proposals are endorsed by Natural England.

There are issues identified in the sHRA and nutrient strategy by Natural England that still need addressing before the scheme would be considered to achieve nutrient neutrality.

3. Conclusions and recommendations

Acceptability of the proposals

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable notwithstanding the above comments and assuming the following conditions are imposed and the successful implementation of the mitigation and enhancement measures.

The proposed nutrient mitigation measures are yet to be considered sufficient to demonstrate nutrient neutrality, and as such an adverse impact on the River Axe SAC cannot be ruled out.

Therefore, until the nutrient strategy can be demonstrated to provide nutrient neutrality, with acceptance of the proposed scheme by the statutory consultee, I would continue to object to the proposal.

Reason

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on a protected site (River Axe SAC) and the proposal is not in accordance with Strategy 47 (Nature Conservation and Geology) and Strategy 20 (Development at Axminster) of the East Devon Local Plan 2013 to 2031

Draft conditions

Should this application be approved, the following conditions should be imposed.

o No works shall commence on site until a Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and recommendations within the bat survey report (Grassroots Ecology, September 2023 - Plan ref 1290 Rev B), has been submitted and approved in writing by the local planning authority. The LIA should clearly demonstrate that dark corridors are achievable without the attenuation of habitat features which long-term management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

o A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development based on the Ecological Impact Assessment (Grassroots Ecology, September 2023) and comments made from the District Ecologist. It should include the location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, permeable fencing, and other features to be shown clearly on submitted plans. The content of the LEMP also include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

o No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.

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

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

o The development shall not be occupied until the local planning authority has been provided with evidence, including photographs and completed toolbox talk sheets, that all ecological mitigation and enhancement features, including bat boxes, bird boxes (1 per dwelling), have been installed/constructed, and compliance with any protected species licences, and ecological method statements in accordance with details within the submitted LEMP and CECoMP.

EDDC District Ecologist

26 July 2023

1. Introduction

This report forms the EDDC's Ecology's response to the outline application for the above site.

The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2. Review of submitted details

Ecological Impact Assessment (EclA)

The submitted ecological impact assessment (EclA) indicated that the majority of the ecological survey work including the extended phase 1 habitat survey, and survey for bats, nesting birds, and dormice were undertaken in 2020, with a preliminary ecological appraisal undertaken in 2018 and an updated walkover survey in February 2023.

The report does not discuss any changes to the site over the survey period and it is not obvious from the photographs included when these were taken or include any comparison photographs between years/seasons, e.g., different months/year.

BS 42020:2013 Code of Practice for planning and development states that "ecological information should be sufficiently up to date (e.g., not normally more than two/three years old, or as stipulated in best practice guidance)". Given that the majority of the surveys are within three years, and an updated walkover survey was undertaken in February 2023, the current age of the survey data would be acceptable.

Bat activity survey

The site was assessed as having moderate suitability for foraging and commuting bats in accordance with current bat survey guidelines (Collins, 2016).

The north boundary of the site consists of the River Axe, a riparian area with mature trees, and the site also consisted of species-rich hedgerows connecting to the wider landscape. Therefore, given the suitability of riparian habitat for foraging and commuting bats and the connectivity of the river corridor for landscape connectivity, the assessment could under value the site for bats. It is accepted that the arable fields and the built development to the south of the site would reduce its value slightly.

Bat survey guidelines (Table 8.3) recommends to achieve a reasonable survey effort for sites considered of moderate suitability habitat for bats that they be surveyed with one visit per month (April to October), with at least one dusk and pre-dawn survey (or dusk to dawn survey) within one 24 hr period.

For static bat activity surveys survey guidelines recommend that two static bat detectors be deployed during each transect survey, i.e., between April and October for a minimum 5 night period.

In terms of survey effort, four transect surveys were undertaken between May and September 2020. The May 2020 manual activity survey ended at 22:40h, which is 1h

40m after sunset (21:00). Survey guidelines recommend that surveys should span 2-3 hrs from sunset.

The static bat activity survey consisted of the deployment of one static bat detector in Hedgerow 3 (H3) on three occasions spanning late-May, June, late-August/early September for 37 nights in total. One static bat detector was deployed in Hedgerow 5 (H5) on two occasions in late-June/early-July and late-August/early-September for 27 night in total.

The surveys undertaken are in not in accordance with current bat survey guidelines in terms of recommended survey effort and no explanation or expansion on this has been made. In particular, no surveys have encompassed the transitional survey periods (April and October) which is when bats will be moving between their summer and winter roosts, e.g., Beer Quarry and Caves Special Area of Conservation (SAC). The static bat detector deployment on H3 only accounted for 27 nights, when 35 nights is the expected minimum deployment period for sites of moderate suitability, i.e., 5 nights per month (April to October).

Consideration should be given for the potential of the site to support late emergingaverse bat species and whether later transect surveys and use of full spectrum bat detectors would provide additional information. No predicted adverse impacts are considered from the development of the site (other than lighting -see below). However, consideration should also be given to the potential cumulativecombination impacts of the development and those to the south.

Bats and lighting

The issues of lighting is discussed and references ILP 2018 guidance for onsite lighting. However, the lighting design should also follow Devon County Council (2022) guidance - Maintaining dark corridors through the landscape for bats. In particular, major development proposals with potential impacts on light adverse bat species should include a network of dark corridors, with a minimum 10 m width open grassy corridor maintained next to natural linear features. The dark corridors should be no more than 0.5 lux (or above existing baseline lighting levels) as shown on a horizontal illuminance contour plan, measured at 1.5m and be managed to maximise insect prey. The use of vegetation should also be incorporated to provide a buffer from the built development.

The submitted Luminaire Schedule (Drawing D1) indicates that the predicted lux levels contours on by hedgerow H5 in the south-west part of the site (confirmed to be used by both Annex II lesser and greater horseshoe bats) and the attenuation feature to the east are within the region of 5 lux, which is far in excess of the recommended 0.5 lux to avoid impacts on light adverse (including horseshoe) bat species.

Bat roosts

The EclA identified that one pillbox is located on the site but the Design and Access Statement indicated there are two and no mention of the second box is discussed. The report indicates that the box surveyed offered potential suitability to support

hibernating bats and the transect surveys included a partial emergence survey of the boxes. It is accepted that access to the box was constrained but does not include any considerations of alternative survey methods such as infra-red, data loggers, thermal imaging or use of endoscope. The potential use as a night roost is also not mentioned.

Details regarding the second pill box should be provided and measures to ensure the retained boxes remain free from disturbance, e.g., through structured planting, fencing etc.

Hazel dormouse

Dormice are confirmed as nesting on site and clearance of woody vegetation, including hedge severance, prior to development will require a European protected species licence from Natural England.

Mitigation is proposed to provide approximately 500 m of new hedge, predominantly (~285 m) adjacent to/bounded by residential dwellings where continued management and issues of disturbance need to be considered in assessing their viability to support dormice (and to provide biodiversity net gain).

Recommendations to supplement dormouse nest boxes are made but not quantified. At least 10 dormouse nest boxes should be provided in existing suitable habitat over the site, including hedges and area of woodland to the north. New hedges should be Devon bank hedges and species-rich using native woody species of local provenance.

Nesting birds

The site supports a wide assemblage of nesting birds and recommendations are made for nest boxes to be provided at a ratio of 50% of units. In accordance with BS42021:2022 integral nest boxes should be provided at a ratio of one per unit and do not have to be within each unit, e.g., some could be located in clusters adjacent to suitable habitat.

Reptiles and Section 41 protected species

No reptiles were found during the reptile survey and a statement regarding a re-assessment of the site pre-development is made and measures to include protection/avoidance measures provided within a Construction Ecological Management Plan (CEcMP).

This is considered acceptable but should also include consideration and measures for other species protected under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, in particular amphibians and hedgehogs which are commonly found in Devon bank hedgerows. It is accepted presence of great crested newts (GCN) is considered unlikely.

Biodiversity Net Gain

The EclA is supported by a Biodiversity Net Gain (BNG) calculation using the Biodiversity Metric 3.1 and include the headline results summary. It includes all habitat parcel types (areas, hedge, and water courses) and indicates there would be net gain provided for all habitat types (between ~15-89%) and that trading rules has been satisfied.

The proposed onsite habitat gains are largely due to provision of species-rich grassland provision, as well as hedgerow provision, enhancement, and riparian enhancements.

The application should include the full Excel document with assessor's comments as well as the completed condition assessment sheets to ensure proposed created habitats are realistic in their proposed habitat conditions.

Details regarding additionally should also be provided and clearly indicated in the assessors comments in the metric/proposed plans. Measures provided for protected species compensation can contribute to BNG up to no net loss, i.e., 10% gain is required in addition to any habitat being provided as protected species compensation.

Nutrient Neutral Assessment and Mitigation Strategy

The submitted Nutrient Neutral Assessment and Mitigation Strategy (NNAMS) proposes a combination of onsite chemical dosing package treatment plant (PTP) and SUDS features with proposed off-site septic tank replacements with efficient PTP to provide nutrient mitigation.

The site is located within 60 m of the River Axe SAC, with the proposed outflow of the SUDS/waste water entering the SAC from the development site. While the replacement of poorly performing septic tanks with PTPs can provide nutrient mitigation, further consideration of the proposals are required given the scale of the development, the proximity to the designated site, and that the outflow from the waste water flowing directly into the SAC.

3. Conclusions and recommendations

I currently submit a holding objection until the above comments are addressed to satisfaction, in particular details regarding bats, dormice and biodiversity net gain.

Given the large scale of the proposed development, its proximity to the designated site, and that the outflow from the waste water flows directly into the SAC it is recommended that the client seeks formal advice using Natural England's Discretionary Advice Service (DAS) to assess the proposed nutrient mitigation strategy to ensure the proposals are endorsed by Natural England.

It is also recommended following the DAS advice that a shadow Habitats Regulation Assessment (HRA) be submitted with the amended (if required) NNAMS and include the DAS advice letter.

4. Reasons:

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

Consideration of impacts on protected species is a material consideration of planning permission. It is not possible to properly consider the impacts of the proposals on priority and protected habitats and species, or designated sites, in absence of all survey information and suitable avoidance/mitigation/compensation measures.

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on protected sites, protected and priority species and priority habitats. In absence of this information, the proposal is not in accordance with Policies EN5, and Strategy 47 of the East Devon Local Plan 2013 to 2031

Economic Development Officer

31 July 2023

We have reviewed the documents associated with this application. Our main observations are as follows:

- o 4.1.2 of the Design & Access Statement holds that 'The site will also provide approximately 0.8ha of employment land. This will be restricted to Use Class E which includes potential uses such as offices, shops and research and development'. On the face of it, we welcome provision of additional employment land in Axminster, which has taken a high volume of new housing in recent years and without employment development to sustainably balance this. Our concern is that the proposed employment use is quite a broad in range. We would like the applicant to provide evidence of specific local demand for workspace covered by this fairly general resi-friendly Class E use. The current market for office accommodation is somewhat reduced in the east of our district and we would seek assurance that what could be a valuable workspace element would not be lost to residential development through COU or PD following from any future lack of Class E demand. This potential loss would be especially damaging if it could be shown that there were an opportunity to promote high GVA employment, perhaps with a R&D focus on site.

- o We're conscious of a critical undersupply in the provision of available B2 workspace across our district and we'd welcome any reflection of this within the proposals if there were opportunity to address this shortage. Analysis of our own vacant NNDR premises data suggests that between 2019 and 2022, the volume of vacant office premises in East Devon has doubled (predominantly as a result of the transition to home/remote working), whereas the amount of vacant B2 and B8 space has more than halved.

- o The applicant's Planning Statement rightly highlights that the 'employment land that was to be delivered as part of the eastern expansion is now no longer

coming forward'. Within that context, around 0.8ha of employment provision is welcome on one level, though inadequate in meaningfully addressing both the type and scale of evidenced local need. The construction jobs noted are not sustained local employment and provide little impact on longer term GVA.

o We have lost local employers from the area as a result of constrained B2 and B8 supply and no significant new employment areas have come forward in Axminster to address local demand. In Sept 2018, 26 Directors of companies across Millwey Rise Industrial Estate were surveyed (see attached) and articulated a net future emp. land requirement of 3.82 hectares over 5 years. Millwey Rise is completely full now as it was in 2018 and none of their reported additional employment land need has been delivered over the 5 year timeframe.

o Lastly, it should be noted that as much as we'd welcome employment provision to meet local need, on this particular site, we can't see how this would outweigh the observations of Natural England pertaining to unacceptable nitrate and phosphate loading in the River Axe.

We'd be happy to provide additional comment on request.

Kind regards,

Rob

Robert Murray PhD, MIED
Economic Development Manager - Growth, Development and Prosperity

Environment Agency

26.5.23

Thank you for consulting us on this application.

Environment Agency position:

We recommend that this application is not determined until further information is submitted relating to the proposed nutrient mitigation scheme. Whilst we have no in-principle objections to the proposal, further information is required to satisfactorily demonstrate that the proposed off-site mitigation will contribute sufficiently to delivering a nutrient-neutral development and that there is no detrimental impact to the water environment.

Further, we recommend that this application is not determined until you have received comments from Natural England advising that they are content with the details submitted pertaining to the nutrient neutrality.

Our comments regarding flood risk are also provided below. We note a Sequential approach has been taken by the applicant and it will be up to your authority to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF).

Reason for position - Foul Drainage and nutrient neutrality:

The proposal constitutes major development which proposes to use a new non-mains drainage system. The applicant highlights the reason that a mains connection is not proposed is due to the sewer capacity and water quality issues in the area. As you will be aware, the River Axe Special Area of Conservation (SAC) is affected by the requirement of the nutrient neutrality due to the high Phosphorus loads in the river.

The applicant explains that they propose for a NAV (a limited company which provides a water and/or sewerage service to customers in an area which was previously provided by the incumbent monopoly provider i.e., SWW) to adopt the infrastructure and take on the future responsibilities. The applicant details the proposed drainage infrastructure which provides sufficient capacity to treat the expected effluent volumes to the required standard and in line with the British Standards Flows and Loads 4 which is acceptable. As this is the case, we would consider the approach to be essentially equivalent to discharging to the incumbent sewerage undertaker's network which we can support in-principle.

Notwithstanding this, consideration needs to be given to whether the proposed outfall would be located in a significantly different location to that which the current SWW treatment plant outfalls into the River Axe. The SWW discharge is currently at Kilmington Waste Water Treatment Works (WWTW) which is downstream of the development site. Whilst it is positive that the applicant proposes to replace/enhance septic tanks at three sites to the west of Axminster, these sites are within the catchment of the River Yarty rather than the Axe, and at locations which are essentially 'downstream' of the development site. As such, the development could still increase Phosphate loads in the stretch of river from the development site to the confluence of the River Yarty and River Axe/Kilmington WWTW discharge point. Further confirmation to ensure that an overall balance can be struck to ensure no detrimental impacts to water quality at any point along the River Axe is needed. This will need to be demonstrated to the satisfaction of Natural England.

For your information, we advise that this arrangement would require an Environmental Permit which would also apply conditions to secure an OFWAT-approved undertaker to adopt the infrastructure and future responsibilities. Should the in-principle agreement with Albion Water fall through, a permit for a separate private treatment plant serving the proposed development would not be forthcoming consistent with our policies on non-mains proposals in sewered areas.

Reason for position - flood risk:

The site is located partially within flood zones 2 and 3 associated with the main River Axe which borders to site to the north. We note that this site is included in the emerging local plan as an allocation reference: LP_GH/ED/83 but as this is not yet adopted, the Sequential Test is technically applicable. However, the applicant has taken a sequential approach to the layout of the proposal and our interrogation of the flood risk assessment and mapped flood zones suggests that all built development will be located outside of the zones of medium and high flood risk, so the applicability of the Sequential Test is the decision of your authority.

The areas of higher risk are proposed to be the open space and sports pitch which are defined within the planning practice guidance (PPG) as being 'water compatible' uses. Notwithstanding this, it is important that no land raising within the flood zone occurs to ensure that there are no unintended flood risk impacts, including increase in flood risk to third parties. This includes storage of material in the flood zone during construction or raising levels at any time during the construction and operation of the development. Should our other concerns be addressed, we would look to recommend a condition on this matter.

Addressing outstanding matters:

To address the matters highlighted above, we would advise the applicant submits further information to provide assurances that the proposal will be nutrient-neutral. In particular:

- o further assessment regarding the impact to nutrient levels in the stretch of river directly downstream of the proposed outfall (i.e. to the west and south west of the site),
- o further details that the proposed mitigation measures are contributing to the overall nutrient neutrality of the development, to the satisfaction of Natural England.

Advice to the LPA - other matters:

Please note that, should our concerns be satisfied by further information, we would look to potentially recommend a condition which relates to ensuring no land raising in the flood zone. Where the details of the offsite mitigation are satisfactory, we may recommend a compliance condition on this matter. We would also look to recommend that the 'Illustrative Masterplan' 4002D dated March 2023 is included in the list of approved documents.

Please contact us again if you require any further advice or wish to discuss the contents of this letter.

Yours faithfully

Harriet Fuller
Planning Advisor

Environmental Health

10.5.23

1. A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays

or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

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

2. This application involves the introduction of noise sensitive dwellings in close proximity to new commercial premises. I am concerned that the noise impact from the mixing of these two land uses, has not been assessed. It is possible that due to their close proximity, that new businesses operating in the locality will generate significant amounts of noise and the impact of this noise may cause significant adverse effects on future residents. Therefore, a BS4142:2014+A1:2019 assessment should be undertaken in order to determine the noise impact from the introduction of any commercial businesses on the development. The purpose of these noise assessments are to determine whether or not future residents are likely to be adversely affected by noise. This will help inform the decision making process for the proposed development. If the noise impact assessment highlights noise as an issue, mitigation will need to be considered and assessed in order to determine if it is at an appropriate level to achieve the 'Good Standard' internal and external noise levels as detailed within BS8233.

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

3. The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-time (23:00 - 07:00 expressed as LA90 (15min) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

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

4. Before the development commences an assessment shall be carried out of the potential impact of the floodlights on nearby residences and a scheme for ensuring that residents do not suffer loss of amenity due to light pollution shall be submitted to and agreed in writing with the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason -To protect the amenity of neighbouring residents and to regulate and control light spillage to protect the character and appearance of the area.

Conservation

30.5.23

CONSERVATION CONSULTATION ON PLANNING APPLICATION AFFECTING THE SETTING OF LISTED BUILDINGS.

23/0685/MOUT

Land Adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster

Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground.

Site surroundings

The application site is located north of Axminster's Conservation Area adjoining Chard Road, identified as undeveloped fields in arable use. Including an access road to Axminster Town Football Club, land which makes up part of Axminster Town Football Club's grounds.

In appearance the northern boundary of the site is formed by a mature tree belt, which borders the River Axe. This tree belt continues down part of the western boundary, separating the site from the railway line. The remaining part of the western boundary is open and is within Axminster Town Football Club's grounds.

The southern boundary of the site is currently open to the Football Club in the south west and adjoining development under construction to the south east.

The eastern boundary is formed by Chard Road and the back gardens of existing properties along Chard Road to the south. Following which, the boundary comprises a hedgerow with scattered trees along Chard Road and varying types of fence and hedgerows where it adjoins existing rear gardens.

Built Heritage Significance

The proposed development site is located within agricultural north of Axminster town centre, the surrounding area includes assets that comprise of; one Grade I Listed Building, one Grade II* Listed Building and nine Grade II Listed Buildings, including non-designated assets which fall within the site.

Heritage assets surrounding the site.

- o Grade I Listed Weycroft Hall is located east of the proposed development site and forms part of a former manor house with origins dating to c.1400.
- o The southern part of the former manor house now forms a separate dwelling which, has an attached well house and is Grade II* Listed.
- o A stone rubble wall of medieval origin, which now forms the kitchen garden wall, is designated as a Grade II Listed structure
- o An outbuilding to the southeast of Weycroft Manor and a stone rubble garden wall adjoining this outbuilding are also Grade II Listed.

- o The water mill, mill buildings and mill house at Weycroft date to the 18th and 19th centuries and are located northeast of the proposed development site.
- o The Grade II Listed Weycroft Bridge is located the north of the mill complex identified as a 17th century road bridge over the River Axe.
- o The Grade II Listed Cloakham House is located west of the proposed development site and was built in 1732, with alterations and extensions undertaken during the 19th century.

Non-designated heritage assets within the site

- o In addition the site is situated within a landscape in which there is known evidence for numerous Second World War defence structures and earthworks relating to the Taunton Stop Line and the Weycroft Defence Area. Including three Pillarboxes to the north-west of the site boundary.

The potential harm on the heritage assets significance and setting as a result of the proposed development works, has been balanced against paras. 202 and 206 of the NPPF21 as discussed in the assessment of harm which forms part of this report.

Assessment of harm

A Heritage Impact Assessment on the direct physical impact and/or impact on setting of the identified heritage assets from the development site, has been undertaken by AC Archaeology. In response to the proposed development to provide a residential development of 140 dwellings with associated infrastructure, employment land, green space, orchard, attenuation ponds, and play trail on the site.

Physical impact on heritage assets

Within the proposed development site there are Second World War pillboxes, identified as defensive structures forming part of the Taunton Stop Line. These structures are recorded by AC Archaeology as being in-situ and located toward the north-west corner of the site. With an additional pillbox, in situ, located within the north-west corner of the site.

Due to their location, the pillboxes do not fall within the built envelope of the development and will remain in situ, which will result in no physical impact on their historic or architectural interest.

Impact on setting of the surrounding heritage assets

The medieval manorial complex at Weycroft Hall is due to the topography of the rural landscape, elevated on the east side of the historic Fosse Way Roman Road and the River Axe.

In context of views from the group that makes up Weycroft Hall towards the proposed development, the verdant character of the landscape would only allow for glimpsed views of the proposals roofscapes. However and going beyond views and inter-visibility between the manorial complex and the proposed development, the introduction of '4 x 15m tall floodlighting columns and on west side of football pitch and training ground' has the potential to visually intrude as an uncharacteristic feature within the agricultural landscape that surrounds and forms the historic setting of Weycroft Hall, a feature that will have an impact on the contribution the wider setting makes to the historic interest of the group of heritage assets.

In this respect the development site would fail to preserve, enhance or better reveal the contribution to the setting makes to the significance of Weycroft Hall as a historic group. The scale of harm of which is however considered moderate when balanced against the existing verdant landscape, to the west and south of Lodge Lane and Weycroft Hall, which allows for the listed group to continue to be experienced as a complex of medieval manorial buildings, in an elevated position that continues to be experience within a verdant landscape, which forms part of its immediate setting.

The land immediately to the south and west of Weycroft Hall drops down steeply towards a tributary of the River Axe and Weycroft Mill, which is located west of Weycroft Manor and is on the site of one of the mills mentioned within the Domesday Survey. The current buildings at Weycroft Mill however dates to the 18th and 19th centuries.

Although the proposed development site is at the same level and located in close proximity to the Grade II Listed Weycroft Mill and Mill House. Key views of the mill buildings will remain prominent within the streetscene, as a built form that is set of the back edge of the street, the vernacular materials of which provide a contrasting landmark to the hedgerows that define the edges and contours of the A358, when travelling towards Chard.

A key view that will continue to be preserved as a result of the northern part of the site being maintained as a field parcel dedicated 'for people and wildlife, incorporating tree planting and attenuation features which will be enhanced for ecological betterment. This could include the introduction of an orchard to restore historic floodplain features.'

Turning to the immediate setting of the pillboxes that fall within the site, the impact the development proposal would have in the contribution the open setting makes to these non-designated heritage assets, is outweighed by the proposal for interpretation panels within the field parcel to the north-west of the site. Allowing for the historic and architectural interest of these assets to be understood as part of Weycroft Defence Area and Taunton Stop Line.

In summary the proposed development would result in no significant or less than significant harm to the heritage assets, while continuing to preserve the contribution the wider setting makes to the historic and architectural interest of the identified heritage assets that surround the immediate vicinity and wider setting of the heritage assets. Satisfying paras. 202 and 206 of the NPPF21

Recommend approval subject to conditions

Conditions

Interpretation boards

Details of the interpretation board(s) and supporting structure including scale, design, profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works. The works shall be carried out in accordance with the approved details.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Interpretation boards information

Details of the information to be included on the interpretation board(s) including scale, design, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works. The works shall be carried out in accordance with the approved details.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

SLG

30.05.2023

Contaminated Land Officer

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the already submitted preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

4. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken and where remediation is necessary a new

remediation scheme must be prepared in accordance with the requirements of condition 2. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

DCC Flood Risk SuDS Consultation

24 April 2024

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

Outline Planning:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023).

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Full Planning:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023).

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

The applicant have submitted 23/0685/MOUT - Chard Road Axminster Covering Letter (Letter Ref. IMA-22-013/LLFA, dated 16th February 2024).

Outline Planning:

The applicant have revised Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023) to support the development of 140 residential dwellings and associated estate roads and infrastructures, with an allocation of 0.8ha of Class E employment.

The applicant have carried out soakaway testing which confirmed that ground conditions will not support infiltration.

A pond is present adjacent to the Axminster Football Club. It is anticipated that a drainage ditch runs parallel to the base of the railway embankment, and connects to pond, prior to crossing below the railway, south west of the football club, and converging with the River Axe.

The Drainage Strategy Catchment Areas Drawing (Drawing No. P/510 Rev. P3, dated June 2023) indicates that the proposed residential area is 22,280m² and the Class E Employment area is 8,080m² (total of 3.036ha). The whole site restricting greenfield runoff rate is 29.5l/s (for 3.036ha) and 7.9l/s for the Class E employment area. However, greenfield runoff calculation in Appendix D indicates an area of 2.813ha for the proposed residential area. The 10% urban creep shall only be applied to the residential property element only. The applicant mentioned in their covering letter above that the corrected information will be submitted during the detailed design. areas used in the model shall also be reviewed.

The applicant mentioned that Class E employment development will be subject to further standalone planning application. The applicant shall ensure that this proposed development will not impact on the overall drainage strategy. Any changes would need to be incorporated.

The applicant will consider bio retention area, rainwater gardens, tree pits, swales etc to capture and treat surface water runoff during detailed design. The downstream section from the attenuation basin shall be changed to swales to provide further amenity, biodiversity and water quality purposes. This shall be looked into detailed during detailed design although the applicant mentioned that the existing pillbox structure require that the landscape fronting the structure are retained and undeveloped.

The area for the footway or cycleway link to connect to existing football club access is not included as part of this application.

Full Planning:

The applicant proposed a new drainage system of land drains under the training pitch of an area of 60m x 50m. The land drains or lateral drains are further discharging into the carrier drain before outfalling into the adjacent swale. The applicant further clarified in their covering letter that the pitch drains by nature of its gradient to the existing drainage swales. The applicant shall demonstrate during the detailed design that the existing drainage swales have been designed to cater for the flow from this training pitch.

DCC Flood Risk SuDS Consultation
9 February 2024

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to

demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant have submitted 23/0685/MOUT - Chard Road Axminster Covering Letter (Letter Ref. IMA-22-013/LLFA, dated 27th June 2023).

Outline Planning:

The applicant have revised Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023) to support the development of 140 residential dwellings and associated estate roads and infrastructures, with an allocation of 0.8ha of Class E employment.

The applicant have carried out soakaway testing which confirmed that ground conditions will not support infiltration.

A pond is present adjacent to the Axminster Football Club. It is anticipated that a drainage ditch runs parallel to the base of the railway embankment, and connects to pond, prior to crossing below the railway, south west of the football club, and converging with the River Axe.

The Drainage Strategy Catchment Areas Drawing (Drawing No. P/510 Rev. P3, dated June 2023) indicates that the proposed residential area is 22,280m² and the Class E Employment area is 8,080m² (total of 3.036ha). The whole site restricting greenfield runoff rate is 29.5l/s (for 3.036ha) and 7.9l/s for the Class E employment area. However, greenfield runoff calculation in Appendix D indicates an area of 2.813ha for the proposed residential area. The areas used in the model shall also be reviewed.

The 10% urban creep shall only be applied to the residential property element only. This should be refined during the detailed design.

The applicant mentioned that Class E employment development will be subject to further standalone planning application. The applicant shall double check with the LPA to confirm this.

The applicant will consider bio retention area, rainwater gardens, tree pits, swales etc to capture and treat surface water runoff during detailed design. The downstream section from the attenuation basin shall be changed to swales to provide further amenity, biodiversity and water quality purposes. This shall be looked into detailed during detailed design although the applicant mentioned that the existing pillbox structure require that the landscape fronting the structure are retained and undeveloped.

The area for the footway or cycleway link to connect to existing football club access is not included as part of this application.

Full Planning:

The applicant proposed a new drainage system of land drains under the training pitch of an area of 60m x 50m. The land drains or lateral drains are further discharging into the carrier drain before outfalling into the adjacent swale.

The applicant shall confirm the location of the swale and as to whether the swale was previously designed to accommodate the flow from the proposed training pitch.

Yours faithfully
Hock Lee

DCC Flood Risk SuDS Consultation
9 May 2023

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:

Outline Planning:

The applicant have submitted Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-1, Rev. -, dated March 2023).

The applicant mentioned that it is not envisaged that infiltration will be a suitable means of dispersal for the development. It was mentioned also in Section 4.3.4 of the above report that soakaway testing has been undertaken and confirmed that ground conditions will support infiltration. However, no information was submitted to demonstrate this. Also, both the statements contradicted one another.

A pond is present adjacent to the Axminster Football Club. It is anticipated that a drainage ditch following the existing topography, prior to crossing below the railway, south west of the football club, and converging with the River Axe.

The Drainage Strategy Catchment Areas Drawing (Drawing No. P/510 Rev. P1, dated February 2023) indicates that the proposed residential area is 22,280m² and the Class E Employment area is 8,080m² and the associated restricting greenfield runoff rate of 27.4l/s and 7.9l/s. However, greenfield runoff calculation in Appendix D indicates an area of 2.813ha for the proposed residential area. The areas used in the model shall also be reviewed.

The greenfield runoff rates have been calculated using the FEH method. The applicant must submit a screenshot of the FEH web service to evidence the values used.

The applicant is in disagreement with the Environment Agency regarding the modelled flood level provided by the Environment Agency. The applicant would need to obtain an agreement with the Environment Agency as this will impact on the proposed drainage strategy as no above ground attenuation pond is allowed to be located within the flood zone. The Environment Agency also raised the potential risk of the bend in the watercourse migrating into the site. To safeguard the development and provide the necessary access and maintenance corridor, an undeveloped corridor adjacent to the river shall be maintained.

Depending on the outcome of the above agreement with the Environment Agency, the applicant shall review the underground tank proposal for the Class E Employment area as underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited.

The applicant will consider bio retention area, rainwater gardens, tree pits, swales etc to capture and treat surface water runoff during detailed design. The downstream section from the attenuation basin shall be changed to swales to provide further amenity, biodiversity and water quality purposes. The area for the footway or cycleway link to connect to existing football club access is not included as part of this application.

Full Planning:

The applicant proposed a new drainage system of land drains under the training pitch of an area of 60m x 50m. The land drains or lateral drains are further discharging into the carrier drain before outfalling into the River Axe.

The applicant have not provided any detail information regarding the natural tuft pitch and the surface water runoff from the proposed land drains are not being attenuated. The provide shall provide detail of how the surface water runoff will be managed.

Yours faithfully
Hock Lee
Flood and Coastal Risk SuDS Engineer

Devon County Archaeologist
25/4/23

I refer to the above application. The Historic Environment Team has now received the report setting out the results of the archaeological evaluation of the area subject to this proposed development. These investigations have demonstrated evidence of human activity on the site from the Mesolithic and Neolithic periods - by the recovery

of flint tools from these periods - as well as deposits showing later Bronze Age, Iron Age and Roman settlement here. The report from AC Archaeology suggests that the Roman settlement here may have early origins and may have been deliberately sited adjacent to the Fosse Way that the current A58 follows.

The development of this area will effectively destroy the heritage assets with archaeological interest present here, as such the impact of development upon the archaeological resource should therefore be mitigated by a programme of archaeological work that will investigate, record and analyse the archaeological evidence that would otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and

archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that have been shown to contain archaeological or artefactual deposits associated with the prehistoric and Roman activity across the site to ensure an appropriate record is made of these heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent if that would be helpful. The Historic Environment Team can also provide the applicant with advice of the scope of the works required and the areas where archaeological mitigation will be required. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Yours sincerely,

Stephen Reed

Senior Historic Environment Officer
My ref: Arch/DM/ED/38500a

I refer to the above application and your recent consultation. An archaeological geophysical survey has been undertaken across the proposed development site that has identified anomalies that are indicative of prehistoric and Romano-British activity. A programme of archaeological field evaluation is currently being undertaken by the applicant's archaeological contractor, AC Archaeology. The scope of these investigations has been agreed with this office and is designed to investigate the anomalies identified as well as the efficacy of the survey itself.

The Historic Environment Team will be able to provide informed advice to your Authority upon receipt and consideration of the report setting out the results of the archaeological investigations. I would therefore advise that this planning application is not determined until such information is available to ensure that an informed and reasonable planning decision can be made.

Please do contact me if you need any additional information or clarification of any of the above.

Yours faithfully,

Stephen Reed
Senior Historic Environment Officer

EDDC Landscape Architect

9 August 2023

1 INTRODUCTION

This report forms the EDDC's landscape response to the hybrid application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 SITE DESCRIPTION & CONTEXT

The site comprises three fields with an overall area of 8ha, set between Chard Road and the mainline railway on the northern edge of Axminster. The central and southern fields are roughly rectangular under arable, the narrow northern field is an L-shaped meadow which wraps around the northern and western boundaries of the central field. The fields are bounded by native hedgerow which are mostly tall and thick with numerous trees. The landform slopes gently to moderately steeply to the west and northwest towards the river floodplain.

The eastern and southern boundaries of the southern field and the southeast corner of the central field abut existing residential development. Chard Road follows the eastern boundary of the central field. Axminster football club is situated to the west of the southern field. Land use to the north east and west of the site is agricultural, predominantly pasture with parcels of mixed woodland and scattered farms and settlements.

The boundary of the Blackdown Hills AONB lies to the west, 350m from the site. The grade I listed Weyford Hall and grade II Weyford Mill are situated 200m to the northeast.

Access is currently from Chard Road from a field gate directly into the Central field or the metalled access road serving the football club which runs between the central and southern fields.

There is very limited intervisibility between the three fields. Views out from the northern field are restricted in most directions by a combination of vegetation cover and landform. There are extensive views of the AONB from the central field to the north, west and southwest and west and northwest from the southern field. Views to the south and east from the southern field are of the urban edge of Axminster with higher ground beyond. The railway line to the west of the site is barely noticeable due to level difference and vegetation cover. Chard Road is only visible from the southeast corner of the central field. A national grid pylon stands in the field to the

northwest of the site beyond the floodplain and is visible from the southern and central field.

Principal views into the site are from Chard Road and Weyford Bridge to the east and north east, and from higher ground to the north, northwest and west. There are more restricted views over the site from higher ground to the east in which the tops of existing boundary trees only are visible.

An off-road section of National Cycle route (NCR) 33 runs through the northern field from Weyford bridge and continues westward beyond the site boundary to the town centre via Willhay Lane. A permissive footpath runs along the northern edge of the central field from the football club access to meet the NCR just before Weyford bridge.

REVIEW OF SUBMITTED DETAILS

Review of LVIA

Methodology

The methodology generally follows best practice guidance as set out in Guidelines for Landscape and Visual Impact Assessment 3rd Edition.

The assessment attaches great importance to primary mitigation in the form of new planting to reduce the impact of development. It should be acknowledged that the success of such measures cannot be taken for granted and there is always a risk that plant establishment and growth rates may fail to achieve expectations.

Presentation of viewpoint photographs

Photographs are presented as panoramas with 90 degree horizontal field of view. This is not in accordance with LI guidance note 06/19 - Visual representation of Development Proposals - which recommends, where possible, that photographs are presented at A3 size with 40 degree horizontal field of view (HFoV), and which can be supported by up to two 60 degree HFoV images to show context. The guidance states also that 'Where panoramic images are required to capture the site, they may be presented as cylindrical panoramas of up to 90° HFoV at A1 width' For the selected LVIA viewpoints in all instances A3 size 40 degree HFoV images could have captured the view. This is an important point as this format more readily represent the actually viewing experience of an observer on site and can be easily be printed at A3 or viewed at correct scale on a medium size computer screen. To read 90 degree HFoV images correctly they need to be printed at A1 size and held in an arc at arms-length from the viewer. The likelihood is that 90 degree images will be viewed at sizes much less than A1 giving a false impression of the scale of the subject in the centre of the image and underrepresenting the extent of impact of the development particularly for long views. Images for viewpoints 5 and 6 at appendix A to this report illustrate this compared to corresponding LVIA views.

In a few instances viewpoint photographs are taken in poor weather conditions and clarity of images for VPs 5 and 12 is particularly poor, making it difficult to pick out the site and immediate surroundings.

Baseline assessment

At para. 4.24 the railway and A358 are noted as being visual detractors within the northern field parcel. However, due to intervening topography and screening vegetation, these elements exert very limited influence on what is a green field bounded by hedgebanks with a cycle way through it, as clearly shown in the accompanying LVIA photographs for viewpoints (VPs) 1a and 1b.

At para. 4.25 it is stated that the central and southern fields are more closely related to neighbouring development to the south and east. While this is not disputed, it is much less the case for the central field where existing adjacent development is limited to the southeast corner.

In consideration of views from the east, at para 5.10 it should have been noted that there are attractive views across the site to the Blackdown Hills AONB beyond, through the existing field entrance gate on the A358 and the adjacent remnant hedgerow to either side.

Potential visual receptors listed at para. 5.14 should have included residents and visitors at Weycroft Hall, Weycroft Mill and Mill House.

Proposals

At para. 8.7 it is stated that the retention of the northern field as a green corridor will limit the potential perceived extension of Axminster when viewed from the west. This is not correct as the central field is notably higher than the northern field and is clearly visible in views from the west and northwest as illustrated in figures 1-4 in Appendix A below.

Value and sensitivity of receptors

The landscape value of the site and its immediate surrounds is assessed in the LVIA as **medium-low**. This is accepted in respect of the southern field, which has no public access and which abuts existing housing to the east and south and the football club to the west. The central and northern fields, however, retain a rural character with public access through them, and a closer relationship with the grade I and II listed buildings at Weyford Hall and Weyford Mill. They are generally more prominent than the southern field and in views from the west (VP6) they are seen, in the context of the urban edge of Axminster and Weycroft Hall, as a swathe of undeveloped countryside separating the two and connecting with the Wooton Hills LCA to the east. Accounting for these factors the landscape character of the site should be considered to have a **medium** sensitivity overall to the type of development proposed.

The sensitivity of other landscape receptors, including the Blackdown Hills AONB, identified in the LVIA is accepted.

For residential receptors on Chard Road the LVIA gives a medium sensitivity. In accordance with the LVIA methodology Table 2, sensitivity should have been assessed as **high** - 'residents with extensive views towards the development' – particularly given that views at present look out to the AONB. Similarly in accordance with Table 2 of the methodology, for motorists on Chard Road sensitivity should have been assessed as **medium** rather than **low**.

Assessment of landscape effects

In consideration of the likely effects on the site character and landscape features, in Appendix 6 the LVIA refers to 'some vegetation loss to accommodate access' but it should have been noted that all the trees along the boundary of the central field with Chard Road are to be felled as indicated on the arboricultural impact assessment. Even with replacement planting this will have a significant impact in the short-medium term and open the site up to views during the construction and early operational phase from Chard Road.

Mention is made of floodlighting for the mini-pitch which is shown on drawing no. D1 to comprise 15m high columns. The proposed flood lit mini pitch is to be situated on an existing terrace and will have limited impact but the proposed 15m floodlights will have a more significant impact with limited opportunity for screening from sensitive receptors within and on the boundary of the AONB.

Effects on the setting of the grade I listed Weycroft Hall and the visual impact of its visitors and residents have not been assessed in the LVIA but should have been. It is difficult to verify at present whether there is intervisibility between Weycroft Hall and the site, as the central field has a standing maize crop and intervening trees and hedgerow are in full leaf. It is however likely that, as proposed, the roofs and upper storeys of proposed dwellings in the central field would be visible from Weycroft Hall above the existing northern boundary hedgerow.

Assessment of visual effects For National cycle route users (NCR 33) through the northern field, the proposed attenuation basins will introduce engineered slopes adjacent to the path. The neighbouring arable fields will be developed for housing which will be set at a higher level behind the dividing hedgebanks and proposed housing will be visible above the hedge line along the route. Proposed mitigation planting will help to soften these effects over time but they will still have a noticeable urbanising influence and should be considered **moderate adverse** at year 15 rather than **minor adverse** as identified in the LVIA.

For Chard Road residents the magnitude of effect at year 1 should be considered **high not medium-high** as their views across agricultural fields to the hills of the AONB will be completely blocked by new housing extending up to the boundaries of their properties, giving rise to a **major adverse** level of effect at year 1 reducing to **moderate adverse** at year 15.

For users of Axminster footpath 45, particularly in the vicinity of Sisterhood Farm (VP 6), a finger of development would be seen to extend beyond the apparent built envelope of the town through open countryside, obscuring Wayford Hall and

breaking the flow of undeveloped countryside east of the town across the valley to the Wooton Hills. The magnitude of effect at year 1 should be considered **high** not **moderate** as indicated in the LVIA with **major-moderate** level of effect reducing to **moderate** level of effect at year 15 rather than **moderate-minor**.

These and other more minor differences in the LVIA and EDDC assessment of landscape and visual impact are summarised in table 1 below.

Table 1 – Comparison of landscape and visual sensitivities, magnitudes and effects between LVIA and EDDC assessment (differences highlighted in orange)

Assessor	Receptor	Sensitivity	Magnitude yr 1	Level of effect yr 1	Magnitude yr 15	Level of effect yr 15
TG	Blackdowns AONB	High	Not assessed	Not assessed	Medium-low	Minor adverse
EDDC		High	Medium	Moderate-minor adverse	Medium - low	Minor adverse
TG	LCT 3B	Medium	Low	Minor adverse	Low	Minor adverse.
EDDC		Medium	Low	Minor adverse	Low	Minor adverse.
TG	Site character	Medium-low	Medium	Moderate adverse	Medium	Minor adverse
EDDC		Medium	High	Major-Moderate adverse	Medium	Moderate adverse

Assessor	Receptor	Sensitivity	Magnitude yr 1	Level of effect yr 1	Magnitude yr 15	Level of effect yr 15
TG	National cycle path users in northern field (VP 1a & 1b)	High	High-medium	Moderate adverse	Low	Minor adverse
EDDC		High	High-medium	Moderate adverse	Medium	Moderate adverse
TG	Chard Road residents to east of site	Medium	High-medium	Moderate adverse	Medium	Minor adverse
EDDC		High	High	Major adverse	High-medium	Moderate adverse
TG	Chard Road motorists	Low	Medium	Moderate adverse	Low	Minor adverse
EDDC		Medium	High	Major - Moderate adverse	Low	Minor adverse
TG	Walkers on Cloakham Drive/ Axminster FP80 (VPs 4 & 5)	High-medium	Medium	Moderate adverse	Medium-low	Minor adverse
EDDC		High-medium	Medium	Moderate adverse	Medium-low	Minor adverse
TG	Users Axminster FP45 on boundary of ANOB (VP 6)	High-medium	Medium	Moderate adverse	Medium-low	Moderate-minor adverse
EDDC		High-medium	High-medium	Major - Moderate adverse	Medium	Moderate adverse
TG	Residents at Sisterhood Farm (VP5)	Medium	Medium	Moderate adverse	Medium-low	Minor adverse
EDDC		Medium	Medium	Moderate adverse	Medium	Minor adverse
TG	Axminster FPS (VP 8 & 9)	Medium	Medium	Moderate adverse	Medium	Moderate-minor adverse
EDDC		Medium	Medium	Moderate adverse	Low	Moderate - minor adverse
TG	Walkers and cyclists on Uphay Lane (VP10)	Low	Low	Minor adverse-negligible	Low-negligible	Negligible
EDDC		Medium	Low	Minor adverse-negligible	Low-negligible	Negligible
TG	Users of Axminster BW 46 in	Medium	Medium-low	Moderate-minor adverse	Low	Minor adverse

Assessor	Receptor	Sensitivity	Magnitude yr 1	Level of effect yr 1	Magnitude yr 15	Level of effect yr 15
EDDC	AONB (VP 11)	High-medium	Medium-low	Moderate-minor adverse	Low	Minor adverse
TG	Users of All Saints FP 66 (VP12)	Medium	Medium-low	Minor adverse	Medium-low	Negligible
EDDC		Medium	Medium-low	Minor adverse	Medium-low	Minor adverse
TG	Residents at Smallridge	Medium	Low	Minor adverse-negligible	Low	Negligible
EDDC		Medium	Medium-low	Moderate-minor adverse	Low	Minor adverse

Overall assessment of effect

The LVIA generally assesses the level of landscape and visual effects as **moderate** or **minor** at year 1 reducing to **minor** or **negligible** at year 15 with the most significant effects identified being on users of Axminster footpaths 5 and 45 (**moderate** at year 1 reducing to **moderate-minor** at year 15). The assessment appears to understate the level of effect in a number of instances and EDDC assessments summarised above indicate more significant effects ranging from **major-moderate** adverse at year 1 in respect of site character, residents and motorists on Chard Road and users of Axminster footpath 45, with year 15 effects more typically being **moderate** or **minor**.

2.2 Review of scheme proposals

Parameter plan dwg. no. 3501b

The Parameter plan indicates building heights of up to 3 storey over more than half of the southern and central fields. Given the greater prominence and more rural character of the central field buildings within it should be restricted to maximum two storeys.

Where existing planting is to be removed along the Chard Road frontage new replacement tree and hedgerow planting should be shown.

Site Access

Proposals for the site access are illustrated on drawing no. 026. The extent of required visibility splays should be clearly marked together with the extent of tree removal required to accommodate junction construction and sightlines.

Mini-pitch floodlighting and ball-stop netting Drawing. no. D1 shows proposed floodlighting for the mini football pitch to comprise four 15m high columns. Consideration should be given to reduction of height to 12 m or less and providing tree planting on the adjacent bank to the west to help screen lighting from the AONB and other sensitive receptors to the west.

6m high ball stop netting mounted on steel posts is proposed along the western edge of the mini pitch and the existing adjacent pitch and is likely to have negligible landscape and visual impact.

Illustrative masterplan, drawing no. 4002D

The general design principles appear appropriate.

The extent of parking provision for the employment land appears excessive and should be reduced to encourage active travel.

A stronger landscape buffer should be provided along the Chard Road boundary and to the western edge of the central field to help screen views from the AONB and other sensitive receptors to the west.

There is opportunity for a swale to be provided to the western edge of the employment land.

3 CONCLUSION & RECOMMENDATIONS

3.1 Acceptability of proposals

While the LVIA generally assesses the level of landscape and visual effects of the proposal as moderate or minor at year 1 and minor or negligible at year 15 it is considered in a number of instances that the level of impact is understated as noted above.

The impact of the proposed development on landscape and visual receptors will be greatest within the Central field due to a number of factors particularly, its existing rural character, relative prominence, the proposed felling of all existing trees to its Chard Road boundary and the extent of built development which are considered likely to give rise to unacceptable landscape and visual harm.

Limiting building heights to two storey within the central field and retaining a greater proportion of trees along the Chard Road boundary would go some way toward reducing impacts on the central field but would not overcome these concerns.

The height of proposed floodlighting the mini pitch should be reconsidered to reduce them to 12m or less and provide stronger screen planting to the western edge.

3.2 Conditions

Should the application be approved the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls at 1:250 scale or greater. This shall be accompanied by a minimum of 6 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) A landscape and green infrastructure strategy plan showing existing trees, hedgerow and habitat to be retained and removed; proposed tree and structure planting and new habitat to be created; existing and proposed watercourses, ponds and wetland areas; pedestrian and cycle routes through the site and how they connect to the existing network beyond

e) Surface water drainage strategy incorporating an appropriate SuDS treatment train and details of SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc. The SuDS scheme shall be designed to enhance bio-diversity value and engineered elements should have a positive or neutral impact on visual amenity.

f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:

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

g) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

3) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

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

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

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

5) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved Page 10 of 15 before development starts to ensure that it properly integrates into the development from an early stage.)

EDDC Landscape Architect
9 January 2024

I have reviewed the additional information submitted by the applicant since my landscape response of 3.10.2023. As these don't appear to cover any specific landscape issues I have no further comment.

Environment Agency
19/10/23

Thank you for re-consulting us on this application.

Environment Agency position:

Following review of the additional information submitted we are able to advise that we have no objection to the proposed development subject to a condition which relates to retaining the functionality of the land within the flood zone. Suggested wording for this condition, the reason for our position and advice is provided below.

Condition:

Within the flood zone as identified on drawing P/500 "Drainage Strategy Conceptual Layout" (within the Flood Risk Assessment) there shall be no storage of, or spreading of excavated material or construction materials during construction of the development hereby approved nor any alterations to the existing land levels within the area of flood zone.

Reason - To ensure flood waters are not displaced and therefore, in the interests of limiting the risk to people and property in a flood event.

Other condition recommendations:

We would suggest that the Illustrative Masterplan 4002E dated September 2023 is included as an approved document to secure the implementation of the built development and more vulnerable development being located outside of the area at higher risk of flooding. This is so that the flood risk principles as agreed at this outline stage are carried through to the reserved matters applications. We will leave the decision and any precise wording of this to your consideration.

Reason - Flood Risk:

As out previous letter highlighted, the site is located partially within flood zones 2 and 3 (on the indicative flood map for planning) associated with the main River Axe which borders to site to the north. We note that this site is included in the emerging local plan as an allocation reference: LP_GH/ED/83 but as this is not yet adopted. As such, the Sequential Test is technically applicable. However, the applicant has taken a sequential approach to the layout of the proposal and our interrogation of the flood risk assessment and mapped flood zones suggests that all built development will be located outside of the zones of medium and high flood risk, so the applicability of the Sequential Test is the decision of your authority.

The areas of higher risk are proposed to be the open space and sports pitch which are defined within the planning practice guidance (PPG) as being 'water compatible' uses. Notwithstanding this, it is important that no land raising within the flood zone occurs to ensure that there are no unintended flood risk impacts, including increase in flood risk to third parties. This includes storage of material in the flood zone during construction or raising levels at any time during the construction and operation of the development. We therefore recommend the above condition.

Any works within 8metres of the main River Axe may require a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should contact the National Customer Contact Centre on 03708 506 506 or visit: Flood risk activities: environmental permits - GOV.UK (www.gov.uk) for more information.

Reason - Nutrient Neutrality:

The applicant appears to have revised their approach to the proposed nutrient mitigation by proposing to upgrade a septic tank system at Sisterhood Farm (which serves three properties) which is located within the same catchment as the proposal site. The revised strategy report indicates that this would exceed the requirement for neutrality (2.18kg TP/yr) to mitigate for the proposal. The appears to meet the principles of achieving nutrient neutrality and as such, the local plan policy Strategy 20 'Development at Axminster'. However, we will defer to the consideration of Natural England as the competent authority for nutrient neutrality on the detailed design and calculations.

As outlined in our previous letter, we note that the applicant explains that they propose for a NAV to adopt the infrastructure relating to foul drainage. This arrangement would require an Environmental Permit which would also apply conditions to secure an OFWAT-approved undertaker to adopt the infrastructure and future responsibilities. Should the in-principle agreement with Albion Water fall through, a permit for a separate private treatment plant serving the proposed development would not be forthcoming consistent with our policies on non-mains proposals in sewered areas.

Please contact us again if you require any further advice.

Yours faithfully
Harriet Fuller

Planning Advisor

Environment Agency

25.10.23

Thank you for re-consulting us on this application. We confirm that our position remains unchanged from our previous response dated 19 October 2023

Environment Agency position

Following review of the additional information submitted we are able to advise that we have no objection to the proposed development subject to a condition which relates to retaining the functionality of the land within the flood zone. Suggested wording for this condition, the reason for our position and advice is provided below.

Condition

Within the flood zone as identified on drawing P/500 "Drainage Strategy Conceptual Layout" (within the Flood Risk Assessment) there shall be no storage of, or spreading of excavated material or construction materials during construction of the development hereby approved nor any alterations to the existing land levels within the area of flood zone.

Reason - To ensure flood waters are not displaced and therefore, in the interests of limiting the risk to people and property in a flood event.

Other condition recommendations

We would suggest that the Illustrative Masterplan 4002E dated September 2023 is included as an approved document to secure the implementation of the built development and more vulnerable development being located outside of the area at higher risk of flooding. This is so that the flood risk principles as agreed at this outline stage are carried through to the reserved matters applications. We will leave the decision and any precise wording of this to your consideration.

Reason - Flood Risk

As our previous letter highlighted, the site is located partially within flood zones 2 and 3 (on the indicative flood map for planning) associated with the main River Axe which borders to site to the north. We note that this site is included in the emerging local plan as an allocation reference: LP_GH/ED/83 but as this is not yet adopted. As such, the Sequential Test is technically applicable. However, the applicant has taken a sequential approach to the layout of the proposal and our interrogation of the flood risk assessment and mapped flood zones suggests that all built development will be located outside of the zones of medium and high flood risk, so the applicability of the Sequential Test is the decision of your authority.

The areas of higher risk are proposed to be the open space and sports pitch which are defined within the planning practice guidance (PPG) as being 'water compatible' uses. Notwithstanding this, it is important that no land raising within the flood zone occurs to ensure that there are no unintended flood risk impacts, including increase in flood risk to third parties. This includes storage of material in the flood zone during construction or raising levels at any time during the construction and operation of the development. We therefore recommend the above condition.

Any works within 8metres of the main River Axe may require a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should contact the National Customer Contact Centre on 03708 506 506 or visit: Flood risk activities: environmental permits - GOV.UK (www.gov.uk) for more information.

Reason - Nutrient Neutrality

The applicant appears to have revised their approach to the proposed nutrient mitigation by proposing to upgrade a septic tank system at Sisterhood Farm (which serves three properties) which is located within the same catchment as the proposal site. The revised strategy report indicates that this would exceed the requirement for neutrality (2.18kg TP/yr) to mitigate for the proposal. The applicant appears to meet the principles of achieving nutrient neutrality and as such, the local plan policy Strategy 20 'Development at Axminster'. However, we will defer to the consideration of Natural England as the competent authority for nutrient neutrality on the detailed design and calculations.

As outlined in our previous letter, we note that the applicant explains that they propose for a NAV to adopt the infrastructure relating to foul drainage. This arrangement would require an Environmental Permit which would also apply conditions to secure an OFWAT-approved undertaker to adopt the infrastructure and future responsibilities. Should the in-principle agreement with Albion Water fall through, a permit for a separate private treatment plant serving the proposed development would not be forthcoming consistent with our policies on non-mains proposals in sewered areas.

Please contact us again if you require any further advice.

Harriet Fuller
Planning Advisor

Police Architectural Liaison Officer - Kris Calderhead
28.4.23

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. I have no objection to the proposal at this stage.

I appreciate that the layout of the site is only illustrative however, I would like to make the following comments and recommendations for consideration. They relate to the principles of Crime Prevention Through Environmental Design (CPTED) and should be embedded into the detailed design of the scheme to reduce the opportunity for crime and anti-social behaviour (ASB). It is welcomed and supported that such principles have been referenced within the Design and Access Statement.

Residential:

- o Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided.

o Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be needed until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

o Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.

o Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Defensible space / buffers should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.

o Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

o Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

o Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms. Rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance.

o Play areas should be well overlooked and located so as not to cause disturbance or conflict with nearby dwellings.

Commercial:

o Detailed design should include clear boundaries supported by suitable treatments that define public and private space and restrict access to the latter.

o Legitimate access to the rear of units where surveillance opportunities are likely to be limited should be avoided.

o Units should be afforded the required infrastructure for occupiers to easily install monitored alarms and CCTV.

o Consideration should be given to installing vehicle barriers at the entrance to the car park in order to protect against illegal encampments and prevent unauthorised access.

o Vehicle mitigation measures should be in place in order to prevent deliberate or accidental conflict between vehicles and pedestrians/building lines.

o The site should be appropriately lit in line with relevant British standards. For crime prevention measures, lighting should be provided by on-building solutions or pole mounted luminaires if possible. Bollard lighting should be minimised and used for demarcation of routes only, or supplementary as part of a general design. A uniform level of light throughout a site should be provided, thereby eliminating areas of shadowing.

Should the application progress, please don't hesitate to contact me to review any updated plans and designs.

Yours faithfully,
Kris Calderhead
Designing Out Crime Officer

County Highway Authority

Observations:

I have visited the site in question and reviewed the planning documents.

The application involves the removal of a sub-standard access of Football ground with an internal road access instead representing a safety net gain.

The applications Transport Assessment has modelled the potential trip generation increase of this application and the predicted dispersal of this traffic upon the local highway network.

Should this application gain outline permission, a comprehensive Travel Plan will be required for any future reserved matters application, this should include trip generation mitigation methods including a Travel Plan Coordinator and incentive plan to encourage sustainable travel for future residents.

The proposed visibility splays conforms to Manual for Streets (MFS) for 30mph speed roads giving a splay distance of 43m.

Pedestrian refuge crossing will facilitate desired pedestrian movements to Weycroft Industrial estate ect.

The Axminster Bypass project is future proofed with this design, leaving suitable width and services to accommodate a future roundabout, should this be required.

Although the Weycroft bridge situation is appreciated, it is positively controlled with 4-way traffic lights and this site has been put forward for improvement as part of the

Axminster Bypass aspirations, I do not believe that the trip generation from this site will cause such a severity to trigger the highway severity clause under the National Planning Policy Framework (NPPF), particularly as it will only be a percentage of this traffic to head north along Chard Road and past Weycroft Bridge.

Should this application gain permission, I do recommend the provision of secure cycle storage to help encourage sustainable travel and help mitigate the trip generation intensification from this application.

I also recommend the provision of a comprehensive Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the local highway network.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

2.

A) No other part of the development hereby approved shall be commenced until the
B) No part of the development hereby approved shall be brought into its intended use until the
C) access
D) parking facilities
E) commercial vehicle loading/unloading area
F) visibility splays
G) turning area
H) parking space and garage/hardstanding
I) access drive
J) and access drainage
have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

3. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

Officer authorised to sign on behalf of the County Council

NHS Northern Eastern & Western Devon CCG

Please see scanned letter, received 16/06/23, under the documents tab.

The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared with NHS England.

23/0685/MOUT | Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground | Land Adjacent Cloakham Lawn And Chard Road Chard Road Axminster (eastdevon.gov.uk)

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current

planning applications that may or may not affect the capacity at Axminster Medical Practice being approved prior to a final decision on this particular development, then this will potentially initiate a further review on the NHS's position.

Such factors could include but are not limited to:

- o Increases in the patient list size which then exceed the practices' capacity during the period between this application being validated and prior to a planning decision
- o Consideration for future 'consented or commenced' planning applications that lead to an increase in the patient list size which then exceed the existing practices' capacity during the period between this application being validated and prior to a planning decision

Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations.

With this in mind, whilst at this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £580 per dwelling towards NHS Primary Care to any viability assessments.

Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.

Kind regards,

Mia Smith | LPAE Support

On behalf of NHS Devon Integrated Care Board (ICB)

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The

Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.



Shadow Habitat Regulation Assessment (HRA) Screening Report & Appropriate Assessment

Prepared for:

Greatworth Property Managers

Local Planning Authority	East Devon LPA
Application Reference	23/0685/MOUT
Application Address	Land adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster EX13 5NH
Application Description	Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage, and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ball stop netting on west side of football pitch and training ground

Revision 2

30/11/2023



The Oakland Childs Ercall Market Drayton. TF9 2DL

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1 INTRODUCTION

1.1 HRA Requirement

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), a Competent Authority is required to conduct a Habitat Regulations Assessment (HRA) for any plans or projects that could impact on a European Site. However, a 'shadow' HRA can be completed by the applicant and adopted by the competent authority. In this case East Devon District Council is the competent authority responsible for undertaking the HRA.

This report will mainly reference the regulations set out by East Devon District Council, as this is the competent authority. East Devon District Council is required to assess the Local Plan through the HRA process as policies and site allocations in the Local Plan can potentially affect the national site network of European Sites in the UK, as well as Ramsar sites.

Following the initial submission comments were received from Natural England (November 2023), these have been considered and the report revised accordingly.

1.2 European Sites of Potential Impact

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

The legal position for development within SACs, SPAs and Ramsar sites has changed. Two joined European Union Court of Justice cases (C-293/17 and C-294/17) relating to the Habitats Directive, were decided. In summary, this judgment concludes that, where a European protected site is in an unfavourable condition, permitting additional nutrient loads is 'necessarily limited' and would need careful justification to ensure that it is compatible with the Habitats Directive.

Natural England advises that any plans or projects in a SAC site which require Appropriate Assessment, need to demonstrate beyond reasonable scientific doubt that there will be no likely additional phosphorus output which could prejudice the ability to restore the protected site.

1.3 Zone of Influence

The Zone of Influence (Zoi) is defined by the potential effects arising from the project or plan and the available pathways for those effects to reach and affect interest features of National Site Network sites. To identify all sites where potential direct, indirect, and in-combination

impacts to National Site Network (NSN) sites could reasonably be considered possible, an initial buffer of 2km around the project area has been considered, with the exception of:

- Recreation pressure where the Zol is 5km
- Loss of functionally linked land, where the Zol is 10km
- Water quality where there is a hydraulic connection to the designated feature

Relevant designated sites include all those that fall within the potential Zol for the project.

1.4 Data sources

All references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019).

- The Defra MAGIC website [www.magic.defra.gov.uk], accessed October 2023
- East Devon Local Plan, adopted 2016
- Information on European Sites from the JNCC website [www.jncc.defra.gov.uk], accessed October 2023;
- River Axe N2K Catchment regulatory project report [www.salmon-trout.org.uk], accessed October 2023
- Habitat Regulations Assessment of the East Devon Local Plan, accessed October 2023
- River Axe evidence pack, accessed October 2023
- East Devon District Council, Phosphates on the River Axe [www.eastdevon.gov.uk] accessed October 2023
- European Site Conservation Objectives for the River Axe SAC [www.naturalengland.org.uk] accessed October 2023
- Supplementary Advice on Conservation Objectives accessed November 2023

This report is undertaken as a desk study i.e., a site visit was not deemed necessary.

2 STAGE 1 – HRA SCREENING ASSESSMENT

Screening under Regulation 63(1)(a) of the Habitats Regulations. The purpose is to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SAC.

2.1 Likely Significant Effects definition

The significance of potential effects was assessed in the absence of mitigation measures other than those which are standard construction practices, such as pollution control or those incorporated into the scheme. The assessment has been made with awareness of the Conservation Objectives for the features of the European Sites.

2.2 Current condition of designated sites

Natural England has advised, based on the best available up-to-date evidence, that the River Axe SAC is failing its water quality target in relation to phosphorus and therefore has an 'unfavourable' conservation status under the Habitats Regulations.

2.3 European Sites potentially impacted by this proposed development.

Below is a list of the designated sites, reason for their designation and distance from the site.

Table 2-3: European Sites subject to HRA screening assessment

Site name	Designation	Approx. distance & direction from site
River Axe	SAC	20m north
Reasons for designation		
Annex I: Habitats that are a primary reason for selection of this site.	3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	
Annex I: Habitats present as a qualifying feature, but not a primary reason for selection of this site.	Not applicable	
Annex II: Species that are a primary reason for selection of this site.	Not applicable	
Annex II: Species present as a qualifying feature, but not a primary reason for site selection.	<ul style="list-style-type: none"> • 1095 Sea lamprey <i>Petromyzon marinus</i> • 1096 Brook lamprey <i>Lampetra planeri</i> • 1163 Bullhead <i>Cottus gobio</i> 	

2.4 Screening Assessment

2.5 Physical loss

The proposed development is beyond the boundary of The River Axe SAC and will not result any physical loss. Therefore, **there will be no likely significant effect on the designated site and this effect can be screened out.**

2.6 Physical damage / disturbance

The additional population associated can disturb wildlife locally and through increased recreational pressure placed on Natura 2000 sites. The proposed development is located approximately 20m from the River Axe SAC at the nearest point. However, directly surrounding the site is a pre-existing footpath which is used for recreational purposes. Birds are not an identified as a notified feature, which are primarily disturbed by recreation pressures. Additional tree planting will be undertaken along the riparian habitats, whilst maintaining the existing mature trees. These will help regulate river temperatures near the riverbank during the hot periods.

There will be a surface water discharge from the site to the River Axe in the north of the site. However, permeable paving, and attention basins and other nature-based measures are integrated into the SuDS design to ensure water quality discharge will be of the highest possible quality. There are no water intakes proposed, therefore no potential for the entrapment of fish.¹

Therefore, **there will be no likely significant effect on the designated sites and this effect can be screened out.**

2.7 Functionally linked land

Functional linkage occurs where land beyond the boundary of a European Site fulfils a crucial role in ecologically supporting the populations of species for which the site is designated. The River Axe SAC is designated for its vegetation and fish. The notified features do not use the land for feeding purposes. **Therefore, the requirement for Appropriate Assessment can be screened out.**

2.8 Water quality

The CJEU Joined Cases C-293/17 and C-294/17 *Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others* (hereafter 'the Dutch N case') have been handed down. These have informed the way in which Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) should apply to pollution-related matters. The Dutch N case has resulted in the requirement for greater scrutiny of the effects of plans or projects that either are likely to, directly or indirectly, increase nutrient loads to European Sites where a reason for unfavourable condition is an excess of a specific pollutant. Where the conservation status of a European Site is unfavourable, the possibility of authorising activities that may subsequently compromise the ability to restore the site to favourable condition and achieve the Conservation Objectives is considered to be 'necessarily limited.' LSE will occur as a result of water quality in relation to nitrogen. The Court of Justice of the European Union delivered its judgment in Case C-323/17 *People Over Wind & Peter Sweetman v Coillte Teoranta* ('People over Wind'). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot consider any mitigation measures.

¹ Supplementary Advice on Conservation Objectives

However, the phosphorus budget calculation does not require mitigation measures due to the significant benefit from the proposed development.

Calculations have been undertaken to assess the phosphorus load generated from the proposed development. For this the River Axe Nutrient budget calculator has been used. A copy of the calculations are provided in **Appendix 1**.

The site is located 20m downstream of the River Axe SAC and has a hydraulic connection to it and **therefore likely significant effects cannot be screened out and an Appropriate Assessment is required.**

2.9 Non-physical disturbance to habitats & species (noise & lighting)

Noise and vibration effects, e.g., during the construction of new housing or other developments, are most likely to disturb bird species and are thus a key consideration with respect to European Sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species. Birds are not a qualifying feature of the River Axe SAC.

The proposed development is located approximately 20m from the River Axe SAC at the nearest point. Within the East Devon local plan HRA it is deemed that there are sufficient policy safeguards to avoid or mitigate effect from non-physical disturbance on any European site.

It has been assumed (on a precautionary basis and based on our experience of previous HRAs and consultation with Natural England) that the effects of noise, vibration and light pollution can cause an adverse effect if development takes place within 500m of a European Site (or functionally linked habitat) with qualifying features sensitive to these disturbances.

The River Axe SAC is inside of the buffer zone but as the River Axe is designated for water quality and vegetation, sea Lamprey, brook lamprey and bullhead are all qualifying features of the SAC but will not be affected by the new housing. **Therefore, a likely significant effect can be screened out.**

2.10 Potential in-combination effects

Any plan or project likely to have a significant effect on a National Site Network, either individually or in-combination with other plans or projects, shall undergo an Appropriate Assessment to determine its implications for the site. This is to prevent sites, which would not have a significant effect on a site; combining with other plans or projects to the point where an in-combination effect of all of these plans or projects, which would otherwise not be assessed, being significant.

An in-combination effect with respect to water quality cannot be screened out.

2.11 Conclusion of Screening Assessment

Table 2-5 below provides a summary of the Screening Assessment of the proposed development in-isolation and in-combination:

Site	Interest feature	Potential impact pathway – alone & in-combination	Likely significant effect?
River Axe SAC	Vegetation and water quality	Recreational pressure	No
		Functionally linked land	No
		Disturbance to habitats & species (noise and lighting)	No
		Water quality	Yes
		Non-physical disturbance	No

The Screening Assessment concludes that a likely significant effect on the River Axe SAC could result in an increase discharge of phosphorus through surface runoff and foul water discharge. Therefore, it cannot be screened out and an Appropriate Assessment is required.

3 APPROPRIATE ASSESSMENT

3.1 Site description & background

The proposed development is for 140 homes and 0.8 hectares of Class-E Employment Land with additional landscaping, including right of access through for the football club and allowing an existing footpath to run through the site.

3.2 Phosphate calculations

Phosphate calculations have been undertaken in accordance with the River Axe calculator. Full explanations and calculation are provided in the Nutrient Neutral Assessment and Mitigation Strategy Report (Appendix 1), and the pertinent information summarised below.

3.3 Wastewater discharge

It is acknowledged that the site is located within a sewered area and that private treatment plants would not normally be permitted. However, following consultation with the Environment Agency on other projects, it was agreed that community private treatment could be acceptable if the wastewater treatment system is adopted by an OFWAT registered sewerage undertaker. We have been able to secure an agreement in principle with Albion Water to adopt a facility at this site. The assumed water usage per person is 110 l/p/d

Based on a phosphorus consent limit of 0.3 mg TP/l the total phosphorus load generated by wastewater is 4.05 kg/yr. Full details are provided in the NNAMS.

3.4 Current land use at site

Phosphorus export from the current and post-development land use change has been calculated as per the River Axe nutrient calculator whereby pre- and post-development land use is considered.

The current land use at the site is a combination of woodland (0.67ha), lowland grazing (1.46 ha), open urban land (0.97 ha) and arable/ cereal (5.36 ha). The pre-development phosphorus export is 4.21kg TP/yr.

Post-development, the site will approximately comprise of residential urban land (3.86ha), commercial/industrial land (0.78ha), open urban land (0.34ha), water (0.38ha), greenspace (1.77ha) and woodland/scrub (1.33ha).

The urban phosphorus export value within the area of the site classified as 'residential' has been revised using this area and the CIRIA 808 guidance. As the post development site will include attenuation basins, permeable paving, and swales, we were able to use a treatment train that reduced the post development export value to **1.63 kg TP/yr**.

The overall phosphorus budget for the site is provided below; this includes a 20% buffer added to the subtotal to account for uncertainties within the input parameters. A summary of the site budget is provided in table below.

3.5 Summary of required phosphorus budget

The overall phosphorus budget for this site is provided below:

<i>Phosphorus budget</i>	
Description	Value (kg TP/yr)
TP wastewater, post-treatment	4.05
Historic land use	4.21
Post-development site loss	1.63
Land use net change (post – pre)	-2.58
Phosphorus budget	1.47
20% buffer	0.294
Phosphorus budget + 20% buffer	1.764

The total phosphorus budget for the site is 1.764 kg TP/yr.

3.6 Mitigation

The proposed strategy to mitigate the 1.764 kg TP/yr load is to upgrade two septic tanks in the catchment area to systems with specific phosphorus removal and higher nutrient capture, such as the GRAF One2Clean.

A septic tank upgrades have been identified within the catchment: The tanks are located at 'Yeabridge Farm, Whetley Cross, Mosterton, DT8 3HE' and 'Whetley Cross Farm, Mosterton DT8 3HE'. The tanks have been assessed against the criteria for small discharges and it is confirmed it is within 200m of another discharge and therefore are considered to have a 'significant effect'. In addition, the tanks have a discharge to ground, and it is confirmed they comply with the Environment Agency's general binding rules.

4 Mechanisms for delivery

4.1 Onsite treatment facility

Certainty of delivery of the phosphorus reduction and required in-perpetuity management to achieve the identified 'nutrient neutrality' must be secured by provision of an appropriate legal agreement. The onsite sewerage plant will be adopted by an OFWAT registered undertaker. The system will be managed by them. The discharge will be undertaken under the control of an EPR permit. The permit application will require submission of detailed management and monitoring plans. Regulation of this facility therefore will secure the discharge quality in perpetuity; thus, providing the required certainty.

4.2 Upgrade of septic tanks

The agreement will also set out the principle that whilst the dwellings are in occupation that the mitigation as described in this document and NNAMS are preserved in perpetuity and will be used to mitigate against the increase of phosphorus at the associated development.

5 Monitoring and Management Plan

The proposed management and monitoring for the new package treatment plants is detailed below. The identified sites that currently discharge to septic tanks will be upgraded to two package treatment plants. The management and monitoring below is applicable to the Graf One2clean package treatment plants, as recommended for the upgrade.

5.1 Installation

On installation the new package will comply with current British standards (BS EM 12566 for small sewage treatment plants) and shall be installed in compliance with current building regulations (Building Regulations Part H2: wastewater treatment systems and cesspools)

5.2 Management

The treatment system will be managed in accordance with the Environment Agency "General binding rules: small sewage discharge to groundwater". Should this guidance be revoked or changed over the period of the systems use the management will adhere to the new guidance or regulations that replace them.

Management of the treatment plant will be the responsibility of the owner servicing and monitoring of the Graf One2Clean treatment plant.

5.3 Desludging

The treatment plant will be desludged as per the manufacturer's requirements. Should this be found inadequate the frequency will be increased. Desludging will be carried out by a registered waste carrier.

At the time of desludging, in line with manufacturer's instructions the package treatment plant will be inspected to ensure it is in good working order. This inspection will include, but is not limited to, leaks, cracks, blockages, smells and operation of motor, pump or other features. As per the attached draft service contract recommended by Graf. Inspections will be carried out by a competent person, ideally an individual or company registered on the British Water's list of accredited service engineers.

5.4 Recording

A record of all maintenance and management works will be kept by the operator of the package treatment plant (homeowner) and will be made available to the local authority or Environment Agency on request.

5.5 New Ownership

If the properties are sold the new operator (the owner or person responsible for the sewage treatment plant) will be informed in writing that a sewage discharge is in place and is related to a phosphorus mitigation strategy.

The details to be passed on will include:

- A description of the treatment plant and drainage system
- The location of the main parts of the treatment plant, drainage system and discharge point.
- Details of any changes made to the treatment plant and drainage system
- Details of how the treatment plant should be maintained and the maintenance manual, if relevant to the package treatment plant.
- The maintenance records
- Any communication with the local authority relevant to the treatment system.

6 Test of site integrity

The proposed mitigation measures would ensure that there would be no adverse effect on the Conservation Objectives of the River Axe SAC either alone or in-combination with other plans or projects, as a result of water quality (phosphorus) impacts.

Accordingly, it can be concluded that there would be no adverse effect on the integrity of the National Network Sites in respect of this development.

7 CONCLUSION

A likely significant effect on the River Axe SAC has been identified as a result of water quality (phosphorus). However, with the proposed septic tank upgrades, this would ensure that phosphates generated by the application will be mitigated.

It can be concluded that there will be no adverse effect on the integrity of Conservation Objectives of the River Axe SAC either in-isolation or in-combination.

Appendix 1

Nutrient Neutral Assessment and Mitigation Strategy –



Nutrient Neutral Assessment and Mitigation Strategy

Report Ref: NNAMS/074

Chard Road

Axminster

East Devon

EX13 5HN

Date: November 2023

Version	Date	Issued to
Revision R1	August 2022	Greatworth Property Managers Limited
Revision R2	March 2023	Greatworth Property Managers Limited
Revision R3	August 2023	Greatworth Property Managers Limited
Revision R4	September 2023	Greatworth Property Managers Limited
Revision R5	November 2023	Greatworth Property Managers Limited

This report has been prepared by Nutrient Neutral, with reasonable skill, care and diligence within the agreed scope and terms of contract. Nutrient Neutral disclaims any responsibility to the client and others in respect of any matters outside the agreed scope of work. This report has been prepared for use by the client and others acting on their behalf. The report may be passed to regulators. This report does not constitute legal advice or opinion.

This report does not represent advice to third parties and no reliance is offered to third parties. No liability is accepted regarding third parties. Reliance required by any specific Third Party must be agreed in writing with Nutrient Neutral.

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074/NNAMS/A3	PTP design and certificate
074/NNAMS/A4	Phosphorus budget - Klargester
074/NNAMS/A5	Adoption in principle letter
074/NNAMS/A6	Modified Rational Method site-specific
074/NNAMS/A7	SuDS design
074/NNAMS/A8	Graf Manufacturers certificate
074/NNAMS/A9	Septic tank upgrade calculation

1 INTRODUCTION

Nutrient Neutral has been commissioned by Greatworth Property Managers Limited to undertake a nutrient assessment for a proposed development at Axminster. The development comprises up to 140 residential dwellings, 0.8 hectares of Class-E Employment Land and associated amenity space. The site is located within the catchment of the River Axe SAC which, as of March 2022, has been identified as failing its water quality targets, with respect to phosphorus.

To ensure compliance with the requirements of the Habitats Regulations and Water Framework Directive, new development around the River Axe SAC catchment must not (alone or in-combination) result in non-compliance with SAC water quality targets or compound existing problems of target exceedance in those parts of the catchment already failing SAC standards. Furthermore, new developments must not prejudice achievement of Conservation Objectives for the SAC over the long-term.

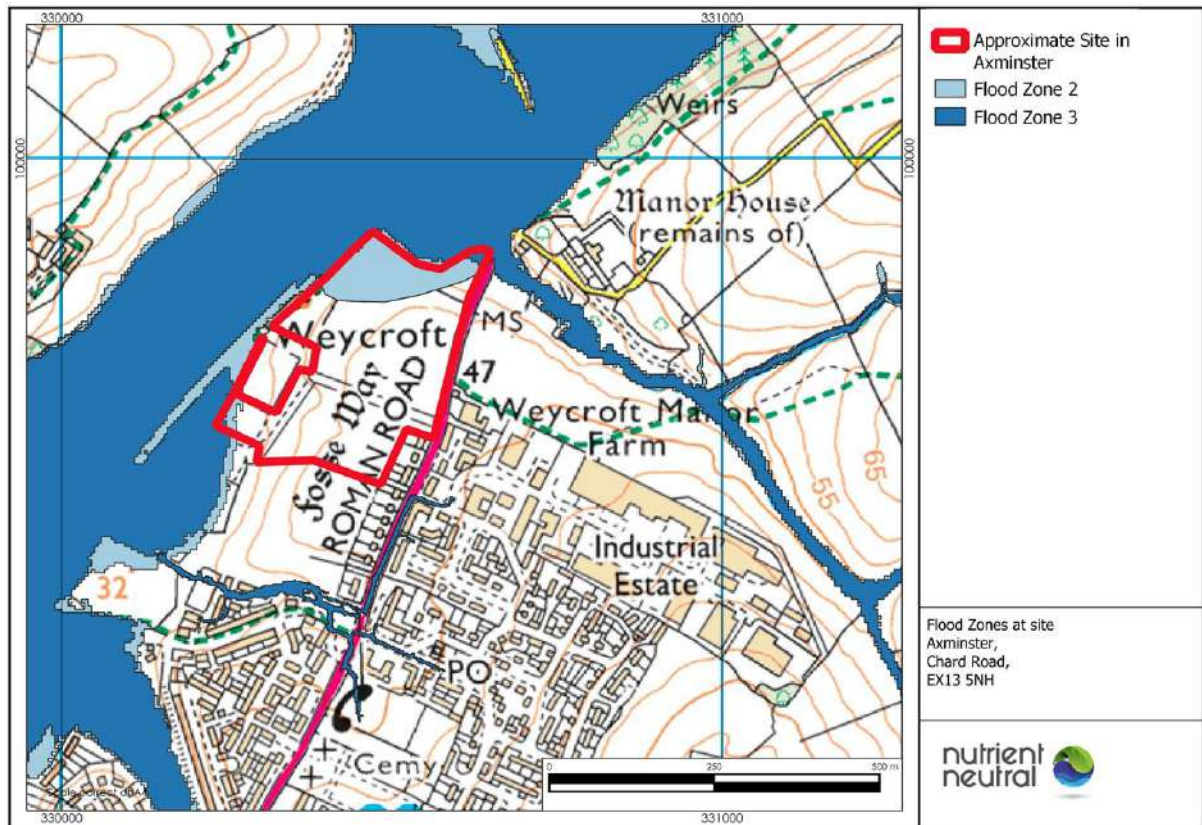
The phosphorus load generated by the proposed development has been calculated according to the generic nutrient methodology and a mitigation solution developed to ensure the proposed development is neutral. The site is in the catchment of the River Axe SAC and is therefore subject to phosphorus neutrality.

1.1 Site characteristics

The site is located on the western periphery of Axminster (**Drawing 1**). The application area extends to 8 hectares (ha) and current land use comprises land in agricultural production, a site plan of which is provided in **Appendix 1**. The nearest watercourse is the River Axe which is located approximately 20m west of the site. Flood zone information was accessed from 'Flood risk information for this location - Flood map for planning'¹. Roughly 10% of the site is located in flood zone 2 (FZ2) (which is medium probability) and approximately 1-2% of the site is in flood zone 3a (which is high probability of flooding) as the submitted FRA sets out. However, FZ2 seems to be inaccurately mapped as it does not relate to the contours of the site. The extent of this zone is therefore inaccurate; hence the application does not treat all this land as FZ2. Both areas at flood risk are situated at the north-west of the site. The site is centred around National Grid Reference SY 30506 99786.

1 - GOV.UK (flood-map-for-planning.service.gov.uk).

Drawing 1: Site location and flood zones

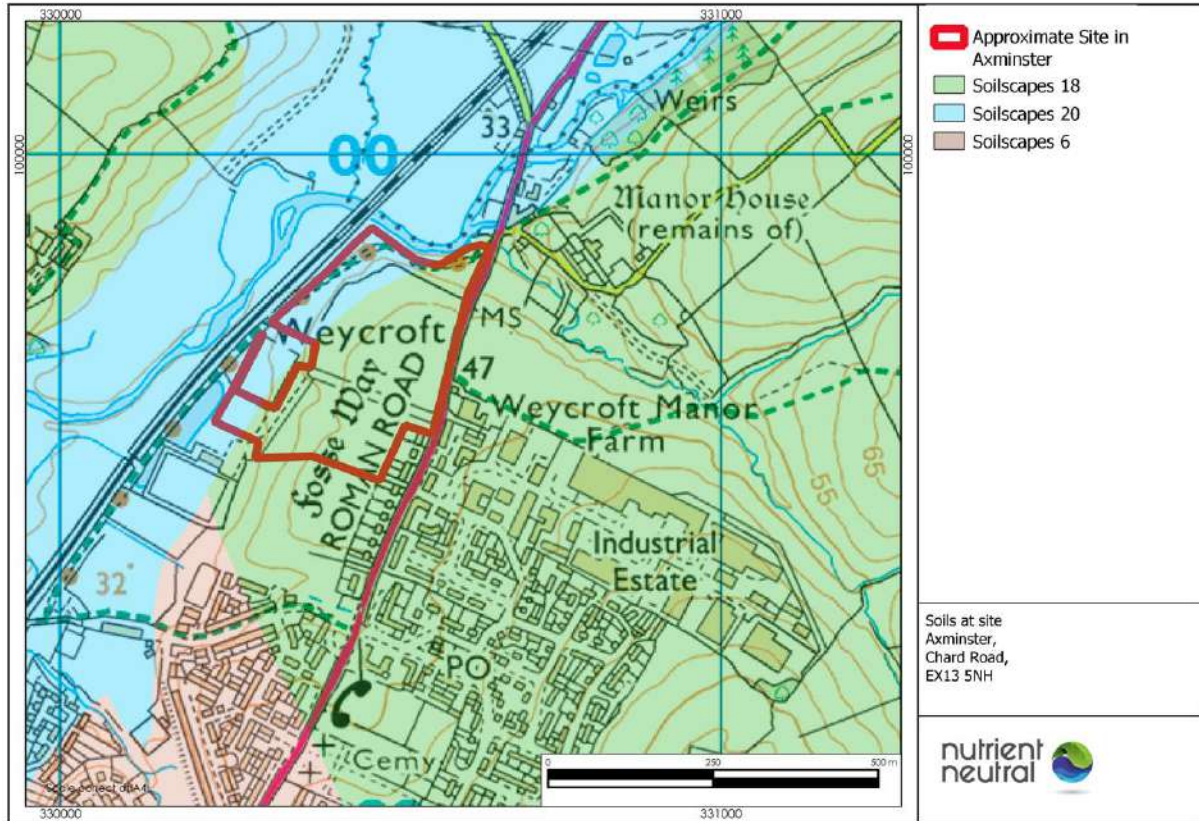


Based on the Cranfield University Soilscales webtool (<http://www.landis.org.uk/soilscales>), the soils at the site are classified as ‘Soilscape 18’ which consists of loamy and clayey flood plain soils with naturally high ground water – these are classified as ‘impeded drainage’; and ‘Soilscape 20’ which consists of slowly permeable, seasonally wet, slightly acid but base rich, loamy and clayey soils. **(Drawing 2)**.

The annual rainfall was sourced from the National River Flow Archive ² and is indicated as 850.1 – 900 mm/ yr.

² [Search Data | National River Flow Archive \(ceh.ac.uk\)](http://www.ceh.ac.uk)

Drawing 2: Soil types in vicinity of site



2 PHOSPHORUS ASSESSMENT

Phosphorus calculations have been undertaken in accordance with the River Axe SAC budget calculator created by Natural England and Ricardo Energy and Environment. Full calculation sheets are provided (**Appendix 2**), and the pertinent information summarised below. Where the calculator does not allow for bespoke assessments, these have been undertaken using the best available evidence and are described below.

2.1 Proposed development

The proposed development is for 140 homes and Class-E Employment Land with additional landscaping, including right of access through for the football club and allowing an existing footpath to run through the site.

2.1.1 Wastewater

This site is located in a sewered area which discharges to Kilmington STW. The treatment works has a discharge consent limit for phosphorus set at 1 mg/l. The assumed occupancy rate per house is 2.4 people and the water usage is 120 litres/person/day (l/p/d), as per the generic methodology. However, it is acceptable to use 110 l/p/d in line with building regulations. 110 l/p/d has been used in accordance with the England and Wales approved document (Sanitation, hot water safety and water efficiency)³. Within this document it sets out the minimum standards for water consumption in new dwellings. It is stated that if the water usage is conditioned then a water consumption of 110 l/p/d can be used. This water consumption will be achieved via installing specific water saving fittings and fixtures within the homes⁴. It can also be noted that many other LPA's also use a water usage of 110 l/p/d as standard these include Somerset, Norfolk and Herefordshire.

Therefore Based on the above, the total phosphorus load discharged would be **12.15kg Total Phosphorus (TP)/yr.**

In order to reduce the nutrient discharge to the environment, an alternative solution has been developed. An onsite community treatment plant is able to treat effluent to a much higher specification. It is proposed to install a Klargester BN BioDisc system, which uses chemical dosing for phosphorus removal. As this is a chemical dosing unit, ferric rather than aluminium salts should be used. The outline design and all supporting information, including effluent quality manufacturer's certificate, is provided in **Appendix 3**. The revised wastewater discharges are calculated at **4.05kg TP/yr**, and detailed calculations are presented in **Appendix 4**.

It is acknowledged that the site is located within a sewered area and that private treatment plants would not normally be permitted. However, following consultation with the Environment Agency on other projects, it was agreed that community private treatment could be acceptable if the wastewater treatment system is adopted by an OFWAT registered sewerage undertaker. We have been able to secure an agreement in principle with Albion Water to adopt a facility at this site. The letter of agreement in principle is provided in **Appendix 5**.

3 HM Government Sanitation, hot water safety and water efficiency 2015 with amendments 2016

4 Independent review of the costs and benefits of water labelling options in the UK EXTENSION PROJECT Technical Report - FINAL

The proposed discharge would be to the River Axe and would require an Environmental Permit Regulations (EPR) from the Environment Agency. Engagement with the Environment Agencies permitting pre-application services is recommended at the earliest opportunity.

2.2 Land use change

Calculations for land use change have been undertaken as per the River Axe nutrient calculator whereby pre- and post-development land use is considered. Full calculations are provided in **Appendix 2** and are summarised below.

The current land use at the site is a combination of woodland (0.67ha), lowland grazing (1.46 ha), open urban land (0.97 ha) and arable/ cereal (5.36 ha) (Maps are provided in **Appendix 1**). The pre-development phosphorus export is **4.21kg TP/yr**.

Post-development, the site will comprise residential urban land (3.86 ha), commercial/industrial land (0.78ha), open urban land (0.34 ha), water (0.38 ha), greenspace (1.77 ha) and woodland/scrub (1.33 ha).

It is noted within Part 2.1.C of the generic nutrient budget methodology (Natural England 2022) that, where specific measures are incorporated to support a different event mean concentration (EMC) and/or percentage of impermeable area, the Modified Rational Method can be used to calculate a more locally specific export coefficient. This results from the attenuating properties of the soil with respect to phosphorus. Due to the high charge on the phosphate molecule, it adheres to clayey soil particles and becomes immobilised. The generic methodology assumes an 80% impervious area. However, the impervious urban residential area at this site is calculated at 53%.

The urban phosphorus export value within the area of the site classified as 'residential' has been revised , the Modified Rational Method full calculation is provided in **Appendix 6**. The total post-development phosphorus export from urban residential runoff is **3.67 kg TP/yr (Appendix 2)**. It should be noted that the nutrient budget calculator for Norfolk incorporates the above calculation as standard with 30% impermeable applied to 'low density' developments (<25 dwelling/ ha) and 38% impermeable area for medium density developments (>25 - <50 dwellings/ ha). This proposed development is classified as medium density.

The revised total phosphorus export for stage 3 is **5.06 kg TP/yr**. This is detailed in the table below:

Table 1: Revised Stage 3 calculation for site specific impervious area	
Item	P Load Total kg P/yr
Woodland	0.03
Residential urban land	3.67
Open urban land	0.32
Greenspace	0.04
Commercial/industrial urban land	1.00
Water	0.00
Total	5.06


An additional reduction in the phosphorus export from urban runoff can be achieved through installation of treatment trains within the development. Natural England commissioned CIRIA to produce guidance⁵. It is indicated that 100% of total phosphorus can be mitigated if surface water runoff can be discharged to ground. Unfortunately, the ground conditions are not suitable for 100% infiltration.

However, SuDS features have been incorporated into the design to maximise phosphorus removal. These comprise three stages of treatment trains: pervious paving, tree pits and raingardens, swales and detention ponds (**Appendix 7**).

Therefore, in accordance with CIRIA guidance C808, Section 2.6 'detailed design information for individual SuDS components' it is stated having a retention basin means that sedimentation takes place in the permanent pool of water removing 28% of phosphorus (55%TP in sediment removal in a retention basin is assigned an index of 0.5 in CIRIA c753 SO 55% of 50% = 28%) this means that we can take 28% off the post development land use (28% of 5.06 kg is 1.42 kg).

⁵ Using SuDS to reduce phosphorus in surface water runoff. CIRIA C808 2022.


Table 2.5 Retention basins

<p>Infiltration potential Low. Assuming the basin is lined, there will be no infiltration.</p> <p>Particulate P removal Sedimentation takes place in the permanent pool of water removing 28% of the phosphorus (55% TP in sediment and sediment removal in a retention basin is assigned an index of 0.5 in CIRIA C753 so 55% of 50% = 28%).</p> <p>DP removal 50% removal (Clary <i>et al.</i>, 2020).</p>	<p>A retention basin is like a detention basin except that it is designed to have a volume of standing water between rain events. When it rains, the water level temporarily increases and is released via the flow control device.</p>  <p style="text-align: center;"><i>Figure 2.5 Retention basin</i></p>
<p>Possible P capture mechanisms Sedimentation at the bottom of the pond. Plants in and around the pond will uptake P, the quantity of which will vary dependent on type and density of plants.</p>	<p>Considerations Sedimentation takes place in the permanent pool of water. The basin should be designed so that high flows do not cause disturbance of the sediment in the bottom of the basin.</p>
<p>Maintenance</p> <ul style="list-style-type: none"> ■ Sediment may need to be removed from the base of the basin periodically, although this can be avoided by installing and maintaining an upstream sediment removal device for initial gross particle removal. ■ Inlet and outlet structures need to be kept clear and operational. ■ Plants from around the freeboard above the permanent water level can be mown and harvested and removed. 	
<p>Hydraulics All flows from the catchment usually enter the basin, and in high flow conditions, the water level rises as the flow control device restricts the rate of discharge from the basin. In exceedance events the whole area around the basin may flood. It is important the basin is well-designed so that high flow events do not cause deposited P from the bottom of the basin to be washed out and transported downstream.</p>	

This means that the post development land use is now **3.64 kgTP/yr.**

However, this can further be reduced due to the use of swales at the site. As the conveyed flows receive some treatment, as some sedimentation will occur, and particulate will be trapped in leaves. For the conveyed flows there is a 28% P removal (55% TP in sediment and sediment removal in a swale is assigned an index of 0.5 in CIRIA C753, so 55% of 50% = 28%) this means that we can take 28% off the post development land use (28% of 3.64 kg is 1.02 kg).


Table 2.3 Swales

<p>Infiltration potential High</p> <p>TP reduction 100% for all infiltrated flows assuming the site satisfies all the criteria detailed in point 4 of Table 2.1.</p> <p>Particulate P removal Conveyed flows receive some treatment, as some sedimentation will occur, and particulate P will be trapped in leaves. For conveyed flows use 28% P removal (55% TP in sediment and sediment removal in a swale is assigned an index of 0.5 in CIRIA C753, so 55% of 50% = 28%).</p> <p>Dissolved P removal Nil</p>	<p>Swales are a linear SuDS device often used along roads or paths. The runoff enters the swale along its entire length (if it is well designed) so the pollution is spread across the entire surface of the swale which maximises the pollution capture ability of both the grass surface and the soil underlying the grass surface.</p>  <p><i>Figure 2.2 Roadside swale (close mown)</i></p>
<p>Possible P capture mechanisms</p> <ul style="list-style-type: none"> ■ Slow the runoff flow. ■ Infiltration to ground. ■ Adsorption in soil horizons. ■ Uptake by plants. ■ Sedimentation on soil surface and leaf surface. 	<p>Considerations for P removal</p> <p>The more runoff that these devices can infiltrate to ground the better (assuming that water quality requirements are met). Soil depth can be limited so protection of underlying groundwater is important. Mowings are not normally collected and removed so P harvesting is not taking place, causing accumulation of P over time.</p>

This means that the post development land use is now **2.62 kgTP/yr.**

This can be further reduced as permeable paving will be used at the site. The guidance states that TP removal of 38% by sedimentation (55% TP in sediment and sediment removal in permeable paving is assigned an index of 0.5 in CIRIA C753, so 55% of 70% = 38%) this means that we can take 38% off the post development land use (38% of 2.624 kg is 0.99 kg).

Table 2.13 Permeable/pervious paving

<p>Infiltration potential High. TP reduction 100% for all infiltrated flows assuming the site satisfies all the criteria detailed in point 4 in Table 2.1.</p> <p>Particulate P removal TP removal 38% by sedimentation (55% TP in sediment and sediment removal in a permeable pavement is assigned an index of 0.7 in CIRIA C753 so 55% of 70% = 38%).</p> <p>DP removal Nil</p>	<p>Permeable pavements consist of a surface of blocks that allow surface water to run through the gaps. There are layers of sand/aggregate below.</p>  <p><i>Figure 2.13 Permeable paving (courtesy susdrain)</i></p>
<p>Possible P capture mechanisms</p> <ul style="list-style-type: none"> ■ Infiltration to ground. ■ Adsorption onto sand/aggregate/soil below. 	<p>Considerations There is no vegetation and often not much soil beneath the paving, so the P capture capability is limited.</p>
<p>Maintenance It is unlikely that the permeable paving will be lifted to replace the subsurface layers. The only maintenance activity that is required is sweeping the surface when needed.</p>	
<p>Hydraulics All the flow from the catchment enters the permeable paving layers although sometimes they are designed with an adjacent designated area for flooding in very high flow events. Sometimes they are installed with under drainage where infiltration capacity is not adequate.</p>	

This means that the post development land use phosphorus export is **1.63 kgTP/yr.**

Therefore, after the three treatment trains the overall post-development land use TP export is **1.63 kg TP/yr.**

The overall phosphorus budget for the site is provided below; this includes a 20% buffer added to the subtotal to account for uncertainties within the input parameters. A summary of the site budget is provided in Table 2 below.

Table 2 Phosphorus budget summary	
Item	P Load Total kg P/yr
Wastewater discharge from package treatment plant	4.05
Pre-development landuse	4.21
Post-development	1.63
Landuse net change	-2.58
Subtotal P load budget	1.47
Plus 20% Buffer	0.294
Site P budget load	1.764

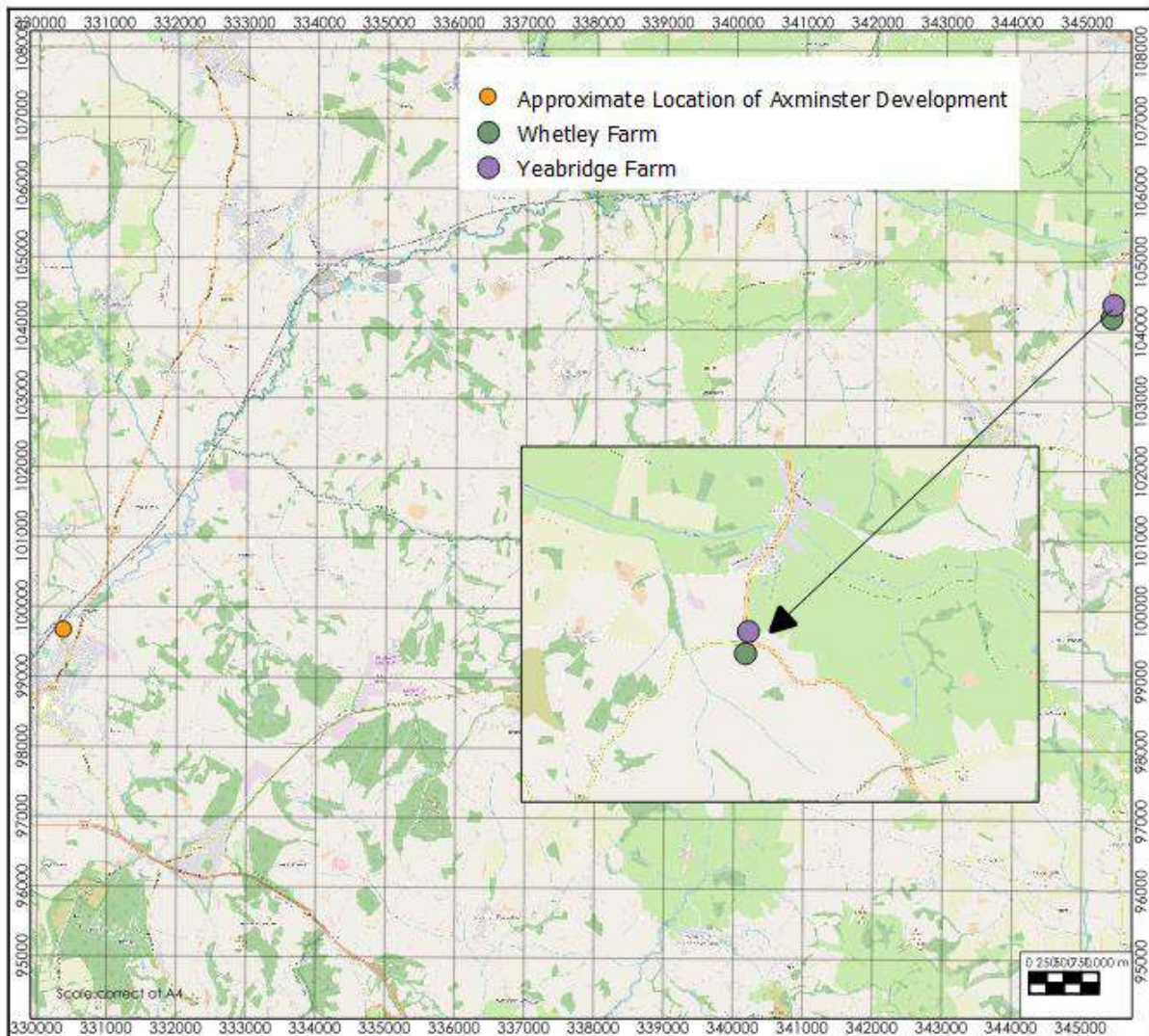
2.3 Mitigation proposal

The proposed strategy to mitigate the 1.764 kg TP/yr load is to upgrade two septic tanks located within the catchment area. Upgrading of a septic tank to a higher specification system with greater efficacy for nutrient removal is an accepted mitigation strategy by Natural England. The GRAF One2Clean has a certified discharge concentration of 1.6 mg/lTP (Appendix 8). The upgrading of a standard septic tank to a GRAF One2Clean results in a net reduction of **1.24** kg TP/tank/yr (Appendix 9). This is based on an occupancy rate of 2.4 and water usage of 141 l/p/d: this is the average daily water use per person for Wessex water⁶. Therefore, in order to mitigate the remainder of this site, two septic tank would be required; this would have a collective phosphorus reduction to the catchment of 2.48 kg TP/yr.

Two septic tank upgrades have been identified within the catchment. They are located at 'Yeabridge Farm, Whetley Cross, Mosterton, DT8 3HE' and 'Whetley Cross Farm, Mosterton DT8 3HE'. An agreement in principle has been signed by the landowners.

These tanks have been assessed against the criteria for small discharges and it is confirmed that they are within 200m of another discharge and therefore are considered to have a 'significant effect'. In addition, the tank has a discharge to ground, and it is confirmed it complies with the Environment Agency's general binding rules.

⁶ PR19 Challenge Report #5 WWT



3 CONCLUSION

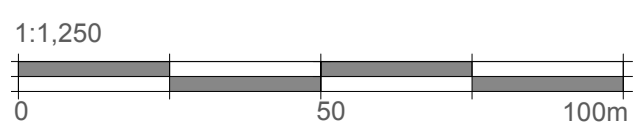
Phosphorus neutrality can be achieved at the site through a combination of measures, primarily with the installation of a private treatment plant on site. This will be adopted by an OFWAT registered undertaker, Albion Water, and managed by them in perpetuity. Treatment trains are also proposed within the residential and commercial area to reduce the phosphorus export in the urban runoff by 50%. The resulting phosphorus load generated by this site, requiring mitigation, is 1.764 kgTP/yr. This will be mitigated through the upgrading of two septic tanks located within the catchment which will provide a small benefit of 0.716 kg TP/yr.

It can therefore be concluded that this proposed development will be phosphorus neutral and not prevent the Conservation Objectives of the River Axe SAC being achieved.

APPENDIX 074/NNAMS/A1
Site plans



- | | | | | | | | |
|--|---|--|------------------------------|--|-------------------------------|--|------------------------------|
| | Site boundary | | Residential streets | | Public Open Space | | Proposed ecological corridor |
| | Potential all modes access and land take for roundabout | | Private drives | | Existing hedges | | Proposed mini football pitch |
| | Existing pedestrian access | | Residential development | | Existing trees / planting | | Attenuation feature |
| | Axminster Town Football Club access | | Parking spaces and driveways | | Proposed hedgerows / planting | | Swale |
| | National Cycle Route 33 | | Key buildings | | Proposed trees | | Phosphate treatment plant |
| | Existing pedestrian route | | Employment land | | Proposed orchard | | Pill Box retained |
| | Proposed pedestrian / cycle route | | | | | | |



client:
Greatworth Property Managers Ltd

project:
Chard Road, Axminster

drawing title:
Illustrative Masterplan

urbandesignbox.co.uk

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job number:
GRE101

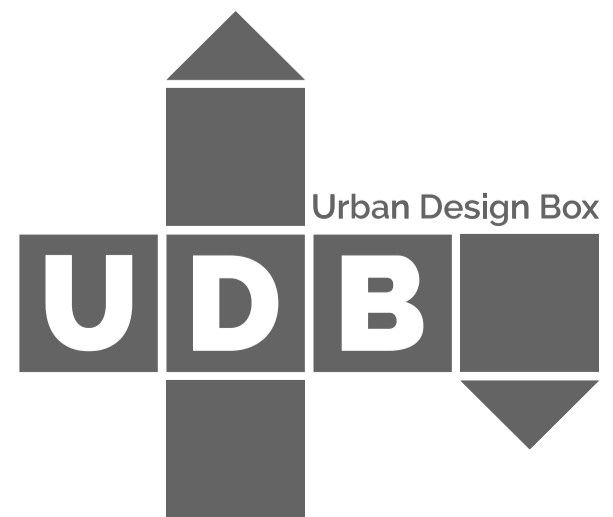
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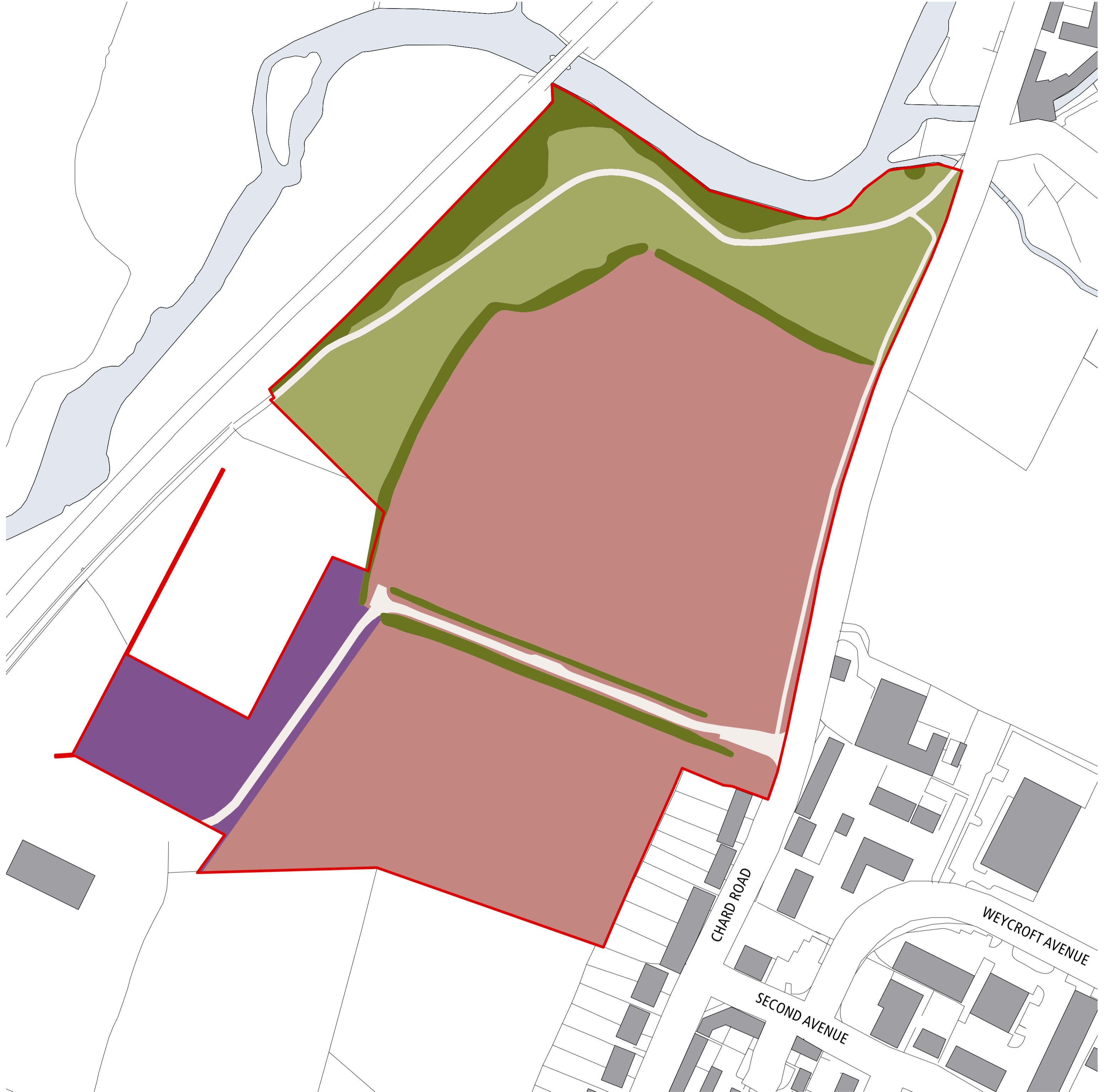
date:
March 2023

drawing number:
4002D

drawn
AJ

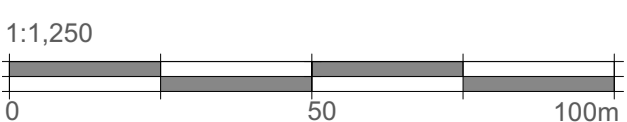
status:
Preliminary





	Site boundary	8.46ha
	Football access/ cycle track / permissive path (surfaced)	0.32ha
	Existing grassland	1.46ha
	Existing trees/hedgerow	0.67ha
	Agricultural field	5.36ha
	Football club land	0.65ha

DRAFT



client:
Greatworth Property Managers Ltd

project:
Chard Road, Axminster

drawing title:
Nutrients Existing Areas Plan

job number:
GRE101

scale
1:1250 @ A2

date:
March 2023

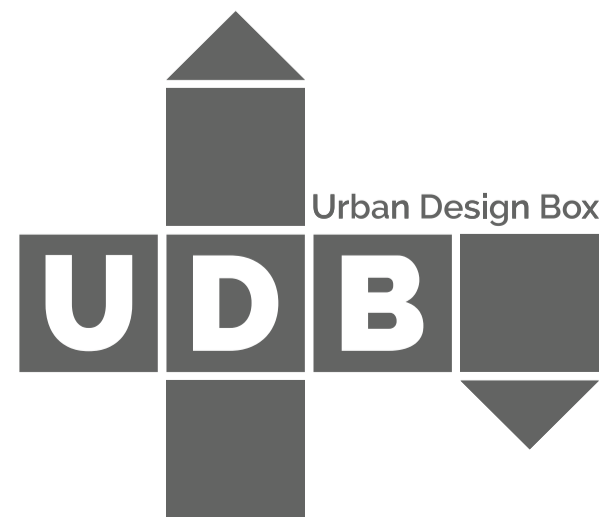
drawing number:
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drawn
AJ

status:
Preliminary

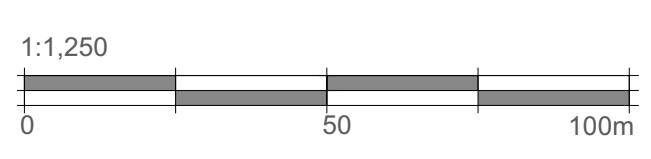
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Site boundary	8.46ha	Employment area	0.78ha	Retained hedges	1098m
Grassed POS	0.99ha	Highway	1.27ha	Proposed hedges	485m
Existing grassland retained	0.80ha	Attenuation	0.38ha		
Scrub / strategic landscape planting (existing and proposed vegetation)	1.19ha	Play area	0.04ha		
Orchard	0.20ha	Football pitch	0.30ha		
Residential houses and gardens	2.50ha	Other structures	0.01ha		



client:
Greatworth Property Managers Ltd

project:
Chard Road, Axminster

drawing title:
BNG Areas Plan

job number:
GRE101

scale
1:1250 @ A2

date:
March 2023

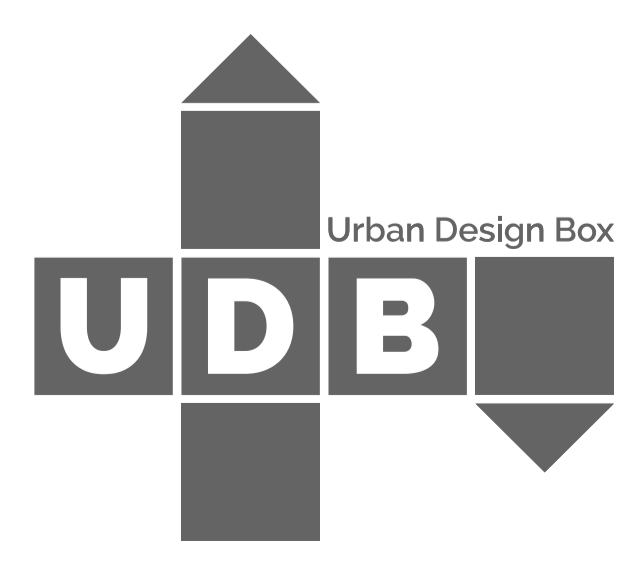
drawing number:
3603D

drawn
AJ

status:
Preliminary

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APPENDIX 074/NNAMS/A2
Phosphorus budget calculator to Kilmington

Stage 1

User Inputs

Date of first occupancy:	01/04/2024
Average occupancy rate:	2.40
Water usage (litres/person/day):	110
Development Proposal (dwellings/units):	140
Wastewater treatment works:	Kilmington WwTW ▼
Wastewater treatment works P permit (mg TP/litre):	1

Stage 1 Calculated Loading

Stage 1 Nutrient Loading

Additional population	336	people
Wastewater by development	36960	litres/day
Annual wastewater TP load	12.15	kg TP/yr

Stage 2

User Inputs

Catchment:	Lim and Axe
Soil drainage type:	Impeded drainage
Annual average rainfall (mm):	850.1 - 900
Within Nitrate Vulnerable Zone (NVZ):	No

Existing land use type(s)	Area (ha)	Annual phosphorus nutrient export (kg TP)
Woodland	0.67	0.01
Lowland	1.46	0.50
Open urban land	0.97	0.91
Cereals	5.36	2.78
▼		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Select existing (pre-development) land use types from the drop down list. </div>		
Total:	8.46	4.21

Stage 3

User Inputs

New land use type(s)	Area (ha)	Annual phosphorus nutrient export (kg TP)
Woodland	1.33	0.03
Residential urban land	3.86	6.76
Open urban land	0.34	0.32
Greenspace	1.77	0.04
Commercial/industrial urban land	0.78	1.00
Water	0.38	0.00
<input type="text"/>		
Select post-development land use types from the drop down list.		
Total:	8.46	8.14

APPENDIX 074/NNAMS/A3
PTP Certificate and design



Certificate

353.02C02

Kingspan Water & Energy Ltd.

College Road North, Aston Clinton, Aylesbury, HP22 5EW, UK

EN 12566-3, Annex B

Small wastewater treatment systems for up to 50 PT

Small wastewater treatment system BioDisc +P

Rotating Biological Contactor (RBC) in a GRP tank with chemical dosing equipment

Test report PIA2019-353B47.02

This test certificate is a revised version of test certificate no. 353.02C01.

Nominal organic daily load (influent)	0.28 kg BOD ₅ /d		
Nominal hydraulic daily load	0.9 m ³ /d		
Material	GRP		
Treatment efficiency (nominal sequences)	Efficiency	Effluent	
	COD	95.9 %	31 mg/l
	BOD ₅	98.0 %	6 mg/l
	N _{tot} *	71.1 %	17.9 mg/l
	NH ₄ -N*	92.1 %	3.0 mg/l
	P _{tot}	95.4 %	0.3 mg/l
	SS	95.6 %	15 mg/l
Eléctrical consumption	1.5 kWh/d		

**determined for temperatures $\geq 12^{\circ}$ C in the bioreactor*

Performance tested by:

PIA - Prüfinstitut für Abwassertechnik GmbH

Hergener Weg 30

52074 Aachen

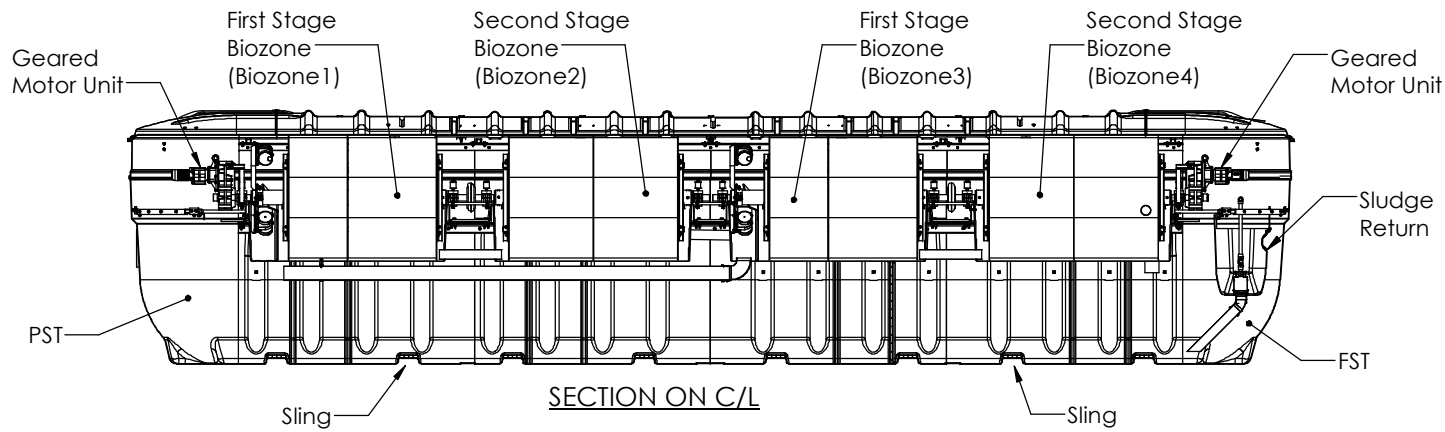
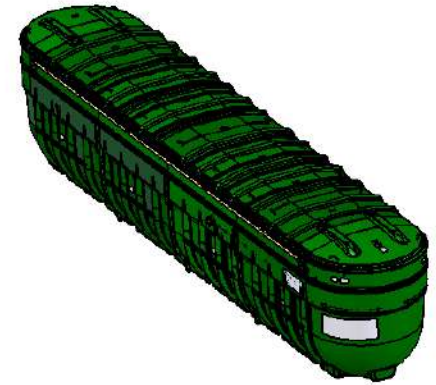
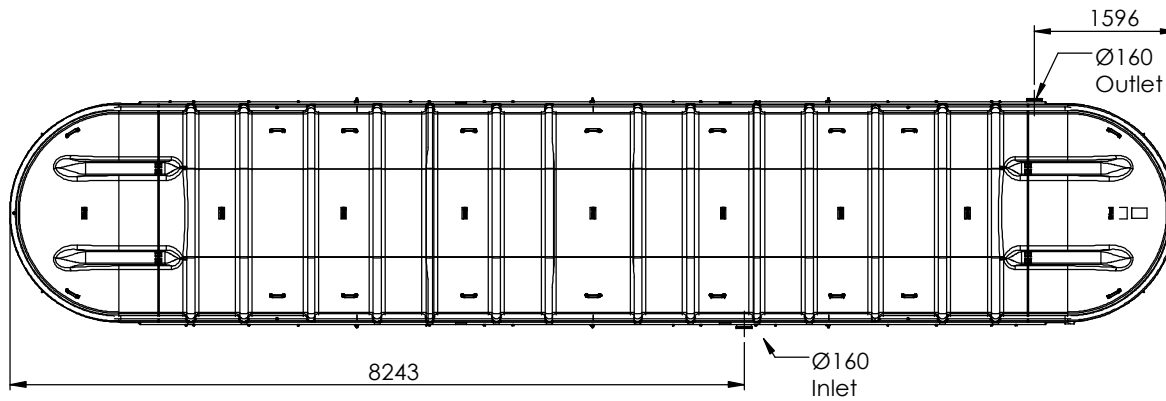
Germany

This document replaces neither the declaration of performance nor the CE marking.



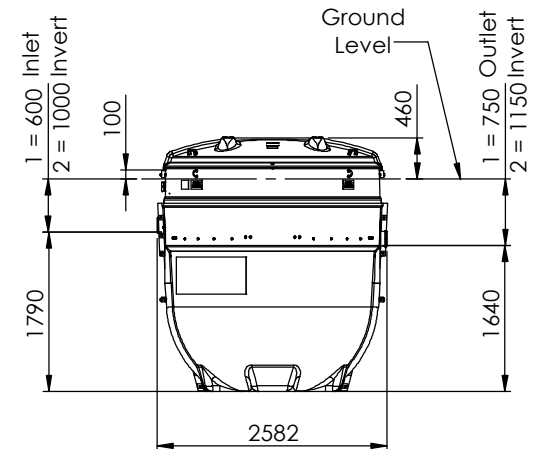
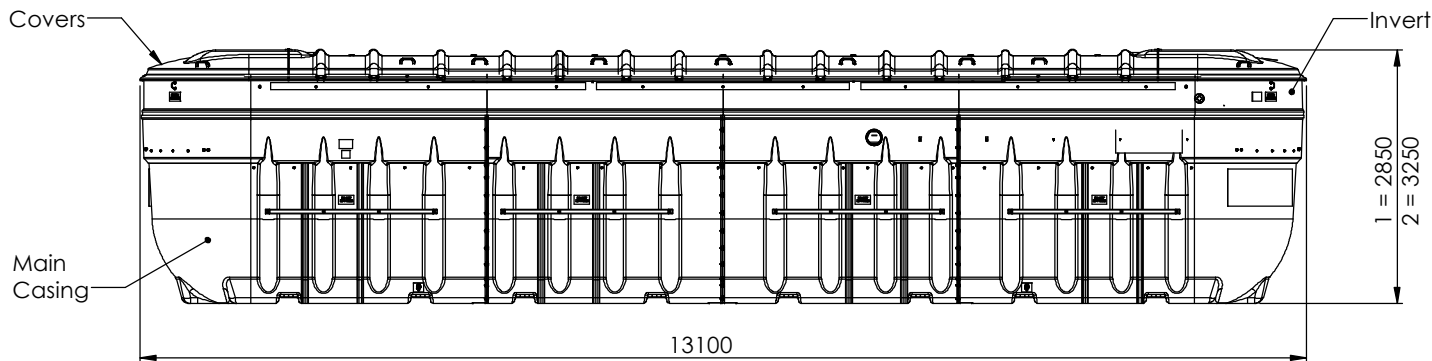
Martina Wermter

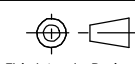

December 2020



Notes:-

1. Inlet And Outlet Pipework To Be 6" PVCu
2. Unit Must Be Slung In Positions Shown.



Please Check with Kingspan Environmental For The Latest Issue Of This Drawing				Material : Various	Tolerance (unless stated) :	Drawing : DS1334	Page 1 of 1	
Issue	Date	Drawn by	Approved by	Finish :	Thickness : n/a			
01	21.08.17	T.Kelly		Weight : 5750 kg	Surface Area : m ²	BN BioDisc General Assembly - Sales Drawing		
CC1392 - Initial Issue				Modelled By : T.Kelly				
All Dimensions In mm		Scale: Do Not Scale		 <p>Third Angle Projection</p>			 <p>Kingspan Environmental</p>	
R:\Engineering Projects\957A BioDisc BN\Two End Motor Gearboxes\DS1334								

APPENDIX 074/NNAMS/A4

Phosphorus budget for onsite solution – Klargester

Stage 1

User Inputs

Date of first occupancy:	
Average occupancy rate:	2.40
Water usage (litres/person/day):	110
Development Proposal (dwellings/units):	140
Wastewater treatment works:	Package Treatment Plant user defined
Wastewater treatment works P permit (mg TP/litre):	Please enter value in cell to the right: 0.3

Stage 1 Calculated Loading

Additional population	336	people
Wastewater by development	36960	litres/day
Annual wastewater TP load	4.05	kg TP/yr

APPENDIX 074/NNAMS/A5
Adoption in principle letter



Clearwater House
Castle Mills
Biddisham
Somerset BS26 2RE

T 01934 751303

www.albionwater.co.uk

19th February 2023

Sarah Belton
Nutrient Neutral,
The Oakland Childs,
Ercall,
Market Drayton
TF9 2DL

Agreement to adopt in principle – Axminster EX13 5PH

Dear Sarah

Thank you for taking the time to share the detail of the above development regards the provision of water and wastewater services with myself and our Technical Director, Ian May.

I am pleased to advise that we are able to agree to the adoption of this site in principle.

Final agreement will be dependent on the following:

- Overview and acceptance of the water/wastewater infrastructure design
- Consultation on the waste treatment plant to ensure compliance with current environmental standards and requirements
- Infrastructure installation to agreed technical and industry quality standards
- Installation of waste treatment plant to manufacturers specifications
- Subject to final inspections
- Subject to permissions to discharge to a local watercourse.

Yours sincerely

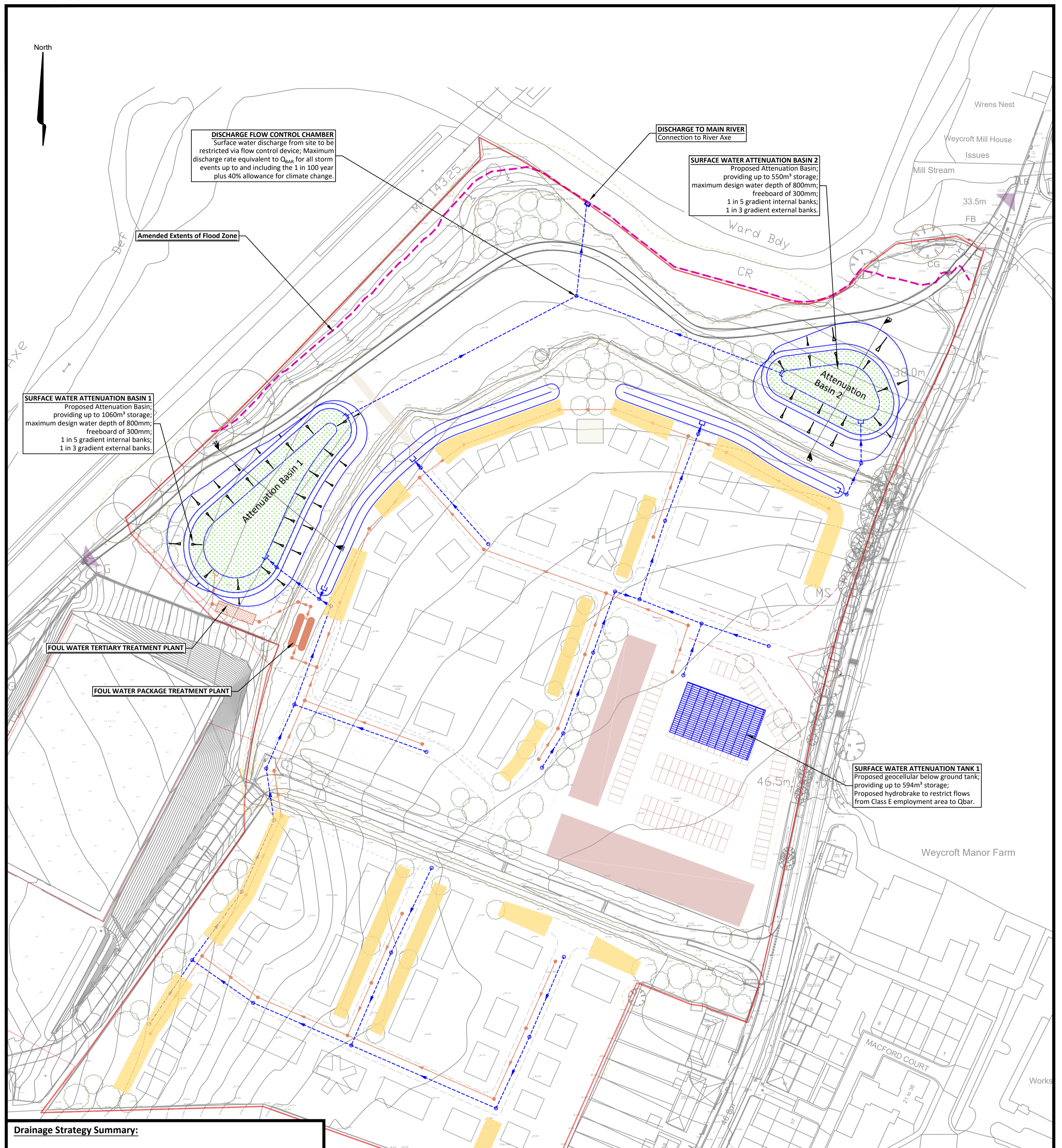
Kim

Kim Trowbridge
Client Service Director
on behalf of
Albion Water Ltd

APPENDIX 074/NNAMS/A6
Modified Rational Method

Site specific calculation			
$L = R * (0.829 * p + 0.78 * U - 20.7)$			
L	RUN OFF VOLUME		
R	AVERAGE RAINFALL	875	mm
P	IMPERMEABLE AREA	53	%
U	CATCHMENT WETNESS	41	Coefficient
		% RUN OFF	26.435 %
		L = % Run * R	mm
		231.30625	mm
L =		2313062.5	l/ha /yr
Concentration		0.41	mg/l
		948355.625	mgP /ha/yr
Urban P loss		0.948355625	kg /ha/ yr
Development area		3.86	ha
Urban Load		3.660652713	Kg P/ yr
(1 mm \equiv 1 mm/year \equiv 1 mm/m ² /year \equiv 1 l/m ² /year \equiv 10000 l/ha/year)			

APPENDIX 074/NNAMS/A7
SuDS Designs



DISCHARGE FLOW CONTROL CHAMBER
 Surface water discharge from site to be restricted via flow control device; Maximum discharge rate equivalent to Q_{BAR} for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change.

DISCHARGE TO MAIN RIVER
 Connection to River Axe

SURFACE WATER ATTENUATION BASIN 2
 Proposed Attenuation Basin; providing up to 550m³ storage; maximum design water depth of 800mm; freeboard of 300mm; 1 in 5 gradient internal banks; 1 in 3 gradient external banks.

SURFACE WATER ATTENUATION BASIN 1
 Proposed Attenuation Basin; providing up to 1060m³ storage; maximum design water depth of 800mm; freeboard of 300mm; 1 in 5 gradient internal banks; 1 in 3 gradient external banks.

SURFACE WATER ATTENUATION TANK 1
 Proposed geocellular below ground tank; providing up to 594m³ storage; Proposed hydrobrake to restrict flows from Class E employment area to Qbar.

Drainage Strategy Summary:

- Surface water flows from proposed roof areas to discharge to adjacent permeable paving or swale, where appropriate, and then cascade into main sewers and attenuation basins.
- Development attenuation is provided across both attenuation basins. Discharge flows from development restricted using flow control device with a maximum discharge rate of Q_{BAR} for all storm events.
- Employment area attenuation to be provided via an onsite SuDS feature, such as geocellular storage, restricted to a proportional Q_{bar} . Surface water flows from the employment area will then be discharged into the development network.
- Attenuation to be provided across attenuation tank (594m³), Attenuation Basin 1 (1060m³) and Attenuation Basin 2 (550m³).
- Detailed design of scheme to review use of swale and permeable paving to provide additional attenuation at source. The additional storage potentially provided by these features has not been accounted for as part of this assessment, or within the above attenuation volumes.

- Legend:**
- Site Boundary
 - - - Surface Water Sewer
 - Attenuation Basin
 - Swale
 - Permeable Paving
 - Attenuation tank (Class E Employment Area)
 - Foul Water Sewer
 - Package Treatment Plant
 - Reed bed

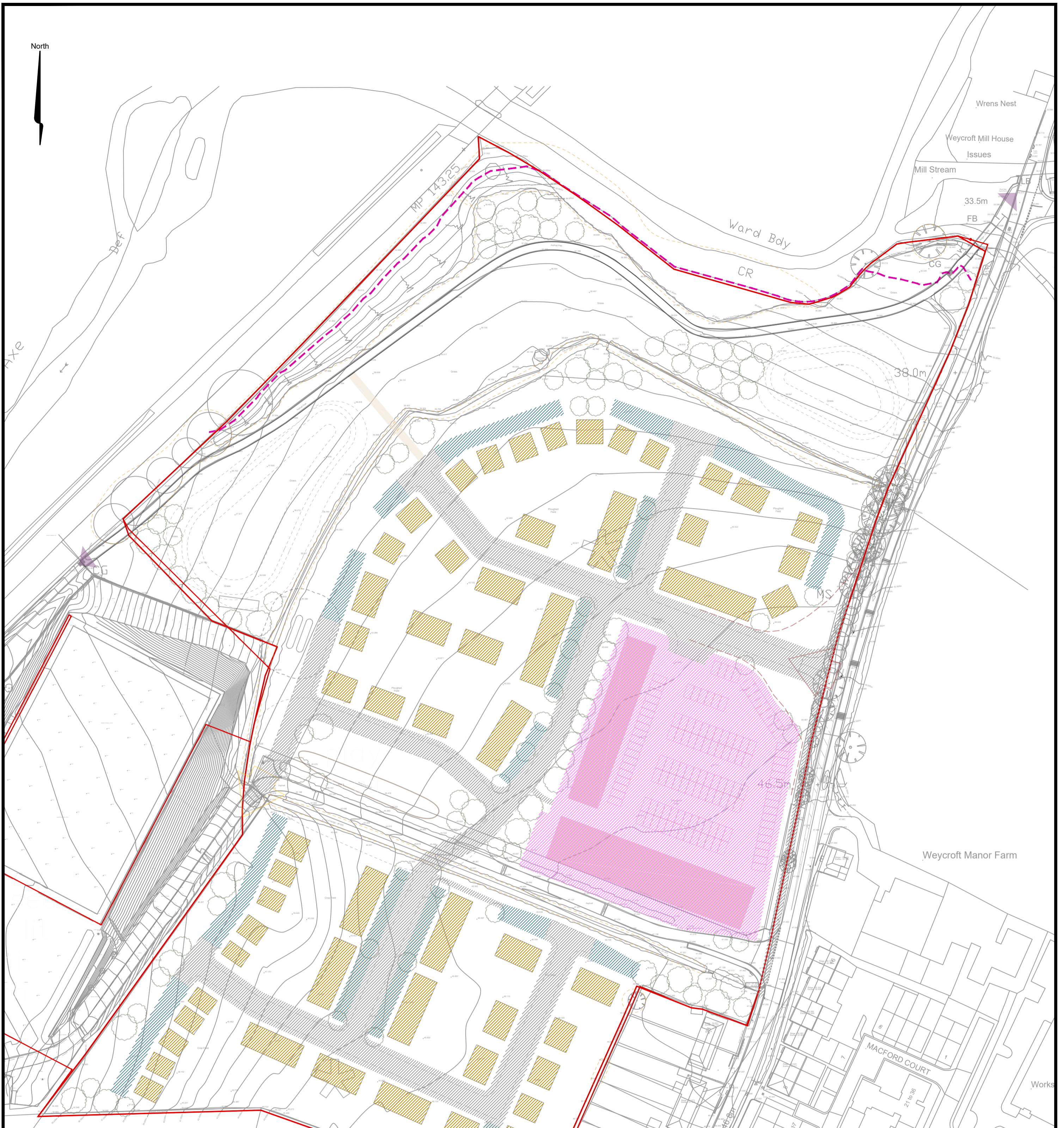
IMA TRANSPORT PLANNING
 11 KINGSMEAD SQUARE
 BATH BA1 2AB
 T: 01225 444 011
 www.ima-tp.com

CLIENT: **Greatworth**
 PROJECT: **Chard Road, Axminster**





TITLE: **Drainage Strategy Conceptual Layout**

SCALE: (A2) **1:1000**
 CHECKED: **SW** APPROVED: **SW**
 CAD FILE: **IMA-22-013-P-500.dwg** DESIGN/DRAWN: **CB** DATE: **February 2023**
 PROJECT No: **IMA-22-013** DRAWING No: **P/500** REV: **P1**

North



Drainage Areas:

	Roads	8,405sq.m
	Roofs	6,694sq.m
	Private Drives	3,449sq.m
Total:		18,548sq.m
10% Urban creep:		1,855sq.m
	Class E employment area:	8,081sq.m
Grand Total:		28,484sq.m
GFRR Qbar (FEH Data):		25.9l/s
Pro rata Qbar for Class E employment area is		7.9l/s

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 T: 01225 444 011
 www.ima-tp.com

CLIENT:	Greatworth
PROJECT:	Chard Road, Axminster

TITLE:	Drainage Strategy Catchment Areas
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SCALE: (A2)	1:1000	CHECKED:	SW	APPROVED:	SW
CAD FILE:	IMA-22-013-P-510.dwg	DESIGN/DRAWN:	CB	DATE:	February 2023
PROJECT No:	IMA-22-013	DRAWING No:	P/510	REV:	P1

APPENDIX 074/NNAMS/A8
Graf Manufacturers certificate



PERFORMANCE RESULTS

Otto Graf GmbH

Carl-Zeiss-Str. 2 - 6, 79331 Teningen, Germany

EN 12566-3

Small wastewater treatment systems for up to 50 PT

Small wastewater treatment system one2clean

SBR plant in one two-zone polypropylene tank

Test report PIA2014-216B14.01.e

Nominal organic daily load*	0.27	kg/d		
Nominal hydraulic daily load	0.75	m ³ /d		
Material	polypropylene			
Treatment efficiency (nominal sequences)			Efficiency	Effluent
	COD		94.2 %	43 mg/l
	BOD ₅		96.0 %	7 mg/l
	SS		96.3 %	14 mg/l
	NH ₄ -N**		98.3 %	0.5 mg/l
	N _{tot} **		87.0 %	7.9 mg/l
	P _{tot}		80.2 %	1.6 mg/l
Electrical consumption	0.63	kWh/d		

*at a test influent of ≥ 300 mg/l BOD₅ (mean)

**determined for temperatures $\geq 12^{\circ}\text{C}$ in the bioreactor

Performance tested by:

PIA – Prüfinstitut für Abwassertechnik GmbH

(PIA GmbH)

Hergenrather Weg 30

52074 Aachen, Germany

This document replaces neither the declaration of performance nor the CE marking.



Notified Body
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Abwassertechnik
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Prüfinstitut für Abwassertechnik GmbH
geprüft - tested - tested
November 2014

Elmar Lancé

November 2014

APPENDIX 074/NNAMS/A9 Septic tank upgrade calculations

Septic tank current				
Step	Measurement	Value	Unit	Explanation/ info source
Development Proposal	Development Type	1		
Step 1	population	2.4	persons	
Step 2	Wastewater volume generated	338.4	litres / day	141 l/p/d
Step 3	Receiving treatment	11.6	mg/l	Septic tank
Step 4	TP discharged after treatment	3925.44	mg/TP/day	Concentration * volume day
Step 5	Convert mg/TP to kg/TP per day	0.0039254	kg/TP/day	Divide by 1,000,000
Step 6	∞	1.433767	kg/TP/yr	x 365.25 days
Wastewater total Phosphate load		1.434	kg/TP/yr	
Graf One2Clean				
Step	Measurement	Value	Unit	Explanation/ info source
Development Proposal	Development Type	1		
Step 1	population	2.4	persons	2.4
Step 2	Wastewater volume generated	338.4	litres / day	141 l/p/d
Step 3	Receiving treatment	1.6	mg/l	
Step 4	TP discharged after treatment	541.44	mg/TP/day	Concentration * volume day
Step 5	Convert mg/TP to kg/TP per day	0.0005414	kg/TP/day	Divide by 1,000,000
Step 6	Convert kg/TP per day to kg/ TP per year	0.197761	kg/TP/yr	x 365.25 days
Wastewater total Phosphate load		0.198	kg/TP/yr	
Phosphorus				
ST to Graf	saving:	1.24		