

Ward West Hill And Aylesbeare

Reference 24/1545/OUT

Applicant Mrs Rosaleen Dickman

Location Heather Down Farm Aylesbeare Devon EX5 2DQ

Proposal 1no. proposed dwelling (Outline with matter of appearance only reserved) to replace existing static caravan with lawful use as a dwelling



RECOMMENDATION:

- 1) Adopt the Appropriate Assessment
- 2) **APPROVE** subject to conditions and to the completion of a Legal Agreement withdrawing the Certificate of Lawful development to establish the residential use of land as curtilage comprising a parcel of garden, a remote storage shed and a static caravan for a period in excess of 10 years decided on 18 July 2023 under reference 22/2704/CPE

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		Committee Date: 25.02.2025
West Hill And Aylesbeare (Aylesbeare)	24/1545/OUT	Target Date: 19.09.2024
Applicant:	Mrs Rosaleen Dickman	
Location:	Heather Down Farm Aylesbeare	
Proposal:	1no. proposed dwelling (Outline with matter of appearance only reserved) to replace existing static caravan with lawful use as a dwelling	

RECOMMENDATION 1: Adopt the Appropriate Assessment

RECOMMENDATION 2: APPROVE subject to conditions and to the completion of Unilateral Undertaking which prevents the keeping of domestic cats by future occupiers of the replacement dwelling.

EXECUTIVE SUMMARY

This application is before Planning Committee because the view of officer's differ from that of the adjacent ward member who has commented on this application on behalf of the ward member and because it is a minor departure from the East Devon Local Plan.

The site contains an existing lawful and habitable residential dwelling on the site which has been established through a recently approved certificate of lawfulness. On the basis that the mobile home does not constitute a 'permanent dwelling it isn't considered that the proposal can be assessed against the provisions of policy H6 of the Local Plan which provides policy support for the replacement of existing dwellings in the countryside. This application is therefore considered to be a minor departure from the Local Plan because there are no policies within it which support the replacement of mobile homes with residential dwellings.

The National Planning Policy Framework states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It has been demonstrated within this report there is an existing and habitable dwelling located on the site and that the proposed replacement dwelling would result in no additional material harm in respect of sustainability, landscape impact, residential amenity, trees and ecology and highway safety.

This is on the basis that there would be no net increase in the number of residential dwellings on the site which would be safeguarded through the imposition of a planning condition which requires the removal of the caravan from the site prior to occupation of the replacement dwelling and a further condition which prevents the any further caravans or mobile homes from being bought onto the site during the lifetime of the development. Subject to these conditions, there would be no material harm from having a replacement dwelling on the site, with the proposal providing planning gain through the provision of a better standard of living accommodation, an improved layout and improved amenity space and through the removal of an unsightly mobile home. Furthermore, the ability of the Council to restricting the keeping of domestic cats is considered to be planning and ecological gain to reduce alone and in-combination adverse effects on qualifying bird species of the SPA.

On balance, having regard for the above and subject to the applicant entering into a Unilateral Undertaking, it is considered that there are material considerations which justify a minor departure from the Local Plan and that the proposal would generally comply with the policies within the Local Plan when read as a whole. The application is therefore recommended for approval subject to the signing of the S106 agreement and the following conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Aylesbeare Parish Council supports this application

Newton Poppleford And Harpford - Cllr Chris Burhop

My apologies for the delay in responding to this application. I will be responding in lieu of Cllr Bailey as she has recused herself from this application.

My interest in this application is as ward member for the neighbouring ward of Newton Poppleford and Harpford.

I have reviewed the application in detail and note the Parish Council's support and also the officer's recommendation.

I do however have concerns in respect of this application.

The officer's report notes that this application would not normally be supported by Local Plan policies. Indeed there is not a single policy cited in support of this application, which, I would remind all concerned, is within the National Landscape, being amongst the most protected areas in the country.

If this application was to simply build a second property in the grounds of the existing property I have little doubt that the application would be turned down as unsupportable on any grounds.

This application is complicated by the current siting of a static caravan that was, last year, granted a certificate of lawfulness on the basis it could be demonstrated that the caravan had been continuously occupied for in excess of 10 years.

This is of course perfectly legal and in itself grants a certificate of lawfulness to what is by definition a temporary residence, not a permanent one.

There is absolutely no policy which then supports the further conversion of this temporary residence to a permanent new build residence (on a larger footprint). This point is accepted by the officer's conclusion which says "the application is considered to be a minor departure from the Local Plan as there are no policies that support [it]".

This is as alarming as can be. Plus it must set a precedent for future applications in the National Landscape.

In summary this applicant seems to

1. Have run an illegal temporary residence in the form of a static caravan for in excess of 10 years.
2. Have been rewarded for the above as no enforcement action was taken to demand the removal of the static caravan within 10 years
3. Have subsequently successfully applied to obtain legal permission to retain the residential temporary static caravan
4. Now be applying to convert a temporary static caravan into a permanent residence with a larger footprint in the National Landscape without any support within policies of the Local Plan.
5. Even be avoiding paying any mitigation to compensate for the agreed effects of development in close proximity to the Pebblebed Heaths on the basis that it isn't a new development (and yet they didn't pay any when they illegally set up a residential static caravan!).

When I look at the above I regret that I cannot support this application.

Technical Consultations

EDDC Trees

In principle I have no objection to the proposal. The application is supported by an arboricultural statement and tree survey provided by the agent. The main trees on site are the group of Oak along the northern boundary which overall are considered B category trees by the Arb Officer. The only slight concern I have is the potential for root growth beneath the retaining wall and into the gravel drive to the south east which is considered possible. However no significant development is proposed in this area and the main dwelling is to be constructed outside of any constraints posed by the larger trees. Two small trees to the north of the proposed dwelling are young replaceable trees; therefore no arb concerns are raised.

No objection subject to tree protection condition.

Health and Safety Executive:

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Natural England 04/02/2025

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of Dawlish Warren Special Area of Conservation (SAC), Exe Estuary Special Protection Area (SPA), East Devon Heaths SPA, East Devon Pebblebed Heaths SAC and Exe Estuary Ramsar

In order to mitigate these adverse effects and make the development acceptable, the mitigation measures set out in the Appropriate Assessment are required:

- A condition will be imposed requiring the removal of the static caravan once the replacement dwelling is ready for occupation to ensure no net increase in the number of residential units on the site within 400 metres of the Pebblebed Heaths.
- S106 agreement which prevents occupiers of the replacement dwelling from keeping domestic cats on the premises. This being of ecological gain in reducing to reduce alone and in-combination adverse effects on qualifying bird species of the SPA.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Exeter & Devon Airport - Airfield Operations+Safeguarding

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Other Representations

None received at the time of writing this report.

PLANNING HISTORY

Reference	Description	Decision	Date
22/2704/CPE	Certificate of lawful development to establish the residential use of land as curtilage comprising a parcel of garden, a remote storage shed and a static caravan for a period in excess of 10 years	CPE Approved	18.07.2023

POLICIES

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN17- Notifiable Installations

H6 (Replacement of Existing Dwellings in the Countryside)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Draft East Devon Local Plan 2020-2042 (Policies carry limited weight at present)

SP06- Development Beyond Settlement Boundaries

OL02- National Landscapes (Areas of Outstanding Natural Beauty)

DS01- Design and Local Distinctiveness

PB08- Trees, Hedges and Woodland on Development Sites

PB01- Protection of Internationally and Nationally Important Wildlife Sites

PB04- Habitats Regulations Assessment

PB05- Biodiversity Net Gain

PB07- Ecological Enhancement and Biodiversity in the Built Environment

HN06- Sub-Dividing or Replacing Existing Buildings and Dwellings

TR04- Parking Standards

Government Planning Documents

NPPF (National Planning Policy Framework 2024)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description

The application site lies within the extended garden area of a property known as Heather Down Farm located in the open countryside to the east of the B3180. The site is within the East Devon National Landscape and comprises a static caravan with two enclosed storm porches within an enclosed area of garden, together with a storage shed and parking area. The site is accessed from the road by the existing driveway serving the main dwelling.

Proposed Development:

Outline planning permission is sought for the construction of a detached dwelling on the site seeking approval for layout, scale, landscaping and access with matters only of appearance reserved for future consideration.

The submitted site plan shows the proposed dwelling to be positioned adjacent to the northern boundary of the site and that it would be served by a driveway from the B3180 which would provide space for the parking and turning of two cars. The proposed dwelling would be rectangular in plan form providing a footprint of 115sqm. The dwelling would predominantly be two stories in height but would include a more subservient single storey element.

Issues and Assessment:

The main issues to consider in determining this application are in terms of:

- The policy context and the principle of development and an assessment of the outline matters sought for approval
- Highway Safety and Parking
- Ecological impacts, BNG and Habitat Regulations
- Impacts on Trees
- Impacts on residential amenity

ANALYSIS

Policy Context:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined. The Draft East Devon Local Plan 2020-2042 is out for Regulation 19 Consultation such that limited weight can now be attributed to emerging policies referenced under the policy section of this report. There is no 'made' Neighbourhood Plan for Aylesbeare.

Principle of Development:

The site is located in the open countryside, outside of a defined built-up area boundary where development is more controlled. Strategy 7- Development in the Countryside of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

This isn't a site or a location where new residential development would normally be supported because it is in the countryside and not in a sustainable location, regard must be had for the fact that a certificate of lawfulness has recently been granted for the residential use of a static caravan on the site. A Certificate of Lawfulness has been granted for the independent residential occupation of the mobile home at Heather Down Farm and therefore it is considered that there is an existing and lawful residential dwelling on the site.

Notwithstanding the lawfulness of this caravan as an independent residential dwelling, it isn't considered that Policy H6 - Replacement of Existing Dwellings in the Countryside of the Local Plan is engaged and applicable to the determination of this application in respect of the principle of development.

Policy H6 is a policy that supports proposals for the replacement of an existing dwelling outside the defined Built-up Area Boundaries subject to a number of criteria being satisfied which includes there being an existing, permanent, habitable dwelling

located on the site, which is not a dwelling specifically granted planning permission under the agricultural or forestry exceptions policy.

The policy doesn't define what constitutes a 'permanent' dwelling however it has been well established by caselaw that a static caravan is not a permanent building and that the siting of a mobile home is for the use of the land rather than operational development based on matters relating to its size, mobility and construction. In this case, the mobile home is not considered to be a permanent dwelling and therefore policy H6 of the Local Plan is not engaged.

In the absence of any policy support for the principle of a replacement dwelling in this location, the application is considered to be a minor departure from the Local Plan. The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It will be demonstrated within the remainder of this report that through the grant of the certificate of lawfulness, which establishes that there is an existing and habitable dwelling located on the site and that the proposed replacement dwelling would result in no additional material harm.

Certificate of Lawfulness:

When considering proposals for replacement dwellings, it is standard practice to impose conditions which require the demolition of the existing dwelling prior to the occupancy of the replacement dwelling, should an alternative location for the replacement dwelling be agreed. This is to avoid a net increase in dwellings on the site in locations which would not ordinarily be supported by policy in the interests of visual impact and sustainability.

In this case, due to the site's location in the countryside and unsustainable location where there is no policy support for any cumulative increase in the number of dwellings on the site, it is necessary to consider how removal of the existing caravan from the site can be secured once an approved dwelling is constructed.

In this instance, the existing dwelling on the site is a mobile home which has recently been granted a certificate of lawfulness. On the basis that the certificate was granted for the siting of the mobile home on the land, a condition requiring the removal of the static caravan from the site prior to first occupation of the replacement dwelling would be reasonable and necessary as it would prevent any net increase in the number of residential dwellings on the site. A further condition preventing the siting of any further caravans or mobile homes on the site for the lifetime of the development would also prevent net increase in the number of residential dwellings on the site. This approach is considered to be justified because the site is in the countryside, in an unsustainable location and within 400 metres of the Pebblebed Heaths (discussed in more detail later within the report) where there is no policy support for a net increase in dwellings in the interests of sustainable development.

Conditions imposed are considered to be a sufficient mechanism to ensure that there would be no cumulative increase in the number of dwellings on the site which would

be contrary to the Council's strategic approach to directing new residential development into the most sustainable locations within the District.

Sustainability:

The site is located outside of a settlement boundary as defined by the Local Plan which seeks to steer new residential development into the districts most sustainable settlements, i.e. towns and villages with a range of everyday services and facilities and public transport. It is accepted that the site is not physically or functionally well related to a settlement and does not have safe pedestrian routes to access services and facilities.

Whilst this is the case, the proposal is to replace an existing residential mobile home that sleeps up to 6 people with a modest replacement dwelling. As such replacing the mobile home with a new dwelling would not give rise to any additional sustainability or accessibility concerns because there would be no material increase in the number of dwellings or occupants living on the site, a position reinforced by the imposition of conditions securing the removal of the static caravan from the site.

Character and Appearance:

Policy D1- Design and Local Distinctiveness of the Local Plan states that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Strategy 46 - Landscape Conservation and Enhancement and AONBs states that development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well being of the area

The site does fall within an area designated as National Landscape (formerly AONB) which is afforded the highest status of protection and where in accordance with the NPPF great weight is given to conserving and enhancing landscape. The site is set well back from the B3180 and is well screened from existing vegetation both on the northern boundary and along the B3180 itself. The existing screening would serve to soften the impact of the proposed dwelling which itself would be modest and with its height kept to a minimum by virtue of providing first floor accommodation into the roof space of the building.

Whilst there may be glimpsed views of the dwelling through the vegetation particularly in the winter and through the existing access into Heather Down Farm, given the size and scale and form of the proposed dwelling it isn't considered that the proposal would result in harm to the natural beauty of the landscape that would justify refusal of planning permission. The scale of the development is considered to be appropriate for the site and its rural context.

The proposed dwelling would be located adjacent to the footprint of the existing static caravan, positioned towards the northern boundary of the site and within the red line application site for the approved certificate of lawfulness. A driveway and turning area would be provided over the footprint of the existing static caravan.

It is considered that there are clear planning benefits to be derived from the re-positioning of the replacement dwelling which includes providing better separation distances from Heather Down Farm, the provision of a driveway and turning area and a good sized garden for future occupiers of the new dwelling. It is accepted that the repositioning of the dwelling on the site allows for an improved layout and standard of amenity between both planning units. Layout as a matter that is sought for approval is considered to be acceptable.

Removal of permitted development rights for householder extensions would help to further safeguard the National Landscape requiring additions to the property or outbuildings to require a grant of planning permission where the impacts can be fully assessed.

Residential Amenity:

Policy D1 requires that proposals do not adversely affect the residential amenities of neighbouring properties. The proposed replacement dwelling is considered to be well distanced from the nearest neighbouring properties including the host dwelling such that there would be no harm to residential amenity arising.

Residential amenity for future occupiers of the replacement dwelling would be significantly improved over the existing static caravan through the provision of a sustainable and well insulated permanent dwelling with an improved relationship with existing buildings and the provision of a good sized garden amenity area.

Matters for Approval:

Layout:

The proposed dwelling would be sited adjacent to the footprint of the static caravan close to the northern boundary of the site. It would remain within the red line application site approved under the CPE application and would result in no further encroachment outside of the lawful site or into the countryside. There would be planning gain arising from the proposed layout which includes a better relationship with the existing dwelling, a better standard of amenity for both sets of occupiers and space for the provision of parking and turning area and a good sized garden without any significant landscape impact.

Scale:

The scale of the proposed dwelling is considered to be appropriate for the site. The dwelling would be two stories but the overall height of the building would be reduced by virtue of providing first floor accommodation into the roof of the building. The dwelling would reach a height of 7.0 metres and would be part single storey and part two storey reducing its overall bulk and massing. The scale of the building is considered to be acceptable.

Access:

Policy TC7 - Adequacy of Road Network and Site Access states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Vehicular access into the site would be via the existing shared driveway onto the B3180. The layout would make provision for a driveway and for the parking of two vehicles with space for turning so that vehicles can leave the site in a forward gear. It isn't considered that the proposal would give rise to any significant increase in traffic movements to and from the site beyond that of the existing lawful residential use of the site such that it isn't considered that there would be any highway safety concerns arising from the proposal. The provision of two car parking spaces would meet the provisions of policy TC9- Parking Provision in New Development of the Local Plan.

Arboricultural Impacts:

Policy D3 - Trees and Development Sites of the Local Plan states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

The application has been considered by the Council's Tree Officer who has advised that the application is supported by an arboricultural statement and tree survey provided by the agent. The main trees on site are the group of Oak along the northern boundary which overall are considered B category trees by the Arb Officer. The only slight concern I have is the potential for root growth beneath the retaining wall and into the gravel drive to the south east which is considered possible. However no significant development is proposed in this area and the main dwelling is to be constructed outside of any constraints posed by the larger trees. Two small trees to the north of the proposed dwelling are young replaceable trees; therefore no arb concerns are raised.

Subject to a condition which requires the submission of an arboricultural method statement and tree protection plan it is considered that the proposal complies with the provisions of policy D3 of the Local Plan.

Landscaping:

The application is accompanied by a detailed landscaping scheme which proposes some Oak and Birch tree planting with the site which would be commensurate with the scale and form of development proposed. Traditional metal estate fencing is proposed for the boundaries of the site and a timber boarded sliding gate would be provided at the entrance. It is considered that adequate landscaping details have been provided for the proposal.

Appropriate Assessment:

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. Natural England has advised that the proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use.

The site is located in close proximity to the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Natural England has advised that proposals for any **net increase** in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

It is accepted that evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. For new residential developments within 10 km of the Exe Estuary and the Pebblebed Heaths ordinarily the Council would secure a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per dwelling however this would apply to when there is a net increase in residential units on the site. In this case, there is a lawful residential dwelling on the site, the removal of which would be secured by

condition such that there would be no increase in the number of residential units in close proximity to European protected sites and therefore no additional recreational impacts arising.

Cat Predation:

In addition, in accordance with Strategy 47- Nature Conservation and Geology of the Local Plan, residential accommodation within 400 metres of the SPA is deemed not to be permitted primarily due the risk of cat predation. However on the basis that the proposal is for the replacement of an existing and lawful residential dwelling on the site and the site already benefits from a residential use, albeit one where the risk of predation by cats remains.

The ecology report accompanying the application highlights that predation by cats remains a threat to Nightjar and Dartford Warbler and whilst the closest records for these species are over 450 metres away, the habitat across the B3180, immediately to the north west of the site and areas north east across grazed pasture, 250 metres from the site appear to provide good habitat for both species. It is therefore accepted that there is a risk of predation of qualifying bird species if a cat(s) was kept at the dwelling.

Evidence has however been provided from the applicants that cats have resided within the static caravan and that the Council has had no mechanism in place and ultimately no control over residents of the caravan from the keeping of cats as pets. This proposal presents an opportunity for planning gain to control the keeping of domestic cats at the property and to reduce alone and in-combination adverse effects on qualifying bird species of the SPA.

The applicant is proposing through a Unilateral Undertaking an obligation which prohibits the keeping of domestic cats which would provide planning and ecological gain by reducing the number of dwellings on the site from keeping domestic cats within 400 metres of the SPA which would reduce alone and in-combination adverse effects on qualifying bird species of the SPA. This would be a tangible improvement over the existing situation where the Council has no control over the keeping of domestic cats on the site.

This approach has been accepted by Natural England through the Council's undertaking of an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 where it has been concluded that there would be no adverse effect on the integrity of the Exe Estuary and East Devon Pebblebed Heaths subject to the applicant entering into a legal agreement which prevents occupiers of the replacement dwelling from keeping domestic cats on the premises.

Other Ecological impacts:

Policy EN5 - Wildlife Habitats and Features of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would

result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The application is accompanied by an Ecological Impact Assessment prepared by a suitably qualified ecologist which concludes that the majority of the site comprises amenity grassland, hard standing and buildings of low ecological value. There will be impacts to ornamental hedgerows within the site but these are of no ecological value.

The report concludes that the site presents negligible potential for roosting bats, and does not identify any direct impacts on dormice, reptiles and amphibians or birds. The report sets out a precautionary approach to development on the site and in respect of removal of vegetation which can be the subject of a condition. The report also provides ecological enhancement measures which includes a built in bat and bird box on the elevations of the new dwelling, soft landscaping of the site and ornamental borders around the dwelling. This would be the subject of a condition to ensure that there would be some ecological enhancement delivered through the development.

Biodiversity Net Gain:

To support smaller developers small scale self and custom build development are exempt from the BNG requirement. The application forms and CIL forms indicate that this development would be a self build and therefore BNG would not be applicable. Subject to a condition which requires the development to be constructed as a self-build dwelling within the definition of self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 Act to ensure the development is for a self-build dwelling and therefore exempt from providing biodiversity net-gain it is considered that the proposal is acceptable.

Other Issues:

A high pressure gas pipeline runs to the north of the site and the application site falls within the outer consultation zone for the purposes of consultation with the Health and Safety Executive. Using HSE's online advice tool results in no objection to the development owing to the proposals siting in relation to the pipeline, such that it is considered that the proposed dwelling would comply with the provisions of policy EN17- Notifiable Installations of the East Devon Local Plan. It should be noted that the existing static caravan also sits within the outer zone, based on the fact that there would be no net increase in residential units on the site, there would no greater risk than at present.

CONCLUSION

The site contains an existing lawful and habitable residential dwelling on the site which has been established through a recently approved certificate of lawfulness. On the basis that the mobile home does not constitute a 'permanent dwelling it isn't considered that the proposal can be assessed against the provisions of policy H6 of

the Local Plan which provides policy support for the replacement of existing dwellings in the countryside. This application is therefore considered to be a minor departure from the Local Plan because there are no policies within it which support the replacement of mobile homes with residential dwellings.

The National Planning Policy Framework states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It has been demonstrated within this report there is an existing and habitable dwelling located on the site and that the proposed replacement dwelling would result in no additional material harm in respect of sustainability, landscape impact, residential amenity, trees and ecology and highway safety.

The concept of a fall-back position has been clarified within the Court of Appeal case 'Mansell Vs. Tonbridge and Malling Borough Council' which is considered to be relevant to the determination of this application where officers consider that the existing lawful residential use of the site to be a material planning consideration which should be afforded significant weight particularly as it has been demonstrated that there would be no greater impact from the proposed development over the existing use of the site.

This is on the basis that there would be no net increase in the number of residential dwellings on the site which would be safeguarded through the imposition of conditions which require removal of the static caravan within the site prior to occupation of the replacement dwelling. Subject to this condition there would be no material harm from having a replacement dwelling on the site, with the proposal providing planning gain through the provision of a better standard of living accommodation, an improved layout and improved amenity space and through the removal of an unsightly mobile home. Furthermore, the ability of the Council to restricting the keeping of domestic cats is considered to be planning and ecological gain to reduce alone and in-combination adverse effects on qualifying bird species of the SPA.

On balance, having regard for the above and subject to the applicant entering into a Unilateral Undertaking, it is considered that there are material considerations which justify a minor departure from the Local Plan and that the proposal would generally comply with the policies within the Local Plan when read as a whole. The application is therefore recommended for approval subject to the following conditions.

RECOMMENDATION

- 1. Adopt the Appropriate Assessment**
- 2. APPROVE subject to a Unilateral Undertaking which prevents future occupiers from keeping of domestic cats and the following conditions:**

1. Approval of the details appearance of the building (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. 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.)
3. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. (a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a full arboricultural survey based on BS5837:2012 to include a Tree Constraints Plan, a Tree Protection Plan and Arboricultural Method Statement including site monitoring and supervision shall be provided for the protection of the retained trees, hedges and shrubs growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme. Details of method of construction of any hard surfaces (i.e access, drainage) in the vicinity of trees shall also be provided.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in

Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

(g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation. A detailed landscaping scheme shall be provided showing suitable replacement planting for the removal of the Oak to ensure long-term tree cover.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

5. Notwithstanding the submitted details, no part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems and shall be installed in accordance with the approved details.

(Reason: The details are required prior to commencement to ensure that they fit efficiently within the site layout and to ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.)

6. The landscaping scheme approved as part of this outline application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be

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

(Reason - To preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)

7. The development hereby permitted shall be carried out in accordance with the ecological enhancement measures set out within Section 7 of the Ecological Impact Assessment prepared by Lakeway Ecological Consultancy dated 29th January 2024 ref 23-537-EclA-CT.

(Reason: In the interests of ecology and biodiversity in accordance with policy EN5- Wildlife Habitats and Features of the East Devon Local Plan 2013-2031).

8. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 Act:

- i.) The first occupation of each unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years;

- ii.) The Council shall be notified of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation.

(Reason: To ensure the development is for a self-build dwelling and therefore exempt from providing biodiversity net-gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan, 2013 - 2031).

9. 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) no works within the Schedule 2 Part 1 Classes A, B, C, D or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the building or for the provision within the curtilages of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, shall be undertaken.

(Reason: To ensure that extension and alterations cannot be made to the dwellings without planning permission in the interests of the character and appearance of the area and to protect the National Landscape in accordance with Strategy 7- Development in the Countryside, Strategy 46- Landscape Conservation and Enhancement and AONB's and policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)

10. Prior to first occupation of the replacement dwelling hereby approved, the static caravan and shown on the site/ Block Plan existing ref drawing no D004/24/101 shall be permanently removed from the site.

(Reason: The site is in an unsustainable countryside location where the provision of an additional residential dwelling is not supported by Local Plan policy and is within 400 metres of Pebblebed Heaths Special Protection Area where additional dwellings are not permitted primarily due to increased risks of cat predation in accordance with Strategy 7- Development in the Countryside, Strategy 46- Landscape Conservation and Enhancement and AONBs, Strategy 47- Nature Conservation and Geology and Policy H6- Replacement of Existing Dwellings in the Countryside of the East Devon Local Plan 2013-2031).

11. No caravans or mobile homes shall be stationed, stored, or kept on the land at any time for the lifetime of the development.

(Reason: To prevent a net increase in the number of residential dwellings on the site which is in an unsustainable countryside location where the provision of an additional residential dwelling is not supported by Local Plan policy and is within 400 metres of Pebblebed Heaths Special Protection Area where additional dwellings are not permitted primarily due to increased risks of cat predation in accordance with Strategy 7- Development in the Countryside, Strategy 46- Landscape Conservation and Enhancement and AONBs, Strategy 47- Nature Conservation and Geology and Policy H6- Replacement of Existing Dwellings in the Countryside of the East Devon Local Plan 2013-2031).

Plans relating to this application:

D004/24/100	Location Plan	25.07.24
D004/24/200	Proposed Site Plan	25.07.24
D004/24/300	Other Plans	25.07.24
	Arboriculturist Report	25.07.24
EIA	Ecological Assessment	25.07.24
	Flood Risk Assessment	25.07.24

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.

Appropriate Assessment		
The Conservation of Habitats and Species Regulations 2017, Section (63)		
Application Reference	24/1545/OUT	
Brief description of proposal	1no. proposed dwelling (Outline with matter of appearance only reserved) to replace existing static caravan with lawful use as a dwelling	
Location	Heather Down Farm, Aylesbeare	
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the Exe Estuary SPA site alone (UK9010081)</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
Step 1		
Screening for Likely Significant Effect on Lymptone Nurseries, Church Road, Lymptone		
Risk Assessment		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.</p> <p>The site is within 400 metres of the East Devon Pebblebed Heaths SPA/SAC where there is concern principally in relation to cat predation.</p>	
Conclusion of Screening		

<p>Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?</p>	<p>In respect of additional recreational impacts, The site is located in close proximity to the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.</p> <p>Natural England has advised that proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.</p> <p>It is accepted that evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. For new residential developments within 10 km of the Exe Estuary and the Pebblebed Heaths ordinarily the Council would secure a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per dwelling however this would apply to when there is a net increase in residential units on the site. In this case, there is a lawful residential dwelling on the site, the removal of which would be secured by condition such that there would be no increase in the number of residential units in close proximity to European protected sites and therefore no additional recreational impacts arising.</p> <p>In respect of cat predation:</p> <p>In accordance with Strategy 47- Nature Conservation and Geology of the Local Plan, residential accommodation within 400 metres of the SPA is deemed not to be permitted primarily due the risk of cat predation. However on the basis that the proposal is for the replacement of an existing and lawful residential dwelling on the site and the site already benefits from a residential use, albeit one where the risk of predation by cats remains.</p> <p>The ecology report accompanying the application highlights that predation by cats remains a threat to Nightjar and Dartford Warbler and whilst the closest records for these species are over 450 metres away, the habitat across the B3180, immediately to the north west of the site and areas north east across grazed pasture, 250 metres from the site appear to provide good habitat for both species. It is therefore accepted that there is a risk of predation of qualifying bird species if a cat(s) was kept at the dwelling.</p> <p>Evidence has however been provided from the applicants that cats have resided within the static caravan and that the Council has had no mechanism in place and ultimately no control over residents of the caravan from the keeping of cats as pets. This proposal presents an opportunity for planning gain to control the keeping of domestic cats at the property and to reduce alone and in-combination adverse effects on qualifying bird species of the SPA.</p> <p>The applicant is proposing through a S.106 agreement an obligation which prohibits the keeping of domestic cats which would provide planning and ecological gain by reducing the number of dwellings on the site from keeping domestic cats within 400 metres of the SPA which would reduce alone and in-combination adverse effects on qualifying bird species of the SPA. This would be a tangible improvement over the existing situation where the Council has no control over the keeping of domestic cats on the site.</p> <p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the residential use in the absence of mitigation.</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>
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Local Authority Officer	P.Golding	Date: 27.01.2025
Step 2 Appropriate Assessment NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.		
In-combination Effects		
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<p>Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use.</p> <p>Accommodation within 400 metres of the SPA is deemed to be not permitted primarily due to cat predation, but due to other issues such as recreational pressures, increased fire risk and the introduction of incompatible plants and animals.</p> <p>In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many houses equates to around 65,000 additional people contributing to recreational impacts.</p>	
Mitigation of in-combination effects.	<p>The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p> <p>Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.</p>	
Assessment of Impacts with Mitigation Measures		
Mitigation measures included in the proposal.	<ul style="list-style-type: none"> • No financial habitat mitigation contribution is being provided on the basis that there is a lawful residential dwelling already on the site such that there would be no additional recreational impacts arising. • A condition will be imposed requiring the removal of the static caravan once the replacement dwelling is ready for occupation to ensure no net gain in residential units on the site. • The applicant has committed to entering into a legal agreement which prevents occupiers of the replacement dwelling from keeping domestic cats on the premises. This being of ecological gain in reducing to reduce alone and in-combination adverse effects on qualifying bird species of the SPA. 	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the mitigation measures are considered to be sufficient.	
Conclusion		

List of mitigation measures and safeguards	<ul style="list-style-type: none"> Condition to control removal of the static caravan to ensure no net increase in dwellings within 400 metres of the Pebblebed Heaths S106 agreement which prevents occupiers of the replacement dwelling from keeping domestic cats on the premises. This being of ecological gain in reducing to reduce alone and in-combination adverse effects on qualifying bird species of the SPA. 	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Exe Estuary and Pebblebed Heaths can be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on integrity of Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites provided the mitigation measures are secured as above.	
Local Authority Officer	P.Golding	Date: 27.01.2025
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

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

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

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

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

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

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

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

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

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

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

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

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

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

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

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

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

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

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

Dawlish Warren SAC

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

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes').

(Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus-Glaucium flavum* shingle community

SD2 *Cakile maritima-Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria-Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra-Galium verum* fixed dune grassland

SD12 *Carex arenaria-Festuca ovina-Agrostis capillaris* dune grassland

SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens-Calliergon cuspidatum* dune-slack community

SD16 *Salix repens-Holcus lanatus* dune slack community

SD17 *Potentilla anserina-Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

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

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

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

List of interest features:**East Devon Heaths SPA:**

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

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

Objectives:

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

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

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of

heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

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

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

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

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

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

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

Exe Estuary SPA

Qualifying Features:

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

Objectives:

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

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

Exe Estuary Ramsar

Principal Features (updated 1999)

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

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

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