

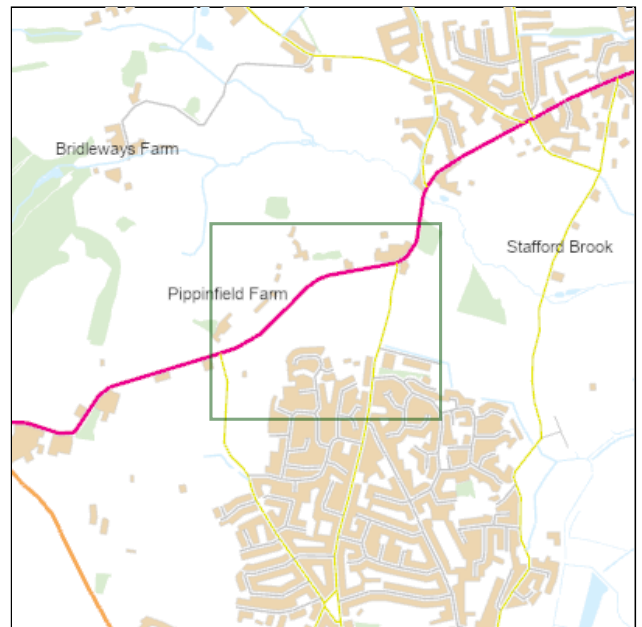
**Ward** Seaton

**Reference** 25/1788/MOUT

**Applicant** Baker Estates Limited

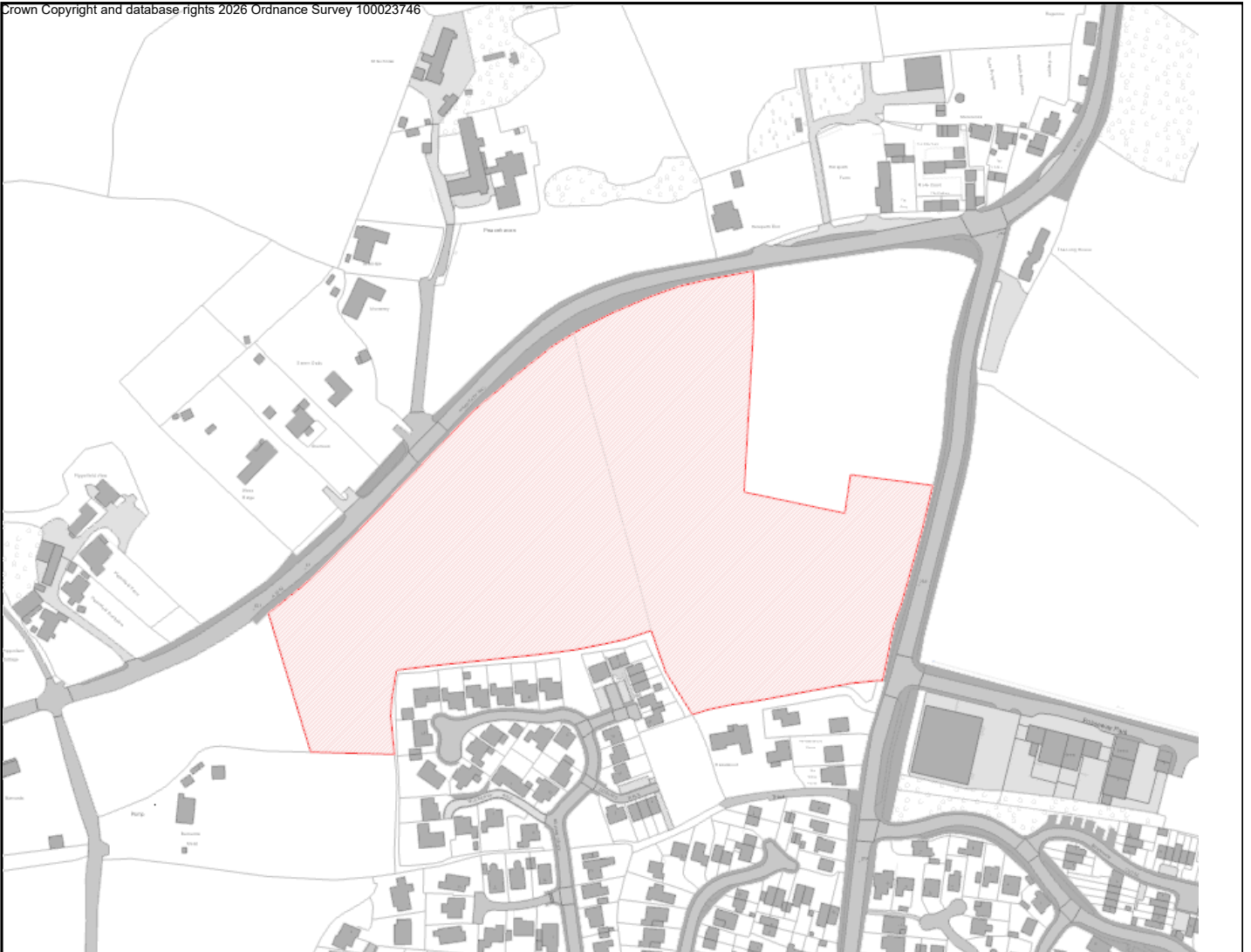
**Location** Land To The South Of Harepath Hill Seaton

**Proposal** Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date:</b>
<b>Seaton (Seaton)</b>	<b>25/1788/MOUT</b>	<b>Target Date: 09.12.2025</b>
<b>Applicant:</b>	<b>Baker Estates Limited</b>	
<b>Location:</b>	<b>Land To The South Of Harepath Hill Seaton</b>	
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**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

The site is located on the northern edge of Seaton and is on land outside of the Built-Up Area Boundary (BUAB), and also within the Green Wedge.

The proposal seeks outline planning permission for up to 72 dwellings. Approval is sought now for the vehicular access point with all other matters being reserved for later approval.

The site is currently comprised of undeveloped fields, with intervening hedgerows and trees. It would bridge the gap from Colyford Road to Harepath Road and extend up Harepath Hill to the A3052. The site would abut existing residential development to the south.

The site intrudes into the Green Wedge. The site is wholly within Flood Zone 1.

The application has attracted a number of objections. Supporting information has been submitted to address the likely effects on the nearby Beer Quarry Caves SAC, including a shadow Habitat Regulations Assessment (sHRA).

The proposed development conflicts with the general presumption against development outside of BUABs.

The development would have some harmful landscape effects and would also conflict with the Green Wedge strategy, contributing to the coalescence of Seaton and Colyford. It would also lead to the loss of the Best and Most Versatile agricultural land.

Effects on nearby grade II listed buildings are not possible to establish at this stage and will depend on the details of the reserved matters application.

In terms of benefits, the development would provide housing at a time that the Council cannot demonstrate a 5 year housing land supply. . Furthermore, it would deliver 25% affordable housing in an area where there is a need for 167 affordable homes and when affordable housing delivery across the district is behind target, in the context of a worsening affordability index. Accordingly, these are considered to be benefits to which very significant weight should be afforded.

The development would not likely adversely affect the integrity of the Beer Quarry Caves SAC and would adequately mitigate the on-site ecological effects.

The inability to demonstrate a five-year housing land supply means that the housing policies in the Local Plan are out of date and the tilted balance in the NPPF therefore applies. This requires that permission be granted for sustainable development, which this proposal is considered to be. As the integrity of the SAC will be upheld, none of the disqualifying criteria of the tilted balance are applicable. It is therefore recommended that the Council adopts the shadow Appropriate Assessment (HRA) and grants permission for the development, subject to the completion of a S.106 agreement and conditions set out below.

## **CONSULTATIONS**

### **Local Consultations**

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

Seaton Town Council could find no valid planning reasons to object to this application and therefore resolved to propose no objection so long as the East Devon District Councils' Ecologist finds the application is acceptable and there are no objections from any of the other consultees.

#### **Colyford Parish Council**

Firstly we would like to express our feelings at the appalling way the SEAT 05 Seaton Baker estates application was handled by the council a few months ago . Please consider this application professionally and not be led to change your mind by your proper officers again. We INSIST that you make a site visit this time , if only to witness what you have already given permission to destroy. Please do not add to your previous mistakes . I'm sorry but we feel very strongly about this.

Reasons for the Colyford parish councils OBJECTION .

1 flooding issues not addressed well, during seat 05 s discussion you decided water butts were the solution! Colyford Burgesses own the land below the Seaton road and we believe there will be a knock on effect . Water runs downhill.

2 The sewage plant in Seaton. cannot cope, Paul Arnott has made his feelings known on this stretch of river that flows through the Seaton wetlands endangering

wildlife and facilities that EDDC has invested so much in.

3 access out of Harepath road is already busy .

4 the nearest shop to the development is actually in Colyford but there is no pavement so people will drive causing more problems for Colyford. Something that needs to be considered.

5, schools, doctor, dentist and Exeter hospital are over loaded. There are now plans to shut Seaton hospital again, we need it open given the demographic of our population.

6 The land , all 3 huge plots ,will be over developed ie permission for 40 houses above the site on the old hotel site next to tower services has been granted and as already mentioned 135 houses below it , the football pitch and the M&S/range/burger king on the SEAT 05 employment land . Look at the bigger picture and ignore the developers tricks of lots of applications.

7 , bats ,Seaton wetlands has almost every species in the UK and this land forms part of their feeding ground .the developers surveys and not accurate , listen to your own people on the EDDC wetlands they know.

One policy has come to light which might help once you have made the necessary site visit. See what you think as you come down Harepath hill and look across the valley to Axmouth and please keep the below in mind.

#### Areas of Strategic Visual Importance

12.12. This policy ensures that development proposals preserve the visual integrity, identity, and scenic quality of East Devon by conserving and enhancing key views and landmarks.

#### Policy OL04: Areas of strategic visual importance

Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the district, in particular by conserving and enhancing key views and views of local landmarks, including those identified in Neighbourhood Plans.

The following view types are considered to be particularly important:

- A. Landmark views to and from viewpoints and tourism and recreational destinations, including the coast, woodland and open countryside;
- B. Views from publicly accessible areas which are within, to or from settlements which contribute to the viewers' enjoyment of the local area;
- C. Views from public rights of way and other publicly accessible areas;
- D. Night-time views of dark skies, particularly where lighting is to be introduced in areas of low existing light pollution; and
- E. Views which include or otherwise relate to specific features relevant to East Devon and its special qualities, such as key landmarks, heritage assets (either in view or the view from) and biodiversity features.

Development proposals should conserve and enhance sequential views, and not result in adverse cumulative impacts within views.

This policy applies across the whole plan area including the Cranbrook Plan area. Justification for policy

12.13. The policy aims to protect important views and landmarks, encouraging the conservation and enhancement of key view types and patterns. It ensures development does not detract from the visual integrity, identity, and scenic quality characteristic of East Devon. Site-based assessments should follow the latest guidelines for Landscape and Visual Impact Assessment (LVIA) 85 and be proportionate to the scheme's size and impact. If an LVIA is not required, a simple landscape assessment may suffice.

12.14. Sources of information for assessments include the East Devon and Blackdown Hills Landscape Character Assessment (2019)<sup>86</sup>, What Makes a View (Blackdown Hills AONB, 2013)<sup>87</sup>, the Devon historic environment record<sup>88</sup>, Village Design Statements,

I hope this helps you . Colyford is going to be swallowed up by developers expanding Seaton . Green wedges were in place for a reason.

Lastly come and see how many empty new builds we have along the river in Seaton . That developer has stopped work and isn't building the already permissioned flats . Another seafront development has simply gone bust . We don't need anymore houses . Stand strong and protect beautiful Devon.

### **Technical Consultations**

#### **County Highway Authority**

I recommend that should this application be approved, secure cycle storage per dwelling is conditioned to help encourage sustainable travel and help mitigate against vehicular travel, as the development is also over our threshold of 40 dwellings, we would also require a Travel Plan which includes a Travel Plan co-ordinator, with measures to pathfind sustainable travel along with a £250 per dwelling sustainable travel voucher package.

#### **Conditions**

1.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

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

2.

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.

3.

Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43m in either direction. REASON: To provide adequate visibility from and of emerging vehicles.

4.

Off-Site Highway Works No development shall take place on site until the off-site highway works have been constructed and made available for use. REASON: To minimise the impact of the development on the highway network in accordance with the East Devon Local Plan 2013-2031.

### EDDC Landscape Architect

The principle of housing development on the site is considered acceptable in consideration of landscape and visual effects. There are however issues...with the concept masterplan and further exploration of alternative layouts is required to address these at reserved matters stage should the application be approved.

Conditions recommended.

### EDDC District Ecologist

## 2 Review of submitted details

The EclA confirms the site supports legally protected and notable species including qualifying bat species associated with Beer Quarry and Caves Special Area of Conservation (BQ&C SAC), hazel dormouse, nesting birds, slow worm, badger, and potentially provides suitable habitat for hedgehog, polecat and brown hare.

### Beer Quarry and Caves Special Area of Conservation (BQ&C SAC)

The site is in consultation zones associated with BQ&C SAC and the bat survey results indicates the site supports all qualifying species associated with the SAC. The boundary features, especially the northern and southern boundaries, are considered important for SAC bats. The sHRA considered that in the absence of mitigation the development would have a Likely Significant Effect (LSE) on BQ&C SAC.

Key mitigation measures proposed include the provision of 20m landscape buffers around the boundaries of the site including a minimum 10m dark (<0.5lux) corridor, a 'dark development', i.e., no adopted street lighting within the development, provision of woodland and hedge planting, control measures during construction, and post-construction bat activity and lighting monitoring.

As highlighted by the landscape officer, it is recommended that the primary road access should be located within the centre of the site, located away from the sensitive boundary hedgerows.

The measures, if successfully implemented and maintained, are considered to maintain landscape permeability for SAC (and other) bat species over the site and provide foraging habitat to compensate for the loss of existing low value (arable) foraging habitat.

Any reserved matters application will need to be supported by detailed lighting impact assessment, landscaping, maintenance, and construction management plans.

Given the location of the site and its importance for bats, the mitigation measures should be secured by a planning obligation to ensure the in-perpetuity (80-125 years) maintenance is secured, which is a requirement of the Habitats Regulations to provide the necessary certainty in the delivery of the mitigation.

### Habitats and protected species

The EclA makes a thorough assessment of the development impacts on designated sites, habitats, species, and recommendations to deliver ecological enhancements, such as bat tubes and insect bricks.

The EclA states (para 3.2.5) that the development would abut the central hedgerow (H5). While the bat survey did not identify H5 as a commuting route for SAC bats, H5 is considered Important under the Hedgerow Regulations 1997, is a historic hedge feature (shown on OS 1888-1890 maps), and is a Priority Habitat. Therefore, any detailed site design should ensure that H5 is not located within private curtilage, and it has a sufficient buffer either side to ensure its long-term viability and its maintenance is achievable.

In accordance with BS 42021:2022 for integral nest boxes, bird bricks should be provided in each new dwelling, rather than at a ratio of every two dwellings (see para 4.1.12).

All biodiversity features will need to be provided on the detailed drawings, e.g., elevations for bat/bird/insect bricks to ensure they are not missed during construction.

Any supporting development documents, e.g., submitted at reserved matters such as construction management and landscaping plans should ensure that biodiversity constraints, control measures, and features are explicit in their requirements. It is recommended that the detailed site design incorporates street trees, water butts, and a comprehensive SUDS approach (refer to landscape officer comments), to ensure that biodiversity enhancement measures are fully embedded into the development.

#### Biodiversity net gain

The statutory biodiversity metric (SBM) indicates that the development could potentially deliver more than 10% gain for area habitats (~61%) and hedges (~80%). Consideration regarding additionality for the delivery of protected species compensation has been addressed, and the baseline is considered accurate.

#### Conclusions and recommendations

The proposed avoidance, mitigation, compensation, and enhancement measures, notwithstanding the above comments, are considered appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented and successfully maintenance.

Conditions recommended.

#### Natural England

No objection – subject to appropriate mitigation being secured.

#### Devon County Council Waste Management

Recommended that a Waste Audit Statement is submitted that addresses the following points:

- o Identify measures taken to avoid all waste occurring.



- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

#### Devon County Archaeologist

The proposed development lies in an area of archaeological potential with regard to the presence of prehistoric and Romano-British settlement activity.

Recommend WSI conditions.

#### Devon County Council Education Dept

The proposed 72 dwellings will generate an additional 18 primary pupils and 10.80 secondary pupils per dwelling which would have a direct impact on Seaton primary school and Axe Valley Academy.

Devon County Council has forecast that there is currently capacity at the designated primary and secondary schools for the pupils likely to be generated by this development and therefore a contribution towards primary and secondary education would not be required.

Devon County Council would however seek a Section 106 contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -

10.80 Secondary pupils

£4.91 per day x 10.80 pupils x 190 academic days x 5 years = £50,376

#### DCC Flood Risk Management Team

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

#### **Observations:**

The applicant has noted that the site topography does not allow for Source Control features within the site. However, if the number of dwellings is reduced, then there should be space for Source Control features which work with the topography (such as swales, tree pits, small rain gardens, filter drains, e.t.c.). SuDS Planters could also be used for houses (perhaps as an 'upgrade option' for purchasers).

The applicant has also noted that the site will discharge into the swales within their other site to the east of Harepath Road (22/2781/MOUT). This will mean that the drainage system is partly dependant on the deliverability of this other site. However, it is thought that the applicant would still be able to construct the swales to the east even if they cannot, or do not, deliver this site to the east.

Whilst we agree with the applicant that the site is steep, the eastern extent might be 'shallow' enough to allow the use of infiltration. An applicant will need to assess the gradient of the site here. If the gradient is shallow enough, then they will need to complete infiltration tests in this area of the site. If infiltration rates are viable, an applicant would also need to assess the possibility of re-emergence of water from the ground.

The applicant has clarified their current assumptions for the potential sports pitch. The pitch is currently assumed to be 0.61ha. An allowance has been made for 2 litres/second for the drainage from the sports pitch. This means that the sports pitch will need to attenuate surface water.

The currently proposed basin looks to require quite a lot of earthworks with a fairly large embankment required on the eastern end. At the Reserved Matters stage, an applicant will need to look at designing this basin 'more sympathetically'.

#### Conservation

Recommendation: No objections

#### Assessment

This outline application is for access associated with a residential development of up to 72 dwellings, with all other matters reserved. The indicative masterplan shows that the development will be set away from the northern boundary where the hedgerow boundaries will be retained and enhanced. The proposal will impact on the historic rural setting of the farmstead, although as stated above, this has already been compromised by the A3052 and modern developments. The proposed sports pitch will allow glimpsed views of the farmstead to be maintained to some degree from the south-east and the boundary treatments will go towards mitigating the harm to its setting. In terms of scale, design, materials and landscaping, this can be assessed at reserved matters stage.

The proposed access is towards the southern end of the site on Harepath Road, and this has no impact on the setting of the farmstead.

The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 212, 213 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE02 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025. The proposed access has no impact on the setting of the designated heritage assets and therefore this application complies with these policies.

Contaminated Land Officer

Recommends pre-commencement condition regarding potentially contaminated land.

Environmental Health

CEMP condition recommended.

I have considered the application and I recommend a ProPG noise impact assessment should be undertaken to determine the noise impact from transportation noise. If the assessment highlight noise as an issue, additional mitigation will need to be considered and assessed to determine if it is at an appropriate level to achieve the internal and external noise levels in line with BS8233 (2014).

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

Housing Strategy/Enabling Officer

Policy Requirements: Strategy 34 in the adopted East Devon Local Plan 2013 - 2031 requires 25% affordable on sites in Seaton. This application is offering 29% affordable (21 units) which policy compliant.

Housing Need: There are currently 4302 households registered on East Devon Council's housing waiting list, Devon Home Choice. 167 of these households live in Seaton.

Tenure Mix: Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon and in line with latest government guidance.

Housing Mix - will be determined at Reserved Matters stage. However, I expect the applicant to engage with the housing team to ensure a mix that meets local housing needs as identified via our housing waiting list Devon Home Choice and Strategic Housing Market Needs Assessment. All affordable dwellings must meet M4(2) standards.

Council Plan 2024 - 2028 - East Devon District Council wants to increase the availability of social and affordable housing in the district.

Design of Scheme (including Minimum Floorspace Standards):

Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. When considering scheme design options, the following should be taken into account:

Clustering / Distribution:

Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. When considering scheme design options, the following should be taken into account:

- o Clustering / Distribution: The Affordable Housing units should be evenly dispersed across the site, in small clusters of no more than 10 dwellings.
- o Parking: sufficient parking spaces should be provided for the size of the property and visitors. Electric vehicle charging points or infrastructure should be provided for as per policy CB20.
- o Minimum Floorspace Standards: all affordable units should meet nationally described space standards (NDSS).

#### EDDC Trees

I have no arboricultural concerns regarding the proposal. The site has relatively few tree constraints and those trees which do act as a constraints should be relatively easy to retain due to their location on site boundaries. Overall, the site is considered to offer a significant opportunity to increase tree cover in the area with an emphasis on large canopy sized trees within both public open areas and within the streetscene. It is important that the existing hedgerows are retained as much as possible and that new hedgerows are established to improve habitat connectivity across the site. Opportunities also exist for hedgerows to be improved by the addition of individual trees along the length of the hedgerows.

#### Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice.

#### LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

At this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £680 per dwelling towards NHS Primary Care to any viability assessments.

#### South West Water

##### 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):

##### Discharge to surface water body

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

It is noted that infiltration has been shown as unviable for this site. The applicant therefore proposes to attenuate on site, before discharging to a sewer that finally discharges to a surface water body, as detailed in the Flood Risk and Drainage Strategy (August 25) and drawing no. 252 ' 0500 ' Rev P3 (May 25)

##### 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

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. 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.

#### Sports England

We have no opinion on the need for the provision of housing however we wish to flag that there is a current planning application ref 22/2781/MOUT that "awaits a decision". This application includes a proposal to construct a football pitch on the adjacent site of the proposed housing.

There is a potential that balls leaving the football site into this housing site (if both proposals gain planning permission and implemented). Responsibility for adequately considering this agent of change planning issue lies with the applicant and the decision maker.

The Football Foundation (FF) and Devon FA have considered this application and comment that the redline (of the application site) appears to go into the sporting area (of the adjacent site) where a football pitch, parking and pavilion have been included. Therefore, removal of this redline or clarification as to why it's been included into the sporting area is requested. Please note, football has previous comments on this sporting area which are still relevant.

#### Conclusion

Sport England recommends a ball strike assessment is carried out. Any mitigation measures to be implemented e.g. ball stop fencing will be provided by the applicant inside the application site and financially contribute to the future maintenance of the ball strike fencing for an agreed period of time.

#### Police Architectural Liaison Officer - Kris Calderhead

Design advice offered.

#### Other Representations

12 letters of objection raising the following matters:

#### Policy Conflicts

- Site is outside Seaton's Built-Up Area Boundary and within a designated Green Wedge. Contravenes Local Plan Strategies 7 & 8.
- Proposal undermines adopted Local Plan and NPPF principles for plan-led development.

### Prematurity

- Site is not allocated in the current Local Plan; emerging plan carries limited weight.
- Approval now would be premature and contrary to NPPF guidance.

### Landscape & Character

- Loss of open countryside and harm to views of Seaton Wetlands, Axe Valley, and AONB backdrop.
- Proposed mitigation (buffers, planting) considered inadequate.

### Residential Amenity

- Risk of overlooking and loss of privacy for existing homes (notably those with large glazed elevations).
- Design and Access Statement fails to address these impacts.

### Infrastructure Capacity

- Local GP surgeries, schools, sewage systems already overstretched.
- No clear evidence of capacity or enforceable mitigation measures.

### Employment & Sustainability

- Lack of local jobs; development likely to increase out-commuting.
- Contradicts aims for balanced, sustainable communities.

### Tilted Balance

- Despite housing land supply shortfall, strong Green Wedge policy and environmental protections justify refusal.

### Environmental & Ecological Concerns

- Impact on protected species (bats, deer, badgers, foxes, birds).
- Loss of wildlife corridors and biodiversity.
- Flood risk and inadequate drainage (SUDS concerns).

### Traffic & Safety

- Increased congestion on Harepath Road and A3052.
- Existing issues with school bus parking, steep gradients, and accident risk.

### Other Issues

- Light pollution and loss of dark skies.
- Historic Roman remains and archaeological interest.
- Questionable housing need given unsold properties and stalled developments.
- Past failures by developer to deliver promised ecological and design measures.

## **PLANNING HISTORY**

Reference	Description	Decision	Date
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09/0179/MFUL	Erection of 149 dwellings (70% affordable) and a Kingdom Hall with associated car parking and vehicular access, roads and open space	Refusal	27.05.2009
24/2292/MOUT  (relates to land on opposite side of the road)	Hybrid planning application - Full application for the provision of 2no. Class E retail warehouse units with external sales area and EV charging centre with capacity for 8no. spaces together with associated infrastructure onsite, to include landscaping, access, servicing and parking; Outline application (with all matters reserved) for the provision of 1no. drive-thru cafe/restaurant.	Not yet determined	
22/2781/MOUT  (relates to land on opposite side of the road and football pitch site to the north of the current application site)	Outline planning application (with details of access to be considered and all other matters reserved) for mixed use development comprising of up to 130 dwellings to the east of Harepath Road and the laying out of a new community football pitch, parking and welfare facilities to the west of Harepath Road, formation of accesses on Harepath Road and Colyton Road, public open space and other associated infrastructure.	Resolved to Grant PP pending S106	

## **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon) Adopted

Strategy 2 (Scale and Distribution of Residential Development) Adopted

Strategy 3 (Sustainable Development) Adopted

Strategy 4 (Balanced Communities) Adopted

Strategy 5 (Environment) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 6 (Development within Built-up Area Boundaries) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 8 (Development in Green Wedges) Adopted

Strategy 25 (Development at Seaton) Adopted

Strategy 31 (Future Job and Employment Land Provision) Adopted

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) Adopted

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) Adopted

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

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

EN16 (Contaminated Land) Adopted

EN18 (Maintenance of Water Quality and Quantity) Adopted



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

EN21 (River and Coastal Flooding) Adopted

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

H2 (Range and Mix of New Housing Development) Adopted

RC2 (New Open Space, Sports Facilities and Parks) Adopted

TC2 (Accessibility of New Development) Adopted

TC4 (Footpaths, Bridleways and Cycleways) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

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 SP03 (Housing requirement by Designated Neighbourhood Area)  
Draft

Strategic Policy SP04 (Employment provision and distribution strategy) Draft

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy SP07 (Delivery of infrastructure) Draft

Strategic Policy SP08 (Phased Delivery of Infrastructure and Services) Draft

Strategic Policy SD05 (Seaton and its development allocations) Draft

Strategic Policy CC01 (Climate emergency) Draft

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

Strategic Policy CC03 (Promoting low carbon and renewable energy) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Strategic Policy HN01 (Housing to address needs) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

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

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS02 (Housing density and efficient use of land) Draft

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

Policy TR03 (Travel plans, transport statements and transport assessments) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Policy OL10 (Development on high quality agricultural land) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Policy PB02 (Protection of regionally and locally important wildlife sites) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) 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 (Tree, hedges and woodland on development sites) Draft

Policy PB09 (Monitoring requirements for new planting scheme) Draft

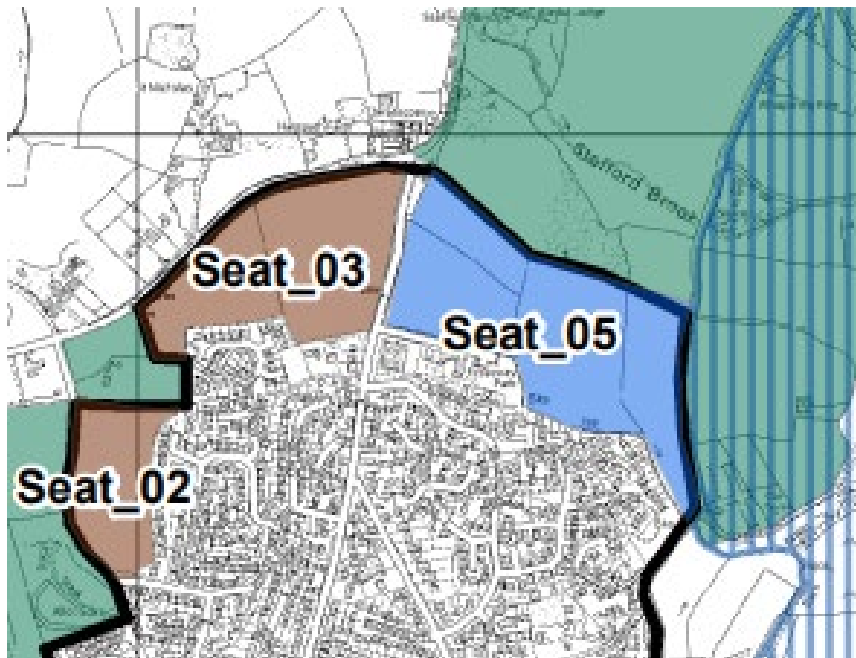
Strategic Policy OS01 (Access to open space and recreation facilities) Draft

Policy OS02 (Sport, recreation and open space provision in association with development) Draft

Policy OS03 (Location of facilities for sport and recreation and open) Draft

Policy OS05 (Leisure and recreation developments in the countryside) Draft





Seat\_03 site from Emerging Local Plan

### Proposed Development

The proposal seeks outline planning permission for up to 72 dwellings. Approval is sought now for the access point onto Harepath Road while all other matters are reserved.

Members will recall that a planning application (22/2781/MOUT - Outline planning application (with details of access to be considered and all other matters reserved) for mixed use development comprising of up to 130 dwellings to the east of Harepath Road and the laying out of a new community football pitch, parking and welfare facilities to the west of Harepath Road, formation of accesses on Harepath Road and Colyton Road, public open space and other associated infrastructure) was given a resolution to grant planning permission by the Planning Committee on land adjoining the site now under consideration. The application has not yet completed the S106 negotiations (though close to completion) and so presently remains undetermined. Application 25/1788/MOUT proposes to use to same access that is proposed under 22/2781/MOUT.

The indicative landscape masterplan of the application now being considered suggests a development form with generous areas of green space on the edges of the site, derived primarily from the need to mitigate against the effects on bats associated with the nearby Beer Quarry Caves Special Area of Conservation (SAC).

## ANALYSIS

### **Main considerations**

- The principle of development, including impact on the Green Wedge
- Affordable Housing
- Landscape
- Heritage
- Residential/Neighbouring Amenity
- Ecology/Biodiversity, including SAC effects, BNG and on-site ecology
- Sustainable Drainage
- Loss of Agricultural Land

### **Principle of development**

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

Strategies 1 and 2 of the Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. The main focus is on the West End and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development.

The proposed development would comprise major development in the countryside wholly outside of the defined settlement boundary of Seaton, thereby conflicting with Strategy 7 of the Local Plan. Consequently, the site would not offer an appropriate location for the development proposed having regard to the development plan's overall settlement strategy and expectation for such development to be contained within a designated BUAB.

The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

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

The National Planning Policy Framework (December 2024) (NPPF) states, at paragraph 78, that "local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old."

The most recent information indicates that the Council's 5-year housing land supply (5YHLS) stands at 3.5 years and as such the presumption in favour of sustainable development in paragraph 11 of the NPPF applies, provided none of the disqualifying criteria apply

### Green Wedge –

The NPPF explains that in terms of implementation, policies (in Local Plans) should not be considered out-of-date simply because they were adopted or made prior to the publication of the new Framework (para. 232). Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Strategy 8 of the Local Plan states:

*Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.*

In January 2014 an Inspector refused planning permission for a major commercial, housing and recreation development on Land East of Harepath Road in Seaton, land which was and still is designated as Green Wedge (Planning application reference 12/1185/MOUT – PINS reference APP/U1105/A/13/2202124). Application site 12/1185/MOUT extended further north than the current proposal and also included all the 118b (employment and recreation) allocation in Strategy 25. (Development at Seaton). This appeal decision was issued during the preparation of the now adopted Local Plan and under the preceding 2012 version of the NPPF.

In the decision letter, the Inspector examined the Green Wedge policy. Starting at paragraph 51 of the letter it was stated that:

*51. Whereas the objectives of the Green Wedge policy may be similar to the purposes of a Green Belt, I do not consider that this means the policy has to be given the same status, or the area set out on the Proposals Map the same level of protection, conveyed by The Framework for Green Belt areas. That is, irrespective of what may have been said in the DCLG letters of 4 January 2013 and 3 April 2013 nothing in The Framework indicates that a Green Wedge policy is the equivalent to, or has equal weight as, Green Belt policy.*

*52. Nevertheless the Green Wedge policy has a reasonably long-standing provenance or 'pedigree' and it should not be set aside lightly. Its purpose is to*

*safeguard the setting of built up areas by, amongst other matters, maintaining a separation between what are presently free-standing settlements. This intention is carried through into the eEDLP. It is not just a housing or development restraint policy; it has a strategic aim which has been originally agreed by the Secretary of State, subsequently identified as a 'saved' policy, and its continuation has been democratically endorsed and maintained by the Council – albeit that the eEDLP has yet to be examined and its policies adopted. That is, there is a clear strategic objective – the purpose of which is not solely housing restraint - which has been consistently supported through the development plan process.*

Neither the old or new NPPF makes reference to Green Wedges but taking a steer from the Inspector's comments above this does not mean that Strategy 8 is inconsistent with the Framework. It is a strategy that has been tested during the appeal referenced above and also in relation to the adoption of the current Local Plan. The revisions to the Framework do not diminish the strategic objectives of Strategy 8. It is therefore considered that full weight can be afforded to it.

A more recent appeal at Colyford (application 18/2376/MFUL – APP/U1105/W/19/3233226) also tested the Green Wedge policy. The Inspector gave full weight to Strategy 8 in dismissing that appeal.

Having found that Strategy 8 can be afforded full weight, the development must be tested against it. It is quite clear that there are three circumstances in which development must not be permitted in the Green Wedge;

1. if it would add to existing sporadic or isolated development; or
2. if it would damage the individual identity of a settlement; or
3. if it leads to or encourage settlement coalescence.

If the development fails on any of these considerations, it would be in conflict with the Strategy. Other material considerations would still be required to be balanced against the finding on this issue.

#### Would it damage the individual identity of a settlement?

The Council's Landscape Architect finds that the development likely to give rise to unacceptable landscape and visual impacts and by extending development onto prominent land intervisible with Colyford is also likely also to contribute to settlement coalescence contrary to the aims of the Green Wedge designation.

In the appeal referred to above, the Inspector went on to state that (para 53) '*Any incursions into the Green Wedge would erode the physical separation and thereby could be seen to weaken its strategic function*'. Furthermore that '*the degree of separation between neighbouring settlements is judged not solely on physical separation or measured distance; also relevant is the extent or effectiveness of the visual break, plus a consideration of the psychological perception of when or where coalescence would occur.*' This reinforces the view that it is not necessary to see both settlements in the same field of view to have a perception that the gap would be diminished, although in this particular case, you can see both settlements in any of the views available.

The representations made by interested parties reveal that there is a perception that the development will be damaging in some degree to the individual identity of Seaton and Colyford, through a lessening of the green space between them. It is considered therefore that the development could damage the individual identity of Colyford and Seaton to some extent, more so when in cumulation with the adjacent proposed development.

#### Would it lead to or encourage settlement coalescence?

The question is not 'will the development result in settlement coalescence', which clearly would require a far larger scale development in this location, but instead 'will it be a step on the road to such coalescence'?

It is unlikely that settlements in East Devon that are bounded by Green Wedges will face applications for development of land from one settlement boundary to another in its entirety. The Strategy therefore has been formulated to take account of piecemeal developments which, in combination over any period of time, could result in eventual coalescence. This is a logical way to draft such a strategy and it negates any argument that development of a single field does not lead to settlement coalescence. The Inspector recognised this (para 53) by stating '*Any incursions into the Green Wedge would erode the physical separation and thereby could be seen to weaken its strategic function*'.

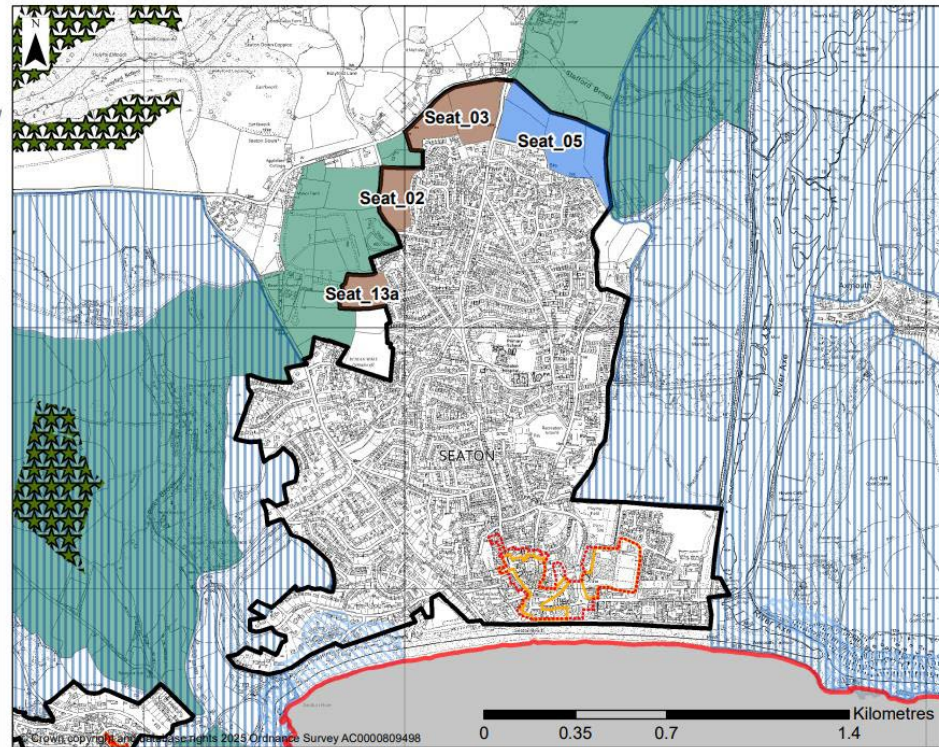
The development proposed clearly would infill a number of undeveloped fields in-between the two settlements and therefore is a step towards coalescence. The proposed development would fail to accord Strategy 8 as it would damage the individual identity and lead towards the coalescence of Seaton and Colyford.

#### Emerging Local Plan –

Strategic Policy SD05 of the eLP, allocates land north of Seaton on the west side of Harepath Hill (Seat\_03) for around 75 dwellings. Land on the east side of Harepath Hill (Seat\_05) is proposed for housing (up to 130 dwellings) and employment (around 2.2 hectares). Both of these designations would also remove any Green Wedge status of the land. SD05 does state that both sites would need to come forward as a co-ordinated and comprehensive development that delivers the proposed large-scale mixed-use development on the northern edge of Seaton and seeks to deliver the long-standing need for a football pitch as part of a viable package of planning obligations.



n.b. This inset map has been provided as an additional resource; the definitive version of the Policies Map is the interactive version which can be accessed here: <https://maps.strata.solutions/portal/apps/webappviewer/index.html?appid=8da794a146d94df680ee37c7589e9a1e>



**East Devon Local Plan 2020-2042 (Reg 19 Consultation)  
inset to Policies Map**



However, given the early stage the emerging Local Plan is at only limited weight can be afforded to these policies at this time.

Having regard to the above it is considered that the tilted balance is applicable and the principle of development could be supported , provided that no disqualifying criteria are relevant, which is covered in subsequent sections of this report.

## Affordable housing

As the site lies outside the BUAB for Seaton and in accordance with Strategy 34 the development should provide 50% affordable housing. However, full weight cannot be given the Local Plan policies on housing as the Council does not have the requisite housing land supply as noted above. Given that the site would deliver housing for Seaton and immediately abuts its development boundary it is considered appropriate to require the same affordable housing threshold as for sites within the town (25%) and this is what is being proposed by the applicant.

There are 4302 households on the housing register in East Devon and 167 of those living in Seaton. This is a substantial need. Strategy 25 (Development at Seaton) of the current Local Plan only provides for one residential allocation for 30 dwellings at Rowan Drive which has already been completed.

The affordability of housing in East Devon is worse than the national average in England and Wales as shown in the following table. These figures show the affordability ratios nationally versus East Devon. The figures show house prices

relative to earnings as a ratio. So, for England and Wales in 2021 house prices were 8.93 times earnings whereas in East Devon they were 10.88.

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

The proposed scheme could deliver up to 18 affordable homes (25% of 72 homes). Any non-whole units would be secured under the S.106 agreement as an off-site contribution in lieu of on-site provision in accordance with the Councils Affordable Housing SPD and using the commuted sum calculator therein. It should be noted that the application is for 'up to 72 dwellings' and the final number of dwellings may mean that the quantum of affordable housing required could be either a whole number or not.

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

### Access

Policy TC2 (Accessibility of New Development) of the Local Plan 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 TC7 (Adequacy of Road Network and Site Access) of the Local Plan 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) state that spaces will need to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

Full planning permission is sought for the means of access to the site. The proposed access is onto Harepath Road, using the same access that has already been deemed to be acceptable by the Planning Committee in its resolution to grant permission for application 22/2781/MOUT. The County Highway Authority is satisfied that safe access can be provided via the proposed access points as designed.

The development is considered to be sustainably located in terms of travel; there are bus stops near the site on Harepath Road and it lies within 1.5km of the town centre

along reasonably level paths. Other facilities such as health care centres, employment locations (such as those across Harepath Road) lie even closer. National Cycle Route number 2 lies within 500m. It also provides safe access to and from the highway network in accordance with Strategy 3, 5B and policy TC2 of the Local Plan.

## **Landscape**

The entirety of the site lies in the open countryside for the purposes of the development plan. It is not within a National Landscape, the nearest being 970m to the east, where the tramline runs.

Strategy 46 (Landscape Conservation and Enhancement and AONBs) states that development will only be permitted where it conserves the landscape character of the area, does not undermine landscape quality and is appropriate to the economic, social and well being of the area.

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.

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).

The site is exposed to views from Harepath Road, Colyford Road. The A3052 (Harepath Hill), Axmouth and in other local views. Its rising elevation will ensure that views of the development are seen from various vantage points to the east in the National Landscape. It will sit adjacent to the existing edge of Seaton and while it would be relatively well provided for in terms of green space (accounting for the SAC mitigation), the development will urbanise the site which is presently greenfield in nature to the detriment of its character and appearance and as a consequence it would run contrary to Strategy 46 of the Local Plan. While the landscape officer considers the development could be acceptable (mitigation in the LVIA includes provision of large green spaces, new planting and enhancement of existing green features), this is not yet demonstrated through detailed plans and this weighs negatively in the planning balance.

## Heritage

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect the distinctive historic or architectural character of the area.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site.
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of the listed buildings.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed development lies directly opposite the Harepath Farm, The Dairy, The Stables, The Linhay and Barn which are a Grade II group of listed buildings. The application is in outline form (except for the means of access) and so it is not possible to fully establish the likely effects on these assets. Effects will likely only be in relation to their setting, this being derived in part from the rural fields surrounding these buildings which have an agricultural character. Further consideration will need to be given at the reserved matters stage. The Conservation Officer concurs with these views.

In relation to archaeology DCC's archaeologist has advised that an archaeological watching brief should be secured through the usual planning condition, to record any items of interest.

Having regard to the inter-relationship between the site and the heritage assets it is considered that a sensitively designed scheme could be accommodated on the site without significant harm to heritage assets; any less than substantial harm would be outweighed by the public benefit of delivering much needed housing and affordable housing.

## **Residential/Neighbour Amenity**

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.

Para 130 of the NPPF, 2023 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The proposal would result in dwellings being erected adjacent to existing dwellings, which is unlikely to cause any conflict, subject to suitable layout, design and landscaping. The generous buffer zone, required to mitigate effects on the integrity of the SAC will assist in maintaining amenity to reasonable levels. The final layout, design and landscaping are reserved matters and careful design will be able to ensure amenity levels are maintained to an acceptable level. Suitable conditions will control construction disturbance to an acceptable level.

## **Ecology/Biodiversity**

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 180 to 182 of the NPPF, 2023.

The site is located in proximity (3.1km) to the Beer Quarry Cave Special Area of Conservation (SAC).

The site is located within a lesser horseshoe bat *Rhinolophus hipposideros*, greater horseshoe bat *Rhinolophus ferrumequinum* and Bechstein's bat *Myotis bechsteinii* core sustenance zone. It is also within the landscape connectivity zone for all three species.

The site is also located within a lesser horseshoe bat and greater horseshoe bat Pinch Point. These are known or potential commuting routes which are restricted e.g., due to urban encroachment or proximity to the sea / estuaries. The greater and lesser horseshoe bat 'Pinch Point' between Seaton and Colyton is where horseshoe bats are known to be moving from the SAC / SSSI to land to the east (Axe / Seaton marshes) and beyond. As the Proposed Development lies over 3.1km from the SAC, there would be no damage / disturbance or direct impacts to the SAC roosts or other key roost(s).

There is a Key lesser horseshoe bat maternity roost (also a lesser horseshoe bat hibernation roost) approximately 150m north-east of the site.

The designated area of the SAC is relatively small and comprises the quarry and caves and the immediately surrounding areas. However, the qualifying features (the bat populations) are dependent upon a much wider area outside the SAC boundary which provides foraging habitat and commuting routes and supports other critical roosts. Protection of key areas of habitat in the area is therefore essential in order to maintain and enhance the favourable conservation status of the qualifying features. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are designated under the Conservation of Habitats and Species Regulations 2017 (as amended), which are commonly referred to as “The Habitats Regulations”. These sites are internationally important for nature conservation, and are afforded the highest level of protection of any ecologically designated sites in the UK. EDDC is a Competent Authority under the Habitats Regulations, and therefore has a duty to carry out Habitats Regulation Assessment (HRA) in order to test if a proposed plan or project could significantly harm the qualifying features of a Site. This applies to the granting of any permissions by EDDC. HRA typically consists of two stages:

1. **Screening** - An assessment of whether there is a likely significant effect (LSE) on the qualifying features of a European site in absence of mitigation measures. If it does not, then the appropriate assessment stage does not need to be completed.
2. **Appropriate Assessment** – An assessment of whether LSEs can be mitigated, with full mitigation, avoidance and compensation details.

The screening stage concludes that Appropriate Assessment is required and the applicant has submitted a shadow Habitat Regulations Assessment (sHRA) to assist the Council in its duty. The Council’s ecologist is satisfied that this assessment demonstrates that, with appropriate mitigation being secured, the development would be unlikely to result in an adverse effect on the integrity of the SAC. These mitigation measures will be secured as part of the S.106 and planning conditions given that they will be required to be managed in perpetuity.

Mitigations measures noted in the sHRA cover the development phase and the post development period, noted in sections 4.2.18 - 4.2.31. In summary, these include:

- Construction Ecological Management Plan (CEcoMP).
- Habitat Management and Monitoring Plan (HMMP)
- Detailed lighting plan and strategy including 10 m dark corridors, 10 m landscape buffers, new hedgerow, woodland planting, and enhanced habitat provision.
- Long-term construction and post-construction ecological monitoring.

The Council has endorsed the sHRA and has consulted Natural England which has confirmed that it has no objection to the proposals.

## **Biodiversity Net Gain –**

BNG is a mandatory requirement on this application (unlike on 22/2781/MOUT).

The proposals are demonstrating a net gain in excess of 61.4% for area habitats and 80.51% for hedgerows based on the submitted outline landscape plan. BNG will be secured using the standard BNG planning conditions.

## **On-site ecological effects –**

Measures to avoid and mitigate negative effects and provide ecological enhancement include the following:

- Construction measures to prevent pollution via dust, surface-water runoff and ground water.
- Retained hedgerows and trees protected from disturbance during construction through the use of temporary barriers (e.g., Heras fencing) in accordance with BS5837:2012.
- Reptile mitigation strategy comprising habitat manipulation to be undertaken prior to the start of construction.
- A pre-construction badger survey to confirm the status of badger setts. Any setts that could potentially be damaged or disturbed during construction would be subject to a Natural England Badger Development Licence. Retained setts would be buffered (minimum 20m) during construction and within the development layout. Construction-site management measures would be implemented to protect badgers.
- Site clearance (including hedgerow and scrub removal) would be undertaken outside of the bird-nesting period or preceded by a search of suitable habitats for nesting birds.
- No lighting would be left on during the night during the construction period. Any security lighting would be positioned at low-height and motion activated on short-timers.
- A mitigated lighting scheme that includes no street lighting (i.e., a 'dark development'). No additional lighting to Harepath Road associated with this development is proposed. Reserved Matters Applications would be supported by detailed lighting assessments, including residential unit-based assessment, to demonstrate that the dark corridors (<0.5 lux) would be achieved.
- Bat, bird and insect boxes would be incorporated into new buildings and installed on trees. Dormouse boxes would also be installed in retained hedgerows.
- A destructive search for hedgehogs would be undertaken prior to the start of construction. Hedgehog passes would be created within new garden fences to allow hedgehogs to move around and through the Site post-development works.

A Construction and Ecological Management Plan (CECoMP) would be produced to detail measures to ensure habitat and species protection during construction. A Habitat Management and Monitoring Plan (HMMP) will be produced to detail how retained and proposed habitats would be created / enhanced and managed in the long-term.



Subject to consideration of the response Natural England to the HRA, securing the mitigation outlined above in the S.106 and by using planning conditions the development's effects on biodiversity are considered acceptable.

## **Flood Risk & Sustainable Drainage**

Policy EN21 (River and Coastal Flooding) of the Local Plan 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.

In this case none of the site lies within a flood zone so the sequential test is satisfied. However, the site still needs to be designed to ensure that sustainable drainage can work effectively and prevent the development from contributing to surface water problems or flooding elsewhere.

Sustainable Drainage Systems (SuDS) aim to mimic natural drainage by:

- Storing runoff and releasing it slowly to reduce flood risk.
- Managing water close to where it falls, including infiltration into the ground where possible.
- Conveying water slowly on the surface rather than through hidden pipes.
- Improving water quality through filtration, sediment capture, and natural treatment.
- Providing amenity and biodiversity benefits via green, multifunctional spaces.

Policy EN22 (Surface Run-Off Implications of new Development) 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.

DCC's Flood Risk SuDS team were consulted on the application, being the Lead Local Flood Authority for major applications. It has confirmed that there are no in-principle objections subject to planning conditions, which are set out in the recommendation.

Therefore the development is considered acceptable in accordance with policies EN21 and EN22 of the Local Plan.



## Loss of Agricultural Land

Policy EN13 (Development on High Quality Agricultural Land) of the Local plan states that the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry. Planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either:

1. Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or
2. The benefits of the development justify the loss of high quality agricultural land.

If best and most versatile land needs to be developed and there is a choice between sites in different grades, land of the lowest grade available must be used except where other sustainability considerations, including intrinsic nature conservation value of a site, outweigh land quality issue.

The lower half of the field immediately next to Harepath Road is identified on the Council's mapping system as primarily being Grade 2 agricultural land (half of which is already resolved to grant permission for the football pitch under 22/2781/MOUT), in other words the Best and Most Versatile (BMV) land. The remainder (majority) of the site is shown as being undifferentiated Grade 3. Without clarification it is assumed this is BMV land. The development would lead to the loss of BMV land contrary to policy EN13 which weighs against the proposal though conflict with Policy EN13.

## **Other Matters**

The Royal Devon University Healthcare NHS Foundation Trust has commented on the planning application. It states that there is not presently any requirement for a financial contribution towards healthcare arising from the development.

Sport England's comments about ball strikes from the football pitch are noted and it is suggested that a suitable planning condition is used to ensure the reserved matters provide a suitable layout and design that will alleviate the need for tall unsightly ballstop fencing/netting.

## Open Space:

Calculations based on the potential housing to be provided show the following open space requirements stemming from Strategy 43:

$$72 \times 2.22 = 159.84$$

Strategy 43 requirements:

$$\text{Play space – children } 0.5 \times 159.84 = 79.92 \text{ sq m}$$

$$\text{Play space – youth } 0.5 \times 159.84 = 79.92 \text{ sq m}$$

$$\text{Total play space} = 159.84 \text{ sq m (minimum)}$$

Amenity open space  $159.84 \times 3.5$  (urban) = 559.44 sq m (minimum)

This final amount will actually be based on the houses that can be acceptably delivered after the reserved matter have been considered so these are expressed as upper figures. The location and design of these areas will be for consideration at the reserved matters stage. It is expected that, in lieu of specifying a level of spending, provision should be made for a minimum of 6 pieces of equipment/play experiences and for both children and youth together with benches and bins.

## **PLANNING BALANCE**

The proposed development conflicts with the general presumption in Strategy 7 against development outside of BUABs, and with the Green Wedge Strategy 8. Neither does it fully align with the allocation for residential use in the emerging local plan, noting that it should have been master-planned with the adjoining proposed allocation. Strategic policy SD05 of the emerging local plan requires that the development both sides of Harepath Road (which should include around 75 dwellings + around 130 dwellings and 2.2 hectares of employment land should be master planned. Not master-planning the whole development would lose the potential to provide a co-ordinated approach to delivering development and equalizing land values to help deliver the long overdue employment land provision in this area.

As it stands however, there is already a resolution to approve the application for around 130 dwellings on the opposite side of the road and a separate application to develop a parcel of land for commercial use is currently under consideration, although it cannot be assumed this proposal will gain planning permission.

The development would have some harmful landscape effects and would also conflict with the Green Wedge strategy, leading towards the coalescence of Seaton and Colyford. It would also lead to the loss of the Best and Most Versatile agricultural land.

Effects on nearby grade II listed buildings could be acceptable provided the detailed plans submitted at reserved matters stage are carefully designed to take account of the need to conserve their setting.

In terms of benefits, the development would provide housing at a time that the Council cannot demonstrate a five-year housing land supply, and where the shortfall is significant. Furthermore, it would deliver 25% affordable housing (up to a maximum of 30.5 affordable homes) in an area where there is a need for 167 affordable homes and when affordable housing delivery across the District is behind target, in the context of a worsening affordability index. Accordingly, these are considered to be benefits to which very significant weight should be afforded. There are also some benefits to the economy generated during the course of the construction period to which some weight can be attributed. The development could be designed so as to not adversely affect the integrity of the Beer Quarry Caves SAC and would adequately mitigate the on-site ecological effects. The necessary level biodiversity net gain will be delivered on site and is likely to be exceeded

Taking the above into consideration, the development would provide social benefits of significant weight. Biodiversity interests would be not only maintained but there would also be a net gain in biodiversity. While there would be some landscape harm the overall balance (considering the definition of sustainable development in the NPPF which stands on 3 pillars: economic, social and environmental) is positive and the development can therefore be said to be sustainable.

The development is not fully in accordance with the allocations in the emerging Local Plan as presently drafted. For instance, Seat\_03 is only allocated for housing (where the football pitch relating to application 22/2781/MOUT is approved to be). Furthermore, the draft Local Plan requires that Seat\_03 and Seat\_05 be delivered as a co-ordinated and comprehensive development and this application leaves some of the allocated land out. Only limited weight can be afforded to the emerging Local Plan at this time in any event.

The inability to demonstrate a five year housing land supply means that the policies important for determining this housing proposal in the Local Plan are out of date and the tilted balance in the NPPF therefore applies. This requires that permission be granted for sustainable development. As the integrity of the SAC will be upheld, none of the disqualifying criteria of the tilted balance are applicable. It is therefore recommended that the Council adopts the Appropriate Assessment (HRA) and grants permission for the development, subject to the completion of a S.106 agreement and conditions set out below.

## **RECOMMENDATION**

1. Adopt the shadow Habitat Regulations Assessment as EDDC's Appropriate Assessment.
2. Subject to the following matters to be secured by a Section 106 legal agreement:
  - 25% Affordable Housing. Delivery of 50% affordable housing by 50% occupation of open market units. Delivery of 100% affordable housing by 75% open market units; 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership;
  - Delivery of Public Open Space on-site and future management;
    - Play space – children  $0.5 \times 159.84 = 79.92$  sq m
    - Play space – youth  $0.5 \times 159.84 = 79.92$  sq m
    - Total play space = 159.84 sq m (minimum)
    - Amenity open space  $159.84 \times 3.5$  (urban) = 559.44 sq m (minimum)
    - minimum of 6 pieces of equipment/play experiences and for both children and youth together with benches and bins
  - Travel Plan Measures and Monitoring including budget of £300/dwelling (as proposed in sections 8 of Transport Statement);
  - Monitoring fee including monitoring of LEMP

- Delivery of SAC ecological mitigation/ enhancement measures as set out in the Ecological Impact Assessment (Ecological Impact Assessment (EclA) (EAD Ecology, September 2025) (subject to revised details at reserved matters stage)
- Contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -
  - 10.80 Secondary pupils
  - £4.91 per day x 10.80 pupils x 190 academic days x 5 years = £50,376

## Proposed Conditions

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

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

2. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained for each phase of the development from the Local Planning Authority in writing before any development of that phase is commenced. In seeking to discharge conditions on this planning permission, the details required in each condition may be submitted for approval to the Local Planning Authority and discharged either for the development as a whole.

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

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

(Reason - For the avoidance of doubt.)

4. Prior to commencement of development the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such

vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

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

The development shall proceed in strict accordance with the approved CMP.

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

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

(Reason - To ensure the construction works do not give rise to undue noise, disturbance or pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031. This is a pre-commencement condition as the CEMP concerns how the development is carried out.)

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

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy (Report Ref. 2532-JRC-XX-RP-CE-0001-P4; Rev. P4; dated 11<sup>th</sup> November 2025) 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.

No building within any phase hereby permitted shall be occupied until the works have been approved and implemented for that phase in accordance with the details under (a) - (e) above.

(Reason: The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed. 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 Run Off Implications of New Development) of the East Devon Local Plan 2013 – 2031).

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

(Reason- To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031 that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.)

8. The development shall not be occupied or brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis,

publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

(Reason - To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031.)

9. No development work shall commence on site until the following information has been submitted and approved:
  - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.
  - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
  - c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by a minimum of six sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles and relationship to surroundings in north-south and east-west directions across the site.
  - d) Details of features relating to the approved surface water management scheme including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.
  - e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:
    - a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
    - methods for stripping, stockpiling, re-spreading and ameliorating the soils.
    - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
    - schedules of volumes for each material.
    - expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.

- identification of person responsible for supervising soil management.
- f) Green infrastructure/ Landscape strategy plan showing existing vegetation to be retained and removed, new tree and native structure planting and other habitat creation areas, existing watercourses and new SuDS drainage provision together with public open space and foot/ cycle path routes and connections. The plan shall identify areas for advance planting and enhancement of existing perimeter hedges prior to commencement of site works.
- g) A full set of soft landscape details including:
- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
  - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
  - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
  - iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
  - v) A programme for delivery of soft landscape works identifying any phasing proposed.
- h) A full set of underground services plans and typical depths and trenching requirements for all such services. The plans shall indicate the locations of proposed trees within the scheme and proposals shall ensure that services routing does not adversely interfere with tree pit requirements.
- i) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

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

10. No development shall take place until a Landscape and Ecology Management Plan (LEMP), based on the submitted Ecological Impact Assessment (EAD Ecology, 2023) and HRA (EDDC, 2024), for a minimum period of 30 years (Habitats provided for SAC bats will need to be managed in perpetuity) has



been submitted to, and approved in writing by, the Local Planning Authority which should include the following details:

- a) Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
- b) Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- d) Landscape and ecological aims and objectives for the site.
- e) 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.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - i) 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.
  - ii) New trees, woodland areas, hedges and amenity planting areas.
  - iii) Grass and wildflower areas.
  - iv) Biodiversity features – bat house, hibernacula, bat/ bird boxes etc.
  - v) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- g) Arrangements for Inspection and monitoring of the site and maintenance practices.
- h) 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 LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The development hereby permitted shall not be occupied until all ecological mitigation and enhancement features, including bat boxes, bird boxes (1 per dwelling), permeable garden fencing, reptile hibernacula, have been installed/constructed in accordance with details within the submitted LEMP.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Page 10 of 10 Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. To The maintain the integrity of the Beer Quarry Caves Special Area of Conservation and on-site biodiversity, in accordance with strategy 47 (Nature Conservation and Geology) and policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031). The LEMP is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

11. Prior to the commencement of development a lighting scheme for the construction phase shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lighting used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused or protected species adversely affected. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. Development shall take place in accordance with the approved details.

(Reason - To ensure the construction works do not give rise to undue disturbance or pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and in the interest of biodiversity This is a pre-commencement condition as the CEMP concerns how the development is carried out.)

12. No development shall commence on site until a Detailed Lighting Design including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and parameters detailed within the shadow Habitats Regulation Assessment (EAD Ecology, August 2025) has been submitted and approved in writing by the local planning authority.

The design should clearly demonstrate that dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), are achievable based on the final site design. All 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 external lighting be installed without prior consent from the local planning authority.

(Reason - The use of poorly designed lighting in this area will likely adversely affect the integrity of the Beer Quarry Caves Special Area of Conservation, contrary to strategy 47 (Nature Conservation and Geology). This needs to be a pre-commencement condition as the impacts of lighting need to be mitigated from the outset of works.

13. The development shall be carried out in accordance with the Ecological Impact Assessment (EAD Ecology, September 2025) and Ecological consultee comments made on 08 December 2025, in particular the ecological mitigation and enhancement measures detailed in Section 4. The development of any phase shall not be first occupied until the local planning authority has been provided with a compliance report by a qualified ecologist relating to that phase, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- a. Integrated bat boxes (one box for every two dwellings)
- b. Integrated bird boxes (1 per dwelling)
- c. Dormouse nest boxes (20 no.)
- d. Insect bricks (1 per dwelling or equivalent no. in suitable locations)
- e. Hedgehog highways (13 cm<sup>2</sup> holes in at ground level in fences)
- f. Reptile/amphibian hibernacula (3 no.)

have been installed/constructed in accordance with the EclA and subsequent supporting documents including any Habitat Management and Monitoring Plan (HMM), Landscape and Ecological Management Plan (LEMP) and Construction and Ecological Management Plan (CEcoMP).

(Reason) - To ensure the development delivers a biodiversity net gain on site 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.)

14. A ProPG (Professional Practice Guidance on Planning and Noise) noise impact assessment shall be undertaken to determine the noise impact from transportation noise and shall inform the layout and design of the proposed dwellings at reserved matters stage. The results of the assessment shall be submitted with the reserved matters submission for layout including any necessary mitigation. If the assessment highlights noise as an issue, additional mitigation will need to be considered and assessed to determine if it is at an appropriate level to achieve the internal and external noise levels in line with BS8233 (2014).

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

15. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
  - h) 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 on-site biodiversity is not adversely affected in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features), of the East Devon Local Plan 2013-2031.) This needs to be a pre-commencement condition to mitigate impacts of the development on biodiversity from the outset of works.

16. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted EclA (EAD Ecology, September 2025) and an approved soft landscaping plan. It shall include the following:
- a) 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.

- b) 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.
- c) 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.
- d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) 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:
  - i. Existing trees and hedgerows/banks.
  - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
- g) 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.
- h) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- i) The monitoring methodology and frequency in respect of the created, retained and enhanced habitats to be submitted to the local planning authority,
- j) 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.
- k) 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.

1.1. Notice in writing shall be given to the Council when the HMMP works have started.

1.2. No occupation shall take place until:

a) the habitat creation and enhancement work set out in the approved HMMP have been completed; and

b) 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.

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

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

(Reason – This is a pre-commencement condition as it may involve preservation of existing habitat on site as part of the BNG provision. To ensure the development delivers a biodiversity net gain on site 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.)

17. To ensure the feasibility of species-rich grassland creation, a soil survey of all the fields within the application boundary shall be undertaken in accordance with best practice guidance, including:

- Devon County Council Soil Analysis BNG Guidance October 2024
- Natural England TIN035 (Soil sampling for habitat recreation and restoration),
- Magnificent Meadows (Soil Nutrient Testing),
- and the Farm Environment Plan Manual (2010), Key 2c.

Prior to commencement of construction, the soil survey methodology, results and an Initial Biodiverse Grassland Seeding and Enhancement Strategy shall be submitted to the LPA for approval. This strategy shall:

- Interpret nutrient levels (especially phosphorus) and assess feasibility of species-rich grassland creation.
- Propose field-specific prescriptions based on baseline soil conditions and ground flora.
- Include a nutrient reduction plan where required and monitoring arrangements for soil nutrient status and botanical diversity.
- If survey results indicate non-feasibility without intervention, a revised programme and specification shall be submitted prior to commencement of site works setting out measures and anticipated timings for reduction of soil

fertility and habitat creation including associated monitoring arrangements. A Final Biodiverse Grassland Seeding and Establishment Strategy shall be submitted 3 months prior to final seeding, informed by site monitoring results.

Ongoing grassland monitoring and soil testing shall be incorporated into the 30-year aftercare programme.

(Reason – This is a pre-commencement condition as it may involve preservation of existing habitat on site as part of the BNG provision. To ensure the development delivers a biodiversity net gain on site 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.)

18. The landscaping works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of any agreed phase of development of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan.

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

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.

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

20. As part of the reserved matters application for layout, a ball strike assessment shall be submitted to, and approved in writing by, the Local Planning Authority to consider the potential impact of the adjacent approved football pitch on the detailed design and layout proposed by the reserved matters.

The assessment shall include details of:

- a) The potential for any ball strike into the proposed plots from the adjacent approved football pitch;
- b) Whether any mitigation measures will be required;
- c) The detail of any mitigation measures proposed;
- d) Future maintenance arrangements for any mitigation measures required.

The development shall be carried out in accordance with the approved assessment. (Reason – To ensure the development avoids the need for unsightly tall ball-stop fencing which could also be detrimental to bats associated with the nearby Beer Quarry Caves SAC, in accordance with Strategy 47 (Nature Conservation and Geology), Policies EN5 (Wildlife Habitats and Features), D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

#### Plans relating to this application:

25033-003 : site access	Other Plans	29.08.25
A-1001-P2	Location Plan	29.08.25

#### 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.

## Full Consultation Responses

### Devon County Council Waste Management

This major application has come to the attention of the Waste Planning Authority.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels as it's noted that the topography slopes to the south east.

Therefore, it is recommended that a Waste Audit Statement is submitted that addresses the following points:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The Waste Planning Authority recommends that the LPA is satisfied with the provision of waste storage for the operational phase of the proposed development.

Please do not hesitate to contact the Waste Planning Authority should you have any queries.

### Devon County Archaeologist

My ref: ARCH/DM/ED/41753a

I refer to the above application and your recent consultation. The proposed development lies in an area of archaeological potential with regard to the presence of prehistoric and Romano-British settlement activity. Archaeological investigations in the surrounding landscape have demonstrated that the archaeological deposits have been substantially truncated by centuries of agricultural activity and, as such, the Historic Environment Team would consider that any impact upon the archaeological resource here can be mitigated by a programme of archaeological

work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'

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

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

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

#### Reason

'To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing an archaeological geophysical survey of the application area, followed by the excavation of a series of trial trenches that will sample at least 3% the application area to confirm the presence and significance of any heritage assets with archaeological interest that will be affected by the development as well as the efficacy of the survey itself. Based on the results of these initial stages of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation of all or targeted part(s) of the development site in advance of construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Yours faithfully,

Stephen Reed

Senior Historic Environment Officer

#### County Highway Authority

##### Observations:

I have visited the site and reviewed the planning documents.

The Transport statement shows that a large refuse vehicle can enter the proposed access, though it does encroach onto the other side of the road slightly, this manoeuvre would only be happening once a week and is therefore deemed acceptable. It is therefore accepted that emergency refuse vehicles can enter and exit the proposed access satisfactory also.

The Transport statement, shows that a visibility splay of 2.4m by 59m in accordance with Manual for Streets, our current best practice guidance, and also utilising recorded speed data undertaken at this site, establishing an 85th percentile, 37mph speed.

The visibility is using a clause from Manual for Streets which allows for the visibility splay to be brought 1m out from the kerbline to adhere to the vehicle running edge, a clause which the recently approved development south of Harepath Road (22/2781/MFUL) successfully used.

The proposed access will have a fairly standard 6m Radii, with internal footways of 2m on either side and a 5.5m carriageway primary Road, all of which conforms to Manual for Streets.

TRICS® data shows that this 72 dwelling parcel would typically produce a two-way trip generation of 35 vehicle movements during peak hours, a rate of far less than one a minute.

A proposed island crossing is proposed to allow pedestrians to cross Harepath Road and head East-West, and utilise the south-bound bus stop. Seaton benefits from an array of buse services facilitating Exeter aswell as other smaller satelite towns along with cross-boundary connections to Somerset Towns and college facilities. Seaton itself also has an array of local facilities and services. These features will help support sustainable travel.

I recommend that should this application be approved, secure cycle storage per dwelling is conditioned to help encourage sustainable travel and help mitigate against vehicular travel, as the development is also over our threshold of 40 dwellings, we would also require a Travel Plan which includes a Travel Plan co-ordinator, with measures to pathfind sustainable travel along with a £250 per dwelling sustainable travel voucher package.

I have searched our rolling recorded police record which is over the last 5 years from January 2020 to December 2024 and can only see 1 incident within the vicinity of this proposed area and see no evidence of this being linked to a highway geomtery issue.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1.

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

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

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2.

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.

3.

Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43m in either direction. REASON: To provide adequate visibility from and of emerging vehicles.

4.

Off-Site Highway Works No development shall take place on site until the off-site highway works have been constructed and made available for use. REASON: To minimise the impact of the development on the highway network in accordance with the East Devon Local Plan 2013-2031.

## EDDC Landscape Architect

### 1 INTRODUCTION

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

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

### 2 LOCAL PLAN ALLOCATION & LANDSCAPE DESIGNATIONS

The site is allocated in the draft new local plan for up to 75 dwellings.

At its closest the site lies 950 metres to the west of the East Devon National Landscape but is considered to be within its setting, although there are few locations where publicly accessible views of the site can be obtained from it.

Harepath Farm situated opposite the site to the north side of Harepath Hill is grade 2 listed.

### 3 REVIEW OF SUBMITTED DETAILS

#### 3.1 Landscape and Visual Appraisal

The LVA is comprehensive in its coverage of the landscape and visual baseline and identification of relevant receptors. Recommendations and proposals for landscape and visual mitigation are generally considered thorough and appropriate.

The assessment of landscape value and susceptibility of landscape and visual receptors is generally accepted but assessment of magnitude of effect is generally understated. In particular the effects in many instances are more extensive than local, the site being clearly evident in views from the east side of the Axe estuary and the change on the site and its immediate landscape context during construction phase and at completion of the development are likely to be major adverse, reducing in time as mitigation planting matures, but with loss of some open views presently enjoyed towards the National Landscape on the western approach to the site from Harepath Road. Effects could be further mitigated by undertaking advance planting around the perimeter of the site prior to or on commencement of construction.

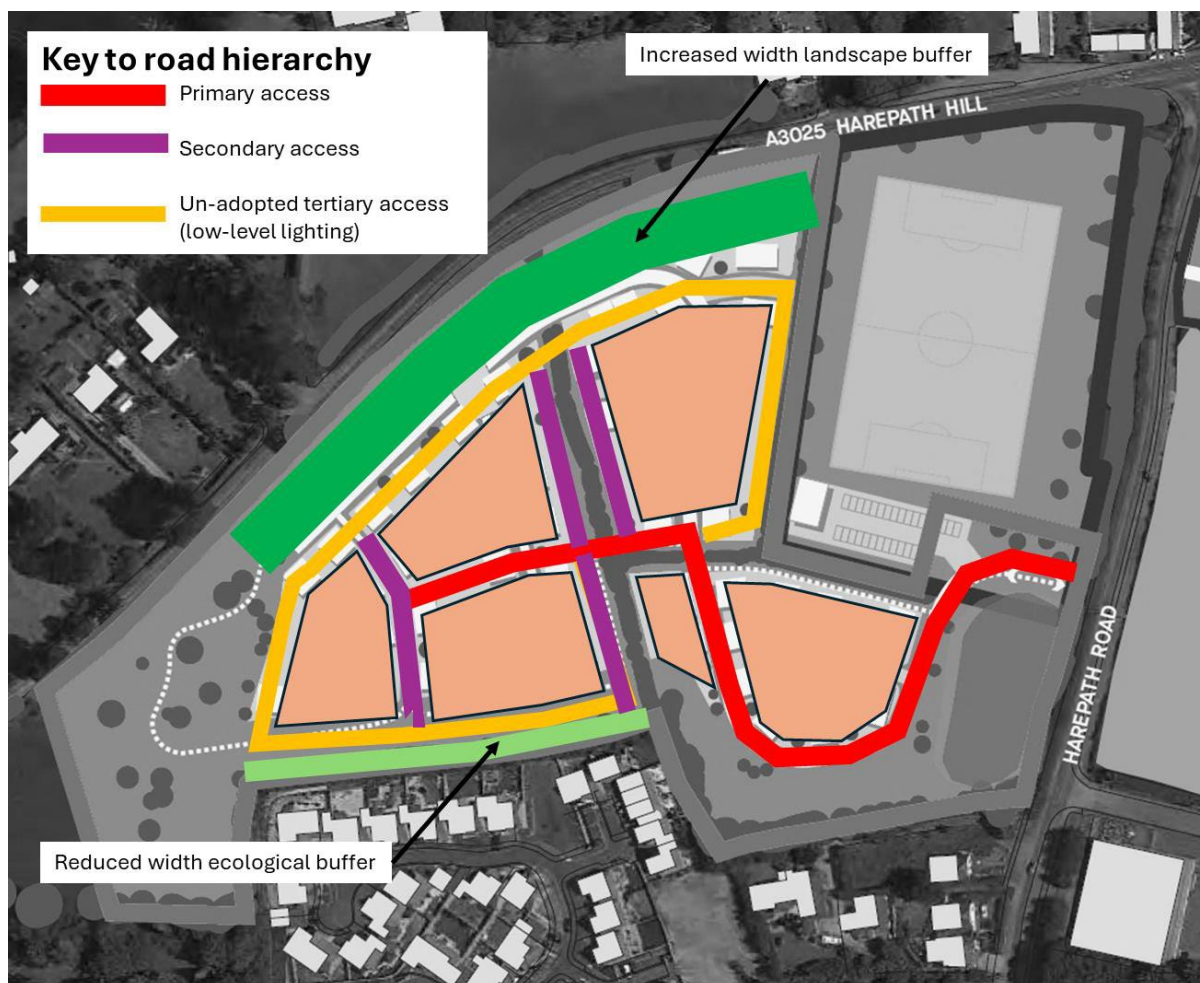
### 3.2 Concept masterplan

The indicative layout routes the primary access along the northern, rural edge of the western field parcel where effects from street lighting are likely to be most significant. A better approach would be to route the primary access through the middle of the development and utilise unadopted tertiary routes around the perimeter of the development that would require only low- level lighting.

A wide ecological buffer is proposed to the southern edge of the western field parcel which appears to be closed off from the development and provide no community benefit. It would seem better to reduce the width of this (more akin to LVA plan 7) allowing the development in the western field to be shifted southwards and increasing the width of the landscape buffer to the northside adjacent to Harepath Hill. With appropriate planting together with limiting street lighting to this side as noted above it would also better serve as an ecological corridor.

An overmarked plan extract illustrating these suggested amends is provided at figure 1 below.

Although there is reference in the DAS and LVA to an iterative design process having been undertaken there is no evidence of this in the form of a sequence of design development drawings or alternative layouts that may have been considered.



The only SuDS measure referred to in the DAS is the attenuation basin in the southeast corner of the site. While this is the obvious location topographically, the ground rises relatively steeply to the west and there is likely to be a significant retaining structure/ engineered embankment required to its west side. A more comprehensive SuDS approach is required to collect and manage surface water as close to source as possible through a wider range of integrated measures including use of smart water butts in private gardens, rain gardens, swales and infiltration strips to reduce the requirements for a large capacity attenuation basin.

The DAS states (p21) that 'The development will prioritise walking and cycling in the first instance as a key component in developing a sustainable neighbourhood and healthy community.' While there is ample provision of walking routes within the site the only access for pedestrians and cyclists into it is via the proposed road access. The illustrative masterplan does not even provide a pedestrian/ cycle link to the developer's own adjacent development at Rowan Drive. A consequence of this is that the shortest walking route to the sports pavilion for a resident living adjacent to the site at, say no. 32 Rowan Drive, would be 840m compared with a straight-line distance of 120m. There is a clear opportunity to provide a link to the site between nos. 36 and 34 Rowan Drive which should be an essential requirement of the proposal. Similarly, there is a need to conveniently link the pedestrian access along the northern edge of the proposed development with the approved phase 1 scheme to the east.



There is also an opportunity to provide a link along the northern boundary of the adjacent field parcel to the west connecting with Bernards Hill Lane and Seaton Bridleway 7 to the north. If this land is outside of the developer's ownership, then a commuted sum should be made available as part of the S106 agreement to enable this link to be completed by the Highway Authority.

The above-mentioned access links are illustrated in the overmarked plan extract below (figure 2). (IMAGE)

## 4 CONCLUSIONS & RECOMMENDATIONS

### 4.1 Acceptability of proposals

The principle of housing development on the site is considered acceptable in consideration of landscape and visual effects.

There are however issues, as identified above, with the concept masterplan and further exploration of alternative layouts is required to address these at reserved matters stage should the application be approved.

### 4.2 Conditions

In the event that approval is granted, the following conditions should be imposed:

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

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

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2021 - Guidance notes for the reduction of obtrusive light and GN 08/23 - Bats and Artificial Lighting in the UK.

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

d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

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

- o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.

- o methods for stripping, stockpiling, re-spreading and ameliorating the soils.

- o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).

- o schedules of volumes for each material.

- o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.

- o identification of person responsible for supervising soil management.

f) A Green infrastructure/ Landscape strategy plan showing existing vegetation to be retained and removed, new tree and native structure planting and other habitat creation areas, existing watercourses and new SuDS drainage provision together with public open space and foot/ cycle path routes and connections. The plan shall identify areas for advance planting and enhancement of existing perimeter hedges prior to commencement of site works.

g) A full set of soft landscape details including:

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

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

- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

- v) A programme for delivery of soft landscape works identifying any phasing proposed.

h) A full set of underground services plans and typical depths and trenching requirements for all such services. The plans shall indicate the locations of proposed trees within the scheme and proposals shall ensure that services routing does not adversely interfere with tree pit requirements.

- i) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective

measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

3) 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 and the approved hard and soft landscape plans and associated details and shall include the following:

a) Details of the body or organisation 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.

b) 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.

c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.

d) Landscape and ecological management aims and objectives for the site.

e) 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.

f) 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.

g) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.

h) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance

i) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

j) Arrangements for inspection and monitoring of the site and maintenance practices.

k) 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.

l) 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.

4) To ensure the feasibility of species-rich grassland creation, a soil survey of all the fields within the application boundary shall be undertaken in accordance with best practice guidance, including:

- o Devon County Council Soil Analysis BNG Guidance October 2024

- o Natural England TIN035 (Soil sampling for habitat recreation and restoration),

- o Magnificent Meadows (Soil Nutrient Testing),

- o and the Farm Environment Plan Manual (2010), Key 2c.

Prior to commencement of construction, the soil survey methodology, results and an Initial Biodiverse Grassland Seeding and Enhancement Strategy shall be submitted to the LPA for approval. This strategy shall:

- o Interpret nutrient levels (especially phosphorus) and assess feasibility of species-rich grassland creation.

- o Propose field-specific prescriptions based on baseline soil conditions and ground flora.

- o Include a nutrient reduction plan where required and monitoring arrangements for soil nutrient status and botanical diversity.

- o If survey results indicate non-feasibility without intervention, a revised programme and specification shall be submitted prior to commencement of site works setting out measures and anticipated timings for reduction of soil fertility and habitat creation including associated monitoring arrangements. A Final Biodiverse Grassland Seeding and Establishment Strategy shall be submitted 3 months prior to final seeding, informed by site monitoring results.

Ongoing grassland monitoring and soil testing shall be incorporated into the 30-year aftercare programme.

5) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the

exception of planting which shall be completed no later than the first planting season following first use.

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

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.

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

## EDDC District Ecologist

### 1 Introduction

This report forms the EDDC Ecology response to the above application.

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

### 2 Review of submitted details

The application is supported by an Ecological Impact Assessment (EclA) (EAD Ecology, September 2025), shadow Habitats Regulation Assessment (sHRA), statutory biodiversity metric, and other supporting documents. Ecological surveys are considered valid to support the application.

The EclA confirms the site supports legally protected and notable species including qualifying bat species associated with Beer Quarry and Caves Special Area of Conservation (BQ&C SAC), hazel dormouse, nesting birds, slow worm, badger, and potentially provides suitable habitat for hedgehog, polecat and brown hare.

Beer Quarry and Caves Special Area of Conservation (BQ&C SAC)

The site is in consultation zones associated with BQ&C SAC and the bat survey results indicates the site supports all qualifying species associated with the SAC.

The boundary features, especially the northern and southern boundaries, are considered important for SAC bats. The sHRA considered that in the absence of mitigation the development would have a Likely Significant Effect (LSE) on BQ&C SAC.

Key mitigation measures proposed include the provision of 20m landscape buffers around the boundaries of the site including a minimum 10m dark (<0.5lux) corridor, a

'dark development', i.e., no adopted street lighting within the development, provision of woodland and hedge planting, control measures during construction, and post-construction bat activity and lighting monitoring.

As highlighted by the landscape officer, it is recommended that the primary road access should be located within the centre of the site, located away from the sensitive boundary hedgerows.

The measures, if successfully implemented and maintained, are considered to maintain landscape permeability for SAC (and other) bat species over the site and provide foraging habitat to compensate for the loss of existing low value (arable) foraging habitat.

Any reserved matters application will need to be supported by detailed lighting impact assessment, landscaping, maintenance, and construction management plans.

Given the location of the site and its importance for bats, the mitigation measures should be secured by a planning obligation to ensure the in-perpetuity (80-125 years) maintenance is secured, which is a requirement of the Habitats Regulations to provide the necessary certainty in the delivery of the mitigation.

**Habitats and protected species**

The EclA makes a thorough assessment of the development impacts on designated sites, habitats, species, and recommendations to deliver ecological enhancements, such as bat tubes and insect bricks.

The EclA states (para 3.2.5) that the development would abut the central hedgerow (H5). While the bat survey did not identify H5 as a commuting route for SAC bats, H5 is considered Important under the Hedgerow Regulations 1997, is a historic hedge feature (shown on OS 1888-1890 maps), and is a Priority Habitat. Therefore, any detailed site design should ensure that H5 is not located within private curtilage, and it has a sufficient buffer either side to ensure its long-term viability and its maintenance is achievable.

In accordance with BS 42021:2022 for integral nest boxes, bird bricks should be provided in each new dwelling, rather than at a ratio of every two dwellings (see para 4.1.12).

All biodiversity features will need to be provided on the detailed drawings, e.g., elevations for bat/bird/insect bricks to ensure they are not missed during construction.

Any supporting development documents, e.g., submitted at reserved matters such as construction management and landscaping plans should ensure that biodiversity constraints, control measures, and features are explicit in their requirements.

It is recommended that the detailed site design incorporates street trees, water butts, and a comprehensive SUDS approach (refer to landscape officer comments), to ensure that biodiversity enhancement measures are fully embedded into the development.

**Biodiversity net gain**

The statutory biodiversity metric (SBM) indicates that the development could potentially deliver<sup>1</sup>

<sup>1</sup> Dependent on detailed landscaping plans more than 10% gain for area habitats (~61%) and hedges (~80%). Consideration regarding additionality for the delivery of protected species compensation has been addressed, and the baseline is considered accurate.

**3 Conclusions and recommendations**

The proposed avoidance, mitigation, compensation, and enhancement measures, notwithstanding the above comments, are considered appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented and successfully maintained.

Should the proposal be minded for approval the following conditions are recommended:

- o The development shall be carried out in accordance with the Ecological Impact Assessment (EAD Ecology, September 2025) and Ecological consultee comments made on 08 December 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:
  - o Integrated bat boxes (one box for every two dwellings)
  - o Integrated bird boxes (1 per dwelling)
  - o Dormouse nest boxes (20 no.)
  - o Insect bricks (1 per dwelling or equivalent no. in suitable locations)
  - o Hedgehog highways (13 cm<sup>2</sup> holes in at ground level in fences)
  - o Reptile/amphibian hibernacula (3 no.)

have been installed/constructed in accordance with the EcIA and subsequent supporting documents including any Habitat Management and Monitoring Plan (HMM), Landscape and Ecological Management Plan (LEMP) and Construction and Ecological Management Plan (CECoMP).

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

- o Risk assessment of potentially damaging construction activities.
- o 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).

- o The location and timing of sensitive works to avoid harm to biodiversity features.
- o The times during construction when specialist ecologists need to be present on site to oversee works.
- o Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- o The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- o 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.

- o No development shall commence on site until a Detailed Lighting Design including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and parameters detailed within the shadow

Habitats Regulation Assessment (EAD Ecology, August 2025) has been submitted and approved in writing by the local planning authority.

The design should clearly demonstrate that dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), are achievable based on the final site design. All 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 external lighting be installed without prior consent from the local planning authority.

o A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted EcIA (EAD Ecology, September 2025) and an approved soft landscaping plan. It shall include the following:

- a) 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.
- b) 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.
- c) 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.
- d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) 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:
  - i. Existing trees and hedgerows/banks.
  - li. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
- g) 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.
- h) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- i) The monitoring methodology and frequency in respect of the created, retained and enhanced habitats to be submitted to the local planning authority,
- j) 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.

Notice in writing shall be given to the Council when the HMMP works have started.



No occupation shall take place until:

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 the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

k) 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. the habitat creation and enhancement work 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.

Reason:

To ensure the development delivers a biodiversity net gain on site 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.

Natural England

## SUMMARY OF NATURAL ENGLAND'S ADVICE

### NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of Beer Quarry and Caves Special Area of Conservation (SAC). <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures, identified in the adopted shadow Appropriate Assessment are required:

- A Construction Ecological Management Plan (CECoMP).
- A Habitat Management and Monitoring Plan (HMMP).
- A detailed lighting plan and strategy including 10m dark corridors, 10m landscape buffers, new hedgerow, woodland planting, and enhanced habitat provision.
- Long-term construction and post-construction ecological monitoring.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

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Natural England notes that your authority, as competent authority, has adopted the shadow 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.

The appropriate assessment concludes that you are 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.

Should the proposal change, please consult us again.

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#### Devon County Council Education Dept

The proposed 72 dwellings will generate an additional 18 primary pupils and 10.80 secondary pupils per dwelling which would have a direct impact on Seaton primary school and Axe Valley Academy.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Devon County Council has forecast that there is currently capacity at the designated primary and secondary schools for the pupils likely to be generated by this development and therefore a contribution towards primary and secondary education would not be required.

Devon County Council would however seek a Section 106 contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -

10.80 Secondary pupils

£4.91 per day x 10.80 pupils x 190 academic days x 5 years = £50,376

The contribution above has been calculated based on the DCC contract cost of transporting a pupil from the area of development to the named school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil will attend the school. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.

All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Devon County Council will also request a contribution of towards monitoring fees that will be calculated per trigger event set out in a S106 agreement.

#### DCC Flood Risk Management Team

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

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

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy (Report Ref. 2532-JRC-XX-RP-CE-0001-P4; Rev. P4; dated 11<sup>th</sup> November 2025) 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.

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

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

### **Observations:**

The applicant has noted that the site topography does not allow for Source Control features within the site. However, if the number of dwellings is reduced, then there should be space for Source Control features which work with the topography (such as swales, tree pits, small rain gardens, filter drains, e.t.c.). SuDS Planters could also be used for houses (perhaps as an 'upgrade option' for purchasers).

The applicant has also noted that the site will discharge into the swales within their other site to the east of Harepath Road (22/2781/MOUT). This will mean that the drainage system is partly dependant on the deliverability of this other site. However, it is thought that the applicant would still be able to construct the swales to the east even if they cannot, or do not, deliver this site to the east.

Whilst we agree with the applicant that the site is steep, the eastern extent might be 'shallow' enough to allow the use of infiltration. An applicant will need to assess the gradient of the site here. If the gradient is shallow enough, then they will need to complete infiltration tests in this area of the site. If infiltration rates are viable, an applicant would also need to assess the possibility of re-emergence of water from the ground.

The applicant has clarified their current assumptions for the potential sports pitch. The pitch is currently assumed to be 0.61ha. An allowance has been made for 2 litres/second for the drainage from the sports pitch. This means that the sports pitch will need to attenuate surface water.

The currently proposed basin looks to require quite a lot of earthworks with a fairly large embankment required on the eastern end. At the Reserved Matters stage, an applicant will need to look at designing this basin 'more sympathetically'.

### Conservation

Significance and background

The proposal site is on two arable fields to the south of Harepath Hill, a road which is part of the A3052 running past the northern edge of Seaton. The site slopes gently from west to east and is bounded by low hedges.

On the northern side of Harepath Hill at the junction with Harepath Road is Harepath Farm, an historic farmstead with several Grade II listed buildings including the C16 farmhouse, C18 linhay and barn, and early 19th century stable range built around a farmyard. These are situated close to the main road, with the southern gables of the farmhouse and linhay and the south (rear) elevation of the stables prominent from the road and visible from the proposal site. To the south of the site are modern housing developments at the northern end of Seaton.

Outline application 22/2781/MOUT (access only) was submitted for development to the south and south-west of Harepath Farm, with the land directly to the south of it proposed as a sports pitch with scattered trees and native hedgerow on the northern boundary opposite the farmstead.

The proposal site is part of allocation site Seat\_03 of the emerging local plan. The site selection report states that there is a potential impact on the setting of the farmstead, although this has an east-west aspect with limited views from the south and the setting has already been compromised by the A3052 and modern development to the east and west. It concludes that the impact is medium and can be mitigated.

#### Assessment

This outline application is for access associated with a residential development of up to 72 dwellings, with all other matters reserved. The indicative masterplan shows that the development will be set away from the northern boundary where the hedgerow boundaries will be retained and enhanced. The proposal will impact on the historic rural setting of the farmstead, although as stated above, this has already been compromised by the A3052 and modern developments. The proposed sports pitch will allow glimpsed views of the farmstead to be maintained to some degree from the south-east and the boundary treatments will go towards mitigating the harm to its setting. In terms of scale, design, materials and landscaping, this can be assessed at reserved matters stage.

The proposed access is towards the southern end of the site on Harepath Road, and this has no impact on the setting of the farmstead.

The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 212, 213 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE02 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025. The proposed access has no impact on the setting of the designated heritage assets and therefore this application complies with these policies.

Recommendation: No objections

### Contaminated Land Officer

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

1. The preliminary risk assessment (Report: GCE01215/R1) has identified:
    - I. all previous uses
    - II. potential contaminants associated with those uses
    - III. a conceptual model of the site indicating sources, pathways and receptors
    - IV. potentially unacceptable risks arising from contamination at the site
  2. A Phase 2A preliminary ground investigation, based on (1) will provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  3. The results of the Phase 2A preliminary ground investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.
5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.
  6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

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

#### Environmental Health

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

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

I have considered the application and I recommend a ProPG noise impact assessment should be undertaken to determine the noise impact from transportation noise. If the assessment highlight noise as an issue, additional mitigation will need to be considered and assessed to determine if it is at an appropriate level to achieve the internal and external noise levels in line with BS8233 (2014).

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

#### Housing Strategy/Enabling Officer - Cassandra Pressling

Thank you for consulting the Housing Enabling Team on the above application. My comments and observations in respect of the affordable housing requirements are as follows:

Policy Requirements: Strategy 34 in the adopted East Devon Local Plan 2013 - 2031 requires 25% affordable on sites in Seaton. This application is offering 29% affordable (21 units) which policy compliant.

Housing Need: There are currently 4302 households registered on East Devon Council's housing waiting list, Devon Home Choice. 167 of these households live in Seaton.

Tenure Mix: Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. The rented units should be

provided as Social Rent as this is more affordable to local incomes in East Devon and in line with latest government guidance.

Housing Mix - will be determined at Reserved Matters stage. However, I expect the applicant to engage with the housing team to ensure a mix that meets local housing needs as identified via our housing waiting list Devon Home Choice and Strategic Housing Market Needs Assessment. All affordable dwellings must meet M4(2) standards.

Council Plan 2024 - 2028 - East Devon District Council wants to increase the availability of social and affordable housing in the district.

Design of Scheme (including Minimum Floorspace Standards):

Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. When considering scheme design options, the following should be taken into account:

Clustering / Distribution:

Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. When considering scheme design options, the following should be taken into account:

- o Clustering / Distribution: The Affordable Housing units should be evenly dispersed across the site, in small clusters of no more than 10 dwellings.
- o Parking: sufficient parking spaces should be provided for the size of the property and visitors. Electric vehicle charging points or infrastructure should be provided for as per policy CB20.
- o Minimum Floorspace Standards: all affordable units should meet nationally described space standards (NDSS).

#### EDDC Trees

I have no arboricultural concerns regarding the proposal. The site has relatively few tree constraints and those trees which do act as a constraints should be relatively easy to retain due to their location on site boundaries. Overall, the site is considered to offer a significant opportunity to increase tree cover in the area with an emphasis on large canopy sized trees within both public open areas and within the streetscene. It is important that the existing hedgerows are retained as much as possible and that new hedgerows are established to improve habitat connectivity across the site. Opportunities also exist for hedgerows to be improved by the addition of individual trees along the length of the hedgerows.

#### Historic England

Thank you for your letter of 12 September 2025 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.



We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

#### LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared with NHS England. 25/1788/MOUT | Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure | Land To The South Of Harepath Hill Seaton The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate. However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current planning applications that may or may not affect the capacity at Seaton & Colyton Medical Practice - Seaton & Colyton Medical Centre, Seaton & Colyton Medical Practice - The Colyton Health Centre, Townsend House Medical Centre - Townsend House and Townsend House Medical Centre - Walrond Medical Centre being approved prior to a final decision on this development, then this will potentially initiate a further review on the NHS's position. Such factors could include but are not limited to:

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

Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations. With this in mind, whilst at this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £680 per dwelling towards NHS Primary Care to any viability assessments. Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.

South West Water  
CONSULTATION RESPONSE

Your ref: 25/1788/MOUT  
Our ref: VV14/10/25 EX122UH

Location: Land To The South Of Harepath Hill Seaton

Proposal: Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

**Asset Protection**

Please find attached a plan (sent by email) showing the approximate location of a public 300mm water main in the vicinity of the above proposed development. Please note that no development will be permitted within 7 metres (3.5m either side) of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 7-metre easement, the water main will need to be diverted at the expense of the applicant.

[www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/](http://www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/)

Further information regarding the options to divert a public water main can be found on our website via the link below:

[www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/](http://www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/)

Should you require any further information, please contact the Pre Development Team via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

**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, discharging into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

It is noted that infiltration has been shown as unviable for this site. The applicant therefore proposes to attenuate on site, before discharging to a sewer that finally discharges to a surface water body, as detailed in the Flood Risk and Drainage Strategy (August 25) and drawing no. 252 ' 0500 ' Rev P3 (May 25)

#### 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

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. 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.

#### Informatives

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

[www.southwestwater.co.uk/building-and-development/services/pre-development-services](http://www.southwestwater.co.uk/building-and-development/services/pre-development-services)

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 construct 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

I trust this provides confirmation of our requirements. For questions or queries, please contact the Planning Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

Yours sincerely,

Victoria Viney MRTPI  
Planning Officer  
Pre Development Team

Peninsula House, Rydon Lane, Exeter EX2 7HR  
[southwestwater.co.uk](http://southwestwater.co.uk)

Sports England

our ref - PA/25/SW/EV/71766

your ref - 25/1788/MOUT

proposal - Outline application (approval sought for means of access) for residential development comprising of up to 72 dwellings, the formation of vehicular and pedestrian access from Harepath Road, public open space and other associated infrastructure.

Site - Land To The South Of Harepath Hill Seaton, EX12 2UH

Many thanks for consulting Sport England on this proposal. We have no opinion on the need for the provision of housing however we wish to flag that there is a current planning application ref 22/2781/MOUT that "awaits a decision". This application includes a proposal to construct a football pitch on the adjacent site of the proposed housing.

There is a potential that balls leaving the football site into this housing site (if both proposals gain planning permission and implemented). Responsibility for adequately

considering this agent of change planning issue lies with the applicant and the decision maker.

The Football Foundation (FF) and Devon FA have considered this application and comment that the redline (of the application site) appears to go into the sporting area (of the adjacent site) where a football pitch, parking and pavilion have been included. Therefore, removal of this redline or clarification as to why it's been included into the sporting area is requested. Please note, football has previous comments on this sporting area which are still relevant.

## Conclusion

Sport England recommends a ball strike assessment is carried out. Any mitigation measures to be implemented e.g. ball stop fencing will be provided by the applicant inside the application site and financially contribute to the future maintenance of the ball strike fencing for an agreed period of time.

The FF/Devon FA also raise a concern over the red line of this application impacting the proposed football site that would need reviewing.

If you would like any further information or advice please contact me.

Yours sincerely

Gary Parsons MSc MRTPI  
Planning Manager

## Police Architectural Liaison Officer - Kris Calderhead

I appreciate that the masterplan is only illustrative at this stage with limited detail however, I would like to make the following comments and recommendations for consideration. They relate to the principles of Crime Prevention Through Environmental Design (CPTED) / designing out crime and should be embedded into the detailed design of the scheme to reduce the opportunity for crime and anti-social behaviour (ASB) and to conform with both local and national planning guidance.

- It would be beneficial if any future Design and Access Statement (DAS) could reference designing out crime / CPTED and provide detail as to how such principles have been considered within the design of the scheme as there does not appear to be any such reference in the current DAS.
- Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided as it increases the risk of crime and ASB.
- Boundary treatments to the front of dwellings and around any potential apartment blocks are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate. Defensible space enables occupants to control the space immediately around their plot.

- Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.
- Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.
- Presumably the site will be adopted and lit as per normal guidelines (BS 5489-1:2020.). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.
- Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms. Rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance which increases the potential for crime and ASB.
- Formal play areas should be an integral part of residential developments, afforded natural surveillance from nearby dwellings, not located to the rear of them or immediately next to a dwelling where they could have a detrimental impact. It is recommended that they have an appropriate boundary treatment that prevents vehicular access and clearly defines the space.