

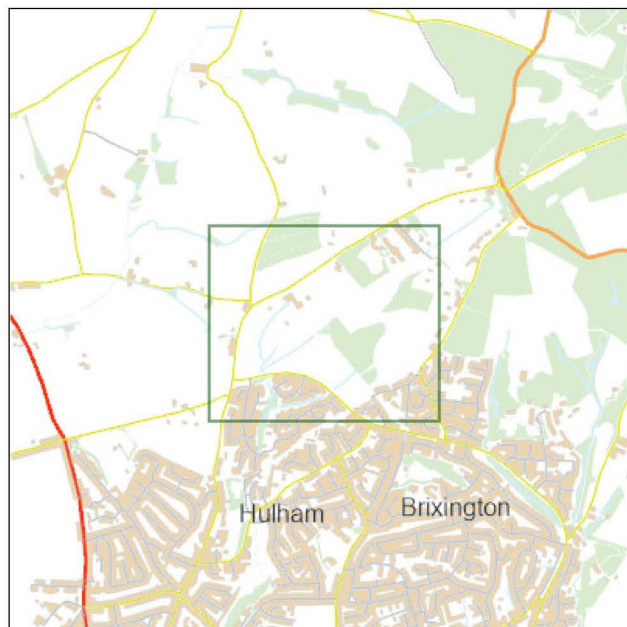
Ward Woodbury And Lymptone

Reference 25/0007/MOUT

Applicant Eagle Investments (SW) Ltd

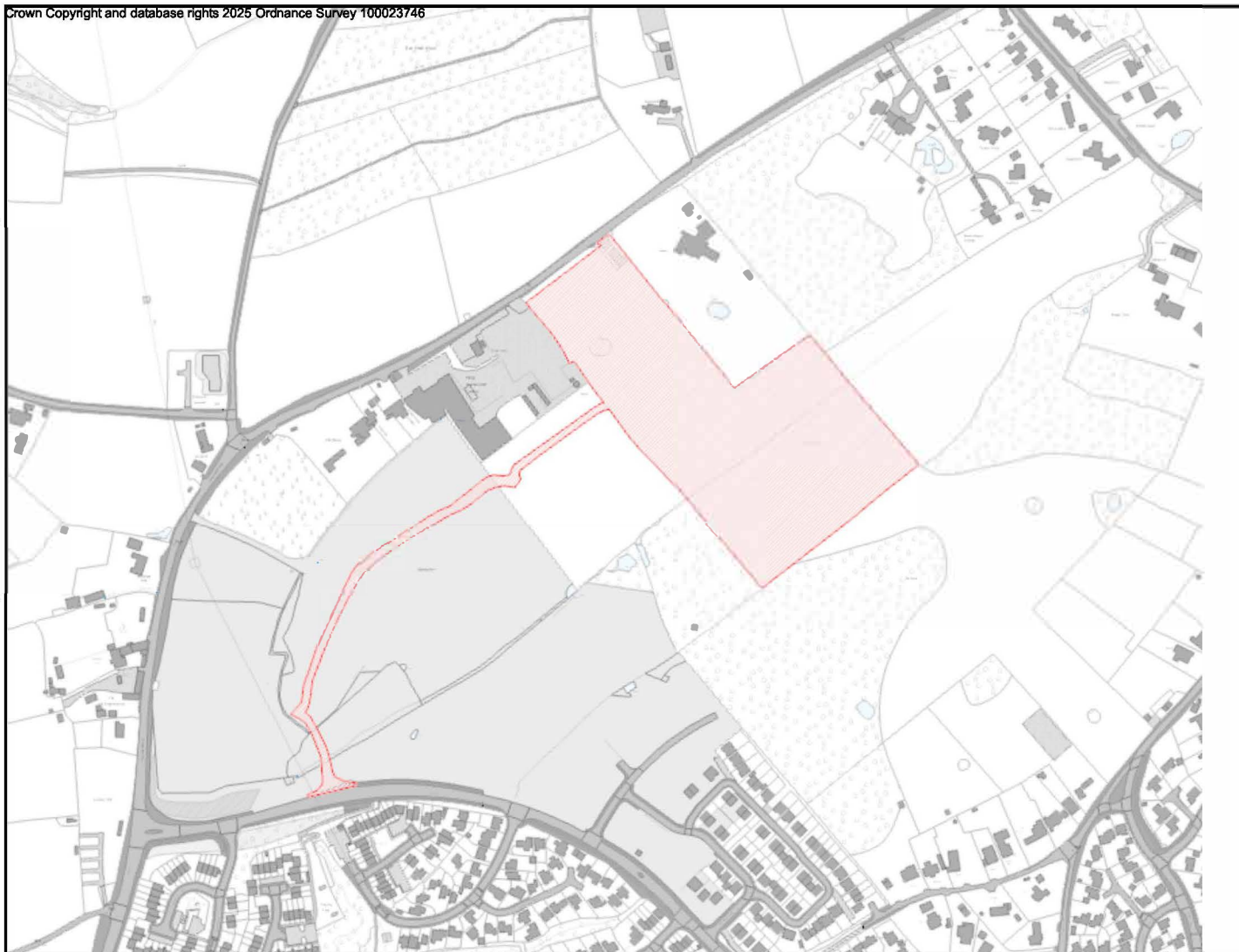
Location Land NE Of Kings Garden And Leisure Hulham Road Exmouth

Proposal Outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 75 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure



RECOMMENDATION: APPROVE the application subject to a S106 legal agreement and conditions.

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		Committee Date: 15.07.2025
Woodbury And Lympstone (Lympstone)	25/0007/MOUT	Target Date: 11.04.2025
Applicant:	Eagle Investments (SW) Ltd	
Location:	Land NE Of Kings Garden and Leisure, Hulham Road, Exmouth.	
Proposal:	Outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 75 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure	

RECOMMENDATION: APPROVE the application subject to a S106 legal agreement and conditions.

EXECUTIVE SUMMARY

This application is before Members because it represents a departure from the adopted Local Plan and a contrary view has been expressed by the Town Council.

The proposal is not in accordance with the Local Plan, with Strategy 7 stating that new development in the countryside, and outside Built Up Area Boundaries should be strictly controlled. As planning applications must be determined in accordance with the development plan this would suggest that planning permission ought to be refused, unless material considerations indicate otherwise.

The application has been submitted in outline form for the construction of up to 75 residential dwellings with public open space, SuDs systems, landscaping and associated infrastructure. The proposal includes the provision of affordable housing at 25% (18 affordable dwellings and 0.75 as a financial contribution).

Access is to be considered at this stage, with a new access road leading into the site as an extension from the internal roads which serve the adjacent sites of Goodmores which itself leads onto Dinan Way. The County Highway Authority raise no concerns in respect of increased traffic generation from the proposed development or in terms of the suitability of the vehicular access onto Dinan Way itself which has a wide junction and good standards of visibility in both

directions.

The site lies adjacent to existing residential development to the south west at Goodmores and the boundary of the site is contiguous with the built up area boundary of Exmouth as defined by the current Local Plan.

Whilst the site is rural in character and is within the countryside, it does not have any designated landscape or other protective designation.

The character and appearance of the site would change quite significantly from its current rural setting to a more urban built form, although it is proposed to retain the majority of trees, and to create large areas of open space within the site including appropriately sized ecological buffers around the site boundaries. The landscape and visual effects would generally be localised, with limited views in and from the site owing to the fact that it is self-contained and well screened by trees and vegetation on the boundaries. The submitted layout is illustrative, however it is considered to demonstrate that the suggested level of development of up to 75 dwellings can be accommodated on the site, with appropriate levels of open space, SUDs drainage, good sized private gardens and an internal access road whilst having regard to the shape, size and configuration of the site, its topography and surrounding development as well as the ecological and arboricultural constraints of the site

In applying the planning balance there is a need to weigh any harm caused by development outside of any defined development boundary, and consequently contrary to Strategy 1 (Spatial Strategy for Development in East Devon), 7 (Development in the Countryside) against the need for housing within the district. The Council cannot demonstrate a 5 year housing land supply so development plan policies important for determining this application including Strategies 1 and 7 are considered to be out of date and the titled balance in favour of sustainable development must be applied to the consideration of this application.

In this case the development is sustainably located contiguous with the built up area boundary as defined by the current Local Plan and on the edge of the district's largest town and consequently supported by Strategy 3 (Sustainable Development) and the provisions of the NPPF24. It is also a preferred residential site allocation for 59 dwellings in the Regulation 19 Draft Local Plan having been considered and adopted by the Strategic Planning Committee.

On balance, having regard to all planning issues and material considerations, the need for new and affordable dwellings to boost the future housing supply of the district is considered to justify a departure from the Local Plan.

It is recommended therefore that outline planning permission (with access approved) is granted subject to the completion of a S106 agreement and the conditions set out below.

CONSULTATIONS

Local Consultations

Woodbury and Lympstone- Cllr Geoff Jung 03/07/2025

I have viewed the planning application documents 25/0007/MOUT for outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 75 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure on land NE of Kings Garden and Leisure Hulham Road Exmouth. There are a number of concerns especially loss of important habitat, Bio diversity, surface water management and sewage capacity which will need to be covered satisfactorily to the specific consultees

However, I am most concerned that SWW in February claimed that “there may be need to carry out further assessment on the waste network. Initial assessments suggest possible need for surface water separation further downstream. Survey work and checking of ground levels may be needed to confirm. However, the flooding location is downstream from a site already in construction. If a scheme is required, it will be carried out in the next 18 months or may be picked up as part of the wider investment in Exmouth.” Although this was vague and not very specific to the acknowledged engineering failures and capacity to the Exmouth sewage network and sewage treatment work capacity, it confirmed that works were imminent and pollution incidents would hopefully reduce. However, I now note that on the 27th of June they have submitted a further assessment which has confirmed “South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.”

This comment is surprising after a number of incidents of pollution in Exmouth between Feb and June, and therefore I would like to understand the improvements and works carried out, plus assurances of reduced incidents in the future, preferably from the Environment Agency before I can remove my request for a Grampian Order to be placed on this application.

Therefore, at present cannot support this application, but I reserve my views on this application until I am in full possession of all the relevant arguments for and against.

Woodbury and Lympstone- Cllr Geoff Jung 27/06/2025

Thank you for the report and recommendation. Unfortunately the report from SWW is far too vague and totally inconsistent to various comments related to other applications in Exmouth related to the failing sewage network in Exmouth.

Their comments are:

Foul Sewerage Services

There may be need to carry out further assessment on the waste network. Initial assessments suggest possible need for surface water separation further downstream. Survey work and checking of ground levels may be needed to confirm. However, the flooding location is downstream from a site already in construction. If a scheme is required, it will be carried out in the next 18 months or may be picked up as part of the wider investment in Exmouth.

All the comments bar one for substantial development connecting to the Exmouth Sewage network, SWW claim there are works to be carried out in the next 18months. (despite the reports being many months apart!)

Therefore I will be objecting to this planning application, until there is a far better explanation from SWW on what is the problem with the network downstream "causing flooding" and an explanation why all these works related to different locations are always 18 months until they are corrected!

I would also require a Grampian order attached to be included to ensure no housing is occupied until SWW can ensure this Authority that the sewage network in Exmouth is capable of accepting this increased flow in storm conditions, to EA permit standards.

Woodbury And Lympstone - Cllr Geoff Jung
25/0007/MOUT

I have viewed the planning application documents 25/0007/MOUT for an outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 80 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure at land NE of Kings Garden and Leisure Hulham Road.

There are a number of concerns especially surface water management and sewage management which will need to be covered by specific conditions or Grampian orders, if this application proceeds.

However, I note the proposal is for 30% affordable housing but as the present EDDC local Plan states any proposal outside the Built-up Area boundary must provide 50% affordable housing I cannot support this application, but I reserve my views on this application until I am in full possession of all the relevant arguments for and against.

Exmouth Town Council 24/06/2025

Objection, although the number of dwellings has been reduced from 80 to 75, the proposal is still considered an overdevelopment of the site. The submitted scheme would result in a quantified biodiversity loss of over 60% in area habitat units (EDDC District Ecologist, 18.06.25), which is deemed completely unacceptable. The proposed cycle path/pedestrian footpath is regarded as a token gesture and does not adequately address the fundamentally unsustainable location. The proposal did not meet the requirements of strategy 3 – Sustainable Development in the Local Plan.

Clerk To Exmouth Town Council

Objection: members felt they could not support the application until DCC Highways had assessment on the potential impact of the proposed development on the wider road network.

Recommendation: Object

Lympstone Parish Council

Lympstone Parish Council objects to this application due to site specific concerns of the validity of safe travel plans and the tree root protection areas appear too small. LPC would like to raise the question of how the trees will be managed in the future?

Technical Consultations

EDDC Ecologist 17/06/2025

Conclusions and recommendations

The submitted scheme would result in a quantified biodiversity loss in excess of - 60% for area habitat units and would rely on the provision of a significant number of offsite habitat units (29.18). No details have been provided regarding potential offsite measures so the full spatial impact of the development is unknown, e.g., offsite habitat units could potentially be located anywhere in England. The EcIA reiterates the importance of local offsite delivery to minimise the spatial impact, and that offsite habitat should be managed for bats, given the loss of foraging habitat from the site.

It is accepted that offsite compensation is a legitimate mechanism to deliver BNG and it is a post-determination matter. However, it would be recommended that local (within East Devon or surrounding area) offsite BNG provision is committed to, in accordance with BNG Good practice principles for development and Principle 8 of the biodiversity net gain user guide. This would also align with the local planning authority's legal duty under Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) to conserve and enhance biodiversity.

As this is an outline application, the full requirements of offsite BNG and other ecological mitigation, compensation, and enhancement measures are provided as parameters. The general parameters are broadly acceptable, subject to planning conditions, sufficient details, and successful implementation.

Given the poor implementation of the habitat planting around the artificial badger sett and issues regarding tree protection on the adjacent site (within the same ownership) any development of the site would require appropriate control and monitoring measures to ensure all ecological measures were implemented successfully during construction and operation.

Should the application be minded for approval key parameters to secured would include:

- A detailed lighting strategy, including lux contours, demonstrating the achievability of dark (<0.5 lux) corridors within public open space.

- Detailed landscape and ecological management plan (LEMP) and habitat management and monitoring plan (HMMP).
- Construction Ecological Management Plan (CEcoMP)
- Reptile mitigation strategy

DCC Historic Environment Officer

The archaeological field evaluation of the proposed development site has been completed and the report setting out the results of these investigations has been submitted to this office. The anomaly identified by the geophysical survey has been shown to be associated with the extant field system rather than representing an earlier prehistoric or Romano-British ditched enclosure. The geophysical survey and field evaluation report will be uploaded to the Archaeology Data Service and no further archaeological mitigation is required.

In the light of these results I would consider the archaeological potential of the site as being low and would like to withdraw the Historic Environment Team's previous advice and instead offer no comments on this planning application.

Housing Strategy/Enabling Officer - Cassandra Pressling

I support these amended plans.

The Affordable Housing is dispersed throughout the site and the largest cluster is 9 dwellings.

I note the reduction in overall dwellings from 80 to 75.

25% Affordable Housing will be provided which is the policy position for Exmouth in the adopted Local Plan, Strategy 34. This equates to 18 affordable dwellings and 0.75 as a financial contribution. This will need to be secured in the S106 agreement.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership.

EDDC Landscape Officer:

Having reviewed the amended and additional details submitted in respect of the above application I confirm I am satisfied with the layout changes made and that these generally address the issues raised in my previous response subject to conditions as noted.

In respect of connections to the adjacent Marley Road site to the south (Application reference 25/0078/MOUT) and the proposed emergency access onto Hulham Road it is recommended that provision is made within the s106 agreement for these to be adopted to facilitate future access links to adjoining land parcels should they come forward for development in the future.

EDDC Green Infrastructure Project Manager

The updated plans positively address a number of the issues raised in my previous consultation response.

As previously noted I have no in principle objection to the outline application, but there are a number of detailed issues to be addressed (at RM stage, via appropriate conditions) in relation to Green Infrastructure:

- o There are a number of significant mature and veteran trees on the site which must be retained. Future RM applications must ensure that the root protection areas and shadows cast by these trees are adequately accommodated without impacting on the proposed dwellings, and that their rooting and growth areas are protected for the future.
- o The boundary trees and hedgerows (which are used by a number of bat species) to be retained in the public realm in future RM applications. We need to confirm the offsets to these are sufficient to provide dark corridors which accommodate use by bats and other species.
- o The mitigation and enhancement measures set out in the Ecological Impact Assessment need to be conditioned in order that they are provided at the RM stage.
- o The SUDs basins are shown as wet ponds with 300mm of permanent water. It would increase biodiversity to incorporate deeper areas of permanent water within the pond (these could be within the centre to allow a shallower margin). Marginal planting should form part of the landscape plan.
- o High quality pedestrian/cycle connections should be provided from the emergency access to Hulham Road through the site towards Marley Road to connect with the Exmo_04 (which is proposed to be allocated for residential development in the emerging local plan) as well as to adjacent development sites to the south/east (the illustrative plan shows trees planted in these areas). The conditions/s106 need to ensure that connectivity is provided to the site boundary without breaks or ransom strips. The parameter plans (GI, Movement) should be amended to remove the trees in these areas and show the connections pedestrian/cycle connections.
- o Please could the relevant parameter plans be identified in the planning conditions to ensure that the RM applications relate to these.
- o Detailed landscape plans required at the next stage that accommodate all of the above.

County Highway Authority

The proposal is an outline application for a residential development for up to 80 dwellings, where all matters are reserved except for access. The proposal site is currently allocated in the draft local plan, currently out for consultation.

The proposal site sits off Hulham road, on the northern edge of Exmouth. Vehicular access proposed however would be off the adjacent Goodmores site currently under construction, which forms part of the consented outline application 14/0330/MOUT.

The applicant has indicated a potential pedestrian/cycle link into a neighbouring parcel, which is also included in current draft Local Plan consultations.

Emergency access into the site would be off an existing access from Hulham Road. Should this application be approved, careful design of this access will be needed. Hulham Road should not be promoted as a pedestrian access from the site onto Hulham Road in its current state, however there appears merit in potentially providing this as an opportunity for primarily cyclists (and any pedestrians that may be walking along the carriageway from existing nearby dwellings) to utilise this access as a safer route to wider areas, as opposed to continuing along Hulham Road. In the event the application is approved, this can be discussed further as part of the detailed design and any land safeguarded where necessary.

There is also a potential opportunity to provide for a private pedestrian access into the neighbouring Garden Centre, (which would need a private agreement) that would seemingly be of benefit to all parties. Whilst this is not a direct highway matter, it is advised best endeavours are made to secure this and provide for future permeable access into neighbouring parcels.

In support of the development proposed the applicant has submitted supporting transport documentations that has been assessed by the Highway Authority. Taking into account the established accesses off Dinan Way into the consented Goodmores development, whilst the proposal would see additional vehicle movements to and from these intersections, it is considered that there is not sufficient evidence to suggest that upgrades are required to be delivered at these intersections from the application parcel alone. However, as a draft allocation, there is opportunity to secure a reasonable contribution(s) from the developer towards future localised improvements, for example potential future access upgrades and/or to improve pedestrian and cycle accessibility to and from Exmouth Town centre that would also benefit the settlement as a whole.

A Travel Plan would also need to be provided as part of a future obligation for the applicant/developer and secured through a s106.

With the above in mind, if members are minded in approving the development proposed, the applicant will be required to produce an appropriate Travel Plan, detail, and timing of its delivery to be agreed and finalised at S106 stage. Access into the neighbouring parcel, as already outlined in the draft Local Plan, the emergency access arrangements and any contributions towards localised improvements will also need to be appropriately secured.

The Highway Authority also recommend conditions are attached to any favourable decision notice.

The Woodland Trust

Summary:

Veteran trees are irreplaceable habitats and must be protected from loss, deterioration or harm. Any development resulting in the loss of a veteran tree should not be taken forward unless there are wholly exceptional reasons. The Woodland Trust objects to this application on the basis of deterioration to a number of potential veteran trees.

The applicant needs to demonstrate that the veteran trees on site are appropriately protected from detrimental impact and harm in line with paragraph 193 of the National Planning Policy Framework. The applicant should provide these trees with an un-encroached buffer zone as befitting a veteran specimen to ensure that the proposed works will not have a detrimental impact on the longevity of these trees.

Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d, 180a, 180d and 185c of the National Planning Policy Framework or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation.

Furthermore, the requirements of the Environment Act 2021 have not been appropriately addressed. These requirements are reproduced at the end of this letter.

The comments provided below are based on an Ecological Impact Assessment produced by Richard Green Ecology Ltd (December 2024). We consider that insufficient evidence has been provided because -

1. The site lies within a Great Crested Newt Consultation Zone and a number of ponds are present in close proximity to the site. The report states that 'In accordance with local guidance for developers (DCC 2012, DLNP 2016), as the ponds all returned a HSI score of less than 0.6, no further survey of the ponds is required.' The DCC guidance referred to has been superseded. Current DCC guidance (February 2023) states that national guidance should be utilised, which states that HSI is not a substitute for newt surveys; great crested newt presence cannot be ruled out on pond HSI alone. The report also refers to great crested newt surveys which have been undertaken at an adjacent site. However, these surveys were carried out in 2012 and are therefore many years out of date.

Further assessment, such as eDNA surveys of the ponds, should be undertaken to confirm presence/absence of great crested newts. This must be carried out prior to considering an application for the site.

It should be noted that it is a matter of current caselaw (R v Cornwall County Council ex parte Hardy & Gwennap Parish Council CO/4784/99) that it is not acceptable to condition

protected species surveys, or to grant permission in the absence of such data, as this denies the public the ability to provide properly informed comment on the potential environmental effects of proposed developments.

2. The report states that 'the habitats on the site are unlikely to be used by breeding ciril buntings', however this statement is not supported by any evidence. Species-rich, native

hedgerows are present throughout the site in addition to scrub habitat and other neutral grassland with a varied sward height, which represent suitable habitat for breeding ciril bunting. The site is located within a Ciril Bunting Consultation Zone and therefore summer ciril bunting surveys are required prior to considering an application for the site.

3. The site has been confirmed as being of national importance for commuting/foraging bats. A diverse range of species has been recorded, including significant numbers of barbastelle and horseshoe bats, which are light-averse species. It will therefore be essential to ensure that bat commuting/foraging routes are retained and enhanced following completion of the development. Detailed design should include buffer zones of a minimum of 10m in width surrounding all hedgerows and a lighting strategy or assessment will be required at reserved matters stage which concludes that light spill will not impact on commuting/foraging bats or dormice. This should follow the recommendations provided in the Devon dark corridors guidance note produced by DCC. Mitigation measures must utilise permanent physical barriers such as new hedgebanks, walls etc. to ensure light spill is controlled in the long-term. The lighting scheme must demonstrate that light spill does not exceed 0.5 Lux at a height of 2m on the vertical plane at a distance of 5m from the face of areas of habitat retained/created for use by commuting/foraging bats. This is particularly important given that species of high conservation significance have been recorded within the site.

4. A 'good' population of slowworms has been identified with the site. The report states that 'Habitat manipulation to deter reptiles from the development area and into retained

habitats, followed by a translocation exercise, should be undertaken'. Given the population size class and large area of suitable habitat (4.2752 ha), this does not conform with best

practice guidelines and is likely to result in killing/injury of reptile species, which is a contravention of the Wildlife and Countryside Act 1981 (as amended). In order to safeguard

the population of reptiles present on site, a translocation to a site with adequate carrying capacity for the population must be undertaken prior to carrying out any habitat manipulation.

5. The report includes limited details for hedgehog mitigation post-development.

'Hedgehog highways' should be incorporated into all residential garden boundaries in order to ensure the landscape continues to be permeable for this species post-development.

6. The Environment Act 2021 outlines the requirement for Biodiversity Net Gain (BNG) as a condition of planning in England. This requires development to deliver a minimum of 10% net gain in biodiversity units post-development.

Principle 7 of the BNG Principles is 'be additional'. No evidence is provided within the assessment to suggest that additionality has been considered. Additionality cannot be appropriately considered until all protected species survey information is available.

Additionality must be considered within the reserved matters stage of the application.

In light of the biodiversity crisis, DWT recommends all developments achieve a 20% net gain.

For the reasons given above, we object to the planning application and recommend that it is refused.

NPPF para. 174

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"

NPPF para. 180

"When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

NPPF para. 185

"Planning policies and decisions should ...

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

ODPM Circular 06/2005 para. 99

Paragraph 99 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before a planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In cases where there is a reasonable likelihood of a protected species being present and affected by the development, surveys should be undertaken and any necessary measures to protect the species should be in place (through conditions and/or planning obligations), before a permission is granted.

Environment Act 2021

The act will require biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity.

Police Architectural Liaison Officer

I have no objection to the planning application

I appreciate that the layout of the site is only illustrative at this stage but should the application progress, more detailed design should embed the principles outlined in the Crime and Disorder section.

DCC Flood Risk Management Team

2/7/2025:

Email received confirming that some further information is required but this can be dealt with by planning condition to require details prior to the submission of a reserved matters application for layout. This will ensure the layout reflects the drainage requirements of the site and takes into account any watercourses within the site.

Previous comments:

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

The applicant has referred to infiltration tests. These results should be submitted for this planning application.

The applicant should submit a screenshot of the FEH Catchment Descriptors.

Whilst we really appreciate swale and attenuation ponds being proposed to manage surface water, the applicant has proposed 1 in 2 side slopes and freeboards of 0.15m. The applicant should assess varied side slopes, no more than 1 in 3 gradient. Attenuation ponds should have minimum 0.30m freeboard. Aquatic benches should be included within attenuation ponds.

Could a swale not be achieved in the western parcel of the site?

Exceedance routes should not go through rear gardens.

Whilst the site layout for the planning application to the southwest is not being considered within this planning application (25/0007/MOUT), it should be noted that the current layout would prevent any maintenance access to the Ordinary Watercourse. A 6m corridor should be given to this watercourse.

The proposed realignment of the existing land drain should be further clarified. This land drain should be kept in open space and should not have any 90 degree bends.

The applicant is proposing to connect the outfall from the western attenuation pond to discharge into this land drain. However, it is not thought that the applicant will be able to demonstrate that this land drain will never reach full bore conditions. Full bore conditions might impact on the discharge from the basin.

Further evidence, such as photographs, of the existing land drain should be submitted. The survey noted that rubble was in the upstream manhole, could this be covering any inlets to the land drain? There is an Ordinary Watercourse to the northeast of Marley Drive which might connect to this land drain, which would make the land drain an Ordinary Watercourse.

Could the land drain be 'opened up'?

Land Drainage Consent will be required for any works to the watercourse to the southwest of the site, possibly including any new outfalls. This watercourse is outside of the sites red line boundary.

Whilst a Surface Water Construction Management Plan has been submitted at this stage, if planning permission is granted for this site, then a condition should be included for a more detailed surface water management plan during the construction stage. This will need to include, amongst other things, management of stockpiles; minimising topsoil removal to only areas to be worked imminently; discussion of build sequence; location and management of any compound; timescales for construction of permanent drainage system; possible protection of permanent drainage system.

It is understood that there are surface water drainage issues with Hulham Road. It would be greatly appreciated if the applicant was able to assess this issue and provide some improvement,

Contaminated Land Officer

No objection subject to conditions

Environmental Health

No objection subject to conditions

EDDC Trees

It is noted that the application is outline only and that matters of layout, scale, appearance and landscaping are reserved. In principle I have no objection to the outline proposal. Overall the access points are likely to only have a relatively low impact on nearby trees resulting in the removal of low category trees which can be offset on site. I have provided brief comments on the arboricultural layout impact plans and illustrative master plan.

The main tree constraints of the site are confined mainly to the boundaries though there are a number of protected trees centrally located which are also significant constraints. It is possible that these trees could be considered as notable trees or future veterans which therefore should be considered as irreplaceable habitats under NFFP. The Woodland Trust recommends that notable trees should be afforded the same protection as ancient or veteran trees.

It does appear from a tree perspective that the site does offer potential for appropriate careful development though whether the site can accommodate up to 80 dwellings is questionable. Suitable consideration should be given to proximity of structures to trees, the type of structures, the location of hard standing and access roads (all outside of RPA's), potential safety concerns, issues of debris fall and maintenance, bird detritus, shading, future growth of and management of trees and appropriate planting and long-term management of trees and hedges.

Detailed comments on current illustrative layout provided and annexed to this report

EDDC Recycling & Waste Contract Manager

No comments from Recycling & Waste on the following planning application as there is not yet any detailed design layouts.

Natural England

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions,

providing that all mitigation measures are appropriately secured in any planning permission given.

South West Water 02/07/2025

In relation to the Undertaker's response to application ref: 25/0007/MOUT, SWW confirms that the imposition of a Grampian condition relating to Foul Drainage is no longer requested by the Undertaker. The Undertaker's initial comments made a request to impose such a condition pending further assessment due to the potential risk posed by the proposed development. The more detailed hydraulic assessment has now been completed and this indicates that the proposed development can be accommodated, if approved. As such, SWW confirms that the imposition of a Grampian condition will not be necessary in this case.

South West Water 20/06/2025

This is the current situation for the site, which our Development Evaluation Team have reviewed following your query:

The long section of the scheme has been checked and there will be no significant impact on the network from this development. The model was sense checked for levels of the sewer and the risk previously highlighted was not flagged in the more recent scenarios.

Therefore, Grampian conditions will not be required for this site and it is not expected to see any significant detriment to the network caused by the new housing downstream from the connection point.

South West Water

Updated foul drainage comments received 2/7/2025:

In relation to the Undertaker's response to application ref: 25/0007/MOUT, SWW confirms that the imposition of a Grampian condition relating to Foul Drainage is no longer requested by the Undertaker. The Undertaker's initial comments made a request to impose such a condition – similarly to the Undertaker's response to 24/0301/MOUT – pending further assessment due to the potential risk posed by the proposed development. The more detailed hydraulic assessment has now been completed and this indicates that the proposed development can be accommodated, if approved. As such, SWW confirms that the imposition of a Grampian condition will not be necessary in this case.

Previous comments:

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable

(with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Discharge to surface water body

Having reviewed the applicant's current information as to proposed surface water disposal for its development, the method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

It is noted runoff from proposed impermeable areas will be collected and conveyed via private surface water drains into adoptable, onsite surface water sewers or grassed swales. These will discharge to two onsite separate attenuation ponds, each with a restricted runoff rate and outfall to the small watercourse to the south, as shown in Drawing No. 03.00 Rev A - Dec 24.

For Highway run off please contact the Highway Authority to agree disposal method.

South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.

South West Water has no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant should make alternative arrangements to deal with this separately during the development and once the construction work is complete.

South West Water are not responsible for Highway Drainage and our comments do not relate to accepting any of these flows. The applicant should discuss and agree with the Highway Authority, where the highway water connects to.

If the applicant wishes to connect this development to the South West Water network, they should engage with us separately to see if we can accommodate this. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

If the applicant is looking to have their sewers adopted (surface and foul), they should design and construction the sewers to the current version of the Design and Construction Guidance. The process for doing this can be found on South West Water's website at Adoption of new sewers | Building & Development | South West Water

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

There may be need to carry out further assessment on the waste network. Initial assessments suggest possible need for surface water separation further downstream. Survey work and checking of ground levels may be needed to confirm. However, the flooding location is downstream from a site already in construction. If a scheme is required, it will be carried out in the next 18 months or may be picked up as part of the wider investment in Exmouth.

Other Representations

23 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

Overdevelopment and Density

- The proposed 80 dwellings exceed the 59 recommended in the emerging Local Plan (a 36% increase).
- The site is considered unsuitable for high-density housing due to its rural character and proximity to protected landscapes.
- The development is seen as an extension of the already controversial Goodmores development, which has caused years of disruption.

Environmental and Ecological Concerns

- The site includes:
 - Veteran and ancient trees.
 - Historic hedgerows.
 - Habitats for protected species including badgers, great crested newts, and 17 species of bats (including the rare Barbastelle bat).
- The Biodiversity Net Gain (BNG) is reported as a 66% loss, far below the required +10%.
- The development risks irreversible damage to wildlife corridors and greenfield land near the East Devon Pebblebed Heaths and Woodbury Common (SSSI).

Flooding and Water Management

- The site has a high water table and clay soil, leading to persistent surface water flooding.
- Concerns that the proposed Sustainable Drainage System (SuDS) is inadequate and does not account for runoff from adjacent land.
- Risk of pollution to Withycombe Brook and the Exe Estuary (a Special Protection Area and Ramsar site).

Infrastructure Deficiencies

- No new schools, medical facilities, or public transport are proposed.

- Exmouth Community College is already over capacity (2,000+ students).
- Local GP surgeries and sewage systems are under severe strain.
- The development is seen as unsustainable without significant infrastructure investment.

Traffic and Highway Safety

- Increased traffic on Dinan Way and Hulham Road, both already congested and dangerous.
- Lack of safe pedestrian and cycle access, especially along Hulham Road.
- Calls for traffic lights at Dinan Way junction and better integration with future developments.

Planning Policy and Procedural Issues

- The site lies outside the Built-Up Area Boundary (BUAB) of Exmouth and Lympstone, requiring 50% affordable housing under Strategy 34. The application only offers 30%.
- No viability assessment provided to justify reduced affordable housing.
- Lack of archaeological survey, despite objections from the Historic Environment Team.
- Failure to meet sustainability criteria (e.g., most services are beyond 800m walking distance).

Design and Layout Concerns

- The proposed layout is high-density and not in keeping with the surrounding semi-rural area.
- Lack of solar panels and limited use of sustainable building practices.
- No clear plan for integrating with adjacent developments or providing community facilities.

Cumulative Impact

- Residents cite ongoing disruption from the Goodmores development and fear another two years of construction.
- Concerns about the long-term degradation of Exmouth's character and environment due to piecemeal, speculative development.

Recommendations from Objectors

- Reduce the number of dwellings to align with the Local Plan (59 units).
- Require full archaeological and ecological assessments.
- Improve drainage and flood mitigation.
- Secure pedestrian/cycle links to Hulham Road and Kings Garden Centre.
- Ensure infrastructure (schools, healthcare, roads) is delivered before or alongside housing.
- Consider alternative, more sustainable sites.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 5B (Sustainable Transport)
Strategy 7 (Development in the Countryside)
Strategy 27 (Development at the Small Towns and Larger Villages)
Strategy 34 (District Wide Affordable Housing Provision Targets)
Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
Strategy 38 (Sustainable Design and Construction)
Strategy 43 (Open Space Standards)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 47 (Nature Conservation and Geology)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)
Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development Affecting a Designated Heritage Asset)
EN13 (Development on High Quality Agricultural Land)
EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 - Spatial strategy Draft
Strategic Policy SP02 - Levels of Future Housing Development Draft
Strategic Policy SP06 - Development Beyond Settlement Boundaries Strategic Policy
Strategic Policy SP07 - Delivery of Infrastructure Draft

Strategic Policy SD01- Exmouth and its Development Allocations Draft
Strategic Policy AR01 - Flooding Draft
Strategic Policy HN01 - Housing to Address Needs Draft
Strategic Policy HN02 - Affordable Housing Draft
Policy HN04 Accessible and Adaptable Housing Draft
Strategic Policy DS01 - Design and Local Distinctiveness Draft

Policy DS02 - Housing Density and Efficient Use of Land Draft
Strategic Policy TR01 - Prioritising Walking, Wheeling, Cycling and Public Transport Draft
Policy TR04 - Parking Standards Draft
Strategic Policy OL01 - Landscape Features Draft
Policy OL09 (Control of pollution) 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
Policy PB07 - Ecological Enhancement and Biodiversity in the Built Environment Draft
Policy PB08 - Trees, Hedges and Woodland on Development Sites Draft
Strategic Policy OS01 - Access to Open Space and Recreation Facilities Draft
Policy OS02 - Sport, recreation and open space provision in association with development Draft
Strategic Policy HE01 - Historic Environment

Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

Site Location and Description

The site is comprised of an agricultural field approximately 4.3 ha in area which adjoins the existing built-up area boundary of Exmouth as defined by the Adopted East Devon Local Plan. The southwestern boundary of the site adjoins the northeastern boundary of the current Local Plan W147 housing allocation within the Adopted Local Plan, which is currently under construction and known as Goodmores. This site will deliver 300 dwellings, commercial and employment land and includes land reserved for a primary school, a community football pitch and an equipped area of children's play space.

The application site is currently undeveloped and comprises a gently sloping field of neutral grassland bound by native hedgerow and mature lines of trees. It also contains three individual veteran and mature trees which are the subject of a Tree Preservation Order and a small area of mixed scrub surrounding an artificial badger sett in the southern corner of the field.

The site is located outside of the built-up area boundary of Exmouth as defined by the Adopted East Devon Local Plan and the made Exmouth Neighbourhood Plan and is considered to be open countryside. The site is not the subject of any national or local landscape designations. The National Landscape boundary and Pebblebed Heaths boundary is located around 950 metres from the site. The site falls within an area designated as flood zone 1 (low risk of flooding).

The site benefits from an existing agricultural vehicular access off Hulham Road to the North West. Kings Garden and Leisure and the Goodmores site adjoins the

south western boundary, Coles, a large residential dwelling adjoins the north eastern boundary with agricultural land adjoining to the south east.

Proposed Development:

This application seeks outline planning permission, with all matters reserved except access, for the development of up to 75 dwellings, including 25% affordable housing comprising of 18 affordable dwellings and 0.75 as a financial contribution. The application is accompanied by a constraints and opportunities plan and an indicative illustrative masterplan which shows a vehicular access and central spine road forming an extension of the proposed roads and footways within the Goodmores development through the north eastern boundary. The vehicular access itself would be taken from Dinan Way to the south with vehicles accessing the application site through the approved estate roads within Goodmores. The constraints and opportunities plan has been provided to illustrate the net developable area of the site which has been led by the requirement for dark buffers and ecological corridors around the perimeter of the site and the above and below ground constraints of trees within the site and on the site's boundaries. Whilst the layout plan that has been provided is indicative, it has been provided to demonstrate that a maximum of 75 dwellings could be accommodated on the site alongside its constraints. The site layout plan also shows the provision of a Local Area of Play (LAP), two SUD/ drainage ponds, swales and potential future cycle/ footpath links to the north east and south east.

ANALYSIS

The main issues to be considered in the determination of this application relate to:

- Policy Position and The Principle of Development (including consideration of housing supply within the district)
- Affordable Housing
- Transport and Access
- Design and Layout
- Heritage Impact
- Landscape and Visual Impact
- Residential Amenity
- Arboricultural Impact
- Drainage and Flood Risk
- Ecology/Biodiversity
- Open Space
- Loss of Agricultural Land
- Planning Obligations
- Planning Balance and Conclusions

Policy Position and Principle of Development

East Devon Local Plan 2013-2031 (EDLP)

The application site lies outside of any built-up area boundary, as defined in the EDLP, and as such, and in accordance with Strategy 7 of the plan, it falls to be considered as open countryside.

Within the open countryside Strategy 7 only permits development where such development is explicitly permitted by another policy of the Local Plan or, where relevant, Neighbourhood Plan.

There are no other policies of the EDLP or the ENP that provide the specific policy support required by Strategy 7, as such the proposal represents a departure from the development plan.

Emerging East Devon Local Plan (Consultation draft)

A new East Devon Local Plan is under preparation and a Draft Local Plan has been produced and has been consulted upon; following on from this site allocations have been determined and agreed upon by the Council. The Emerging Plan has reached Regulation 19 stage, with the consultation period on the draft plan having closed on 31 March 2025.

At this stage proposed Strategic Policy 1 (Spatial Strategy) sets out the proposed strategic approach for delivery of new development.

Strategic Policy SD01: Exmouth and its Development Allocations identifies and allocates the site (Land at Coles Field Hulham Road Lymp_14) for 59 new homes.

Specifically, the draft policy states:

This site is allocated for around 59 new homes. Biodiversity interest at and close to this site will demand particular sensitivity in respect of site design and implementation to avoid damages. This site will need to provide pedestrian and cycle access into the adjoining site Exmo_04a.

The inclusion of the site as a future housing allocation demonstrates the Council's view of the suitability of the site in principle, however only limited weight can be afforded to this draft plan at present. Nevertheless, Officer's consider that it does indicate the Council's direction of travel with regards to the residential allocation of this site.

National Planning Policy Framework (NPPF)

The amended NPPF (para. 78) requires authorities to be able to demonstrate a minimum five year supply of '*specific, deliverable sites*' against their housing requirements (including a requirement to demonstrate a further buffer where there has been significant under delivery). Where such supply can't be demonstrated the presumption in favour of sustainable development, as set out at para.11 of the NPPF applies, this states that,

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework 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.*

The most recent information indicates that the Council's 5 year housing land supply (YHLS) stands at 2.97 years and as such the presumption in favour of sustainable development applies unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

The policies of the adopted East Devon Local plan which are directly related to the supply of housing have evidently not maintained a suitable supply of housing within the district. These policies include, amongst others, establishing settlement boundaries to control sporadic development and a hierarchy of settlements and must now be considered to be out of date, carrying limited weight.

In this case, the site lies adjacent to existing development and is contiguous with the BUAB of Exmouth and is proposed as a site allocation in the New Local Plan, indicating that the Council consider the site to be a sustainable location for development as a matter of principle. There is a clear need for more housing, both market and affordable, within the district and the current shortfall in supply is a significant factor in determining planning applications. Accordingly, in applying the tilted balance unless there are adverse impacts that would 'significantly and demonstrably' outweigh the benefits of the development (when assessed against the policies in the Framework 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), permission should be granted.

Affordable Housing

Lack of affordable housing is a critical issue in East Devon and in order to retain younger people in our neighbourhoods and communities, as well as housing others in need, we need more affordable homes.

Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted EDLP (2016) states that affordable housing will be required on residential developments in East Devon. The policy requirement on residential developments

within Exmouth is to provide 25% affordable housing with an expectation that it is delivered on site. Outside of specific identified settlements the adopted local plan requires 50% affordable housing.

Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership.

The absence of a five year housing land supply however means that policies important for decision making in regard to housing delivery are considered to be out of date. As such less weight can be given to built up area boundaries. For this reason officers consider that for the purpose of affordable housing requirements the site should be considered as if it were within the Exmouth BUAB, where 25% affordable housing is required.

Strategic Policy HN02: Affordable Housing of the Reg. 19 Plan requires affordable housing on all developments with a capacity of 10 or more in non-designated rural areas. On allocated sites within the new plan, such as the application site, the requirement is for 30% affordable housing, with the tenure mix of 65% Social Rent and 35% Intermediate or other forms of affordable housing. However, this draft policy has yet to be scrutinised and at the present time carries very limited weight, and as such the Council's position remains that 25% affordable housing is required to satisfy Strategy 34 (District Wide Affordable Housing Provision Targets).

As submitted the application proposes 25% affordable housing on site which equates to 18 affordable dwellings with the remaining 0.75 as a financial contribution which would need to be secured in the S106 agreement.

The affordable housing offer is considered to be acceptable and the provision of 18 on site affordable dwellings weighs in favour of the proposals within the overall planning balance.

Transport and Access:

Strategy 5B (Sustainable Transport) of the EDLP (2016) states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Policy TC2 (Accessibility of New Development) of the EDLP (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the EDLP (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal. Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP

(2016) 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.

Policy TC9 (Parking Provision in New Development) of the EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

The proposal site sits off Hulham road, on the northern edge of Exmouth. Vehicular access proposed however would be off the adjacent Goodmores site currently under construction, which forms part of the consented outline application 14/0330/MOUT. The access road from Goodmores would be extended into the application site to serve the development.

The applicant has indicated that a pedestrian/cycle link into a neighbouring parcel would be provided, which is a requirement included in current draft Local Plan consultations.

The County Highway Authority have considered the application and the submitted supporting transport documentation. No objections are raised to the proposed access taking into account the established accesses off Dinan Way into the consented Goodmores development. Whilst the proposal would see additional vehicle movements to and from these intersections, it is considered that there is not sufficient evidence to suggest that upgrades are required to be delivered at these intersections from the application parcel alone.

A Travel Plan would also need to be provided as part of a future obligation for the applicant/developer and secured through a s106.

Emergency access into the site would be off an existing access from Hulham Road. The CHA have advised that should this application be approved, careful design of this access will be needed. Hulham Road should not be promoted as a pedestrian access from the site onto Hulham Road in its current state, however there appears merit in potentially providing this as an opportunity for primarily cyclists (and any pedestrians that may be walking along the carriageway from existing nearby dwellings) to utilise this access as a safer route to wider areas, as opposed to continuing along Hulham Road.

This has been considered by the applicants but has been discounted due to concerns about highway safety. Whilst there is potential to provide pedestrian and cyclist access into the site, the applicants have not accepted this request and have advised that the emergency access onto Hulham Road will be delivered with a locked gate and will not be accessible for pedestrians and cyclists, i.e. it will be an emergency access only- understood to be for reasons of highway safety only. It is understood that concern was raised about using this access for anything other than an emergency access during a community consultation exercise prior to submission of the application. Whilst the use of the access for cyclists could be desirable, given the fact that it leads onto Hulham Road, which is a fast and fairly heavily trafficked section of road and it doesn't provide any additional connectivity to services and

facilities or other housing developments the highway safety concerns seem justified. It isn't considered that the lack of this link would result in an unsustainable development or a development that doesn't maximise opportunities for sustainable travel beyond that of the private car. It is recommended that a detailed scheme for the provision of the emergency access is conditioned to be provided as part of any future reserved matters application and that its provision in perpetuity is secured through a S106 agreement.

The indicative masterplan does however show the provision of future pedestrian and cycle links into the adjacent Exmo_04 site to the south east which is proposed to be allocated for residential development in the emerging local plan as well as the highway and pedestrian link into Goodmores itself which will promote connectivity and improve the permeability of the development by linking through to other residential schemes which is an essential part of place making and building sustainable communities. It is recommended that pedestrian and cycle links into Exmo 04 is secured through a S106 agreement.

The development is generally considered to comply with Strategy 5B (Sustainable Transport), TC7 (Adequacy of Road Network and Site Access) and TC4 (Footpaths, Bridleways and Cycleways) of the local plan.

Landscape and Visual Impact:

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Local Plan requires 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 (now known as National Landscapes (NLs)).

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect important landscape characteristics or prominent topographical features.

Policy D2 (Landscape Requirement) of the EDLP (2016) states that existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. Measures to ensure safe and convenient public access for all should be incorporated. Measures to ensure routine maintenance and long term management should be included. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

The site comprises an agricultural field, enclosed by mature hedging and trees to its NE and SE boundaries with Hulham Road to the NW and by built development and future built development to the SW. Whilst the site is in the open countryside on the edge of the settlement of Exmouth where housing densities (with the exception of

Goodmores) is generally lower marking a transition from the settlement into the open countryside. It is identified as 3B Lower rolling farmed and settled valley slopes Landscape Character.

Notwithstanding the site's rural character, the findings of the submitted Landscape and Visual Appraisal are generally accepted by the Council's Landscape Officer who advises that the wider landscape and visual effects of development of the site are likely to be low, subject to retention and appropriate long-term protection and management of existing landscape fabric, in particular trees and hedgerow.

While the principle of residential development of the site is accepted, concerns were originally raised about the quantum (80) of development proposed being too high particularly when considering the draft local plan allocation is for 59 dwellings.

The quantum of development has been given careful consideration by officers who have worked with the applicants to produce a site constraints and opportunities plan to inform the quantum of development which has been informed by ensuring boundary trees and hedgerows are safeguarded and retained within public/communal ownership and not individual plots. In addition, a minimum 10m buffer would be provided around the perimeter of the site to safeguard trees and hedgerows and provide a dark corridor for bats. A 15m buffer should be secured around veteran trees.

Whilst the submitted site layout plan is indicative, it has been informed by the ecological and arboricultural constraints and does demonstrate that 75 dwellings could be accommodated on the site in a form and layout that would be appropriate for the size, shape and configuration of the site and its rural character. The indicative layout plan demonstrates that a housing layout could be provided with good amounts of informal and formal open space, garden sizes whilst retaining important ecological features which contribute positively to the rural landscape character and visual amenity of the site and the surrounding area.

The development of the site as proposed would result in the loss of an agricultural field to urban development but its sensitivity is considered to be reduced by the presence of existing residential and commercial development to the south west and by virtue of the fact that the site does not appear unduly prominent within the wider landscape which is not the subject of any designations. Retention of the trees and vegetation around the site's boundaries and additional planting will be an important part of the scheme helping to screen the development and ensure its assimilation into the local landscape. These measures are considered to be appropriate and would be reviewed as part of any reserved matters application.

The landscape and visual impacts of the proposals are likely to be limited to the site and local area and while the change in character along Hulham Road at the access point would result in changes to the landscape, the site is well contained, and it is considered that the development could be accommodated without a significant adverse impact to the wider landscape character. Nevertheless, there will be some adverse landscape impact which needs to be weighed in the planning balance.

Design and Layout

Section 12 of the NPPF, 2024 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development (para 131). In addition, development should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting (para 135). Development that is not well designed should be refused (para 139)

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted EDLP (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Where towns or villages are or have been despoiled, we will seek to have qualities reinstated through good design. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the Local Plan sets out detailed criteria to ensure that new development is of a high quality design and is locally distinctive. In particular, development should respect the key characteristics and special qualities of the area and ensure the scale, massing, density, height, fenestration and materials of buildings relate well to their context. In addition, development should not adversely affect the urban form in terms of significant street patterns, groups of buildings and open spaces.

The application has been submitted in outline, with matters of design, appearance, layout and scale forming reserved matters to be considered in detail should an outline consent be forthcoming. Nevertheless, an illustrative masterplan layout has been submitted which identifies, and seeks to address, the constraints of the site, both in physical terms, arboricultural and ecological.

The wider landscape and visual effects of development of the site are considered to be low and the indicative site layout plan has sufficiently demonstrated in principle that a high standard of development could be accommodated within the site with place making at its heart, framed around areas of open space and children's play space, attenuation basins with a direct link into the adjacent Goodmores site to access it's future services and facilities.

While the submitted layout is indicative, clear design parameters need to be established to ensure that required buffer strips and future pedestrian and cycle links to adjacent sites are provided and that the access roads are appropriately designed as noted above.

The Council's Green Infrastructure Officer has advised that the updated plans positively address a number of the issues raised in a previous consultation response but considers that a number of detailed issues would need to be addressed at Reserved Matters stage in relation to Green Infrastructure:

- Retention of a number of significant mature and veteran trees on the site
- The boundary trees and hedgerows (which are used by a number of bat species) to be retained in the public realm.
- High quality pedestrian/cycle connections should be provided from the emergency access to Hulham Road through the site towards Marley Road to connect with the Exmo_04 (which is proposed to be allocated for residential development in the emerging local plan) as well as to adjacent development sites to the south/east (the illustrative plan shows trees planted in these areas). The conditions/s106 need to ensure that connectivity is provided to the site boundary without breaks or ransom strips. The parameter plans (GI, Movement) should be amended to remove the trees in these areas and show the connections pedestrian/cycle connections.
- plans (GI, Movement) should be amended to remove the trees in these areas and show the connections pedestrian/cycle connections.
- lans (GI, Movement) should be amended to remove the trees in these areas and show the connections pedestrian/cycle connections.

It is considered that the site could accommodate up to 75 dwellings with an acceptable form of design and layout in accordance with the development plan.

Heritage Impact:

As well as the policies of the Development Plan, the Planning Authority must give special consideration to the significance of any Listed Buildings or Conservation Areas affected by this development as required by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential development on this site would result in no harm to any listed buildings within the vicinity of the site. The site is sufficiently distanced and screened from any listed buildings, which include the Manse, 1-4 Point in View Cottages and Al A Ronde (grade I Listed buildings) 800 metres to the south west and Exe View House (grade II listed) 350 metres to the north, to preserve their significance and setting. Given the intervening vegetation, topography and very limited visibility between the site and the ongoing development at Goodmores which is much close to the grade I listed buildings, it isn't considered necessary to seek the views of Historic England in this instance as there will be no impact on setting.

The proposal would result in no harm to heritage assets and would comply with policy EN9 (Development affecting a Heritage Asset) of the East Devon Local Plan and paragraphs 202-214 of the NPPF and Section 66 (1) of the Listed Buildings Act which imposes a legal duty to preserve the setting of listed buildings.

Policy EN7 - Proposals Affecting Sites which may potentially be of Archaeological Importance of the Local Plan states that when considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an

appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

Despite an earlier objection from Devon County Council's Historic Environment Officer, they have advised that the archaeological field evaluation of the proposed development site has been completed and the report setting out the results of these investigations has been submitted.

The anomaly identified by the geophysical survey has been shown to be associated with the extant field system rather than representing an earlier prehistoric or Romano-British ditched enclosure. The geophysical survey and field evaluation report will be uploaded to the Archaeology Data Service and no further archaeological mitigation is required.

In the light of these results the archaeological potential of the site is low and Historic Environment Team's objection has been removed. The proposal complies with policy EN7 of the Local Plan.

Residential Amenity

Section 12 (Achieving Well-Designed Places) of the NPPF (202) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the Local Plan states that permission will not be granted for development which results in unacceptable levels of pollution including smell, fumes and dust; pollution of surface or underground waters; noise; vibration; light intrusion and fly nuisance

There is one residential dwelling (Coles) to the north east of the site that is likely to be affected by this development which would see a change in character from an undeveloped agricultural field to a residential development. Coles itself is located a significant distance from the boundary of the site which is defined by mature tree and hedgerow planting. Whilst all plans that have been provided are indicative only, the masterplan does demonstrate that the site can accommodate the quantum of development proposed in a manner that would not result in any significant harm to the residential amenities of the occupiers of this property. The position and relationship of the development with Coles and its garden would be carefully assessed at reserved matters stage but in principle, the development would not result in any significant amenity harm that would justify refusal of planning permission.

The indicative site plan also demonstrates that an acceptable relationship can be formed with the development and layout at Goodmores.

In terms of Environmental Health, the District Council's Environmental Health Officer reviewed the application and recommended a Construction and Environment Management Plan (CEMP) condition to any approval.

The proposed dwellings would be expected to comply with the Nationally Described Space Standards (NDSS). Whilst these are not adopted planning policy within the Local Plan, they are nevertheless a useful guide and Policy D1 seeks to ensure that development does not adversely affect the living conditions of occupants of proposed future residential properties and that development includes features that maintain good levels of daylight and sunlight into buildings. These requirements also accord with the P.135 (f) of the NPPF's requirement for a high standard of amenity for existing and future occupiers.

The proposed development at outline stage is therefore considered to be acceptable and would comply with Policy D1 and Policy EN14.

Arboricultural Impact:

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect trees worthy of retention.

Policy D3 (Trees and Development Sites) 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.

Para 136 of the NPPF²⁴ states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change; opportunities should be taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures should be in place to secure the long-term maintenance of newly-planted trees, and that existing trees should be retained wherever possible.

Para 193 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

The objection to the application by the Woodland Trust on account of the loss and deterioration of a number of potential veteran trees is noted. The Woodland Trust have advised that these trees are referred to within the applicant's Tree Survey as trees T39, T48, T51, T81, T86, T91, and T93. These trees are not noted recorded on

the Trust's Ancient Tree Inventory¹ with only T78 has been recognised as a veteran tree by the applicant, which has been appropriately protected.

The Woodland Trust considers that the application in question features a number of veteran trees based on the descriptions provided within the tree survey. As these trees have not been recognised as veterans, they have not been provided with veteran tree buffers (VTB) in line with Natural England and Forestry Commission's standing advice.

They do also recognise that they do not have the ability to visit the site and make assessments of these trees themselves and must therefore rely on the information provided as part of the application and therefore have asked that the Council's tree officer takes their comments into consideration and applies them to their assessment when looking at this application.

The Council's Tree Officer has considered the application and the additional information that has been provided by the applicants. An additional technical note was provided with the applicant's tree consultant along with a revised tree survey. The report concludes that the T78 oak has been given a buffer zone as required by the NPPF as a tree recorded as a Veteran. This buffer zone is 15 x the stem diameter, this includes 5m clearance from the crown spread.

Following the consultation comments, T93 oak has now also been given an NPPF buffer zone as a Veteran. This buffer zone is 15 x the stem diameter, plus provision for 5m clearance from the crown spread.

Other centrally located trees have been assessed in accordance with relevant policy and best practice: NPPF, BS5837:2012, Woodland Trust and Tree Council, to assess presence of Veterans and Ancient Trees. This does not include giving buffer zones to trees that are not yet Veterans / future Veterans.

It should also be noted that the RPA's of trees along the western boundary (t-89-T93) have been modified to be more orientated into the site and less into the Kings Garden centre parking area.

It is important to realise that this is an outline application where matters of layout are reserved for future consideration. An indicative site plan has however been provided which shows that the veteran trees identified can be accommodated within areas of open space with appropriate buffers provided in line with the advice above. Furthermore, the revised constraints and opportunities plan which allows for a 10 metre ecological corridor on the south, east and western sides of the site would allow additional clearance of private gardens from retained trees, again reducing the likelihood of future pressure from residents.

There is a tension between considering an outline application where the detail provided is indicative only. The additional information that has been provided by the applicants has been considered by the Council's tree officer who has advised that in principle there is no objection to the outline application. Overall the access points are likely to only have a relatively low impact on nearby trees resulting in the removal of low category trees which can be offset on site.

The Council's tree officer accepts that the main tree constraints of the site are confined mainly to the boundaries though there are a number of protected trees centrally located which are also significant constraints. It is possible that these trees could be considered as notable trees or future veterans which therefore should be considered as irreplaceable habitats under NFFP. The Woodland Trust recommends that notable trees should be afforded the same protection as ancient or veteran trees.

It does appear from a tree perspective that the site does offer potential for appropriate careful development and highlights that suitable consideration would need be given to proximity of structures to trees, the type of structures, the location of hard standing and access roads (all outside of RPA's), potential safety concerns, issues of debris fall and maintenance, bird detritus, shading, future growth of and management of trees and appropriate planting and long-term management of trees and hedge.

The arboricultural constraints of this site will have to be further carefully considered at reserved matters stage once a layout is fixed. The applicant will be expected to provide a layout that provides appropriate sized buffers for veteran trees and other mature protected trees within the site. As shown indicatively these trees should be kept within buffer zones and away from driveways and gardens so as to ensure their long term management as part of open space within the development.

At reserved matter stage, the applicant would have to provide an Arboricultural impact Assessment and Method Statement to appropriately demonstrate that the above and below constraints of all retained trees have been taken into account and have informed the overall layout of the development where consideration would be given to the position of dwellings in relation to crown spreads and root protection areas, the position of driveways and parking spaces etc to ensure that the development can be provided in a sustainable and harmonious manner with the trees. This will be the subject of rigorous assessment at reserved matters stage once the layout has been fixed.

On balance, having regard for the above, it is not considered that the proposal would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees). Through the submission of an indicative site layout plan, officers consider that the applicant has demonstrated that the veteran trees on site could be appropriately protected from detrimental impact and harm in line with paragraph 193 of the National Planning Policy Framework. Any future reserved matters application would require the applicant to demonstrate that these trees will be provided with an un-encroached buffer zone as befitting a veteran specimen to ensure that the proposed works will not have a detrimental impact on the longevity of these trees.

Drainage and Flood Risk

Policy EN21 (River and Coastal Flooding) of the EDLP (2016) states that a sequential approach will be taken to considering whether new developments

excluding minor developments and changes of use will be permitted in areas subject to river and coastal flooding. Wherever possible, developments should be sited in Flood Zone 1. The policy sets out a sequential approach whereby if there is no reasonably available site in Flood Zone 1, only then will locating the development in Flood Zone 2 and Flood Zone 3 be considered.

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

The NPPF (2023) states at Paragraph 168 that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The entire of the site is within Flood Zone 1 and is therefore at very low risk of flooding. All new development will be sited within Flood Zone 1.

Surface Water Run-Off

In relation to surface water run-off, a Flood Risk Assessment (FRA) has been submitted as part of the application including a surface water drainage strategy with an additional allowance of 45% additional capacity made for climate change.

All run off from impermeable areas such as roofs, access roads etc would be collected within downpipes and gullies and conveyed via private surface water drains into the adoptable onsite surface water sewers or grassed swales which would discharge flows to two on site SuDS attenuation ponds each with a restricted runoff rate and outfall to a small watercourse to the south. It is suggested that each pond (Eastern and Western) will contain a permanent water depth of 0.3m, 1.5m deep maximum storage level, 0.3m freeboard, and 1 in 3 grassed slopes. Two separate attenuation ponds are required to the onsite ground slopes, and a large root protection area on the southwest boundary line.

Members will note that there was an objection from the LLFA on the basis that insufficient information had been submitted in order to demonstrate that all aspects of the surface water drainage management had been considered. The applicant has submitted additional drawings and calculations to address the technical issues raised by the LLFA. The LLFA have recently responded to confirm that while further information is still required this can now be dealt with by a planning condition requiring a detailed drainage strategy to be agreed prior to the submission of the reserved matters application for layout. This will ensure the layout takes into account all necessary drainage issues.

Subject to appropriate conditions relating to a detailed drainage design, management of the surface water drainage system as well as information on the existing surface water drainage systems. The proposal is considered to be acceptable at this stage in relation to surface water subject to conditions.

Clean Potable Water

South West Water have advised that they are able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

In relation to Foul Sewage, the foul water strategy for the site would comprise an on site adoptable foul sewer network that collects and conveys the domestic foul flows for all 75 dwellings offsite to the Section 104 sewers within the Goodmores Farm development.

South West Water have advised that they have no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant would need to make alternative arrangements to deal with this separately during the development and once the construction work is complete. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

SWW initially advised that there may be need to carry out further assessment on the waste network. Initial assessments suggested possible need for surface water separation further downstream. SWW have recently updated their comments however to confirm the following:

In relation to the Undertaker's response to application ref: 25/0007/MOUT, SWW confirms that the imposition of a Grampian condition relating to Foul Drainage is no longer requested by the Undertaker. The Undertaker's initial comments made a request to impose such a condition – similarly to the Undertaker's response to 24/0301/MOUT – pending further assessment due to the potential risk posed by the proposed development. The more detailed hydraulic assessment has now been completed and this indicates that the proposed development can be accommodated,

if approved. As such, SWW confirms that the imposition of a Grampian condition will not be necessary in this case.

As such the proposal is considered to comply with NPPF23 and Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Local Plan.

Ecology:

Strategy 47 (Nature Conservation and Geology) of the Local Plan states that all development proposals will need to conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features. The aims of this Strategy are reinforced in paras 187 to 188 of the NPPF, 2024.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) 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. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Policy PB07 (Ecological enhancement and biodiversity in the built environment) of the Emerging East Devon Local Plan 2020 to 2024 (Regulation 19 Plan February 2025) states that in addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits.. This emerging policy carries limited weight at the time of determination.

The application is supported by an Ecological Impact Assessment (EclA) (Richard Green Ecology, December 2024) including ecological surveys for bats, dormice, reptiles and great crested newts. The application is further supported by a Biodiversity Net Gain (BNG) Assessment, a Statutory Biodiversity Metric Calculation Tool and associated condition assessment sheets undertaken by Richard Green Ecology.

Designated Sites

The site is within 10 km of the Exe Estuary Ramsar site\Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Pebblebed Heaths Special Protection Area (SPA).

Habitat Removal:

The EcIA considers much of the site is comprised of other neutral grassland in moderate condition, several scattered mature trees and an area of mixed scrub. The site is bound by native hedgerows and mature lines of trees on all sides.

Two ash trees, approximately 13 m of hedgerow, and all the other neutral grassland would be removed to facilitate development.

Protected Species:

The Council's Ecologist initially submitted a holding objection to this application on the basis that:

- HSI survey of surrounding ponds and if scores above 0.6, further eDNA survey
- Clarity provided regarding the potential use of the site by foraging summer circl buntings (in accordance with RSPB guidelines) and (if required) further summer circl bunting surveys.
- Additional clarity regarding the current use of the artificial badger sett and how it is considered the location of the artificial sett is a sustainable location which is unlikely to be disturbed by construction and operation. Details should also confirm whether the proposals are in line with the existing Natural England badger licence terms.
- Clarity on how the biodiversity gain hierarchy has been followed, given that no gains more than 10% are provided on the site. This should also take consideration of comments made regarding the expansion of buffer zones, exclusion of mature trees from private curtilage, and the proposed density of housing which is more than the draft local plan site allocation.

Policy EN5 requires that where development is permitted on sites that are host to important wildlife habitats or features, mitigation will be required. In terms of protected species, mitigation is proposed for possible impacts on birds, bats, dormice and badgers to include:

Bats- Static bat activity surveys and transect activity surveys, undertaken in the most recent optimal survey period, determined the site supports at least 11 species of bats, including Annex II barbastelle, greater horseshoe and lesser horseshoe bats. The site is considered of national importance for bats.

Any lighting design will need be in accordance with BCT/ILP 2023 Guidance Note 8 and follow Devon County Council (2022) guidance - Maintaining dark corridors through the landscape for bats. In particular, major development proposals with potential impacts on light averse bat species should include a network of dark corridors, with a minimum 10 m width open grassy corridor maintained next to natural linear features. The dark corridors should be no more than 0.5 lux (or above existing baseline lighting levels) as shown on a horizontal illuminance contour plan, measured at 1.5 m and be managed to maximise insect prey.

The originally submitted constraints and opportunity plan only indicated a 5 m buffer dark corridor along most of the boundaries. Given bat surveys determined light adverse bat species including horseshoe and long-eared bats are utilising the site, it was considered that a 10 m wide buffer zone would need to be provided outside of private curtilages to ensure their long-term maintenance can be secured.

The Council's ecologist notes that the revised framework plan indicates 10 m wide dark corridors along the southwest, southeast, and north-east boundaries, and through the centre of the site. 5 m dark corridors are proposed along the remaining boundaries. He is in support of the principle of this, but has advised that the devil will be the detail of how the areas will be designed. As this is an outline application, it is the parameters of these measures to secure.

Any forthcoming reserved matters application would need to ensure that any lighting design is in accordance with BCT/ILP 2023 Guidance Note 8 and follow Devon County Council (2022) guidance - Maintaining dark corridors through the landscape for bats. Salient (non-exhaustive) points include:

- A minimum 10 m width open grassy corridor maintained next to natural linear features, i.e., not hardstanding paths etc running through the corridors.
- The dark corridors must be maintained for the lifetime of the development and be protected from the start of construction
- The adjacent hedge or linear feature which forms the flight line should be in the control of the applicant (within the red or blue line) and should be managed following best practice for bats and other wildlife and to maximise insect prey e.g., bushy dense hedge at a minimum height of 3 metres with frequent standard trees
- Where detailed final design will take place at Reserved Matters stage and there is uncertainty surrounding lighting impacts, the indicative layout and information submitted in the EclA should provide sufficient certainty that buffers are achievable. Please see recent appeal decision where the use of automatic blinds would not be suitable for light attenuation.
- The provision of buffer features is likely to be required next to the development platform such as Devon bank hedges etc. designed to ensure that the lighting requirements of the dark corridors can be met.
- Any corridors must be outside of private curtilages to ensure their long-term maintenance can be secured.

Badgers- The ecologist originally advised that the man-made badger sett in the southernmost corner of the site was recently constructed to compensate for badger disturbance on the adjacent Goodmores site and was not expected to be subject to further development pressure. Careful consideration will be required as to whether badgers can realistically be expected to survive and flourish in this location if this site is developed.

Mitigation and compensation measures for the destruction of a badger sett within the adjacent Goodmores site, stipulated the construction of an artificial badger sett in the southwest corner of this site. Drawing No 667/15 submitted with planning application 20/0993/MRES (RedBay Design, July 2021) includes the following description:

Proposed deciduous woodland around the badger sett (40 m x 40 m) - SY 01530 83927

A small area of native deciduous woodland will be created around the artificial badger sett that has been created. This area of woodland would measure approximately 1600 m². The proposed woodland would consist of a mixed native species woodland, of value to foraging and nesting dormice, birds, badgers, foraging and commuting bats, invertebrates and amphibians.

The Ecological Impact and Mitigation Assessment (Richard Green Ecology, February 2021) to inform the reserves matter application (20/0993/MRES) for the adjacent site, regarding the compensatory badger sett stated:

The artificial sett will be located at SY 01526 83923, within the corner of an adjacent field owned by the owner of the development site. This location has been chosen as it has no public access but remains close to the existing main sett (approximately 130 m east) and is therefore likely to remain in the centre of the badger clan's territory. A 300 m² area around the artificial sett will be fenced off from the rest of the field using stock fencing, to prevent grazing animals from entering the vicinity of the sett. The stock fence will be set 200 mm above ground level to allow badgers to pass beneath it.

A walkover survey of the site (February 2025) confirms a lack of stock fencing around the artificial badger sett. There was also evidence of current use by badgers includes a fresh spoil heap.

The location of the artificial badger sett was explicitly stated to be in an area central to the local badger clan's territory and located in an area with no public disturbance. The development of the site would result in a significant loss of potential foraging habitat and introduce significant levels of disturbance both during construction and site operation.

Concerns were raised that the Framework Plan showed an area of proposed woodland, located to the north and adjacent to the artificial sett. However, immediately adjacent to this is public footpaths (including connecting to a proposed play area), likely subject to regular disturbance, e.g., from dog walkers raising some uncertainty regarding the long-term viability of the artificial badger sett and its continued use. There is also consideration of whether the proposals would affect the existing Natural England badger licence conditions and requirements for additional surveys and a modification request.

The ecologist has considered the revised framework plan and has advised that subject to suitable remedial measures and new planting/provision of corridors etc. then the impacts are likely to be acceptable noting that it is concerning that the initial compensatory planting has not been maintained under the terms of the existing LEMP for Goodmores which can be investigated through enforcement outside of this application. The layout at this stage is indicative and officers would expect any reserved matters application to ensure that the artificial badger sett is not comprised and continues to be important commuting and foraging opportunities.

Cirl Buntings- The site is within a cirl bunting consultation zone and there is a central breeding zone located 500 m to the north-east of the site. There are also several breeding zones further west and unmapped breeding records approximately 750 m south identified during the ecology surveys for the DCC Dinan Way extension.

The EclA considers the site does not provide suitable breeding or wintering habitat for cirl buntings. Given the site lacks dense hedges and scrub for nesting and seed-rich habitat for winter foraging, it was considered unlikely cirl buntings are breeding in the summer or foraging in the winter on the site.

Although the site may not provide suitable cirl bunting nesting habitat, the site is described as other neutral grassland with a varied sward height. The pictures within the EclA from the summer indicates the site consist of pasture and the site also supports a diverse assemblage of foraging and commuting bats which relay on invertebrate prey.

RSPB cirl bunting survey guidelines (June 2017) states: *“If birds are suspected of nesting off the site but foraging within the site boundaries, this information is equally important.* Therefore, further clarity should be provided on the likely use of the site by foraging cirl bunting in the summer, given the abundance of nearby breeding zones, and clarity of whether a summer survey should be undertaken in accordance with RSPB guidance.

The applicants have commissioned a series of Cirl Bunting surveys which concludes that the site is considered unlikely to be used by nesting cirl bunting and it is considered unlikely to be significant value to foraging cirl buntings based on the surveys undertaken and habitats present. The Council's ecologist has advised that no further cirl bunting survey is considered necessary and that the findings of the surveys are accepted.

Great Crested Newts- There are 4 ponds within 250 m of the site. Habitat suitability index (HSI) surveys were previously undertaken of three of the ponds in 2021, as part of the adjacent Goodmores Farm development (14/0330/MOUT), with HSI survey results indicating below average or poor suitability to support GCN. The HSI survey of the fourth pond, undertaken in 2024, also indicated poor suitability.

The Council's ecologist accepts that it is unlikely that GCN will be present.

Reptiles- Surveys determined the site supports a 'good population' (Froglife 1999) of slow worms. The EclA recommends a translocation exercise. The report recommends that habitat manipulation should be attempted first to deter reptiles from the development area and into retained areas. Given the lack of appropriate surrounding areas, it is considered that the proposed development site be isolated using reptile fencing with the reptiles translocated to a secured receptor site.

Habitat manipulation can be used to enhance the capture/translocation exercise. Any receptor site will need to be in accordance with .GOV guidance with suitable measures, e.g., planning obligation, to maintain any receptor site in the long-term. Any translocated reptiles should not be result in pressure on existing reptile populations, e.g., other translocation sites, unless survey work and habitat

enhancements can demonstrate these measures will increase the carrying capacities of such sites.

The mitigation proposed as part of this application as well as a CEMP and LEMP will need to be secured and this can reasonably be achieved through a suitably worded condition in the form of the requirement for the approval of an Ecological Mitigation Strategy based on the proposed mitigation in the Environmental Report. The Council's ecologist has advised that the proposed mitigation, creation and enhancement measures for other protected and notable species are considered appropriate, assuming they are fully implemented. Insect bricks should also be provided in each dwelling, as well as bat and bird features.

Biodiversity Net Gain:

As a major application, this proposal has a mandatory requirement to provide 10% biodiversity net gain. The application is supported by a Biodiversity Net Gain Assessment with the details included within the EclA (Richard Green Ecology, December 2024).

The Council's ecologist has advised that the ecological report indicates a loss of 25.36 area habitat units (-66.34% net loss) and a gain of 0.91 hedgerow units (+6.38% net gain) post development; trading rules have not been met and it is not considered possible to achieve 10% increase in biodiversity on site. Therefore, it is acknowledged in the EclA that offsite biodiversity unit provision in order to meet the biodiversity gain objective, will be required.

Any offsite habitat provision will need to be allocated to the development on the national BNG register before the Biodiversity Gain Plan can be accepted prior to implementing the new permission.

The submitted Statutory Biodiversity Metric only provides an indicative assessment as this is an outline development and detailed landscaping plans are unknown. Therefore, the final BNG outcome could vary from the submitted details either positively or negatively.

The BNG calculations have not been updated since the previous EclA iteration (as the plans are indicative), and it is stated that any shortfall in required BNG units would be made up by purchasing off-site units (not Statutory Credits) or providing off-site enhancement. The EclA reiterates that any BNG shortfall should be provided as close to the development as possible, which is in accordance with Principle 8 of the biodiversity net gain user guide.

The submitted proposal includes the provision of significant onsite gains, such as provision of 147 trees. Therefore, these habitats would require legally securing for a minimum of 30-years from the completion of development and be subject to a monitoring contribution.

Previous correspondence with the applicants (and considered mitigation for other developments by the same applicant) indicate there are potential sites nearby that could provide offsite BNG.

Any proposed offsite habitat units to achieve BNG (including within the same ownership) will be required to be legally secured via a planning obligation and registered and allocated on the Natural England offsite register prior to the submission of a biodiversity gain plan and prior to the commencement of development.

A condition will therefore be imposed to secure the onsite BNG and ecology measures and for a Biodiversity Gain Plan to be prepared in accordance with the Ecological Impact Assessment. This condition will state that the development shall not commence until a Habitat Management and Monitoring Plan (the **HMMP**), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority.

Habitat Regulations and Appropriate Assessment:

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.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. 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. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and would therefore attract a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which will be secured through a S106 agreement.

An Appropriate Assessment has been undertaken and the conclusions reached by officers that the effects of the development of European protected sites would not be significant, subject to the mitigation measures highlighted above (which is in line with the South West Devon Wildlife Mitigation Strategy) have been supported by Natural England.

Open Space

Strategy 43 (Open Space Standards) of the adopted EDLP (2016) states that developments proposing net new dwellings will be expected to provide for open space on-site where there is a demonstrable need for such open space in the vicinity. Developments will be assessed against existing provision in the parish in

which they are proposed. Where existing provision of specific typologies exceeds quantity standards, on-site provision will only be required where the existing open space typology is of poor quality or is in some other manner deficient such as not matching up to the accessibility standard. Developments will be expected to provide open space on-site through a Section 106 Agreement in line with the following thresholds:

- 9 dwellings or less will not be required to provide any specific open space typologies onsite, however developers may choose to make such provision.
- 10 - 49 dwellings will be required to provide amenity open space on-site.
- 50 - 199 dwellings will be required to provide amenity open space, and children's and youth play space on-site.
- 200+ dwellings will be required to provide for all open space typologies on-site.

The application would include up to 75 residential dwellings meaning that amenity open space and children's and youth play space is required on site by Strategy 43. As detailed layouts are not known it is considered that the application could include up to 75 residents. The requirement for up to 75 residents would be for 799.2 sqm of on site open space based on 2.2 residents per household

The detailed site layout would be reviewed as part of the reserved matters application however based on the submitted illustrative site plan, which includes a open space and a LEAP, it is considered that there is sufficient room to include the provision of amenity open space required, such that the proposal would accord with the requirements of Strategy 43.

Agricultural Land

Paragraph 180 (b) of The NPPF (2023) requires that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. In addition, the planning system should contribute to and enhance the natural and local environment, including protecting and enhancing soils.

Policy EN13 of the adopted Local Plan aims to protect from development the higher quality agricultural land unless there is an overriding need for the development and there is insufficient lower grade land available (or has environmental value) or the benefits of the development justify the loss of the high quality agricultural land.

The application site measures around 4.3 ha and is currently used for agricultural purposes. Where the loss of agricultural land is proposed an assessment must be made as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available, or the benefits of development justify the loss of the high-quality land.

The majority of the site is Grade 3 agricultural land, which is not the highest grade land but one where an on-site survey would be needed to determine whether it is 3a or 3b. No such survey has been submitted with this application and so a cautious approach is to consider that the site could be 3a, which does fall within the category of best and most versatile agricultural land.

The proposed development would result in the permanent loss of this agricultural land starting at the construction stage, and whilst the loss of nearly 4.3 ha of any agricultural land is regrettable, it is not considered that the loss would significantly harm wider agricultural interests as there are large amounts of other land in the locality of higher quality. Furthermore, it should be noted that the future allocation of this land for housing already shows an acceptance of the fact that there will be a loss of this agricultural land. Nevertheless, the loss of agricultural land weighs negatively in the planning balance.

Planning Obligations

Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) states that the Council produced and consulted (in June/July 2013) on an Infrastructure Delivery Plan to set out how the implementation of Local Plan policies and proposals will be supported through the timely delivery of infrastructure improvements. It identifies schemes, sets out how much they will cost, indicates potential funding sources and establishes a funding gap. Developer contributions will be sought to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts. The failure to provide or absence of relevant infrastructure will be grounds to justify refusal of permission.

As set out throughout this report, the following obligations are required for this development via a S106 legal agreement:

1. Delivery of 25% on site affordable housing
2. 0.75% off-site affordable housing contribution of £34,677.00
3. Pedestrian/Cycle connections and emergency access provision
4. Provision and maintenance/management arrangements for on-site communal open space and SUDs
5. Implementation of a Travel Plan
5. Financial contributions of £367.62 per dwelling towards habitat mitigation for the Exe Estuary and East Devon Pebblebed Heaths
6. Offsite habitat units to achieve BNG
7. A financial contribution towards BNG monitoring
8. S106. Monitoring fees

If this application were to be approved a S106 would be required which captures the above. However, if this application is refused the lack of a legal mechanism to secure these contributions should also form a reason for refusal as the proposal would fail to be in accordance with Strategy 34 (District Wide Affordable Housing Provision Targets), and Geology) and Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) and the East Devon Affordable Housing Supplementary Planning Document (November 2020).

Planning Balance and Conclusions:

It is a requirement of planning law that planning decisions are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The site is not allocated for development and is located in open countryside meaning that the proposal would be contrary to Strategy 1, 7 and 27 of the adopted Local Plan which sets the spatial strategy for development and seeks to restrict development in the countryside unless explicitly supported by other local or neighbourhood plan policies.

Whilst the site lies outside any Built-up Area Boundary (BUAB), it adjoins the Exmouth and would be within walking and cycling distance of services and public transport links within the Districts largest town. The proposal would therefore have some support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development, and the development would appear to accord with the overarching principles of delivering sustainable development.

A material consideration in the decision of this application is the need to bolster housing supply especially affordable housing and the proposal would result in additional housing adjacent to Exmouth which should be given significant weight in the decision. Strategic Planning Committee have advised that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council's housing land supply position. The application site has been identified in the emerging East Devon Local Plan, currently at Regulation 19 stage as being suitable to accommodate up to 59 dwellings. This allocation, ratified by the Councils Strategic Planning Committee, and included in the Regulation 19 consultation draft weighs in favour of the proposal given the councils current housing land supply shortfall, although the draft local plan designation carries very limited weight at present.

The proposal would include 25% affordable housing which, while not strictly policy compliant, meets the requirements of Strategy 34 and should be given significant weight in the determination of this application.

This application has been submitted in outline form for up to 75 residential units seeking approval for access only. Matters of layout, appearance, scale and landscaping have been reserved for future consideration, however the submitted indicative layout, as amended is considered to be appropriate to demonstrate that it would be possible to accommodate up to 75 residential units whilst respecting the constraints of the site.

The application has a number of associated benefits including housing delivery and the provision of affordable homes and public open space which are given weight in the decision. The sustainable location and access to services and infrastructure is also a benefit. The proposal would include economic benefits from construction to operation and benefits to local businesses and services as well as CIL payments of which a proportion would go to the parish council. These are all considered to be

benefits of the development which align with the NPPF's three overarching objectives (economic, social and environmental).

The development of the site as proposed would result in the loss of an agricultural field to built-form but its sensitivity is reduced by the presence of existing residential and commercial development to the south west and by virtue of the fact that the site does not appear unduly prominent within the wider landscape which is not the subject of any designations. Retention of the trees and vegetation around the site's boundaries and additional planting will be an important part of the scheme helping to screen the development and ensure its assimilation into the local landscape. These measures are considered to be appropriate and would be reviewed as part of any reserved matters application. Limited harm to the rural landscape character and appearance of the site weighs negatively in the planning balance.

The proposal has been assessed in relation to design, highways, trees, ecology, contamination, sustainability and amenity and officers have concluded that the proposal would not result in significant harm. The proposal would also result in a Biodiversity Net Gain and the provision of public and play space would meet the policy requirement of the Local Plan. The loss of potentially high grade agricultural land is regrettable however there are large amounts of other land in the locality of higher quality and the loss of 4.3 ha of agricultural land within this context is not considered to significantly harm agricultural interests or the national food supply to an extent that would be significantly and demonstrably harmful against the wider planning benefits of the scheme when considered as a whole.

When taking all of the above into account the conflict with residential development in the countryside, and visual impact on the character of the immediate area, this not considered to significantly and demonstrable outweigh the benefits (noted above), when assessed against the policies of the framework as a whole.

In summary, whilst the proposal would sit in the countryside, outside of any built-up area boundary and would not align with the spatial strategy for development in East Devon, the proposal has some support from Strategy 3 and the principles of the NPPF and would benefit from everyday services, public transport and employment within Exmouth. Furthermore, the need for housing, especially affordable housing within the district is a material consideration and is given significant weight in the decision-making process. The balance between unregulated development in the countryside and supply of homes is finely balanced however given the need to bolster supply for the longer term, the site's sustainable location and proximity to existing development, its community benefits, and level of affordable housing proposed, the material considerations in this instance would on balance justify a departure from the Adopted Local Plan subject to the satisfactory resolution of all planning issues. Every planning application is determined on its own merits, and the precise context of every site is different, in this case the approval of this application does not set any precedent for development in the countryside.

This proposal is considered to benefit from the presumption in favour of sustainable development which, as a material consideration, outweighs the limited conflict with the development plan. As such a recommendation of approval is made, subject to completion of a Section 106 Agreement and appropriate conditions.

RECOMMENDATION

1. Adopt the appropriate assessment.
2. APPROVE subject to a legal agreement securing the following matters and the following conditions:
 - Habitat mitigation contribution of £367.62 per residential unit.
 - 25% (18) affordable dwellings
 - off site affordable housing contribution of £34,677.00
 - Management company to maintain common areas on site including SUD features
 - Provision of cycle and pedestrian links and the provision of an emergency access
 - Travel Plan.
 - A financial contribution towards BNG monitoring
 - S106. Monitoring fees
 - Offsite habitat units to achieve BNG

1. Time Period for Submission

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

2. Reserved Matters

Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

3. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason – For the avoidance of doubt).

4. Construction and Environmental Management Plan (CEMP)

Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority and shall be implemented and remain in place throughout the development.

The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements.

Construction working hours and all site deliveries shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays.

There shall be no burning on site.

There shall be no high frequency audible reversing alarms used on the site.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

5. Construction Management Plan (CMP)

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery

- vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

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

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence

6. Tree Protection Measures

a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a full tree survey based on BS5837:2012, including a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement for the protection of 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.

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 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.

d) 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.

e) 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.

f) 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.

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

(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).

7. Ecology

Any application for the approval of reserved matters shall be submitted in accordance with the ecological and arboricultural constraints and opportunities plan ref 0821-1002 received 3rd June 2025. The layout, scale, landscaping, and appearance of the development shall demonstrate how the design has been informed by these parameters, including the retention and protection of existing trees and habitats, and the integration of ecological mitigation and enhancement measures.

Reason: To ensure that the detailed design of the development respects and incorporates the ecological and arboricultural constraints and opportunities identified at outline stage, and to secure the delivery of biodiversity protection and enhancement in accordance with Strategy 47 (Nature Conservation and

Geology), Policy EN5 (Wildlife Habitats and Features), and Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013–2031.

The development shall be carried out in strict accordance with the Ecological Impact Assessment (Richard Green Ecology, May 2025) and Ecological consultee comments made in June 2025, in particular the ecological mitigation and enhancement measures detailed in Section 4. The development shall not be first occupied until the local planning authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- integrated bat boxes (1 per dwelling),
- bird boxes (1 per dwelling)
- insect bricks (1 per dwelling)
- hedgehog highways (13 cm² at ground level every 5 m)
- Reptile/amphibian hibernacula (3 no.)

have been installed/constructed, and compliance with any protected species licences, and ecological method statements in accordance with details within the submitted LEMP and CEcoMP.

(Reason: To ensure that the development delivers the ecological mitigation and enhancement measures identified in the submitted Ecological Impact Assessment and to secure measurable biodiversity gains in accordance with the approved LEMP (Landscape and Ecological Management Plan) and CEcoMP (Construction Ecological Management Plan). This is necessary to protect and enhance habitats for protected and priority species, and to ensure compliance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031, as well as the biodiversity objectives of the Environment Act 2021.

No development (or reptile translocation) shall commence (including any vegetation clearance, soil stripping, or groundworks) until a detailed reptile translocation strategy in accordance with .GOV advice and Herpetofauna Groups of Britain and Ireland (HGBI) Evaluating local mitigation/translocation: best practice and lawful standards guidance has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be informed by the findings of the approved reptile survey and shall include:

- A plan showing the location and extent of all areas to be fenced for translocation, including soil stripping, storage, and construction compound zones;
- Specifications for reptile fencing, including installation method, dimensions, and maintenance schedule;
- Details of the receptor site located within East Devon, including habitat suitability, enhancement measures, ownership and long-term maintenance requirements;
- A timetable for the erection of fencing, placement of refugia, and duration of translocation (minimum 60 suitable days);

- Capture and release protocols, including weather and seasonal constraints;
- Procedures for destructive search and site clearance following translocation;
- Monitoring and reporting arrangements, including criteria for completion of translocation and submission of a closure report to the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved strategy.

(Reason: To ensure that legally protected reptile species are safeguarded prior to the commencement of development, and that appropriate mitigation and translocation measures are implemented in accordance with best practice guidance. This is necessary to avoid harm to reptiles during site clearance and construction, and to secure the long-term viability of local populations. The condition is imposed in accordance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

No development shall commence until the local planning authority has been provided with a compliance report (including photographs) by a qualified ecologist detailing that all remedial ecological mitigation and compensation requirements under the existing badger licence has been implemented successfully. Planting shall be undertaken in the first planting season from the issue of planning consent. Any failed planting within the first five years shall be replanted.

Reason: To ensure that all remedial ecological mitigation and compensation measures required under the existing Natural England badger licence are implemented in full prior to the commencement of development, and that associated habitat planting is delivered and maintained to support long-term ecological function. This is necessary to comply with legal protections afforded to badgers under the Protection of Badgers Act 1992, and to secure biodiversity enhancements in accordance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031.

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

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.

- Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- Use of protective fences (including buffer distances), exclusion barriers and warning signs.

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

Reason: To ensure that all construction activities are planned and carried out in a manner that avoids harm to protected species, habitats, and other ecological features, and that appropriate mitigation, monitoring, and management measures are in place from the outset. The CEcoMP is required prior to the commencement of development (including groundworks) because early site clearance and enabling works have the potential to cause irreversible ecological damage if not properly managed. This condition is necessary to secure compliance with relevant wildlife legislation and to deliver biodiversity protection and enhancement in accordance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031.

No development shall commence on site until a detailed lighting strategy, including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The design should clearly demonstrate that the 10 m wide dark corridors along the southwest, southeast, and north-east boundaries, and 5 m corridors along the remaining boundaries remain as dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), without the attenuation of habitat features which long-term management cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the final design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that the development does not result in light spill into ecologically sensitive areas, particularly the designated dark corridors, which are critical for the movement and foraging of nocturnal wildlife such as bats and other protected species. The lighting strategy must be informed by the final site design and current best practice guidance (including ILP GN08/23 and Devon County Council 2022 standards) to demonstrate that light levels will remain at or below 0.5 lux in designated buffer zones without relying on habitat attenuation that cannot be guaranteed long-term.

This condition is pre-commencement because lighting infrastructure and building orientation decisions made early in the design and construction process can have irreversible impacts on ecological corridors. Early approval ensures that lighting is appropriately designed and integrated from the outset, in accordance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031.

A Landscape and Ecology Management Plan (LEMP) for a minimum 30-year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment (Richard Green Ecology, May 2025) and be informed by the detailed subsequent hard and soft landscape plans and associated details and shall include the following:

- Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological management aims and objectives for the site.
- A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
- The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks and other features, e.g., permeable fencing, to be shown clearly on accompanying plans including elevations and boundary treatment plans.
- Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

Reason: To ensure that the long-term management, maintenance, and monitoring of landscape and ecological features are secured from the outset of development, and that biodiversity enhancements are delivered and sustained in accordance with the approved ecological assessments and landscape proposals.

The LEMP is required prior to the commencement of development to ensure that all ecological and landscape measures are fully integrated into the design, construction, and post-construction phases, and that appropriate legal, funding, and management mechanisms are in place to support their delivery over a minimum 30-year period. This is in accordance with Policy EN5 (Wildlife Habitats and Features), Strategy 47 (Nature Conservation and Geology), and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013–2031.

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

No occupation shall take place until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason: To ensure the development delivers a biodiversity net gain on site and provides ecological mitigation, compensation, and enhancement measures in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

This condition is required to be discharged prior to the commencement of development to ensure that the necessary habitat creation, enhancement, and long-term management measures are fully integrated into the development from the outset. Early approval of the HMMP is essential to secure the delivery of Biodiversity Net Gain (BNG) in accordance with the approved Biodiversity Gain Plan, and to ensure that legal responsibilities under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021) are met. This approach supports the protection and enhancement of biodiversity in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013–2031.

8. Construction Environment Management Plan

Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority and shall be implemented and remain in place throughout the development.

The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements.

Construction working hours and all site deliveries shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays.

There shall be no burning on site.

There shall be no high frequency audible reversing alarms used on the site.

The development shall thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

9. Construction Management Plan

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

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

The development shall thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The condition should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

10. Surface Water Drainage

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

- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy.
- (b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
- (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.
- (f) Evidence there is agreement in principle from the landowner to lay the outfall across their land.

Development shall take place in accordance with the approved drainage strategy and shall be completed before the development to which it relates is occupied; the drainage scheme shall be retained and maintained as such for the lifetime of the development.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and policy EN22 (Surface Water Implications of New Development) of the East Devon Local Plan 2013-2031).

11. Foul Drainage

Prior to its installation, a detailed foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the method of disposal of foul water and demonstrate that the proposed system is adequate to accommodate the development without causing pollution or flooding. The approved scheme shall be implemented in full prior to the occupation of any part of the development and shall be retained and maintained thereafter.

Reason: To ensure that adequate foul drainage infrastructure is provided to serve the development and to prevent pollution of the environment, in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan 2013–2031.

12. Contaminated Land

If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how the unexpected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property, and ecological systems, are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors, in accordance with Policies EN16 (Contaminated Land) and EN18 (Maintenance of Water Quality and Quantity) of the East Devon Local Plan 2013-2031).

13. Highways:

No development shall commence until final detailed plans relating to the proposed highway access—specifically the lines, levels, and layout—have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. These details shall be in general accordance with Drawing No. HIGHWAY ACCESS PLAN - 02.01 Rev A, and shall include all necessary engineering specifications to ensure safe and suitable access to the site. The development shall thereafter be carried out in full accordance with the approved details.

This condition is pre-commencement to ensure that the design and layout of the access are technically sound and agreed in advance, thereby safeguarding highway safety and ensuring that the development can be appropriately accessed from the outset. This is in accordance with Policy TC7 (Adequacy of Road Network and Site Access) and Strategy 5B (Sustainable Transport) of the East Devon Local Plan 2013–2031.

Prior to first occupation of the development hereby approved, the detailed design of the emergency access off Hulham Road shall be submitted to and approved in writing by Local Planning Authority (in conjunction with the Local Highway Authority). The agreed detail will be delivered in full, prior to first occupation, retained and maintained as such for the lifetime of the development.

(Reason: In the interests of highway safety in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

Prior to the commencement of development, an appropriate right of discharge for surface water shall be obtained and submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

(Reason: To ensure that surface water from the development is appropriately managed and discharged in a sustainable manner, thereby reducing the risk of flooding, protecting water quality, and ensuring compliance with the drainage hierarchy. This is in accordance with Strategy 3 (Sustainable Development), Policy EN18 (Maintenance of Water Quality and Quantity), and Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013–2031.

This condition is pre-commencement to ensure that a lawful and sustainable means of surface water discharge is secured and that an appropriate drainage strategy is in place from the outset. Early agreement is necessary to prevent uncontrolled surface water runoff, reduce flood risk, and avoid potential pollution during construction.

Prior to commencement of development, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area. The development shall thereafter be carried out in accordance with the approved details.

(Reason: To ensure that adequate facilities are available for construction traffic, materials storage, and contractor parking during the development phase, in the interests of highway safety, residential amenity, and environmental protection. This is in accordance with Strategy 5B (Sustainable Transport), Policy TC7 (Adequacy of Road Network and Site Access), and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013–2031.

This condition is pre-commencement to ensure that appropriate access, parking, and compound arrangements are in place from the outset of construction. This is necessary to prevent obstruction of the public highway, safeguard residential amenity, and ensure safe and efficient site operations.

The Reserved Matters application(s) for layout shall include detailed plans and specifications for emergency vehicular access to the development site. These details shall provide for:

1. Accessibility: The emergency access route must be designed to accommodate emergency vehicles, including fire engines and ambulances, with appropriate width, turning radii, and height clearances.
2. Durability: The access route must be constructed using materials that can withstand the weight and frequency of emergency vehicle use.
3. Signage and Markings: Clear signage and road markings must be provided to indicate the emergency access route, ensuring it is easily identifiable and navigable in all weather conditions.
4. Unobstructed Access: The route must be kept free from obstructions at all times, with measures in place to prevent unauthorized parking or blockage.
5. Integration with Existing Infrastructure: The emergency access must integrate seamlessly with existing road networks and infrastructure, ensuring quick and efficient access for emergency services.

The emergency access shall be provided in accordance with the approved prior to first occupation of the development and shall be maintained as such throughout the lifetime of the development.

NOTE FOR APPLICANT

Biodiversity Net Gain Informative:

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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are 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 applies (planning permission for development already carried out).
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.

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Plans relating to this application:

ACA0144_3_1	Historic Environment Impact Assessment	13.05.25
0821-1001	Location Plan	03.01.25
GCE01342/R1 - NOVEMBER 2024	Contamination Assessment	03.01.25
P24-2228 TR01 - DECEMBER 2024	Transport Statement	03.01.25
0821-1002 G : constraints/oppor tunities	Other Plans	03.06.25
May 2025	Ecological Assessment	03.06.25
Bat report (appendix K)	Protected Species Report	03.06.25

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.