

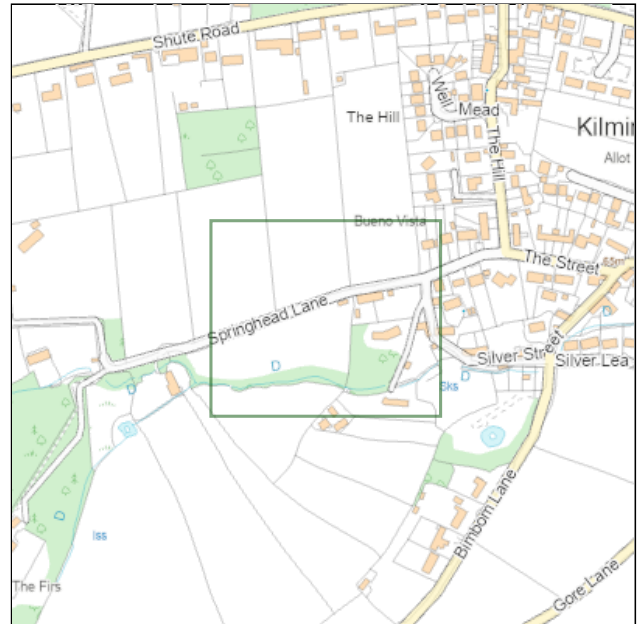
Ward Newbridges

Reference 24/1045/FUL

Applicant Mr & Mrs Seward

Location Land Adjacent To Woodthorpe Kilminster

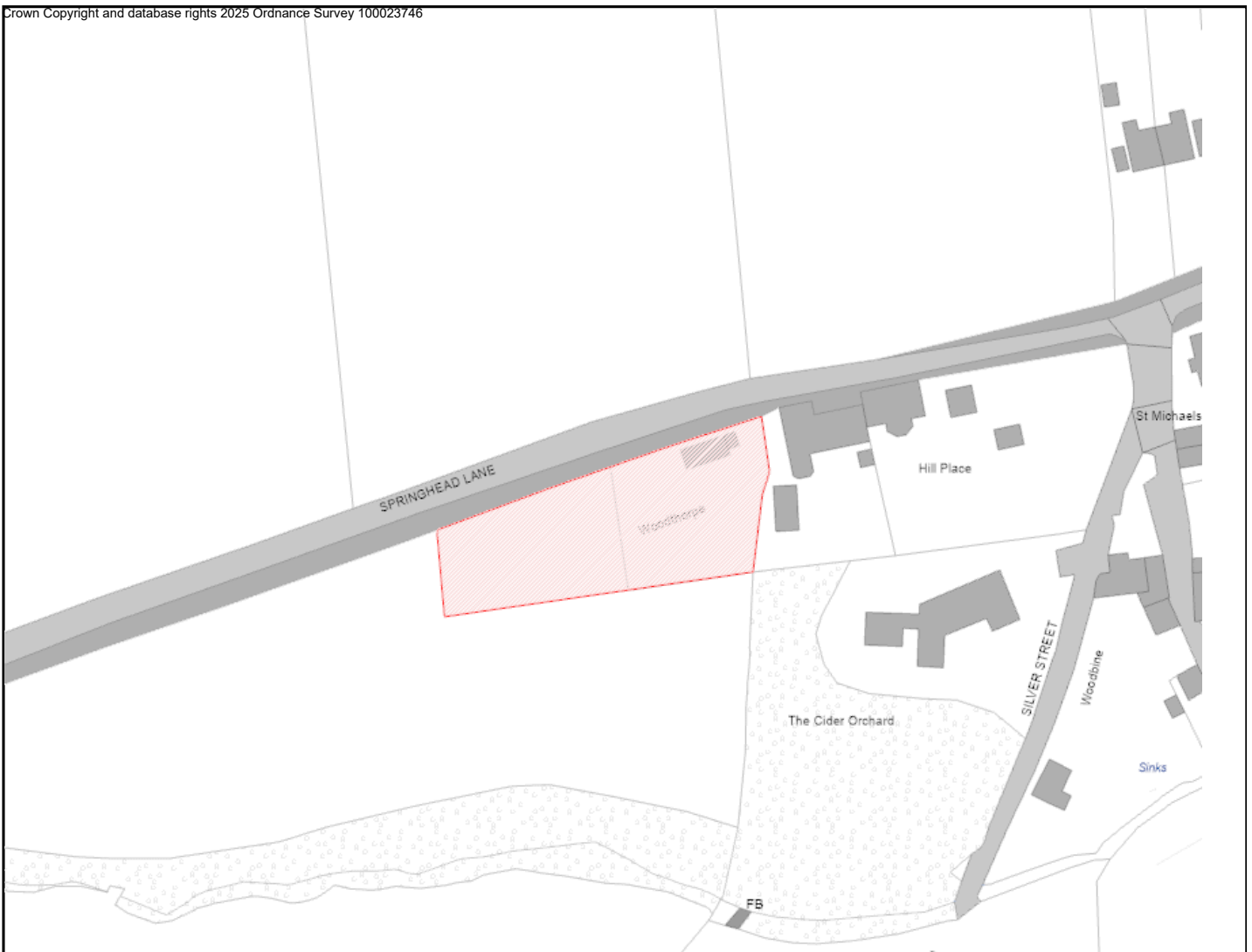
Proposal Erection of a single storey 3-bed detached bungalow and associated drainage works



RECOMMENDATION:

- 1. ADOPT the Beer Quarry and Caves SAC Appropriate Assessment and the River Axe SAC Habitats Regulations Assessment; and**
- 2. APPROVE WITH CONDITIONS subject to a S106 agreement to secure a local connection**

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		Committee Date: 13.05.2025
Newbridges (Kilminster)	24/1045/FUL	Target Date: 31.07.2024
Applicant:	Mr & Mrs Seward	
Location:	Land Adjacent To Woodthorpe Kilminster	
Proposal:	Erection of a single storey 3-bed detached self-build bungalow and associated drainage works	

RECOMMENDATION: 1. ADOPT the Beer Quarry and Caves SAC Appropriate Assessment and the River Axe SAC Habitats Regulations Assessment; and 2. APPROVE WITH CONDITIONS subject to a S106 agreement to secure a local connection

EXECUTIVE SUMMARY

This application is before the Planning Committee because it is a departure from the development plan. The proposal is recommended for approval and is supported by the Ward Member and the Parish Council.

Permission is sought for a self-build detached bungalow on agricultural land on the edge of Kilminster that lies outside the village Built-up Area Boundary (BuAB). The main issues are the suitability of the location and nutrient neutrality.

Regarding the suitability of the location, Policy HD5 of the Kilminster Neighbourhood Plan (KNP) supports self-build housing but requires compliance with several criteria, including that the site must be within or adjoining the BuAB. This site is about 80m outside the BuAB, failing criterion 2i). Turning to the other requirements, the proposal includes a suitable design and planting of a hedge and trees to mitigate landscape impact. The applicant meets the criteria for self-build housing, including local connection, occupancy, and description as self-build. The site has access to water and electricity and suitable access for construction vehicles. The proposal is therefore compatible with the remainder of the policy and the only conflict arises from its location 80m from the BuAB.

In terms of nutrient neutrality, the site is within the River Axe SAC catchment, where developments must avoid adding phosphates to the river. Connecting to a main sewer is impractical, so a package treatment plant discharging to a drainage field is proposed. Supporting information shows the development meets thresholds for small-scale proposals, avoiding significant phosphate pollution. An Appropriate Assessment is not needed, and the Habitat Regulations Assessment concludes no significant effect on the River Axe SAC.

Whilst there is a conflict with the development plan, planning permission can be granted if other material considerations outweigh the conflict. In this case there are several factors to weigh in the balance. These include: the draft Local Plan proposing to extend the BuAB to adjoin the site such that it would fully comply with Policy HD5; the contribution this proposal would make to the Council's duty to provide self-build plots, and the Neighbourhood Plan ambition to provide up to 10 such plots within the lifetime of the plan; the contribution to the Council's housing land supply; and the location giving access to local amenities via sustainable modes of travel.

In this instance, the 'tilted balance' from the NPPF applies due to the Council's housing land supply position. The proposal does not conflict with policies protecting important areas and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The benefits of the proposal, including self-build housing and housing supply contribution, outweigh the minor conflict with Policy HD5. Therefore, the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

Newbridges - Cllr Iain Chubb

I was at the recent Kilmington PC meeting where this application was discussed. The PC were in favour of this application although it is situated just outside the new BUAB.

I consider under the circumstances the site in question is sustainably located, although it is just outside the settlement boundary it would be suitable for development. The site would allow Mr & Mrs Seward to retire and relocate and the farm to be kept in the family.

The proposed dwelling is a good low key design and in keeping with the surrounding buildings, I therefore support this application.

Parish/Town Council

Kilmington Parish Council resolved at a meeting on the 24th June 2024 not to object to the planning application. However, Councillors requested the following conditions:

1. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants. (Reason - The dwelling is justified only by agricultural need at the site and to comply with Policy H4 (Dwellings for Persons Employed in Agriculture or Forestry) of the adopted East Devon Local Plan, and guidance contained within the National Planning Policy Framework.)

2. The dwelling should be subject to a planning condition that 'tied' the dwelling to Fernwood Farm, so that it could not be sold off as separate unit of accommodation.
3. To prevent the further extension of housing, 'creeping' further along the narrow Springhead Lane, no further dwellings should be granted permission to be built in this field.

Other Representations

Seven representations in support of the proposal have been received which are summarised as follows:

- The Seward family, long-standing residents of Kilmington, seek to develop their own farmland for personal use, enabling them to continue living in the village.
- Neighbours fully support the application, recognizing the Seward family's strong contributions to the community over the years.
- The proposed bungalow will be built next to Woodthorpe, Springhead Lane, Kilmington, and is intended for Mr. & Mrs. Seward's retirement, allowing their son and family to return to the village and manage the family farm.
- The Seward family is well-respected in the community, and their farm at Fernwood has been occupied by the same family for many years.
- The application received no objections during the local Council Meeting in Kilmington.
- The proposal involves repurposing a redundant barn that has not been used for significant agricultural purposes for 40 years, making it a good use of the building.
- The development is modest in scale and, although just outside the village's development limit, an exception should be made to pass this application.
- The Seward family's farm runs in line with new environmental schemes, including regular tree planting, making it an important part of the village landscape.
- The proposal aligns with the Kilmington neighbourhood plan and supports the logical succession of the family business.
- The Seward family has been involved in various community initiatives, including fundraising for the village hall and St Giles Church.
- Neighbours appreciate Stafford Seward's contributions to village life, including his involvement in the Parish Council and the Royal British Legion.
- The proposed development is seen as low impact and beneficial for the community, with no objections from close neighbours.
- Supporters believe the site is suitable for the proposed building and welcome having Mr. & Mrs. Seward as neighbours.
- It is suggested that a hard standing be created during the construction phase to prevent lorries from blocking the single-track lane.

Technical Consultations

EDDC Trees

I have reviewed the revised tree report and tree protection plan (TPP) prepared by Hi Line. It is not clear from the submitted information if the proposed no-dig system for

the driveway within the RPA is feasible and if the non-dig would be compatible existing ground levels on the site.

It would be preferable for the proposed driveway and dwelling to be located wholly outside the RPA of the tree, to avoid any adverse impacts on the tree. It appears there would be space within the site to achieve this.

Natural England

Insufficient information provided.

European/International Site

The HRA provided with this consultation was incomplete, the HRA correctly considers Beer Quarry & Caves SAC, but does not reference River Axe SAC in regards to Nutrient Neutrality. Please could you update your HRA to include this information.

EDDC District Ecologist

The district ecologist raised several concerns regarding the planning application, which is within the River Axe Special Area of Conservation (SAC) catchment. Natural England emphasised that any development introducing phosphate into this sensitive area is likely to have a significant impact. Consequently, the proposal must undergo a Habitats Regulations Assessment (HRA) to evaluate its effects on the SAC.

The application was initially deficient in crucial documentation, specifically a nutrient budget calculator and a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). These are essential to demonstrate how the development will achieve nutrient neutrality. Without this information, the ecologist could not rule out a Likely Significant Effect (LSE) on the River Axe SAC, leading to an objection to the proposal.

Additionally, the shadow HRA submitted with the application only addresses potential impacts on Beer Quarry and Caves SAC, neglecting the River Axe SAC. However, a plume spread analysis report indicates that other discharges within 200 meters of the site are unlikely to interact, suggesting that the drainage proposals meet the thresholds for insignificant phosphorus levels. This could potentially rule out an LSE on the River Axe SAC.

To ensure satisfactory drainage and prevent environmental pollution, the ecologist recommends specific conditions for Package Treatment Plants (PTPs) and adherence to relevant regulations. They also suggest revising the HRA to include the foul drainage strategy and plume spread analysis, ensuring nutrient impacts are screened out at Stage 1.

Conservation

The proposal is to convert an outbuilding at Springhead Lane to residential accommodation. There is no impact on the setting of Newton House, Spout Hill and the New Inn, designated heritage assets due to the existing intervening-built form between the outbuilding and the listed buildings.

There is no objection to the proposal.

PLANNING HISTORY

Reference	Description	Decision	Date
22/0387/FUL	Erection of a two storey 3-bed detached dwelling, with single storey link extension to existing farm building and conversion of existing farm building to habitable use	Withdrawn	25.04.2022

POLICIES

Kilmington Neighbourhood Plan (Made)

Policy HD1: Community Engagement

Policy HD2: Housing Development

Policy HD5: Self-build (and custom build) Housing

Policy TT1: Impact on the Local Highway, Cycleway and Footpath Network

Policy DE1: High Quality Design

Policy DE2: Flood Risk

Policy CGS4: Protecting the Stream Corridor

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

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

EN22 (Surface Run-Off Implications of New Development) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy AR02 (Water efficiency) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Policy HN05 (Self-build and custom build housing) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty)) Draft
Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft
Strategic Policy PB04 (Habitats Regulations Assessment) Draft
Strategic Policy PB05 (Biodiversity Net Gain) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)
National Planning Practice Guidance

Site Location and Description

The site is located in the corner of a field on the western edge of Kilminster and is in the East Devon National Landscape. It is accessed from Springhead Lane, which serves around four other properties. Immediately adjoining the eastern boundary of the site is Woodthorpe, a detached bungalow. Hedges and trees define the eastern and northern boundaries, the latter including a field gate providing access to the site from Springhead Lane. There is a second access to the field further to the west. A post and wire fence currently marks the western and southern boundaries of the site and there is a small open-fronted stone building in the north east corner.

ANALYSIS

This application seeks planning permission for a self-build detached bungalow on agricultural land on the edge of Kilminster. Although there are occasional references to a conversion in some of the supporting documents and in public comments, the proposal is for a new-build and the only existing building on the site, the small stone shed, would not be converted as part of this proposal.

The site is outside the village Built-up Area Boundary and in such locations, Strategy 7 of the adopted East Devon Local Plan says that planning permission will only be granted if there is a specific local or neighbourhood plan policy that supports the proposal. Whilst support cannot be drawn from any of the adopted Local Plan policies (nor from the draft Local Plan policies), Policy HD5 of the Kilminster Neighbourhood Plan (KNP) supports self- and custom-build housing.

The main issues for consideration in this application therefore are: whether the location is suitable having regard to the provisions of the development plan; and nutrient neutrality.

Suitability of the location

The support for self-build housing in Policy HD5 of the KNP is subject to a number of criteria being satisfied. The first of the four criteria is that it would be 'nutrient neutral'. This matter is dealt with below as a separate main issue.

Criterion 2 has eight sub-criteria and these are addressed in turn below:

i) the proposed development is located within or immediately adjacent to the Kilmington Built-Up Area Boundary;

This criterion is not satisfied. The site is about 80m outside the BuAB.

ii) they do not have an adverse impact on the special character of the area's natural and built environments;

The site is part of an agricultural field on the edge of the settlement which is clearly rural in character. The proposed development would result in the loss of countryside and urbanise the site. The domestic paraphernalia that occupation would generate, along with the required access, parking and garden area would add to this urbanising effect. Furthermore, the proposed development would be clearly visible and would be seen as an urban form of development that would extend beyond the well-defined nature of the existing development. As such, the proposed development would appear as an incongruous, urban form of development, harmful to the rural character of the area.

Notwithstanding that assessment, the policy clearly allows for development outside the settlement boundary and such development would, in most cases, have a similarly urbanising effect. The justification for the policy explains that "Recognising the balance between the need to protect the rural character of our village whilst enabling local people to continue living here, it is critical that self-build housing is limited in number..." By limiting the number of dwellings permitted under this policy, it seeks to limit the adverse environmental effects.

In this instance, the proposal would extend development on the same side of the road, rather than breach a road or other linear edge to the settlement. In that sense it would form a natural extension and be well-related to the existing built-form. The bungalow and its curtilage would also be modest in scale and designed using features and materials to respect the characteristics of housing nearby.

To mitigate the landscape impact of the development and provide a defined edge to the site, it is proposed to plant a new hedge on the southern and western boundaries. Whilst this would be a welcome measure, it should be a substantial species-rich hedge, and tree planting should also be incorporated to better reflect the character of the area. A suitable scheme could be secured by condition.

Having regard to the provisions of the policy as a whole, as well as the support of the parish council, it is concluded that, subject to a landscaping condition, the proposal is compatible with criterion ii) and also with Strategy 46 of the Local Plan which seeks to ensure that development helps to conserve and enhance the National Landscape.

iii) the dwelling is self-built, or custom built by someone who either lives in the parish of Kilmington or who has a local connection to it as defined in Strategy 35 of the Local Plan and the number of dwellings granted permission as a result of this policy does not exceed 10 during the neighbourhood plan period;

The applicant intends to build (or commission) the dwelling and lives in the parish and therefore satisfies the first part of this criterion. However, as permission would

not be personal to the applicant, a means to ensure that any potential self-builder complies with this criterion is needed. The best way to achieve this is using a S106 agreement which would be registered as a land charge. In this way, any potential purchaser of the site would be made aware of the local connection requirement.

In the two and a half years since the KNP was made, no self- or custom-build dwellings have come forward under this policy. Therefore, this proposal would not exceed the limit of 10 dwellings during the plan period.

This criterion is satisfied.

iv) the dwelling is to be occupied by the person who builds it or commissions it (i.e., the first occupant has the primary input into the design of the home) as their main residence for a minimum period of 3 years after completion unless exceptional circumstances prevent this as agreed in writing by the local planning authority;

The applicant intends to live in the dwelling for at least the required 3-year period and therefore this criterion is satisfied. This can be controlled via a planning condition.

v) the application be described as a self-build or custom build and will be conditioned as such;

The proposal is described as such and a condition can be imposed to ensure that it is built as such. This criterion is satisfied.

[There is no criterion vi.]

vii) each plot has at least water and electricity supply available at the plot boundary;

The agent has said that "the site is easily served with electricity and water". Based on proximity to existing dwellings and information supplied about water and sewerage services, this criterion is satisfied.

viii) the plot has suitable access, with minimal disruption to local communities, for construction vehicles necessary for the completion of the dwelling; and,

The site is accessed along single track roads but any disruption would be temporary and no different to that which might be experienced on a day-to-day basis when existing householders have deliveries or building works undertaken.

Once the dwelling is complete and occupied, the additional traffic movements would be low and easily accommodated on the local road network without causing danger to other road users.

This criterion is satisfied.

ix) they satisfy the requirements of the other relevant policies in this plan.

Of relevance to this proposal are the elements of other policies that seek to protect trees and hedgerows and ensure that there is adequate parking available with charging points. Policy DE1 also requires neighbour amenity to be considered and the development to be energy efficient. These matters are addressed in more detail below under 'Other Matters' but in broad terms this criterion is satisfied.

The third criterion relates to replacement dwellings and is not relevant to this proposal.

The fourth criterion says that "where appropriate, the above criteria will be enforced through legal obligations." In this instance, a planning condition is sufficient to ensure that the dwelling is delivered as a self-build.

In summary, the proposal does not satisfy the requirements of Policy HD5 because of the conflict with criterion 2i) arising from its location and therefore the site is not suitably located having regard to the provisions of the development plan.

Nutrient Neutrality

The site lies within the catchment of the River Axe SAC where proposals need to avoid adding to phosphate levels in the river to comply with environmental regulations. New dwellings can be a source of such pollution by contributing to sewage effluent, whether it is managed on site or processed at a sewage treatment works.

In this application it has been demonstrated that a connection to a main sewer is not practically possible. The site lacks nearby adopted foul sewers, with the closest being a 150mm combined sewer 90m east on Silver Street. A private system also exists to the east, but its condition is unclear. Connecting to the sewer would require significant off-site work or legal agreements with landowners, both of which are impractical. Therefore, discharging to the ground is the only feasible option and the requirements of Policy EN19 of the Local Plan are satisfied.

In the absence of a main sewer, the dwelling would be connected to a new package treatment plant installed outside the curtilage in the field to the west of the dwelling. This would discharge to a drainage field.

Although housing development can contribute to phosphate pollution, certain proposals that satisfy the thresholds for small scale developments can be permitted. These thresholds take account of such matters as scale and location of the development, as well as local ground conditions. Supporting information has been submitted in this case to demonstrate that the thresholds would not be exceeded. Moreover, this has meant that it is not necessary to carry out an Appropriate Assessment or seek the advice of Natural England. The recommendation includes a recommendation to adopt the Habitat Regulations Assessment which screens out the development and concludes that it would not have a significant effect on the River Axe SAC.

Other matters

Trees - A tree survey has been provided which identifies two significant trees, both oaks. The proposed dwelling would be partly in the root protection area of the tree in the north east corner of the site, encroaching by about 1.1 square metres. The impacts of this are considered to be minimal in the short and long term, subject to suitable mitigation comprising a no-dig construction for the driveway within the RPA and careful root pruning where the foundations for the dwelling would encroach. Given that there appears to be a conflict between the ground levels shown on the east and west elevation drawing and the no-dig construction area shown on the tree protection plan, it is necessary to secure further details of levels by condition.

It has been suggested by the Council's tree officer that the dwelling could be moved to avoid these impacts altogether. However, although the site outlined in red appears to be large enough to allow for the dwelling to be moved to the west, it is only drawn that way to ensure that the drainage works are encompassed within the application site. The intended curtilage for the dwelling is much smaller and the proposed dwelling could not be moved westwards without extending the curtilage. The present compact arrangement helps to minimise the encroachment into the countryside and conserve the National Landscape. Given that the works as proposed can be undertaken without detriment to the trees, further encroachment is not necessary or justified.

Wildlife - A survey of the site has been undertaken, including the small building that would be retained unaltered. No evidence of use by bats was found but the installation of bat boxes was recommended as a conservation enhancement. These can be secured by condition in accordance with Local Plan Strategy 47.

Policy CGS4 of the KNP protects the stream corridor which lies below the application site on the southern edge of the field. The site does not adjoin the stream but slopes in its direction. Adequate protections would be in place to prevent pollution and disturbance of this corridor by means of foul and surface water management, the siting of the dwelling, and the requirement for new hedges defining the boundary of the curtilage.

Beer Quarry and Caves SAC - The site is within the area frequented by bat species associated with the Beer Quarry and Caves SAC. The main potential impact of the development is disturbance of bats as a result of light pollution. To address this, a lighting scheme has been provided which minimises the external lighting and provides a lighting specification for internal and external lighting that would ensure that bats commuting and foraging in the area and along the hedgerows would not be disturbed. Whilst the measures also suggested installing automated blinds, guidance from the Bat Conservation Trust and the Institution of Lighting Professionals advises against this because it relies on regular maintenance and routine operation. Instead, the agent agreed to remove the high level glazing in the southern gable, which will also help to preserve dark skies. With these measures secured by planning condition, it has been concluded that the proposal would not have a significant effect on the SAC. Moreover, this conclusion has been agreed by Natural England following review of the Appropriate Assessment. The recommendation therefore includes a recommendation to adopt the Appropriate Assessment.

Biodiversity Net Gain - The proposal is exempt from statutory BNG because it is for a self-build dwelling. However, it would still deliver new hedgerows and tree planting that meet the objective in Strategy 47 of the Local Plan to incorporate beneficial biodiversity conservation features.

Surface water drainage - Policy EN22 of the Local Plan and Policy DE2 of the NP require new development to use sustainable drainage. This can be secured by condition.

Parking - Policy DE1 of the KNP says that development should exceed adopted off road parking standards. In the absence of a car parking standard in the KNP, the adopted Local Plan says that two car parking spaces should be provided. The draft Local Plan also says that two car parking spaces should be provided. To exceed the car parking standards and comply with Policy DE1, it would be necessary to provide at least three car parking spaces on site.

With regard to bicycle parking, the adopted Local Plan says there should be one bicycle space and the draft Local Plan says that there should be three (one per bedroom). Although the KNP does not say how many spaces should be provided, it says that secure storage facilities should be provided for new dwellings. To satisfy the adopted bicycle parking standards and the requirements of the KNP, it would be necessary to provide one secure storage space.

The application from specifies that two car parking spaces would be provided, along with two bicycle parking spaces. The site plan does not have any car parking spaces marked out but the parking area at the side of the dwelling would be capable of accommodating three cars. A condition can be imposed to ensure that this is delivered, along with a secure storage facility for at least one bicycle. The additional requirement of Policy DE1 that development should have charging points for electric vehicles would be secured by compliance with the Building Regulations.

Energy efficiency - It is proposed that photovoltaic cells will be placed on the southern and western facing roof elevations in order to generate electricity for the dwelling. In addition, an air source heat pump would be provided. These components, the south-facing layout, and the construction fabric and methods will ensure that the dwelling will be as self-sufficient as possible in its energy generation requirements and so provide good sustainability credentials as required by Policy DE1 of the KNP.

Parish Council comments – The Parish Council support the proposal subject to an agricultural tie; a further tie to Fernwood Farm (where the applicant currently lives); and a prohibition on more dwellings being permitted beyond the site.

The proposal is not for an agricultural worker's dwelling and has not been justified on that basis. An agricultural tie would therefore be inappropriate and would not overcome the conflict with the development plan. Similarly, there are no grounds to link the occupation of the dwelling to Fernwood Farm and doing so would not bring the proposal into compliance with any Local or Neighbourhood Plan policy.

Regarding the possibility of more dwellings being permitted along Springhead Lane, any such proposal would be considered on its merits in accordance with the policies in force at the time. If these include Policy HD5 then such proposals would need to adjoin the Built-up Area Boundary or there would have to be other policy support or other material considerations justifying a departure. There are therefore adequate protections in place to overcome the Parish Council's concern about development extending further into the countryside.

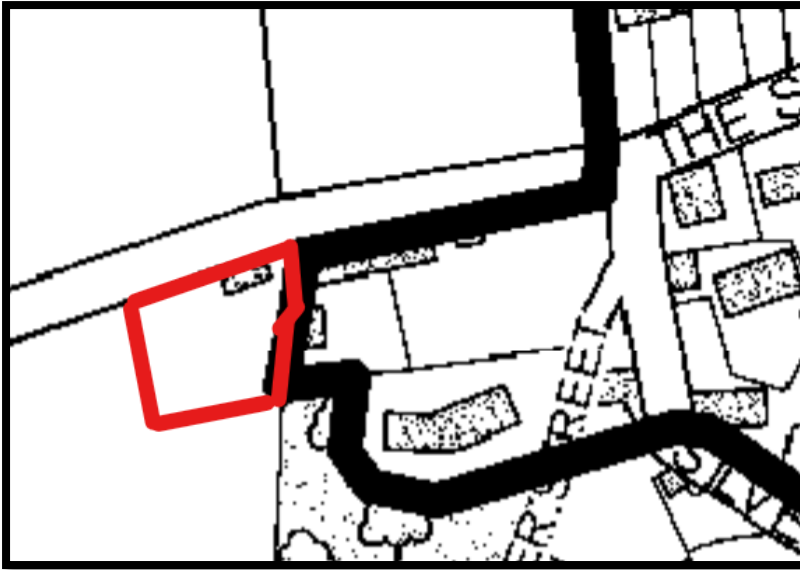
Other material considerations

The proposed development is a departure from the development plan because it is not supported by any Local or Neighbourhood Plan policy, including KNP Policy HD5. Whilst there is no support for the proposal, the only conflict is with criterion 2i) of Policy HD5, which requires the development to be located within or immediately adjacent to the Kilminster Built-Up Area Boundary. Notwithstanding this conflict, there are a number of material considerations that need to be weighed in the balance:

1. The draft Local Plan proposes to extend the Built-up Area Boundary for Kilminster such that the proposed site would adjoin the boundary and comply with Criterion 2i). The proposed change is indicated below on the extracts from the adopted and proposed diagrams.



The adopted Built-up Area Boundary



The draft Built-up Area Boundary

Whilst the draft boundary has not been adopted, the criteria for drawing the boundary has been subject to public consultation and the methodology is set out in Key Supporting Document 'KSD-010 East Devon Local Plan - Settlement Boundaries Topic Paper Regulation 19 consultation version 01'. The proposed expansion adjacent to the application site is in accordance with criteria B1 and B2 of the methodology which support the inclusion of developed sites that are physically and functionally related to the settlement. In a previous public consultation (before the recent Regulation 19 consultation) no comments were received about the proposed Kilmington boundary and there were no changes proposed at the November 2024 Strategic Planning Committee. Although the proposed boundary can only be given limited weight prior to adoption, it nevertheless weighs in favour of the proposal.

2. In accordance with the Self-build and Custom Housebuilding Act 2015 the Council has a duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in the district. In addition, paragraph 73 of the NPPF says that local planning authorities should seek opportunities to support small sites to come forward for self-build housing. In this regard it is noted that in spite of the KNP containing a policy supporting the delivery of self-build housing, none have come forward in the plan area since the plan was made in October 2022. Addressing this fact, the proposal would deliver a self-build dwelling which would count towards the number of plots the Council is required to deliver, as well as the ambitions of the KNP.

The last self- and custom-build monitoring report says that the supply of plots in the 2023 to 2024 monitoring period is the lowest since the introduction of the duty to meet Custom and Self-Build (CSB) demand and continues the downward trend noted in last year's report. It goes on to say that "This, coupled with the very supportive national policy for CSB, suggest that we need to do more to deliver CSB opportunities." This was carried forward to a resolution "That the demand for self-build plots indicated on the register be noted and taken into account in our planning, housing, regeneration and estate functions."

Whilst only contributing a single dwelling, in light of the strong national and local support for CSB housing, the self-build nature of the proposal weighs in its favour.

3. The Council's housing land supply has fallen to 2.97 years, which is below the required 5 year supply (plus a 5% buffer). Although the proposal would only make a small contribution to housing supply, this nevertheless weighs in its favour.

4. The proposal would deliver a dwelling in a location that would provide the occupants with access to local amenities by walking or cycling, including access to public transport. This would support the overarching objective of national and local policies that seek to ensure that development takes place in locations that make the most of opportunities for active and sustainable travel.

PLANNING BALANCE AND CONCLUSION

Owing to the Council's housing land supply position, the 'tilted balance' set out in paragraph 11 of the NPPF must be applied to the proposal. This says that permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusal; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As set out in this report, there is no conflict with the policies that protect important areas, such as the two SACs and the East Devon National Landscape. Therefore, permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

The only adverse impact that has been identified is the conflict with one criterion of Policy HD5 of the KNP. The location of the site 80m from the Built-up Area Boundary puts it into conflict with the development plan. However, the proposal would bring forward a self-build dwelling in an accessible location in a village that supports such development. It would also contribute towards the district-wide need for self-build housing and the overall housing supply. These factors weigh in favour of the proposal. Furthermore, any adverse environmental impacts can be mitigated and therefore carry neutral weight in the balance.

Given the relatively minor nature of the conflict with Policy HD5 in this case, the benefits of the proposal clearly outweigh the conflict with the development plan, particularly bearing in mind the draft Built-up Area Boundary that, if adopted, would bring the proposal into compliance with the KNP policy.

For the reasons set out above the proposal is recommended for approval.

RECOMMENDATION

ADOPT the Appropriate Assessment for the Beer Quarry and Caves SAC and the Habitat Regulations Assessment for the River Axe SAC

and

APPROVE subject to a S106 agreement to secure a local connection and 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 shall take place until the following information has been submitted to and approved in writing by the local planning authority: a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; full details of the proposed finished floor levels of all buildings and hard landscaped surfaces. The development shall be carried out in accordance with the approved details.
(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
(Reason - The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk 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.)
5. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees and hedges and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the

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

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

6. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roof of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

7. The dwelling hereby permitted shall not be occupied until the parking spaces for three cars have been provided in accordance details to be submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be retained and kept available for parking at all times.

(Reason - To ensure that adequate provision is made for the occupiers of the dwelling in accordance with the requirements of Policy DE1 - High Quality Design of the Kilminster Neighbourhood Plan 2020-2031.)

8. The dwelling hereby permitted shall not be occupied until secure bicycle storage facilities have been provided for at least one bicycle in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The storage facility shall thereafter be retained for bicycle parking in perpetuity.

(Reason - To ensure that adequate cycle storage is available in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031 and Policy DE1 - High Quality Design of the Kilminster Neighbourhood Plan 2020-2031.)

9. Development shall proceed strictly in accordance with the Preliminary Roost Assessment (Abbas Ecology, 18/11/2021), in particular the Net Gain Measures for bats. A written record of the measures installed/provided shall be submitted to and approved in writing by the local planning authority, to include photographs of the installed ecological enhancement measures, prior to first occupation of the dwelling.

(Reason - To ensure that ecological enhancement is provided in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

10. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom housebuilding in the Self-build and Custom Housebuilding Act 2015 (as amended).

The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who intends to occupy the dwelling as their principal residence for at least 3 years from completion.

The Local Planning Authority shall be notified of the persons who intend to take up first occupation of the dwelling hereby permitted at least two months prior to first occupation.

(Reason - To ensure the development satisfies the requirements of Policy HD5 - Self-build (and custom build) Housing of the Kilmington Neighbourhood Plan 2020-2031.)

11. The development shall be carried out strictly in accordance with the Arboricultural Report prepared by Hi-Line dated 18 July 2024 and the tree protection plan (drawing number RSKHL_8460.24_TPP V2.0).

In any event, the following restrictions shall be strictly observed:

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

(b) 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.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site during and after construction in 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 East Devon Local Plan 2013-2031.)

12. The dwelling hereby permitted shall not be occupied until:
- (i) the Package Treatment Plant and associated drainage field have been installed in strict accordance with Foul Drainage Strategy shown in drawing 01-CNS-1001 Rev A prepared by Awcock Ward Partnership and contained in Appendix E of the Foul Drainage Strategy;
 - (ii) written confirmation of the installation has been made to the Local Planning Authority; and
 - (iii) a scheme for maintenance and monitoring of the installation has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the Package Treatment Plant shall be maintained and monitored in perpetuity in accordance with the approved scheme.

(Reason - To ensure that the development does not add to phosphate levels in the River Axe SAC in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

13. Should the Package Treatment Plant hereby approved reach the end of its operational life during the lifetime of the development hereby permitted, it shall be replaced with an alternative Package Treatment Plant of equivalent or greater efficiency at removing phosphate.
(Reason - To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)
14. Internal and external lighting shall satisfy the following specifications at all times in perpetuity:
Warm white spectrum lighting (<2700 Kelvin) to reduce the blue light component.
Luminaires with peak wavelengths higher than 550 nm.
Use LED luminaires.
External lighting to be based on a Passive Infrared Sensor (PIR) system (being motion-sensitive only to large objects) and on a short timer (no longer than 1 minute).
External lighting directed below a 70-degree plane.
External lighting installed no higher than 3 metres above adjacent ground level.
Recessed internal lighting.
(Reason - To limit the illumination of commuting routes and foraging habitats used by bats associated with the Beer Quarry and Caves SAC in accordance with Strategy 47 - Nature Conservation and Geology of the East Devon Local Plan 2013-2031.)
15. Notwithstanding the approved location plan (drawing number C2407.01), this permission does not authorise the change of use to garden of any land outside the area immediately around the dwelling that is enclosed by a black line and hedgerow on the approved block plan (drawing number C2407.02).
(Reason - To define the permission and to preserve the character and appearance of the area in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs of the Adopted East Devon Local Plan 2013-2031.)
16. 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 windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in any elevations of the dwelling hereby permitted.
(Reason - To limit the illumination of commuting routes and foraging habitats used by bats associated with the Beer Quarry and Caves SAC in accordance with Strategy 47 - Nature Conservation and Geology of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 4.5 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

RSKHL_8460.24 _TPP v2.0	Tree Protection Plan	06.08.24
RSKHL_8460.24 v2	Arboriculturist Report	06.08.24
C2407.04A: N/S	Proposed Elevation	25.04.25
C2407.02	Block Plan	21.05.24
C2407.03 Floor & Roof	Proposed Combined Plans	21.05.24
C2407.5: W/E	Proposed Elevation	21.05.24
C2407.01	Location Plan	21.05.24
Preliminary Roost Assessment	Protected Species Report	21.05.24
Foul Drainage Strategy	Foul Drainage Assessment	09.10.24
Foul Drainage Strategy Appendices	Foul Drainage Assessment	09.10.24

List of Background Papers

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

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.

The Conservation of Habitats and Species Regulations 2017		East Devon District Council
Regulation 63 – Habitats Regulations Assessment		
Stage 1: Screening for Likely Significant Effect on the Beer Quarry and Caves SAC		
Part A: The proposal		
1. Type of permission/activity:	Full planning application for the erection of a single storey 3-bed detached bungalow and associated drainage works	
2. Application reference no:	24/1045/FUL	
3. Site address: Grid reference:	Land Adjacent To Woodthorpe , Kilmington, Devon, EX13 7SS. NGR: SY 26573 98068	
4. Brief description of proposal:	<ul style="list-style-type: none"> • Type of development <p>Construction of a detached dwelling and associated landscaping</p> <ul style="list-style-type: none"> • Distance to the European site <p>9.7km north east of the BQ&CSAC</p> <ul style="list-style-type: none"> • Is the proposal site within a consultation zone (landscape connectivity, core sustenance, pinch point, hibernation sustenance zone) <p>Yes – refer to section 9.</p> <ul style="list-style-type: none"> • Size <p>0.15ha</p> <ul style="list-style-type: none"> • Current land use (habitat type and immediately adjacent habitat types) <p>The site is currently used for agricultural purposes and is located on the edge of Kilmington. The site is immediately bordered by Springhead Lane to the north, residential dwellings to the east and agricultural land to the west. The surrounding landscape comprises smallholdings, villages, agricultural land and woodland. An area of woodland is located 150m west of the site.</p> <ul style="list-style-type: none"> • Timescale <p>Commencement soon after granting of consent and within 3 years of granting of consent.</p> <ul style="list-style-type: none"> • Working methods <p>Construction using typical housebuilding construction methods.</p>	
5. European site name	Beer Quarry and Caves SAC (BQ&CSAC) – SAC EU Code UK0012585	
6. Qualifying Features and Conservation Objectives: Ecological characteristics associated with the	Annex II species that are a primary reason for selection of this site <ul style="list-style-type: none"> • 1323 – Bechsteins bat (<i>Myotis bechsteinii</i>). This complex of abandoned mines in south-west England is regularly used as a hibernation site by small numbers of Bechstein's bat <i>Myotis bechsteinii</i> as well as an important assemblage of other bat species.) 	

<p>features (including those associated with the site, and information on general trends, issues or sensitivities associated with the features if available).</p>	<p>Annex II species present as a qualifying feature, but not a primary reason for site selection</p> <ul style="list-style-type: none"> • 1303 – Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>) • 1304 – Greater horseshoe bat (<i>Rhinolophus Ferrumequinum</i>) <p>Conservation Objectives (Natural England 27/11/2018): <i>“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;</i></p> <p><i>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;</i></p> <ul style="list-style-type: none"> • <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species</i> • <i>The structure and function (including typical species) of qualifying natural habitats</i> • <i>The structure and function of the habitats of qualifying species</i> • <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</i> • <i>The populations of qualifying species, and,</i> • <i>The distribution of qualifying species within the site.</i> <p><i>These Conservation Objectives should be read in conjunction with the accompanying Supplementary Advice document (where available), which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.”</i></p> <p>The designated area of the SAC is relatively small and comprises the quarry and caves and the immediately surrounding areas. However, the qualifying features (the bat populations) are dependent upon a much wider area outside the SAC boundary which provides foraging habitat and commuting routes and supports other critical roosts. Protection of key areas of habitat in the area is therefore essential in order to maintain and enhance the favourable conservation status of the qualifying features.</p>
<p>7. Ecological survey Summary of effort and findings</p>	<p><i>Name of documents containing ecological survey information:</i></p> <p>Preliminary Roost Assessment, Abbas Ecology (2021)</p> <p><i>Summary of survey effort (no. transects, static detector deployments and bat emergence surveys, if applicable):</i></p> <p>The building was found by Abbas Ecology to have negligible potential for roosting bats, therefore no further survey was required.</p> <p><i>Summary of relevant findings and Bat Activity Index (number of bat passes from greater and lesser horseshoe bats – note that Bechstein passes are unlikely due to low amplitude, flight patterns and cryptic call parameters):</i></p> <p>N/A</p> <p><i>Relevant figure excerpts from document (maps, tables, if relevant/concise):</i></p> <p>N/A</p>

Part B: Screening assessment for Likely Significant Effect – In absence of proposed mitigation		
8. Is this application necessary to the management of the site for nature conservation?	No	
9. What BQ&CSAC consultation zones is the proposal within (insert "X")? <i>Refer to the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document and online mapping</i>	10 km GHB Landscape connectivity zone	
	4 km GHB Sustenance zone	
	2 km GHB Hibernation sustenance zone	
	11.2 km LHB Landscape connectivity zone	X
	2.5 km LHB Sustenance zone	
	1.2 km LHB Hibernation sustenance zone	
	10.25 km Bechstein's Landscape connectivity zone	X
	2.5 km Bechstein's sustenance zone	X
	Pinch point	
10. Summary assessment of potential impacts to Qualifying Features of the European site, in the <u>absence</u> of mitigation measures. Consider scale, extent, timing, duration, reversibility and likelihood of the potential effects. <i>Impacts of these types are considered to result in result in a Likely Significant Effect (LSE) on the SAC. Refer to the flow chart on page 19 of the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i>	<i>A – Landscape (large) scale connectivity impacts</i>	None predicted – The development area and zone of potential impact is small. The proposals are therefore not considered to result in large landscape scale impacts.
	<i>B - Direct impacts on the SAC roost or other key roost(s)</i>	None
	<i>C - Change in habitat quality and composition (loss or change in quality of foraging habitat)</i>	The development will result in the removal of 0.01 ha agricultural land, which provides limited foraging habitat for bats.
	<i>D - Severance or disturbance of linear features used for navigating or commuting</i>	None
	<i>E - Disturbance from new illumination causing bats to change their use of an area/habitat</i>	The proposed development consists of a new dwelling, and associated landscaping. The new dwelling will include a minimal extent of internal and external lighting. This external lighting would comprise only that necessary to facilitate safe access to the dwelling and consequently would only be installed adjacent to entrance doorways and to light external pathways and steps. Without mitigation the addition of lighting may impact the nocturnal behaviour of bats.
	<i>F - Disturbance to or loss of land or features secured as mitigation for BQ&CSAC bats from previous planning applications or projects</i>	None.
If the proposal is located in a Landscape Connectivity Zone (LCZ) ONLY , then the only impact to result in an LSE is "A – Landscape scale connectivity impacts". <i>Consider construction phase and operational phase. For some proposals, it may also be necessary to consider de-commissioning and after-use.</i>		

	<i>G – Loss, damage, restriction or disturbance of a pinch point</i>	None.
	<i>E - Other impacts – e.g. physical injury by wind turbines or vehicles</i>	None.
11. Potential for in-combination effects (<i>other permissions granted and proposals in the area that could result in impacts when assessed in combination – review planning permissions in the vicinity with similar impacts</i>)	The application is very small and low-impact in nature and there are no other planning applications in the immediate vicinity that would result in impacts in combined impacts to bats.	
12. Natural England consultation comments (if available)	N/A	
Part C: Conclusion of Screening		
13. Is the proposal likely to have a significant effect ‘alone’ or ‘in combination’ on a European site? <i>Refer to the flow chart in the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i>	East Devon District Council concludes that, in the absence of mitigation measures, a Significant Effect on the Beer Quarry and Caves SAC is likely , either ‘alone’ or ‘in-combination’ with other plans and projects. An Appropriate Assessment of the proposal will therefore be necessary .	
Local Authority Officer Date	Andrew Digby, Senior Planning Officer 18/10/2024	

The Conservation of Habitats and Species Regulations 2017

Regulation 63 – Habitats Regulations Assessment

Stage 2: Full Appropriate Assessment of effects on the qualifying features of the Beer Quarry and Caves SAC

Part D: Assessment of Impacts with Mitigation Measures

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.

14. Assessment of impacts taking account of mitigation measures included in the proposal and possible additional restrictions

Applicant's proposed mitigation – Provide document reference numbers and titles below:

Lighting and landscaping plan C2407.02

Potential LSE (as identified in section 10. A-H)	Avoidance/Mitigation/Compensation measures proposed <i>Consider both Construction and Operational Phases, and monitoring requirements.</i>	Competent Authority conclusion regarding effectiveness of mitigation and residual LSE <i>Consider how measures would be implemented, how certain EDDC is that measures will remove LSE, how long it will take for measures to take effect, monitoring requirements and changes that would be made if monitoring shows failure of measures.</i>	Secured by
14. A - Landscape (large) scale connectivity impacts	N/A		
14.B - Direct impacts on the SAC roost or other key roost(s)	N/A		
14.C - Change in	N/A		

<i>habitat quality and composition (loss or change in quality of foraging habitat)</i>			
14.D - Severance or disturbance of linear features used for navigating or commuting	N/A		
14.E – Disturbance from new illumination causing bats to change their use of an area/habitat	<p>The proposed development consists of a new dwelling, and associated landscaping. The new dwelling will include a minimal extent of internal and external lighting. This external lighting would comprise only that necessary to facilitate safe access to the dwelling and consequently would only be installed adjacent to entrance doorways and to light external pathways and steps.</p> <p>The lighting design will follow the below specification to ensure impacts on the existing and new hedgerows are minimal (<0.5 lux).</p> <ul style="list-style-type: none"> • Warm white spectrum lighting (<2700 Kelvin) to reduce the blue light component. • Luminaires with peak wavelengths higher than 550 nm. • Use of LED luminaires. • External lighting to be based on a Passive Infrared Sensor (PIR) system (being motion-sensitive only to large objects) and on a short timer (no longer than 1 minute). • Directed below a 70-degree plane. • Installed at the minimum height permissible. 	<p>With implementation of the mitigation and compensation measures it is anticipated that bats will continue to use the existing and new hedgerows and there will be no significant likely effect upon the BQ&C SAC.</p>	<p>Planning conditions will be used to secure the mitigation measures identified in this document and supporting documents.</p> <p>A condition preventing the installation of any other external</p>

	<ul style="list-style-type: none"> Recessed internal lighting and incorporation of automated blinds. <p>As part of the new development a new native hedgerow will be planted along the southern and western boundaries of the site. This hedgerow will short cut the connection between the existing northern and eastern hedgerows and will act as a buffer between the development site and the remaining agricultural land. This will provide an alternative route for dispersal for bats.</p>		lighting will be used.
14.F - <i>Disturbance to or loss of land or features secured as mitigation for BQ&CSAC bats from previous planning applications or projects</i>	N/A		
14.G – <i>Loss, damage, restriction or disturbance of a pinch point</i>	N/A		
14.H - <i>Other impacts – e.g. physical injury by wind</i>	N/A		

<i>turbines or vehicles</i>			
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Part E. In-combination impacts	
15. List of plans or projects with potential cumulative in-combination impacts	None.
16. How impacts of current proposal combine with other plans or projects individually or in combination	With mitigation the current proposal is not considered to represent a LSE, and therefore is not considered to represent an individual or in combination effect.
Part F: Further Information	
17. Compliance with current East Devon Local Plan <i>List relevant environmental policies/ strategies and how this proposal achieves or opposes these policies/ strategies</i>	<p>The proposals are in accordance with relevant EDDC local plan (2013 to 2031) Policy EN5 and Strategies 5 and 47.</p> <p>The proposal complies with these policies/strategies through:</p> <ul style="list-style-type: none"> • Minimising the loss, and avoiding fragmentation, of habitats; • Creation of natural habitats (native planting); and, • No impact (direct or indirect) on internationally and nationally designated sites.
18. Does the proposal take into account measures agreed at outline or pre-app stages (if applicable)	N/A
19. Does the proposal take into account Natural England consultation responses, and include suitable measures as identified in the Natural England consultation? (if applicable)	N/A
Part G. Conclusion of Appropriate Assessment - The Integrity Test	
20. List of avoidance/mitigation/compensation measures and safeguards to be covered by condition or planning obligations (Unilateral Undertaking or S106)	<p>List of avoidance, mitigation and compensation measures, as per section 14:</p> <ul style="list-style-type: none"> • Installation of sensitive lighting only; and, • Planting of a new native hedgerow short-cutting and buffering the site. <p>The above will be secured through planning conditions, along with a condition to remove permitted development rights for new external lighting.</p>
21. Conclusion of integrity test.	EDDC concludes that Adverse Effects on the Integrity of Beer Quarry and Caves SAC qualifying features can be ruled out , providing that the avoidance, mitigation and compensation measures detailed in section 20 are carried out in full and secured by the proposed appropriate conditions/obligations.

	These mitigation measures are considered to remove potential Likely Significant Effects and provide certainty beyond reasonable scientific doubt that the proposals would have no impact on the Integrity of the SAC.
22. Completed by: Date:	Andrew Digby, Senior Planning Officer 18/10/2024
23. Natural England comments on this Appropriate Assessment:	
24. Natural England Officer: Date:	

Appendix 1: Mitigation proposals

**The Conservation of
Habitats and Species
Regulations 2017 –
Regulation 63 – Habitats
Regulations Assessment**

East Devon District Council

Stage 1: Habitats Regulations Assessment - Screening of likely significant effect on a European site

Part A: The proposal

1. Type of permission/activity	Construction of a dwelling on farm land.
2. Application reference no	24/1045/FUL
3. Site address	Land Adjacent To Woodthorpe , Kilmington, Devon, EX13 7SS.
4. Brief description of proposal	Erection of a single storey 3-bed detached bungalow and associated drainage works

Part B: The European site(s)

5. European site name(s), and 6. Qualifying Features	<p>River Axe Special Area of Conservation (SAC).</p> <p>The Qualifying Features for the River Axe SAC are:</p> <ul style="list-style-type: none"> • H3260 Water courses of plain to montane levels with <i>R. fluitantis</i> • S1095 Sea lamprey, <i>Petromyzon marinus</i> • S1096 Brook lamprey, <i>Lampetra planeri</i> • S1163 Bullhead, <i>Cottus gobio</i> <p>The Conservation objectives of the River Axe SAC are:</p> <p>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;</p> <ul style="list-style-type: none"> • 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. <p>The Conservation Objectives for the River Axe SAC state that ‘the natural nutrient regime of the river should be protected, with any anthropogenic enrichment above natural/background concentrations should be limited to levels at which adverse effects on characteristic biodiversity are unlikely’.</p>
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7. Ecological survey results for the application site	A preliminary roost assessment of an open shed on the site that would be retained as part of the development was undertaken by Abbas Ecology, dated 18/11/2021. This found “negligible potential that bats are using the structure surveyed and therefore no further survey work is required before the proposed building works proceed”.
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Part C: Screening assessment for likely significant effect

8. Is this application necessary to the management of the site for nature conservation?	No.
9. The identified ways in which the Qualifying Features of the European site could be affected by the proposal	<p>Degradation or changes to water quality resulting from increased nutrients entering watercourses which are hydrologically linked to the SAC</p> <p>The occurrence of excessive nutrients in the waterbody can impact on the competitive interactions between high plant species and between higher plant species and algae, which can result in a dominance in attached forms of algae, and a loss of characteristic plant species. Changes in plant growth and community composition can have implications for the wider food web, and the species present. Increased nutrients and the occurrence of eutrophication can also impact on the dissolved oxygen levels in the waterbody, also impacting on biota within the river.</p> <p>Recent water quality measurements for the River Axe within the SAC show phosphorus concentrations to be exceeding the targets for all units. Any nutrients entering the catchment upstream of the locations which are exceeding their nutrient targets, will make their way downstream and have the potential to further add to the current exceedance. Hence the catchment map for the River Axe includes the entire catchment upstream.</p> <p>The key sources of phosphorous, commonly assessed in the form of phosphates, derive from diffuse water pollution (such as agricultural leaching) and point discharges (such as from sewage effluent) within the catchment.</p>

<p>10. Assessment of risks without avoidance or reduction measures</p>	<p>The site lacks nearby adopted foul sewers, with the closest being a 150mm combined sewer 90m east on Silver Street. A private system also exists to the east, but its condition is unclear. Connecting to the sewer would require significant off-site work or legal agreements with landowners, both of which are impractical. Therefore, discharging to the ground is the only feasible option.</p> <p>The proposal is to install a package treatment plant discharging to a drainage field and it has been demonstrated that the drainage scheme would not exceed the thresholds for small discharges to the ground within the Council's 'Interim guidelines on small scale thresholds and nutrient neutrality principles for the hydrological catchment of the River Axe Special Area of Conservation'. This is based on the following considerations:</p> <p>The daily discharge volume would be less than 2m³.</p> <p>a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature).</p> <p>b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse.</p> <p>c) The drainage field is in an area with a slope no greater than 15%.</p> <p>d) The drainage field is in an area where the high-water table groundwater depth is at least 2m below the surface at all times.</p> <p>e) The drainage field will not be subject to significant flooding; it is not in flood zone 2 or 3.</p> <p>f) There are no other known factors which would expedite the transport of phosphorus. In this regard, the 'AWP Assessment of River Axe SAC Thresholds and supporting evidence' (attached) concluded:</p> <p style="padding-left: 40px;">"The site is underlain by bedrock of Branscombe Mudstone Foundation (https://webapps.bgs.ac.uk/lexicon/lexicon.cfm?pub=BCMU). This is not indicated as likely to be fissured. The superficial deposits derived from these formations are clayey formations of low permeability which would not expedite the transport of phosphorus, in line with the relatively high Vp values obtained within the percolation testing. These assumptions are based off advice from Ruddlesden Geotechnical.</p> <p style="padding-left: 40px;">There are no open ditch networks within the site that will expedite the transport of phosphorus.</p> <p style="padding-left: 40px;">There are no records of sewer flooding within the vicinity of the site."</p> <p>g) There would be no significant in-combination effect from other discharges to ground within or more than 200m from the site of the proposed discharge. A plume spread analysis for the proposal and the nearest existing discharges has been undertaken which shows that the dispersal zones would not intersect and also that there is a negligible likelihood of in-combination pollution of groundwater. See attached 'Plume Spread Analysis' by Enviren.</p> <p>h) Percolation tests have been performed of the proposed location of the drainage field and the resulting value is within the required range under the Building Regulations 2010, which specify an average Vp value of between 12 and 100. In this case percolation tests gave Vp results of between 67.5 – 82.7 for the area in which the Drainage field would be situated.</p>
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11. Conclusion of Screening stage (Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?)	<p>Degradation or changes to water quality:</p> <p>The application site is located within the hydrological catchment of the River Axe SAC.</p> <p>The submitted nutrient neutrality assessment demonstrates that the proposal would not exceed the thresholds for small discharges to the ground within the Council's 'Interim guidelines on small scale thresholds and nutrient neutrality principles for the hydrological catchment of the River Axe Special Area of Conservation'.</p> <p>East Devon District Council concludes that a Significant Effect on the River Axe SAC either 'alone' or 'in-combination' with other plans and projects can be ruled out.</p> <p>An Appropriate Assessment of the proposal will NOT therefore be necessary.</p>
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Local Authority Officer:	Andrew Digby Senior Planning Officer	Date: 11/04/2025
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