

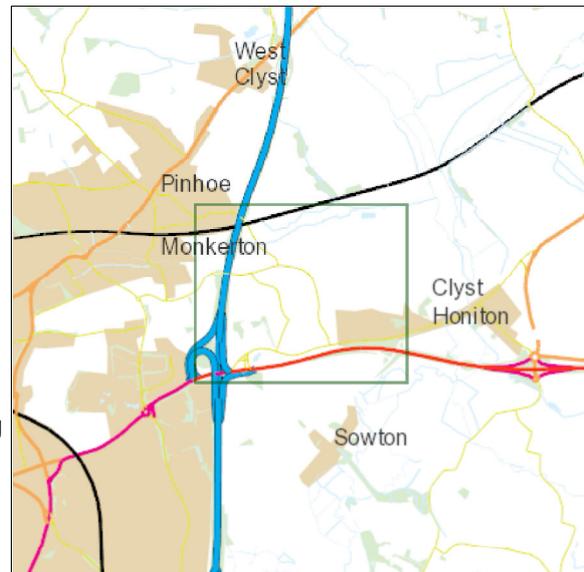
Ward Broadclyst

Reference 18/2799/MOUT

Applicant Eagle One MMIII Ltd

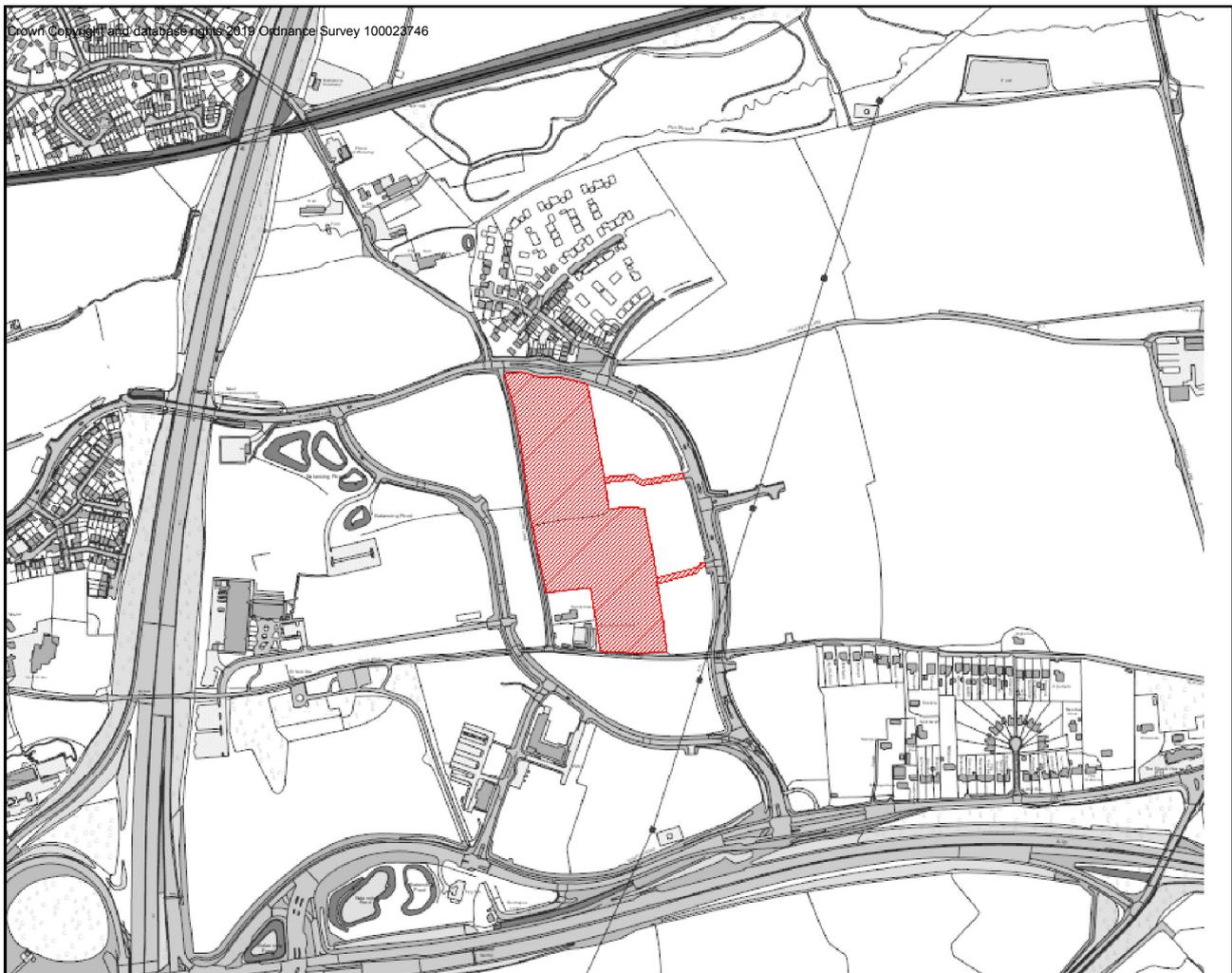
Location Exeter Science Park Clyst Honiton

Proposal Erection of up to 150 dwellings with associated infrastructure and public open spaces including allotments/community gardens (all matters reserved except access)



RECOMMENDATION:

1. That the attached **Appropriate Assessment** under the **Conservation of Habitats and Species Regulations 2017** be adopted.
2. That the application be **APPROVED** with conditions and subject to completion of a legal agreement.



Broadclyst (BROADCLYST)	18/2799/MOUT	Target Date: 11.04.2019
Applicant:	Eagle One MMill Ltd	
Location:	Exeter Science Park Clyst Honiton (East Of Langaton Lane)	
Proposal:	Erection of up to 150 dwellings with associated infrastructure and public open spaces including allotments/community gardens (all matters reserved except access)	

RECOMMENDATION:

1. That the attached **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017** be adopted.
2. That the application be **APPROVED** with conditions and subject to completion of a legal agreement.

FURTHER UPDATE REPORT

Background

The above outline planning application was considered by the DM Committee on the 30th April 2019 (original report attached) and Members made the following decision:

“Approved as per officer recommendation subject to a change to condition 16 to secure a minimum 3m width pedestrian/cycle link and securing of a financial contribution towards the NHS at a maximum of £216,247 subject to the Council’s Viability Consultant confirming that the overall land use swap deal is viable with the contribution. If the Council’s Viability Consultant confirms that the proposal is only viable with a contribution to the NHS of less than £216,247, that the decision be delegated to the Chairman for determination”.

However, the matter was referred back to the DM Committee on the 6th August 2019 (copy of update report also attached) as the applicant was not prepared to make any NHS contribution for a number of reasons specified in the report. Just prior to the DM Committee meeting, the applicant submitted a solicitor's letter and a Counsel Opinion to justify their position.

As a result of this late information, the DM Committee decided to defer a decision to allow consideration of the additional information by the applicant. The additional information submitted by the applicant was sent to the Royal Devon and Exeter NHS Foundation Trust ("the Trust") for their comments on the arguments made to allow a balanced viewpoint. Both the applicants' additional information and the Trust's response were then considered by Counsel appointed by the Council, to give a legal opinion on the conflicting arguments. This has now been received and consequently the matter is now ready to be referred back to the DM Committee for a final decision.

Applicant's Counsel Opinion and Solicitor's letters

The thrust of the applicant's case is that the funding requests by the Trust fail to meet the tests of regulation 122 (2) of the CIL Regulations i.e.- (a) a planning obligation must be necessary to make the development acceptable in planning terms; (b) it must be directly relevant to the development; and (c) it must be fairly and reasonably related in scale and kind to the development. As the proposal fails to meet the tests, the applicant argues that the request is unlawful.

Part of the detailed case put forward is that as the Trust is contractually obliged to deliver the services and residents can access those services whether or not the contribution is paid, the tests of Regulation 122 (2) are not met.

In addition, the applicant's believe that the request from the Trust constitutes 'infrastructure' and should be secured through CIL rather than a S106. However, this is a secondary point as the applicant believes the Regulation 122 (2) tests fail.

Finally, it is concluded that there is no policy "hook" in the local plan, Planning Obligations SPD or the IDP to require that a contribution should be made towards the routine running costs of the Trust.

The response from the Trust

The trust were sent a copy of the applicant's case with a request for comments on them, particularly in relation to the NHS funding arrangements.

The Trusts consultation response relates to the increased impact of the development on the Trusts services that are now at full capacity. They detail how funding is provided to them based on previous year's performance, and how they cannot plan for, and as such do not receive funding, for unplanned developments and equally cannot refuse to treat a patient.

The trust states that the only way they can maintain "on time" service delivery without compromising quality of care and comply with NHS quality requirements is that the developer mitigates impact by contributing towards the cost of

providing the necessary capacity for the Trust to maintain service delivery during the one to three years of occupation of each dwelling until funding is received to cover the additional impacts. However, the Trust considers that the request only for the first year keeps the levels of contribution reasonable.

They also state that a S106 can be used to fund 'running costs' as opposed to 'infrastructure'. The contribution does meet the Regulation 122 (2) tests because it is needed to make the development acceptable in planning terms as without it the population increase will be accessing the Trust without any corresponding funding which would adversely affect the standard of service. The contribution is directly related to the development as it is based only on the new population of the development who will be using the Trust's services. The contribution is fairly and reasonably related in scale and kind to the development as it is linked to the size of the new population and the particular characteristics of that population.

Counsel Opinion on behalf of the Council

Following receipt of the additional information from the applicant and the Trust's response, the Council commissioned its own Counsel Opinion to consider the information submitted and advise on whether the Local Planning Authority can legally secure the contribution towards the Trust's services.

This advice received can be summarised as follows:

- The provision of the Trust's services is capable of falling outside the term 'infrastructure' for the purposes of the planning Act 2008 and can therefore be requested via a S.106 Agreement;
- The tests under Regulation 122 (2) (b) and (c) do not give rise to any forceful argument to suggest that the contribution does not meet the tests under Regulation 122 (2). The main issue is under Regulation 122 (2) (a) and it is noted that the Trust has a mandatory duty to provide the services irrespective of the contribution. However, the Trust make the point that the relevant service provided over the relevant period, would be inferior in the absence of the contribution. In this respect, necessity could be demonstrated.
- The above point raises the issue of whether sufficient evidence exists to demonstrate the Regulation 122 (2) tests are met. The Trust has not yet produced a fully comprehensive justification and the Council has asked for further information regarding particular expenditure and anticipated delivery over the relevant period which has not yet been forthcoming.
- It is open to the Council to find that the contribution does meet all the relevant tests under CIL Regulation 122 (2), provided it is satisfied that sufficient justification is demonstrated.

- The several references made to 'infrastructure' across the local plan that are concerned with the provision of healthcare facilities are sufficiently supportive of justifying the contribution. There is also adequate national policy support by itself under the NPPF and/or the NPPG.
- That it would be lawful for the Local Planning Authority to grant approval of permission without securing the Contribution given the wider benefits of the proposals enabling the proposed land use swap, and conversely, noting that such benefits would be unachievable were the developments not to come forward.

Assessment

In summary, the Council's Counsel Opinion states that the request from the Trust for a contribution towards services is capable of meeting the relevant tests subject to the further information (which has been previously requested) required from the Trust detailing exactly what the contribution would be spent on (to ensure that it is all non-infrastructure) along with a timescale for spend.

At the time of preparing this report, the further information from the Trust has been requested again but has not been received. Whilst this does not mean that the contribution is ultimately unlawful, without this information and being allowed to consider it, we cannot categorically state at the present time that it is lawful. As such and until this information has been received and assessed as being acceptable, it would not be reasonable to require the contribution.

Irrespective of the submission of the further information, the applicant remains of the view that the contribution to the Trust is not acceptable and unlawful. They have consistently stated therefore that they will not pay the contribution and that approval of permission with the contribution will result in the land use swap no longer happening.

As stated in the previous reports, consideration of this development must weigh up the planning balance of material considerations and in this respect the recommendation has not changed. The benefits of securing the land use swap to the Science Park are considerable and weigh in favour of securing a planning permission. The main benefits being as follows:

- The Science Park is a major strategic employment site in the district for the important objective of providing high quality jobs in a sustainable manner close to a large population centre, nearby housing/community facilities and good transport links. Whilst delivery has been reasonably constant over the last nearly ten years, the physical and planning context has changed significantly with major new developments under construction next to the Science Park changing the rural context which underpinned the original concept. As such, an Interim Masterplan has recently been endorsed by the Strategic Planning Committee to consider and provide high level principles for the changing context of innovation led employment requirements and physical relationships to allow the Science Park to adapt to the changing

context and unlock delivery. This interim masterplan can only be realised with the land swap and is therefore an essential component for the future direction of the Science Park and its relationship to new development in the vicinity coming forward.

- Increased deliverability of the Science Park through less reliance on public sector borrowing and more independence as the Science Park Company will have control of all of its land providing less ambiguity for potential investors and developers;
- The relocated Science Park would be immediately adjacent to the main science park centre and seen as part of the main complex as opposed to being an outlying cluster with less presence. This will help integrate and reinforce this flagship development;
- Increased likelihood of earlier delivery of the remainder of the Science Park and its high quality jobs for which the district has a shortage;
- Overcome a small delivery issue related to the Kennels property being located adjacent to the existing Science Park land in conflict with campus uses. It is much better suited next to residential development;
- The new Science Park land will be adjacent to its southern entrance with visual prominence from the A30 improving its visibility and deliverability.

At the present time and without further acceptable information/evidence from the Trust it would be unsafe to require the NHS contribution and therefore it is recommended that this issue should not be given much weight in the planning balance and planning permission should be granted without the contribution.

However, if the information/evidence is forthcoming from the Trust and there is sufficient time to assess it and confirm it is acceptable before the meeting, then the NHS contribution gathers weight in the overall planning balance. It is for the Committee (as the decision maker) to reasonably decide what weight should be attached to this.

Officers are of the view that in the balance of material considerations, the benefits of securing the land use swap, and conversely the risk of the land use swap not proceeding with the contribution, outweigh the benefits of the contribution in this instance,

It should also be stated that further delays in reaching a decision will seriously risk the land use swap transaction.

On balance therefore, and in the interests of ensuring that the land swap deal is secured and its wider planning benefits achieved, it is recommended that the Committee do not secure a financial contribution to the Trust through this planning application and approve the application subject to the planning obligations, the adoption of the Appropriate Assessment specified in the original report and change to condition 16 previously agreed.

PREVIOUS UPDATE REPORT

Broadclyst (BROADCLYST)	18/2799/MOUT	Target Date: 11.04.2019
Applicant:	Eagle One MMill Ltd	
Location:	Exeter Science Park Clyst Honiton (East Of Langaton Lane)	
Proposal:	Erection of up to 150 dwellings with associated infrastructure and public open spaces including allotments/community gardens (all matters reserved except access)	

RECOMMENDATION:

3. That the attached Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 be adopted.
4. That the application be APPROVED with conditions and subject to completion of planning obligations.

UPDATE REPORT

The above outline planning application was considered by Committee on the 30th April 2019 and Members made the following decision:

“Approved as per officer recommendation subject to a change to condition 16 to secure a minimum 3m width pedestrian/cycle link and securing of a financial contribution towards the NHS at a maximum of £216,247 subject to the Council’s Viability Consultant confirming that the overall land use swap deal is viable with the contribution. If the Council’s Viability Consultant confirms that the proposal

is only viable with a contribution to the NHS of less than £216,247, that the decision be delegated to the Chairman for determination”.

The Council’s Viability Consultant has advised that the NHS contribution would not have a sufficiently detrimental impact on scheme viability to cause the proposed land transfer to fail. However, the advice is that as the applicant considers the overall transaction would not be in their interests, the only way for the Council to proceed with confidence that the land swap transaction will go ahead would be without the NHS contribution. The applicant has confirmed that they do not believe the contribution is valid and therefore they haven’t taken it into account in their appraisal and it was not part of the land transfer negotiations. They have further confirmed that they will not be making a financial contribution to the NHS of any amount.

In terms of the Committee resolution, the Council’s Viability Consultant considers the NHS contribution could be paid as part of a pure viability exercise but considers there are other reasons that would indicate that the NHS contribution should not be sought to secure the land transfer. Overall, our consultant confirms the total S106 contribution has increased from the Heads of Terms submitted with the planning application by £134,825 (including taking into account the full NHS contribution).

As the applicant has advised that they will not agree to provide any NHS contribution, the matter therefore needs to be referred back to the Committee for determination.

For information since the previous decision on the 30th April, one letter of support has been received from the Exeter Science Park Limited.

In addition, although it has been drawn to officer’s attention that the site falls within an area at high risk of Radon, this is a matter that is covered under Building Regulations through the provision of a barrier between the construction and the ground.

Background

Whilst the planning application was under consideration, the Royal Devon and Exeter NHS Foundation Trust (“the Trust”) wrote to the council to explain that the population increase from this development would significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the development population increase: this is indicated as the first year of occupation. The contribution requested is indicated by the Trust to provide services needed by the occupants of the development and it cannot predict when planning applications will be made so considers that it cannot plan for this additional development (the site is not allocated for housing in the local plan).

Based on its formula using the East Devon average persons per dwelling of 2.21, The Trust has requested a contribution of £216,246 for this development to provide additional health care services arising from the development and have indicated that without it, they would object to the application as the development

would have a direct and adverse impact on the delivery of health care in the trust's area.

In turn, the applicant has advised the council that the requested contribution from the trust is unacceptable for the following reasons:

- 1) It does not meet the relevant tests for planning obligations; and
- 2) It is infrastructure that should be secured through CIL if necessary; and
- 3) It has not been allowed for in the viability assessment and hasn't been included in the land deal.

Relevant planning obligation tests

A planning obligation must be necessary to make the development acceptable in planning terms; it must be directly relevant to the development; and it must be fairly and reasonably related in scale and kind to the development.

Strategies 3 (Sustainable Development) and 4 (Balanced Communities) in the Local Plan aim to promote social wellbeing by providing facilities to meet people's needs such as health care and securing these facilities by making financial contributions towards their provision. In Strategy 50 (Infrastructure Delivery) the Council will ensure that infrastructure requirements that arise as a direct consequence of developments are met in full to serve the needs of the proposal and occupants and users. Supporting text in the Local Plan (para 16.41) states that financial contributions can be sought from developers where new development will place additional demand on health care services. More specifically, most of the policies for individual settlements refer to delivering healthcare infrastructure, such as at Cranbrook (Strategy 12), Axminster (Strategy 20), Honiton (Strategy 23) and, of most relevance for this planning application, at the 'West End' (Strategy 11). Similarly, government guidance requires that the views of the NHS should be sought regarding the impact of new development which may have a significant impact on the demand for healthcare services and this should inform councils when considering whether any identified impact should be addressed through a planning obligation. This is a part of delivering 'sustainable' development. Relevant policies that are applicable to the NHS contribution are a significant part of making a development acceptable in planning terms.

There is policy support for securing health service provision where the demand and evidence is secured. In terms of the relevant tests, the Trust has advised that government planning policy supports as part of a component of sustainable development, the creation and maintenance of healthy communities which is a material consideration. The Trust advises that they are operating at full capacity for urgent and elective healthcare and whilst the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought to enable the Trust to provide services needed by the occupants of the new development and the funding cannot be sourced from elsewhere. Their overall conclusion is that this

development directly affects the ability to provide the health service required to those who live in the development and the community at large.

In turn, the applicant considers the requested contribution fails the tests of Regulation 122 and it would be unlawful to grant planning permission having regard to such an obligation. However, no convincing evidence of this has been submitted to date.

The arguments put forward by the NHS to support the contribution appear in principle to be reasonable in terms of the tests although some further clarification has been requested but so far not received. There is policy justification to secure healthcare alongside new development and information has been submitted by the NHS on how this development would affect the short term delivery of services together with a mechanism to determine the level of contribution.

However, whilst the view at the current time is that, on the basis of the information before us, there are reasonable grounds to conclude that the NHS contribution would meet the relevant tests, nevertheless the applicant takes a different view.

CIL

A council can decide that an identified need be funded through CIL. CIL is to fund infrastructure provision and this is defined in S216 of the Planning Act 2008. The Councils Regulation 123 list is the infrastructure to be funded through CIL and includes Health Centres. The Trust specifically identifies health services to be funded out of the contribution and not physical and organisational structures. The Trust submitted a counsel opinion on this matter which concluded that the NHS services did not fall within the definition of “infrastructure” for the purposes of CIL and consequently could lawfully be the subject of a planning obligation. This counsel opinion has been assessed by our Planning Barrister who agrees that certain types of activities provided by the NHS do not fall to be interpreted as “infrastructure”. As such, the services specified to be funded out of any contribution could reasonably be the subject of a planning obligation rather than delivered through CIL.

Viability

Viability assessments were undertaken during the initial pre-application stage in 2018 relating to primarily the assessment of the level of affordable housing in order to incentivise the land deal/transfer. On this basis, it was considered that an affordable housing level of 25% would be sufficient to incentivise.

When the application was submitted, it included a viability report from the applicant which was referred to our independent viability consultant at Plymouth City Council (PCC). This in part had to consider the changed situation since the previous report and take into account that the number of houses had increased from 120 to 150. This advised that the requested contribution from the Trust did not have a sufficiently detrimental impact on scheme viability to cause the proposed land deal to fail.

It was on this basis that the application went to the Committee. In terms of the DMC resolution, PCC and planning officers have been in discussions with the applicant to try and reach agreement on this issue. Several items have been clarified/amended but essentially the view on viability alone, is that the scheme with the contribution to the Trust will just about be viable. The view of PCC is that the total S106 contribution (including CIL) had increased from the Heads of Terms submitted with the planning application (and therefore an amount that the applicant was willing to provide) by £134,825.

Whilst this is an increase of about £700,000 over the original 2018 proposal on which the land swap deal was based on, the house numbers have increased since then from 120 to 150 dwellings. However, the PCC viability report from April 2019 concluded that the development with 25% affordable housing and the S106 contribution (including the contribution to the Trust), is viable but only just.

The applicant does not agree and is not prepared to fund the contribution to the Trust which risks the land deal going ahead. The applicants view is that their viability consultant in January 2019 calculated the total CIL/S106 allowance at just over £2 million which provided for in the s106 for habitat mitigation, travel planning and the provision of the allotments. This was basis for the agreement with the Exeter Science Park/DCC for the land transfer.

In order to move this forward officers have tried to negotiate with the applicant by advising that we would accept a financial contribution of £81,422. This figure has been arrived at by working out what proportion of the NHS contribution could be provided without exceeding the total obligations figure that the applicant proposed as part of their Heads of Terms. In effect, this amount would mean that the applicant would not pay any greater overall level of contribution than they proposed when the application was originally submitted. However, the applicant has remained firm in their position that they will not agree to any NHS contribution.

Considerations

It is considered that the request for a contribution to services by the Trust is not “infrastructure” within the meaning of the CIL regime and could reasonably meet the Regulation 122 tests subject to the comments made above.

Furthermore, in pure viability grounds, our viability consultant considers that with the contribution to the Trust, the development is still just viable but could certainly support a reduced sum of £81,422 as officers have tried to negotiate.

However, the applicant is not prepared to enter into a S106 agreement which includes any contribution to the Trust as they consider it doesn't meet the tests for acceptability and that the land deal is on the basis of what was previously agreed without the contribution to the Trust.

The options open to the council are therefore to either refuse planning permission on the basis that the development does not adequately mitigate its impact on health services, or accept that no contribution to the Trust will be forthcoming and

proceed to a positive determination on the basis of the recommendation to DM Committee (without the contribution to the Trust).

The main risk with a refusal is that the proposed land deal would be lost which would negatively impact on the delivery of the Science Park. There is also the risk of an appeal. It would also mean that the related application (18/2797/MOUT) for the Science Park would not proceed as it is reliant upon the land swap proceeding.

To issue an approval of planning permission without the contribution to the Trust would secure the land deal and have huge benefits to the progress of the Science Park. Members would need to be clear that to do this would accept no mitigation for the impact of the development on health services.

Planning law requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision takers to weigh up all the planning issues and come to a reasoned and rational decision taking into account the weight to be attached to the various issues to achieve a balanced outcome. It is considered that both the principle of securing mitigation for health services and supporting the future growth of a strategic employment site are material to the determination of the planning application and the assessment of weight to be attached to each consideration is a matter for planning judgement by the planning authority.

The council must consider all relevant matters in determining a planning application and this means that some decisions will not follow published policy or guidance. Therefore, the planning authority can occasionally depart from policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case or where there are competing priorities, the planning authority must exercise its reasonable judgement in determining the balance of considerations.

The Science Park is a major strategic employment site in the district for the important objective of providing high quality jobs in a sustainable manner close to a large population centre, nearby housing/community facilities and good transport links. Whilst delivery has been reasonably constant over the last nearly ten years, the physical and planning context has changed significantly with major new developments under construction next to the Science Park changing the rural context which underpinned the original concept. As such, an Interim Masterplan has recently been endorsed by the Strategic Planning Committee to consider and provide high level principles for the changing context of innovation led employment requirements and physical relationships to allow the Science Park to adapt to the changing context and unlock delivery. This interim masterplan can only be realised with the land swap and is therefore an essential component for the future direction of the Science Park and its relationship to new development in the vicinity coming forward.

The benefits from the land use swap to be factored into the decision are outlined in the original report and comprise the following:

- **Increased deliverability of the Science Park through less reliance on public sector borrowing and more independence as the Science Park Company will have control of all of its land providing less ambiguity for potential investors and developers;**
- **The relocated Science Park would be immediately adjacent to the main science park centre and seen as part of the main complex as opposed to being an outlying cluster with less presence. This will help integrate and reinforce this flagship development;**
- **Increased likelihood of earlier delivery of the remainder of the Science Park and its high quality jobs for which the district has a shortage;**
- **Overcome a small delivery issue related to the Kennels property being located adjacent to the existing Science Park land in conflict with campus uses. It is much better suited next to residential development;**
- **The new Science Park land will be adjacent to its southern entrance with visual prominence from the A30 improving its visibility and deliverability.**

Whilst at the current time, significant weight should be attached to the request for a contribution to the NHS Trust, it is considered that greater weight should be attached to the proposed land transfer which will facilitate significant long term gains for the delivery of a major science park integrated with the other development happening in the area.

It is a matter for the decision takers to apportion weight to the relevant planning considerations to come to a balanced decision. Whilst there are grounds (as outlined in this report) to secure a contribution to the Trust, nevertheless the applicant will not agree to a contribution and have advised that they will not enter into the land transfer on this basis.

This land transfer is very important to the future of the Science Park, and therefore carries considerable weight in the balance of considerations.

On balance therefore, and in the interests of ensuring that the land swap deal is secured and its wider planning benefits achieved, it is recommended that the Committee do not secure a financial contribution to the NHS trust through this planning application and approve the application subject to the planning obligations, the adoption of the Appropriate Assessment specified in the original report and change to condition 16 previously agreed.

Original Committee Report

		Committee Date: 30th April 2019
Broadclyst (BROADCLYST)	18/2799/MOUT	Target Date: 11.05.2019
Applicant:	Eagle One MMill Ltd	
Location:	Exeter Science Park Clyst Honiton (East Of Langaton Lane)	
Proposal:	Erection of up to 150 dwellings with associated infrastructure and public open spaces including allotments/community gardens (all matters reserved except access)	

RECOMMENDATION:

5. That the attached **Appropriate Assessment** under the **Conservation of Habitats and Species Regulations 2017** be adopted.
6. That the application be **APPROVED** with conditions and subject to completion of planning obligations.

EXECUTIVE SUMMARY

The two outline planning applications 18/2797/MOUT and 18/2799/MOUT on this agenda are linked as part of the proposed land use swap on part of the Science Park and on land immediately adjacent to the Science Park, forming part of the mixed use development known as Redhayes.

The site for the proposed residential development (18/2799/MOUT) currently forms part of the allocated Science Park, a major strategic employment site, and has an extant outline planning permission for this science park use. The land proposed for the relocation of part of the Science Park is undeveloped but has an extant outline planning permission for offices as part of the wider Redhayes development.

Both planning applications are departures from the development plan as the site for the residential development is outside of any Built-up Area Boundary and is allocated for Science Park use in the Local Plan. The site for the partial relocation of the Science Park is not allocated for Science Park uses but is allocated for the mixed use Redhayes Development. Both planning applications are considered to be Environmental Impact Assessment developments and are accompanied by an Environmental Statement. Both sites are owned by the applicant.

It is a requirement of planning law that planning decisions are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. These planning applications are contrary to the Development Plan and therefore support should only be forthcoming if there are material planning considerations that would weigh in favour of approvals being given by the decision takers.

In this case, there are clear material considerations that within the balance of relevant issues, have led to a recommendation of approval for both applications:

1) There is no overall loss of science park floorspace as the area consented on the proposed residential site is to be relocated to a site next to the science park centre. This is a good location being well related to the core of the science park and is a visible location.

2) The residential development is located between the science park and the Redhayes development which together with the Mosshayne development, forms a large mixed use scheme comprising about 1500 houses, a local centre, primary school, playing fields and other related infrastructure and facilities. Although defined as countryside, the locality is undergoing rapid and far reaching urbanisation as part of the growth area of East Devon and with GESP, is possibly going to continue. The proposed residential site could therefore form an extension of the Redhayes/Mosshayne development and be largely surrounded by consented development in the future. The impact of an additional 150 houses would not be significant as it would be about a tenth of the already consent development at Redhayes/Mosshayne.

3) The site is located close to the border with Exeter and has good cycle/pedestrian and bus routes. Mixed uses are proposed for the locality including employment, leisure, shopping, school and community facilities which would reduce the demand to travel to other areas. This overall development will in time be sustainable and reduce the need for residents to travel by private car.

4) The proposed land use swap will help with the deliverability of the science park giving more control to the science park.

Overall, there are clear benefits with these planning applications which facilitate the land use swap. It is considered that within the balance of planning considerations, the weight falls in favour of permitting the development proposals rather than the ridged application of policy. However, it is for the decision takers to decide the balance of planning considerations but it is the view that there are justifiable and material planning considerations that would weigh in favour of the proposals.

Both applications are linked and neither application is acceptable by itself. In particular, the residential proposal should not be allowed to proceed or commence without the science park relocation also proceeding, as this would result in the loss of science park land and unjustified housing on the allocated science park. The draft legal agreements aim to ensure this is the case.

The proposed developments are the subject of Environmental Impact Assessment. An Environmental Statement covering both developments has been submitted which deals with the environmental issues arising from the proposals. These issues have been considered in the report and appropriate mitigation where necessary is to be secured through conditions/S106. The housing element will have some impact on the East Devon Pebblebed Heaths SAC/SPA and the Exe Estuary SPA/Ramsar sites and accordingly an Appropriate Assessment has been completed. Natural England have confirmed that the mitigation contained in the Appropriate Assessment is acceptable to mitigate the likely significant effects of the housing development on the interest features of these European sites. This is through CIL with additional contributions for non-infrastructure mitigation through the S106. The report therefore also includes a recommendation on application 18/2799/MOUT to adopt the Appropriate Assessment.

Before the applications were submitted, the council undertook an interim Masterplan which was endorsed by the Strategic Planning Committee, to guide the preparation of these applications to ensure key design elements are incorporated to help integrate the developments into the wider development. The applications are considered to be consistent with this interim Masterplan. It is expected that should the proposed land use swap proceed, a wider Masterplan covering the whole Science Park will be needed.

The other planning issues are addressed in the reports for both planning applications, including the level of affordable housing and viability, together with S106 issues. It is material to note that no overage is proposed but there are considered to be special circumstances in this instance to support this.

On balance, the proposed developments taken together have a number of material benefits for the improved delivery prospects for the science park. Whilst both applications are contrary to policy, they would not cause a material harm being part of the much wider development and growth area in this part of the district and being sustainable. It is therefore the view that there are material planning considerations that would weigh in favour of approving these two planning applications.

CONSULTATIONS

Local Consultations

Parish/Town Council – Broadclyst.

The Council would like to make the following requests:

- i. A contribution for off-site provision of No.2 Bus shelters on the Tithebarn Link Road be secured through the S.106 agreement
- ii. Litter bins be provided in the community garden and at reasonable intervals throughout the development, their servicing being added to the management company's contract
- iii. That a dog waste bin be provided (bought and installed) for the community garden; the PC offers to add its servicing to the Parish Council existing SLA.
- iv. That the allotments be transferred to the Parish Council for management.

Clerk to the adjoining Clyst Honiton Parish Council

Concurs with that of Broadclyst PC as follows:

A contribution for off-site provision of No.2 Bus shelters on the Tithebarn Link Road be secured through the S.106 agreement

Litter bins be provided in the community garden and at reasonable intervals throughout the development, their servicing being added to the management company's contract

That a dog waste bin be provided (bought and installed) for the community garden; the PC offers to add its servicing to the Parish Council existing SLA.

That the allotments be transferred to the Parish Council for management.

Adjoining Parish- Bishops Clyst.

The council would support any decision made by our neighbouring council in respect of this application.

Technical Consultations

Environmental Health

I have considered both noise reports and the air quality report in detail and have the following comments to make.

1. Noise report regarding potential dog kennels noise. The kennels are long established and compliant with licence requirements. To some extent the occasional short lived noise of dogs barking will therefore have characterised the area and it is inevitable that at times residents living close to the kennels will hear the dogs barking. The report prepared by Clark Saunders during the summer of 2018 was done in consultation with Environmental Health and concludes that neither the maximum noise level nor hourly average will unreasonably impact on residents in their homes. This is on the proviso that the intervening buffer of the open space is maintained and that the houses are orientated as per the submitted masterplan, with amenity spaces and most bedroom and living areas facing away from the kennels. The report predicts that in this way the internal noise climate will meet current relevant standards. We would like to see a condition incorporated which will ensure that this mitigation will be incorporated and maintained for as long as the kennels are in operation.

2. A second noise report addresses the more general noise impacts on the development, notably the nearby motorway and over flying aircraft. The noise data indicates that aircraft can be quite noisy at times but produces short lived spikes which would be expected and recognised by residents. The conclusion is that within internal living spaces and fenced private amenity areas residual noise from either source will not exceed current standards, particularly during the critical night time period, and we agree with this conclusion. A condition should be included on any approval requiring that the noise mitigation measures set out in the Environmental Statement should be implemented and maintained in perpetuity to ensure that future generations of residents are similarly protected.

3. There is a comprehensive Air Quality report and this concludes that there will be no concerning levels of either nitrogen oxides or particulates from motor vehicles with potential to impact on residents. Neither will additional road traffic contributed by this site lead to any deterioration in ambient air quality. Construction site issues will be

controlled within a Construction and Environment Management Plan which will apply during site works.

In conclusion we agree with the findings of all 3 reports and would recommend that conditions are included which require the implementation of the suggested noise mitigation measures.

South West Water

I refer to the above application and would advise that South West Water has no objection.

For information the surface water sewer system in the Tithebarn Link Road as referred to in the Flood Risk Assessment has yet to be adopted as a public system.

DCC Flood Risk SuDS Consultation

Observations:

It is understood that this application forms part of a wider land swap in the area. However the East Devon case officer has confirmed that this is a new planning application with different proposals to what was originally consented therefore we would require climate change guidance for today's standards to be incorporated within the design of the surface water drainage system. Also, the previously agreed Qbar rate of 5.5 l/s per ha no longer stands, so the applicant should provide a revised value for Qbar.

The attenuation calculation should be updated in light of current climate change allowances and revised discharge rate.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

Exeter Airport have advised that the proposed SuDS should be designed in such a way that they are unattractive to birds, offering no food source or nesting habitats. However, this does not prevent above-ground SuDS components being incorporated into the proposed surface water drainage management system; well-designed and easily maintainable components such as permeable paving (which could be under drained), as well as swales and filter strips with short vegetation, must still be explored.

The applicant should submit agreement in principle from South West Water to confirm that discharge of surface water from this development into the sewer at Tithebarne Link Road is acceptable.

Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore

be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Further observations received 9th April 2019:

Following my previous consultation response FRM/ED/2799/2018, dated 23/01/2019, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has answered the queries raised in my previous response. The applicant has proposed a feasible surface water drainage strategy which proposes an above ground basin to attenuate the runoff to restricted Greenfield rates. It is noted no on site infiltration testing has been undertaken to date, although we recommend that this is carried out as part of any future application, as per the first recommended condition below.

The application includes an allowance of 40% for climate change as well as incorporating long term storage into the design of the attenuation.

Recommendation:

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

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk & Drainage Assessment for the Proposed Residential Development At Tithebarn/Science Park, Land East of Langaton Lane, Exeter dated November 2019 Rev 03".

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to

demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

WW Utilities

Summary:

Wales & West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

Contaminated Land Officer

I have considered the application and the former use of the site as agricultural land. I do not anticipate that any contaminants of concern are likely to be present, but the applicant should consult the Contaminated Land Officer for advice should any unforeseen materials of concern be encountered during oversite works.

Exeter & Devon Airport - Airfield Operations and Safeguarding

Summary.

This proposal has been examined from an Aerodrome Safeguarding aspect and has the potential to conflict with safeguarding criteria from the Sustainable Urban Drainage Scheme (SUDS) becoming a bird attractant increasing the risk of bird strike to aircraft.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Advice notes:

Wildlife Hazards around Aerodromes

Cranes and other Construction Issues.

If the proposals for the SUDS are delivered with a 1/100 year storm, 14 days to drain, annual storm 1-4 days to drain, then mitigation (bird exclusion) measures will not be required. However, the SUDS will require monitoring to ensure that water does not persist beyond these projections and if it does, engineered drainage solutions or bird exclusion systems should be implemented.

Accordingly, Exeter Airport will have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AoA Advice Notes, the SUDS scheme is delivered to ensure no additional bird strike risk to aircraft and there are no changes made to the current application.

EDDC Landscape Architect

Comments on LVIA

Change to visual receptors

The LVIA does not provide a theoretical Zone of Visual Influence (ZVI) study. Given the significant increase in building height proposed on the Science Park land, an updated ZVI should be included with the assessment.

The visual boundary and viewpoints plan, Appendix 7.1 is misleading in that visual boundaries extend some distance beyond the area shown on the map base, as acknowledged elsewhere in the LVIA, for example in relation to Ashclyst Forest and Woodbury Fort. Additionally the plotting of the ridgeline along Blackhorse Lane is inaccurate as the actual ridgeline as indicated on OS mapping lies some 40-100m to the south, well within the site boundaries. An updated plan should be provided if necessary at different scales in order to capture the full visual envelop and provide greater detail nearer to the site.

The assessment fails to consider views to the sites from south of the A30 despite there being clear views of the existing Science Park buildings from a number of locations in this vicinity including Bishop's Court Lane south of Drymond's Farm and Sowton footpath 1. The assessment should be extended accordingly.

Construction phase impact

It is agreed the amended proposals will have a neutral effect on construction phase in respect of residential land compared to previously approved scheme.

Operational phase impact

For residential land it is agreed that the landscape and visual significance of the amendment will be no change/ minor adverse compared to the previously approved scheme.

Comments on Residential Area Design and Access Statement.

Ecology: Advanced planting of a small woodland plantation was undertaken at the northern end of the proposed site to provide dormouse habitat. The original intention was that this would form part of the wider Science Park landscape setting and is understood to be presently unfenced. As part of the change to residential use this area will come under pressure both during the construction phase and especially post occupancy. To help prevent access to this area it should be fenced with appropriate 1.2 m high post and wire mesh fencing, incorporating suitable maintenance access and wildlife gates prior to the commencement of construction works.

Opportunities and Constraints Plan: The Opportunities and constraints diagram key incorrectly describes the existing dormouse habitat as New Orchard. The description should be changed to existing wildlife habitat.

Concept design - Legibility: The building in the north east corner of the site is shown as Redhayes frontage rather than a pivotal building, despite being identified on the Opportunities and Constraints plan as a key building. Please clarify design intention for this building.

Land use Parameters - The recent dormouse woodland planting to the northern site boundary should be included in the Land Use Parameter plan key as existing wildlife habitat.

Scale - Key active residential edge shown on the Scale Parameter Plan should extend to the northern frontage of block A1 to ensure adequate overlooking of the proposed play space.

Green and Community Infrastructure - Much is made of the value of the proposed open space to the northern end of the site to provide formal play and community events space as well as SuDS drainage basin. The reality is that this is a relatively small space, particularly when the existing wildlife and SuDS area is excluded. Clarification should be provided of whether the proposed SuDS basin is intended to permanently hold water or as a minimum provide wet meadow habitat.

Further comments:

The LVIA has been amended in line with my previous comments and is broadly acceptable.

The DAS for the residential area has been updated in line with previously submitted comments and is generally acceptable.

Natural England

DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the Exe Estuary SPA, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Further comments received following preparation of an Appropriate Assessment:

Thank you for your email consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.

Devon County Council, Minerals & Waste

Devon County Council strategic planning does not have any comments to make regarding either of the applications referenced above.

Devon County Archaeologist

This area has been the subject of previous archaeological evaluation and targeted archaeological excavation of identified features. Therefore I do not think that any further archaeological mitigation will be required.

Housing Strategy Officer – EDDC.

This application follows the agreed land-use swap endorsed by Committee in the Masterplan report. This area was originally identified for employment but is now to provide housing. As such under the local plan designation this area is for employment and not recognised as a West End site under strategy 34. However we understand that discussion have been held and it has been agreed that as per other West End sites we will be seeking 25% affordable housing (37.5 units, rounded to 38 or a commuted sum for part dwelling). A tenure mix of 70% rented accommodation and 30% shared ownership or other form of discounted housing to buy will be sought. However if viability evidence shows that this is a problem we will look at a tenure mix that helps support viability. Consideration should be given to providing social rented units. A viability assessment is being prepared but I am unclear as to whether this is to support the 25% requirement rather than 50% due to allocation in the plan or whether there are viability concerns with this site.

The indicative plans do not go into detail on the mix and type of houses to be provided and will be covered at reserved matter stage. Housing need for rented accommodation is for smaller units and a mix of 1 and 2 bedroom flats and houses for rent together with 3 bedroom family homes will meet this need. For shared ownership 2 and 3 bedroom houses are preferable. Although we do not have any adopted space standards, the size of the affordable units should be well considered and registered providers approached at an early stage. Two bedroom properties should be capable of housing 4 persons and for this there is a size requirement. HQI are still useful in informing dwelling sizes.

The affordable units should be tenure blind and dispersed throughout the site in small clusters. They should be constructed to meet Building regulations M4 part (2),

accessible and adaptable dwellings. A Section 106 agreement has been submitted and this is will be considered to ensure that these points are secured.

EDDC Trees

The proposed access routes do not affect any of the limited number of trees or hedgerows that are on the sites. With all other matters reserved I have no other comments to make at this stage.

Exeter City Council, Planning Department

I refer to your consultation dated 20 December 2018 in respect of the above. I consider there are no additional strategic cross boundary issues arising from this proposal (over and above that already proposed as part of the adopted East Devon Local Plan 2013 to 2031).

Highways England

Summary:

Referring to the notification of a planning application dated 20 December 2018 referenced above, in connection with the A30 and Erection of up to 150 dwellings with associated infrastructure and public open spaces including allotments/community gardens (all matters reserved except access) at Exeter Science Park Clyst Honiton (East Of Langaton Lane), notice is hereby given that Highways England's formal recommendation is that we offer no objection.

Police Designing Out Crime Officer, Devon and Cornwall Police.

I appreciate the application is only outline and that the 'Indicative Masterplan' is not a fixed part of the outline planning application. However, based on the plan and other information supplied I would make the following comments for consideration.

I note and welcome that the principles of 'Secured by Design' have been referenced in the Design and Access Statement and incorporated into the design to some extent.

On the whole the layout will provide overlooking and active frontages to the new internal streets, with clearly defined public and private spaces. Good surveillance opportunities of public space such as the allotments/community gardens, the play space and pedestrian/cycle routes have been created.

The majority of gardens are aligned back to back and in the main, access to the rear of plots is restricted as long as appropriate, robust boundary treatments are installed. Parking has been allocated effectively with the majority being allocated on or close to plot with good surveillance provided. The exception to this are a number of rear parking courts (5) which are afforded little surveillance and provide access to the rear of a number of plots. This increases the potential risk to vehicles and dwellings as well as ASB. These areas are also often left unlit which can increase the opportunity and fear of crime.

Ideally the rear parking courts should be redesigned and the number of them reduced. Any that cannot be avoided, should serve no more than 6 homes. Where they abut

gardens, appropriate boundary treatments should be utilised i.e. 1.5m fencing supplemented by trellis to 1.8m to aid surveillance.

I note that in some areas existing and new hedges and trees will form part of the rear garden boundaries to plots. This is acceptable providing the hedge is high enough, a minimum of 1.8m, and robust enough to act as an effective deterrent to prevent unauthorised access. Importantly any hedge must not be susceptible to wide seasonal variation which may affect this function and clearly must also be fairly uniform in depth and height to be effective.

The level of permeability of the site is not excessive and pedestrian/cycle routes appear to be straight, clearly defined, well overlooked and don't provide access to the rear of properties. 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.

If apartment blocks are to be incorporated into the design as suggested by plots 118-125, 59-71 etc. access to the rear of such blocks should be restricted and appropriate boundary treatments used in order to reduce the risk of casual intrusion and to clearly define semi private space for the residents of the apartments and public space.

Apartment blocks should not have trades button access for mail delivery or utility readings. A 'through-the-wall' mail delivery into a secure internal letterboxes, or boxes located within an 'airlock' access controlled entrance hall, whereby access can be gained by a postal worker through the outer door only would negate casual intrusion. If utility readings cannot be carried out remotely it would be preferable that they were located externally near the main entrance, thus again negating the need of a trades button and potential for casual intrusion.

The boundary treatment of the allotments/community gardens needs to be carefully considered. Allotments are regularly targeted for acquisitive crime and ASB and thus the boundary treatment needs to prevent unauthorised access. Presumably the community gardens section of the area will be a public space for the community to use and therefore any boundary treatment would not need to be as robust. A demarcation boundary treatment may be suitable.

Presumably the site be adopted and lit as per normal guidelines (BS 5489). As mentioned above, appropriate lighting for any potential parking courts and for pathways needs to be considered.

County Highway Authority

Trip Generation

The applicant has submitted a Transport Statement which includes a trip analysis to forecast the net change in trips based on the land swap. The analysis takes into account the increase of residential units and the decrease in commercial land. To undertake a robust approach, the same trip rates have been applied for the existing residential and commercial Redhayes scheme; which is acceptable in principle. The analysis suggests that the proposed development will generate 94 two-way trips in the AM peak hour and 84 two-way trips in the PM peak hour.

These additional trips have been compared to the net reduction in the commercial land. The analysis suggests that there will be a reduction of 41 two-way trips in the AM peak hour and 36 two-way trips in the PM peak hour. Hence, the **additional** trips as a result of the land swap is 53 two-way trips in the AM peak hour and 48 two-way trips in the PM peak hour.

Tithebarn Link Road/London Road junction

Whilst the applicant has provided link flow assessments, the submitted Transport Statement has not assessed the Tithebarn Link Road/London Road junction. The Tithebarn Link Road was mostly funded by Local Pinch Point Fund, Regional Growth Fund (both grant funding) with only a proportion of S106 secured from Tithebarn Green, which enabled a great deal of the growth in the area.

DCC have concerns with this junction as it is at present; a series of give way priorities. The right turning movements are difficult with no clear directions as to who has priority; this directly has an impact on both capacity and highway safety. These observations can be made in the current scenario, where the developments (Tithebarn Green, Mosshayne, Science Park etc) have yet to be fully built out and occupied. Henceforth, with the increase of traffic on this junction as a result of both applications (or the land swap), this raises concerns over the performance of the junction.

The junction was designed for signals, however DCC exhausted all funds to deliver the link road facilitating the housing and hence the upgrade of the junction did not come forward. EDDC has advised DCC that this is “strategic infrastructure” and therefore DCC cannot ask the applicant for a S106 contribution and instead falls under CIL (hence the reason for a revised response to the one dated: 13/02/2019).

Vehicular Access

Two vehicular access points are proposed; both on the eastern boundary to the adjacent site, creating an internal loop, with the ultimate vehicular access off the Tithebarn Link Road. These primary access routes connecting into the adjacent site are acceptable in principle. No vehicular access will be formed off Langaton Lane.

Pedestrian and Cycling Access

The site is located within an urban area where foot and cycle are a realistic choice for a wide range of journeys. The site has/will have access to public transport services on Tithebarn Link Road and is nearby employment sites (at Sky Park / Science Park) etc.

Blackhorse Lane forms part of Exeter’s/East of Exeter’s traffic free Cycle Network and maintaining the safety and attractiveness of this route is essential. Langaton Lane (immediately to the west of the site) also presents North-South pedestrian cycling connections, with the only vehicular impact being from an existing dwelling and kennels (with very low traffic flow). Therefore, from a transport perspective, the applicant should be **maximising** the pedestrian and cycling connections/permeability through the entire site and into the green infrastructure routes and employment areas surrounding the site.

The current plans (Access and Movement Parameter plan and Masterplan) indicate that there will be two east-west pedestrian/cycling links from the adjacent site to Langaton Lane. These routes should be **3m in effective width** as per DfT guidance (which has been sent to EDDC). In addition to this, a **3m effective width** walking/cycling route from Parcel C2 to Blackhorse Lane should be made, integrating into Parcel D of the Science Park. It is noted there is no footway being proposed on the southern vehicular link either.

In addition to this, the plans show potential footpath links from Parcel A1 to the adjoining site, which is welcomed, but there should be more pedestrian/cycle links to the western boundary through to Exeter Science park – for instance there is an opportunity to provide a direct link to the Langaton Lane cluster (B), which again should be 3m in effective width.

The plans provided **do not provide enough detail** as to the widths and required links and therefore an appropriate condition is recommended. It is reminded that the original Design and Access statement for Tithebarn green (12/0802/01), section 5.12.1 states that: *“Walking and Cycling are to be given high priority on the movement network.....Provision of direct connections to the Science Park from the local centre (should be) easily accessible to residents and people who will work in the Science Park”*

Notwithstanding the above, any work that adjoining Langaton Lane and Blackhorse Lane (which are both adopted) will need a S278 agreement. The access points onto should have sufficient visibility splays and the applicant should be showing these on any submission - upon site visit, the banks that surrounding the site does hinder visibility.

Internal Roads and layout

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance i.e. pedestrians/cyclists should have priority over motor vehicles.

The applicant is advised that car parking standards are set out in accordance with EDDC standards and that secure sheltered cycle parking facilities are provided. As an outline application these details are reserved for approval at a later stage. However, to ensure a suitable layout it is recommended that the applicant liaises with the highway authority prior to any application for reserved matters approval.

Travel Planning

In accordance with paragraph 111 of the NPPF the development will be required to have a Travel Plan. DCC is currently adopting an approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures. Consequently, a contribution of £500 per dwelling should be secured as part of any S106 agreement.

Construction

A condition is also recommended to ensure that appropriate facilities for all construction traffic are provided on site before the commencement of any part of the development hereby approved.

Summary

The site is located within an existing urban area and the applicant should improve pedestrian/cycling linkages promoting modal change. If achieved correctly, sustainable development with safe and suitable access for all users can be achieved. Concerns have been raised with regards to the increase in traffic associated with the development (or land swap) and the impact this will have on the Tithebarn Link Road/London Road junction.

Therefore, subject to appropriate contributions (Travel Plan contributions) and conditions being attached in the granting of any consent, no objection.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

1. Financial contributions and as set out in the informative to be secured by an appropriate agreement (Travel Planning Contributions).
2. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

REASON: To provide adequate facilities for sustainable transport.

3. No part of the development hereby approved shall be brought into its intended use details of pedestrian and cycle linkages from the site/through the site have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the links have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

REASON: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 and 110 of the NPPF

4. No part of the development hereby approved shall be brought into its intended use until the vehicular access points as indicated on the Illustrative Masterplan (drawing number 1120 Rev C) have been provided in accordance

with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

REASON: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 and 110 of the NPPF

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of highway safety and public amenity.

Additional comments received 12th April 2019:

The revised parameter plan does not show much change to the previous submission. The previous highway consultation response made it clear that there should be multiple links from the residential development of at least 3m effective width to Langaton Lane and in particular into the Langaton Lane Cluster. In addition to this, a shared footway/cycleway should be provided (of at least 3m effective width) to Blackhorse Lane should be made. This is in aid to enhance pedestrian and cycling permeability through the site, promoting modal change. As Langaton Lane and Blackhorse Lane are adopted, a S278 agreement is required. The above comments are consistent with the previous highway consultation.

Suggested conditions

- No part of the development hereby approved shall be brought into its intended use details of pedestrian and cycle linkages from the site to Langaton Lane (of at least 3m effective width) have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the links have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

REASON: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 and 110 of the NPPF

- No part of the development hereby approved shall be brought into its intended use details of pedestrian and cycle linkages from the site to Blackhorse Lane (of at least 3m effective width) have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the links have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

REASON: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 and 110 of the NPPF

Financial contributions, Cycle Parking, Vehicular Access and Construction Management Statement were conditioned on the highway response dated 13th February

National Planning Casework Unit

I confirm that we have no comments to make on either of the environmental statements referred to. (18/2799/MOUT & 18/2797/MOUT)

NHS Local

Summary:

Therefore the contribution required for this proposed development of 150 dwellings is £250,973.00. This contribution will be used directly to provide additional health care services to meet patient demand as detailed in Appendix 5.

Other Representations

Two letters have been received relating to green infrastructure and biodiversity:

- 1) Ideally such development should have at least 40% green space.
- 2) The provision of bird/bat boxes needs to be considered in detail to be most effective.
- 3) Tree cover can be enhanced.
- 4) SUDS is vital for habitat creation.
- 5) Hedgehog passes need through garden fences

In addition, a letter has been received from the Exeter Cycling Campaign, objecting on the following grounds:

- 1) There is a lack of detail to ensure proper provision; shared cycle/footpaths need to be 3m wide.
- 2) No detail regarding connections to the road network, the design of roads and where roads intersect with cycle paths, together with improvements to Langaton Lane and Blackhorse Lane.
- 3) The development does not meet the requirements of the local plan to cut down commuting by car, facilitating the move to a low carbon economy, respond to the need for more balanced communities without damaging environmental qualities, that no resident is disadvantaged relative to another and to help reduce carbon emissions.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 9 (Major Development at East Devon's West End)

Strategy 10 (Green Infrastructure in East Devon's West End)

Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)

Strategy 13 (Development North of Blackhorse/Redhayes)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 37 (Community Safety)

Strategy 38 (Sustainable Design and Construction)

Strategy 40 (Decentralised Energy Networks)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN18 (Maintenance of Water Quality and Quantity)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Government Planning Documents

National Planning Practice Guidance

National Planning Policy Framework 2019

Relevant Planning History

Approved:

09/1107/MOUT - Outline approval for the Science Park for 76,450 sqm of B1, including a 150 bed hotel, ancillary uses with associated infrastructure and access - approved on 11th March 2010 with a S106.

12/1420/MRES - Management Suite (Eagle House)

12/1427/MRES - Science Centre

14/2063/MRES - Met Office

16/0991/FUL - Visitor Carpark

16/0746/MRES - Grow on building 1

16/0747/MRES - Grow on building 2.

Approved Tithebarn Green:

12/1291/MOUT - Up to 930 dwellings, employment area, park and ride, local centre, etc - 29th November 2013.

18/0382/MRES - reserved matters approval for the site immediately to the east for 79 dwellings, landscaping and associated infrastructure - phase 6.

Several other reserved matters have been approved, phases 2 and 17 for housing, including phase 3 current application, the Tithbarn link Road, phases 1 and 14, the southern Mosshayne Link road, phase 15, the park and ride, phase 18, the country park, phase 4 and the green corridor, phase 5.

Site location

The application site forms part of the phase 2B within the Science Park, a site of approximately 25.8 hectares immediately to the north east of Junction 29 of the M5 motorway and the A30 Trunk Road, to the west of Blackhorse village, and 7 km to the east of Exeter City Centre.

Since the outline approval, part of Phase 1 has been developed with a central access road, a single office building (Eagle House), phase 1 of the Science Centre, associated car parking to the rear, the construction of two grow on buildings, strategic and on plot landscaping, and a small public square.

Other development further into the Science Park site on phase 2A comprises access roads, the Met Office super computer site, and additional car parking.

The site itself is agricultural land, with a relatively shallow fall down to the north. To the south is Blackhorse Lane, a cycle/pedestrian route, with the boundary marked by a

hedgebank with some smaller trees. To the west of the site is Langaton Lane, a traditional Devon sunken lane marked by a hedgebank interspersed with small trees, predominantly at the junction with Blackhorse Lane and less so as you move north. Directly to the south west of the site is a bungalow with an associated Kennels. To the north is the new Tithebarn Link Road. Along much of the east boundary is phase 6 of the Redhayes residential development which is near to commencement.

Proposal Description

Outline planning permission is sought to erect up to 150 dwellings on the site with associated infrastructure and open space including allotments/community garden. All matters are reserved except access. Several parameter plans have been submitted; density, land use, access and movement, scale and green infrastructure together with an illustrative masterplan showing how 150 units could be accommodated on the site.

There are proposed to be two vehicular access points into the site from the Tithebarn Link Road: the northern one is through the phase 6 utilising the approved access and the second is just to the south of phase 6 using an existing junction on the Tithebarn Link Road. These two access points would serve the primary route into the site, linking together close to the west boundary. From the primary route would be several secondary routes to serve the rest of the site.

The application is also accompanied by an Environmental Statement considering the significant environmental effects of the development together with the related planning application for science park floor space as part of the proposed land use swap. The main subjects are transport, landscape and visual impact, ecology, water resources, air quality, waste, soil and agriculture, noise and vibration, cultural heritage and socio-economic.

Background

This application is closely related to a second application for Science Park development on land a short distance to the south (18/2797/MOUT) and also on this agenda. These two applications are part of a proposed land use swap as follows:

1) The site for the proposed residential development is approved and allocated in the Local Plan as part of the Science Park - phase 2B. This part of the consented Science Park comprises two clusters of development: Langaton Lane and the Anning Road clusters, split into two halves by Langaton Lane. The area of these clusters east of Langaton Lane forms the proposed land use swap with the calculated area of floor space at 15,329 sqm moving to the site the subject of planning application 18/2797/MOUT.

2) The site for the proposed relocation of part of the science park has an outline planning permission for 8,850 sqm of offices as part of the larger mixed use development at Redhayes. The office development is approved on phases 13, 16 and 19. The current application 18/2797/MOUT affects phases 16 and 19 with phase 13 (located to the east side of the Tithebarn Link Road) remaining and suitable for office use, although the 8,850 sqm is very unlikely to be fully realised on this remaining phase.

To help coordinate and integrate these two proposals within the wider Science Park and Redhayes developments, an interim Masterplan was prepared. This was endorsed by the Strategic Planning Committee at their meeting on 4th September 2018. The purpose of the Masterplan is to set out the main contextual changes and key design principles that these two applications should consider and respond to. This is to ensure that the two applications are not considered in isolation as it is essential that they integrate well into the wider development in the locality.

ANALYSIS

Main policy implications

It is a requirement in planning law that all planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan is the East Devon Local Plan 2013 to 2031 (EDLP). The forthcoming Greater Exeter Strategic Plan (GESP) is in an early stage of preparation and therefore carries very little weight in decision taking.

The site is located in the West End of East Devon where most of the large, strategic developments in the district are planned. Strategy 9 of the EDLP identifies the main strategic development sites in the West End which includes the Science Park and land to the north of Blackhorse/Redhayes sites. The proposed site for the residential is contained on the site allocated under Strategy 9 for a research and technology employment site. Immediately to the east of the site is the Redhayes site, a mixed use development allocated under Strategy 13 and centred on housing but including a neighbourhood centre, social and community facilities, infrastructure and employment provision.

The site is also located outside of the defined Built Up Area Boundaries (BUAB) within the Local Plan where Strategy 7 (Development in the Countryside) will only permit new development within the BUAB and on site specific allocations unless the proposed development is in accordance with a specific local plan policy that explicitly allows such development and it does not harm the distinctive landscape, amenity and environmental qualities within which it is located. Whilst the site is allocated, it is not allocated for residential and the proposed use is not therefore specific to the allocation.

As the current site is on the allocated Science Park it is a departure from the development plan and has been advertised as such. The issue is therefore whether there are other material considerations which would weigh more heavily in favour of the planning application. The following considerations are relevant:

- 1) The proposed site is immediately adjacent to approved housing to the east which forms part of a wider mixed use community which will eventually reach about 1500 houses. The proposed housing will not therefore be seen in isolation and would be part of a sustainably community with nearby facilities and transport links.
- 2) The science park floor area being relocated is approximately the same as would be lost if the residential scheme goes ahead. Therefore, there would be no detriment to the amount of Science Park, it would just be relocated.

3) The proposed site for the relocation of the science park is immediately adjacent to the main science park centre and will be seen in context with this main centre rather than on the outlying clusters. This should give the Science Park more of a presence and help integrate and reinforce this flagship development. There are therefore positive advantages for the science park and its future development.

4) The proposed additional housing is in a sustainable location close to Exeter and with good bus, pedestrian and cycle links. It would help in the delivery of much needed new housing.

Therefore whilst a technical departure, there is no detriment to the Science Park as a strategic allocation, indeed there would be advantages for the Science Park moving forward to deliver a high value employment site. Furthermore, the development would be well related to existing and planned development with good connections and would help in the delivery of new houses for the community. These are considered to be persuasive material considerations that would weigh in favour of the principle of the development proposal provided the S106 clearly ensures that the residential development only takes place once there is confirmation that the Science Park relocation has been secured.

Compliance with the Interim Masterplan, August 2018.

During 2018, an interim Masterplan (IM) was prepared and endorsed by the Strategic Planning Committee to set a high level conceptual framework for how the land use swap proposals should be considered in planning. This was to set a commonly understood basis for the preparation and determination of these two planning applications. It was not to specify the scope or content of technical matters or detail. It concentrated on the important placemaking elements to ensure that the land use swap developments were well integrated and to support the delivery of the Science Park and the surrounding development. It is envisaged that should the land use swap take place, a further Masterplan would be prepared to consider the wider Science park development. The IM considered the changing context in relation to government policy and the local changes since the original masterplan and the shift in work place environments and expectations. It also considered the opportunities that the changes to the context can bring by up-dating the strategic vision for the emerging overall development.

The IM consists of a series of diagrams and high level design principles under the following headings:

- 1) Strategic connectivity and Green Infrastructure
- 2) Primary Land uses
- 3) Local connectivity
- 4) Development Character and edges.

It is not the purpose of this report to identify all the key components of the IM but below is the key issues with the planning application in relation to compliance.

1) Strategic connectivity and Green Infrastructure - the IM shows strategic linkages along Langaton Lane (adj. west boundary) and through the site to the link road in the north east corner to help linkages to the main areas of GI to the north. The Access

and Movement Parameter Plan shows Langaton Lane as a cycle route with two links from this into the site and out the east side through the adjacent housing development. Potential footpaths to the north east are shown.

2) Primary Land Use - shown as residential led uses which is consistent with the planning application with two key linkages west-east through the site. This is also consistent with the Access and Movement Parameter Plan.

3) Local Connectivity - The IM shows two key pedestrian/cycle links from Langaton Lane through the development in a west-east direction to the housing development further to the east. The northern link at Langaton Lane also leads across to the Science Park and the southern link just to Langaton Lane. This is consistent with the Access and Movement parameter Plan.

4) Development Character and Edges - the IM shows a key active residential edge to the western and northern edges of the proposed development, an edge to the eastern hedgerow and identifies the important green lane edges to Langaton Lane and Blackhorse Lane. The parameter plans indicate the key active edge onto Langaton Lane to be formed by retaining the hedgerow on this lane, provide a landscaping buffer, the access roads/footpaths with houses fronting onto this. The northern boundary is marked by a wildlife habitat area and open space/drainage basins. Few houses are indicated to have their gardens onto the eastern hedgerow. Blackhorse Lane would be fronted by a community garden, a pedestrian/cycle link and a small amount of housing indicated to be fronted onto this lane.

Consideration of other planning issues

The planning application is accompanied by an Environmental Statement, various other documents and a series of parameter plans: Access and Movement, Density, Green Infrastructure, Scale and Land Use. These are intended to address the various planning issues the development raises and will be assessed as follows.

Highways and Movement

The application has been supported by a Transport Statement and Design and Access Statement (DAS). Consultation has taken place with Highways England (Strategic Road Network) and DCC Highway Authority (local road network).

Highways England have assessed both applications in terms of the possible impact on the strategic road network and whilst there would be some impact on junction 29 of the M5 and the A30/Moor Lane junction, nevertheless this would not be severe, and in particular the Moor Lane improvements are due to commence in spring 2019. As such, Highways England are satisfied that the number of vehicles generated by the development are not likely to have a material impact on the safe and efficient operation of the strategic road network and have no objection.

The DCC Highway Authority identify that the development will use the approved accesses through and next to the adjacent residential development which link to the Tithebarn Link Road. Access is not a reserved matter. The Transport Statement includes a trip analysis to forecast the net change in trips overall based on the land

use swap. This indicates overall (including the reduction in the office land) an additional trip generation of 53 two-way trips in the AM peak hour and 48 two-way trips in the PM peak hour. Access is not a reserved matter but the parameter plan for movement and access shows these vehicular access points and any reserved matters application will need to adhere to this plan. A condition is recommended to secure details and construction of the vehicular access point(s).

Travel by foot and cycle are a realistic choice and there is a bus service nearby. The Access and Movement Parameter Plan show the intended routes with two links to Langaton Lane, one to Blackhorse Lane, and three to the east and one to the link road to the north. The highways authority request that pedestrian/cycle links should have an effective 3m width and this will be controlled at the detailed stage.

DCC Highways have suggested that there should be multiple links to Langaton Lane of at least 3m width. The parameter plan has been amended to show the links agreed in the interim Masterplan which is considered sufficient. The recommended condition for the footpath/cycleway links also provides that these should be at least 3m wide. The previous footpath link to Blackhorse Lane has also been amended to a pedestrian and cycle link.

The highways authority are requesting that £500 per dwelling is sought for Travel Planning. This is included in the draft S106.

Ecology

The site is located within 10km of the East Devon Pebblebed Heaths SAC and SPA together with the Exe Estuary SPA and Ramsar sites. The Environmental Statement anticipates that the development is unlikely to impact on these sites during construction. However, during the operational phase, the development is likely to increase recreational pressures on these European sites which will likely have both direct and indirect significant effects when considered alone or in combination. This therefore requires the authority to undertake an Appropriate Assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017. This has been undertaken which also concludes that the proposed development, as it is within 10km, is likely to have significant effects on the interest features of these European sites. The joint approach for mitigation by the relevant local authorities relies on a mechanism by which developers can make contributions to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. This is a CIL liable development so part of the CIL will be spent on mitigation with an additional mitigation contribution for non-infrastructure mitigation to be secured through a S106. The draft S106 provides for this contribution, currently at £201.61 per dwelling.

Natural England was consulted on the AA (attached) and have advised that on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy, they would concur with this authorities conclusion in the AA that the proposed development will not have an adverse effect on the integrity of the European Sites. It is for the Development Management Committee to adopt the AA and accordingly there is a further recommendation on this at the end of the report.

There have been several ecology appraisals done over the recent years with the latest for this site done in October 2018 and is therefore up-to-date. This generally advises the site is dominated by managed arable land with ruderal banks and species-poor hedgebanks. However, these hedgebanks have dormouse records which would classify them as important. In terms of species, the following was identified:

1) Badgers - the recorded outlier sett is no longer active. There are signs of commuting activity in the central hedge and it is likely that badgers still commute/forage within the survey area. However, wider connectivity may have been affected by the link road to the east.

2) Bats - one ash tree on the eastern extent of the central hedge boundary has a high roosting potential but this falls in the adjacent land. The remaining trees have negligible roosting potential.

3) Birds - common bird species were noted and the hedgebanks, trees and ruderal banks are likely to support nesting and foraging birds.

4) Dormice - they have been recorded in the wider Tithebarn Green area and the hedgebanks have a potential to support dormice although this is likely to be limited and could be used for commuting. The mitigation planting at the northern end of the site is expected to mature into suitable dense species rich habitat.

5) Great Crested Newts - there are no ponds on site and surveys of ponds to the north surveyed in 2012 revealed no newts.

6) Reptiles - the ruderal banks have the potential for foraging and commuting habitat. Previous surveys in the wider area indicated a low number of slow worms and common lizard in banks being used for commuting.

Due to the low habitat quality of the site, no further surveys are recommended. In terms of mitigation and enhancement, there a number of recommendations:

1) The retention of ruderal banks and hedgebanks and enhancement with native planting.

2) Grassland areas to be seeded with a native seed mix or turf with a margin of longer native grass next to the planting on the northern and western boundaries. Native wet grassland seed mixes can be used to enhance the biodiversity of the SUDS pond.

3) Installation of bird and bat boxes across the site.

4) Grass cuttings and brash from the habitat management to be left in piles beneath the mitigation planting on the northern boundary for small mammals and invertebrates. These requirements could be secured through a Landscape and Environmental Management Plan (LEMP) via a condition on any planning permission granted. Artificial exterior lighting also needs to be controlled and it is recommended that a condition requiring the approval of exterior lighting be included which should include an ecology reason alongside amenity and airport safeguarding.

Landscape and visual impact

The application has included a Landscape and Visual Impact Assessment (LVIA) within the Environmental Statement. The proposed development does not have any adverse impact on valued landscapes such as an AONB.

There are some shortcomings with the LVIA as submitted; lack of a theoretical Zone of Visual Influence and some inadequate visual boundary and viewpoints, especially views from south of the A30. These concerns were passed to the applicant to address and an amended LVIA has been submitted. This relates primarily to the Science Park relocation application

The main changes relate primarily to the accompanying science park relocation application and there are no material changes to the assessment of the residential application. The appearance of the site during construction can be gauged from development happening on the Redhayes site. Compared to the development of the approved science park on this site, the change will at worst be moderate and short term. For the operational stage, the residential use will be different to the science park being denser over the site as compared to cluster development, but it will be seen in context with neighbouring residential development and therefore the impact will not be significant. Additional mitigation, compensation and enhancement relies on landscaping to form a reserved matter for subsequent approval.

On the basis of amended details, the Landscape Architect has no overall objections to this application.

Parameter Plans

Green Infrastructure Parameter Plans - this indicates the key GI to be retained or incorporated into the development including areas of public open space, allotments/community gardens, and buffer areas, together with existing trees/hedges to be removed or retained. This maintains the existing banks/hedges on the site except for small areas to be removed to allow for access, be it road or footpaths/cycleways.

The habitat area to the north of the site would be retained and next to it would be an area of public open space which also incorporates the attenuation basin and play space. There would be a landscaped buffer area to the hedge on the west boundary and the north boundary of the neighbouring house at Sunnymead. There would be other landscape strips to the eastern and southern hedge.

The GI Parameter Plan indicates that nearly all the banks/hedges are to be retained. However, a condition is recommended to ensure that the landscaping reserved matters includes relevant details for the banks/hedges and how they will be protected.

It is important to protect and enhance the western hedgebank and provide a sufficient landscape buffer area to the lane and the science park to provide a suitable transition between different developments and protect the character of the lane. The eastern hedge/bank would be a separation between similar developments but nevertheless, landscaping is important to protect and give a setting to this hedge. Private rear

gardens onto hedgerows should be avoided to give future protection and this is largely maintained with the illustrative masterplan.

Access and Movement Parameter Plan - this shows two primary routes into the site from the neighbouring development to the east, linked together near to the western boundary. A number of secondary routes would then link to the rest of the development. There are a number of pedestrian/cycle routes proposed through to Langaton Lane, Blackhorse Lane and through to the development to the east. A footpath link is proposed to the Tithebarn Link road to the north. There is one pedestrian/cycle link straight through to the science park and indirect links from Langaton Lane and Blackhorse Lane.

The primary and secondary roads are appropriate. It is important, in terms of reducing car usage, to have sufficient, well planned cycle and pedestrian routes and, in principle, the routes shown achieve this and the detail of the provision would be considered at the reserved matters stage.

Scale Parameter Plan - this shows a range of building heights with up to 12.5m (2-3 storey) at the northern end, along the western side and in the southern corner. The central part of the development would be limited to no more than 9.5m (2-2.5 storey). The lower heights are generally closer to the approved development to the east and reflect the scale of this development closer to the boundary. The potential for taller development is generally towards the lower parts of the site or adjacent to the science park where taller development is normal. Subject to the details (as part of the reserved matters application), the scale of development is acceptable in terms of the topography of the site and/or the approved adjacent development.

Land Use Parameter Plan - this shows the areas for housing, public open space/landscaping, roads and allotments/ community garden. It maintains the open area to the north of the site and shows the location for the allotments/community garden. The allotments were originally approved on the Redhayes site, a short distance to the east, but have been relocated to this site, partly as this part of the site is too close to the kennels for housing and for commercial reasons as the approved site occupied prime frontage to the Tithebarn Link road. In terms of serving the Redhayes community, it is located towards the western extremity but is still in walking distance to Redhayes.

The land use plan is consistent with the other parameter plans and represents the appropriate land uses for a residential development of this size and located close to a larger housing development.

Heritage Assets

Archaeology - the site has been the subject of previous evaluation and targeted excavation of identified features. Therefore, no further archaeological mitigation is need as confirmed by DCC Archaeologist.

Built heritage - There are no nearby listed buildings close to the site on the east side of the motorway. There are some listed buildings on the west side of the motorway, notably Monkerton House, Monkerton Farmhouse and associated buildings but due to the separation and the intervening motorway, the proposed development would not

have an adverse impact on their significance or setting. As such, there would be no direct or indirect effects on the significance of any built heritage assets in the locality.

Surface Water Drainage

Submitted with the application is a Flood Risk and Drainage Assessment. The site itself is not at risk of fluvial flooding being outside of any functional flood plain and is located in Flood Zone 1. As such, there are no flood hazards that need to be considered.

Policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan looks to ensure that major developments are managed by sustainable drainage systems and the surface water implications of a proposal have been fully considered and found to be acceptable. To achieve SUDS, a hierarchy of solutions should be followed from the preferred option to infiltrate to the ground to the least preferred option of connection to a sewer. The applicant has advised that infiltration rates on the site is likely to be low and therefore a positive drainage network and attenuation is proposed with the offsite discharge restricted.

A detention basin towards the north end of the site would discharge to the storm water sewer network. Surface water from the development would be conveyed to the detention basin by below ground drainage network.

The DCC Lead Local Flood Authority (LLFA) initially required further information to be submitted. Following receipt of this, the further comments from the LLFA will be updated in this report.

Air Quality

An Air Quality report has been submitted which concludes that there will be no concerning levels of either nitrogen oxides or particulates from motor vehicles and the additional traffic associated with the development will not lead to any deterioration in ambient air quality. Construction site issues will be controlled through the CEMP.

Waste

Waste will be generated during the construction phase which needs to be controlled through the CEMP. Clearly waste will be generated during the operational phase and a condition should be imposed to require a Site Waste Management Plan during the operational stage.

Soil and Agriculture

Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan aims to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) from development and this is supported in the NPPF. The land is grade 2/3a although it should be noted that the site is allocated for development in the Local Plan and has an extant outline planning permission. On this basis, an alternative development proposal on the site would not prevent the loss of this agricultural land which was

assessed previously and considered to be acceptable when balanced against all the other planning considerations.

However, the soils on the site could be recovered and handled correctly to minimise the loss of soil resource as identified in the Environmental Statement. The NPPF also requires that decisions should protect and enhance soils. It is therefore recommended that any permission forthcoming should require a scheme of soil recovery and handling.

Noise and Vibration

Noise reports have been submitted to assess the impact of the adjacent kennels, together with road, rail and airport noise on the amenity and health of potential occupiers.

There is clearly the potential for noise during construction but this would be controlled through the requirement for a CEMP, secured by a condition.

In terms of the kennels, the noise report identifies that particularly dogs barking could be a source of noise that could impact on health and quality of life. The recommendations are that there be a minimum 40m spatial separation between the kennels and the proposed houses, that the layout of the houses aims to situate the houses between the kennels and the private amenity spaces and where possible noise sensitive rooms should be located on facades facing away from the kennels. The various parameter plans indicate this 40m separation distance and the indicative masterplan also shows the front of the houses orientated towards the kennels. It is recommended that a condition is included to ensure that the reserved matters incorporate these requirements.

In terms of other noise sources considered (such as traffic, aircraft), it is recommended in the noise report that suitable mitigation would be in the form of the orientation of houses and their sensitive rooms/private amenity areas, together with enhancements to certain bedroom windows to provide noise reduction. These details can be secured through a condition requiring the mitigation details to be approved and implemented.

The Environmental Health officer has been consulted on the application and agrees the noise reports and the imposition of appropriate conditions to secure the mitigation.

Socio-Economic

The construction phase will require construction workers which will give a boost to the local economy and indirectly to local building supplies, plant hire and the use of local retail facilities.

The increased supply of houses would help the housing needs of the area but place some demand on local services/infrastructure. The Mosshayne development does provide for a primary school and there is a proposed health care facility in the nearby local centre with CIL contributions helping to mitigate the impact of the development.

Airport safeguarding.

The airport have been consulted on the application and have no safeguarding objections provided that all safeguarding criteria are met and the SUDS scheme is delivered to ensure that there is no additional bird strike risk to aircraft. In terms of the SUDS, this is to ensure that there is no large areas of long term standing water in the detention basin. This will need to be considered as part of the detailed consideration of the surface water drainage details

Affordable Housing and viability

Strategy 34 of the Local Plan applies a 25% affordable housing target for the major strategic West End development sites which includes the adjacent Redhayes and Mosshayne sites which are allocated as shown on the relevant inset map in the proposals plan. However, this site is allocated for the science park and is not therefore a housing site and accordingly, the higher target of 50% affordable housing applies subject to viability considerations. The adjacent Redhayes and Mosshayne sites have an affordable housing level at 25% as required through the s106.

Therefore, in strict compliance with Strategy 34, this development should be providing 50% affordable housing unless there are viability reasons for a lower percentage figure. The applicant has submitted a Viability Assessment (VA) with the application that has been independently reviewed for the council.

The viability report submitted by the applicant considers the proposed transaction at 25% affordable with the relevant CIL payment and whether the residential development generates sufficient uplift to allow the transfer of the land either side of Anning Road for science park uses as any landowner is very unlikely to undertake a transaction that reduced the value of their landholdings below the existing position. The applicants own all the land covered by the two applications and both sites have extant planning permissions (Class D1a offices and B1b R&D) and are partly served by road access.

There is therefore an existing land value and part of the assessment is to consider this realistic value. Our independent review suggests that the applicant's valuation does overstate the value of the land with the current planning permissions resulting in a different overall assessment of the existing value.

The proposed transaction with DCC for the transfer of the land would result in a reduction in the value of the land either side of Anning Road for the applicant. The balance is to determine whether with the reduction in value for the applicants on the land either side of Anning Road set against the increase value of land with residential planning permission would, with policy compliant levels of affordable housing and other contributions, be sufficient to allow the land use swap to proceed.

The applicant's viability assessment concludes that at 25% affordable housing there would be a benefit to the applicant compared to the existing land value but that at a policy compliant 50% affordable housing, there would be a negative uplift from the existing land value and consequently, the land swap would not be in the interest of the applicant.

It further concludes that at 25% affordable housing, the benefit for the Science Park is greater than that for the applicant.

The applicant's viability report has been independently reviewed for the council and concludes that at 25% affordable housing plus S106 contributions, the development is viable but only just indicating that an affordable housing level above 25% would not be viable.

The independent review takes into account the proposed transaction for the science park land together with the costs of the CIL liability and S106 contributions towards the non-infrastructure habitat mitigation, travel planning and the requested NHS contribution. The requested NHS contribution is discussed below and it is not certain at this stage whether this request will be supported as reasonable or proportionate. Further discussions are to be held with the NHS to clarify the request which probably won't be completed before the committee meeting but any up-date will be reported to the committee.

The normal requirement of policy is to require an overage clause where a development is not viable at the policy compliant level of affordable housing. In this case, the applicant is not prepared to accept overage. There are special circumstances with these applications that are considered to outweigh the need for overage. These are the fact that the land swap proposals enable land to be transferred to the Science Park at a reduced rate to the benefit of the delivery of a strategic employment site, and fact that the majority of housing development in the area is only required by policy to provide 25% affordable housing, the level being secured in this instance.

Whilst the review concludes that the residential element could support 25% affordable and still cover the lost value of the proposed transfer, it is for the council as the decision taker, to weigh the positives and negatives of the proposed land use swap. It could not be guaranteed that the residential development could deliver more than 25% affordable housing and the conclusion is that the proposed transaction is within reasonable market allowances and would provide significant benefits to the deliverability of a major strategic employment site. If the site came forward without the proposed transaction for the land transfer, the development could support a higher level of affordable housing. The offer of 25% affordable, whilst a departure from policy, is consistent with the level approved for the other 1500 houses on Redhayes/Mosshayne which this site would form a part of. On balance, the advantages to secure the land use swap are considered to outweigh the disadvantages.

Proposed S106

The council is now in a CIL regime which requires that the infrastructure identified in the Regulation 123 list cannot be secured through a S106 agreement.

Submitted with the application is a draft Deed of Variation and a Deed of Release with planning obligations. The draft DoV effectively releases the land from the Science Park S106. The DoR has provisions to prevent the commencement of the residential development unless and until one of the following events occurs (whichever is the earlier):

- 1) The owner enters into an unconditional contract/agreement to secure the acquisition of the land the subject of planning application 18/2797/MOUT by Exeter Science Park.
- 2) The owner and ESP have entered into a conditional contract, option or agreement for sale for the land the subject of planning application 18/2797/MOUT and that contract, option or agreement for sale has become unconditional.
- 3) The development permitted by 18/2797/MOUT has begun.
- 4) EDDC confirms in writing that the residential development may commence, notwithstanding that the above events may not have occurred.

There would be a fundamental policy objection if the residential development took place without the accompanying relocated science park development (18/2797/MOUT) taking place as this would result in the overall loss of site area and floorspace of a strategic employment site and would mean there would be very little justification for permitting the residential development which relies principally on the relocation of part of the science park land.

The draft Planning obligations relate to on-site measures to reasonably mitigate the impact of the development. This relates to:

- 1) Affordable Housing.
 - 25%
 - Tenure mix - 70% rented, 30% shared ownership or other form of discounted housing to buy.
 - Rented - mix of 1 and 2 bed flats/houses with some 3 bed family houses. Shared ownership - 2 and 3 bed houses.
 - Tenure blind in small clusters.
 - Constructed to meet Building regulations M4 part (2), accessible and adaptable dwellings.
 - Details of affordable houses to be submitted as part of the relevant RM application - location, type.
- 2) Open Space.
 - To include allotments/community gardens, informal open space, play areas, wildlife habitat area and SUDS.
 - Need for a management company to manage open space in accordance with a management company plan.
 - Open space specification needs to be submitted for approval. Timing for provision, maintenance period, process for transfer to man co
 - Process for agreeing the play space - consultation, etc.
 - Allotments specification and management plan.
 - Access to open space.
- 3) Sustainability.
 - Connection to DHN unless not viable
 - If no connection, details of additional details to show at least 10% of the energy supply of the development to come from decentralised and/or renewable/low-carbon energy sources.
- 4) Monitoring
- 5) Ecology.

- Habitats Mitigation Contribution towards non-infrastructure measures based on a contribution per dwelling - £201.61.
- 6) Travel Plan
- Contribution per dwelling - £500.
- 7) Suitable contribution to the NHS (if appropriate).

Requested NHS contribution – the Royal Devon and Exeter NHS Foundation Trust is requesting that the council secure a sum of £250,973 developer contribution towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of the residential units. The Trust would require all the contribution before the development is commenced and without it they would object to the application as being contrary to the NPPF (paragraph 8) and the local plan. It would appear that the services identified are related to appointments and admissions rather than infrastructure provision through the legal definition and therefore would not necessarily be funded through CIL.

However, there are a number of issues to be considered before a decision can be made as to whether this requested contribution is reasonable and acceptable. It would appear that this approach is based on some successful appeal decisions in Warwickshire. The outcome of this consideration will be reported to the committee.

Environmental Statement

The Council undertook a screening opinion for both developments and concluded that they were, in conjunction with the other developments in the locality, likely to have a significant environmental effect and therefore required an Environmental Statement (ES) to be submitted. An ES has been submitted for both applications covering the environmental issues for both developments under a single ES.

Under Regulation 3 of the EIA Regulations 2017, the planning authority shall not grant planning permission for EIA development unless an EIA has been carried out. Under Regulation 26, the planning authority must:

- 1) Examine the environmental information;
- 2) Reach a reasoned conclusion on the significant environmental effects of the proposed development;
- 3) Integrate that conclusion into the decision as to whether planning permission should be granted; and
- 4) Consider whether to impose monitoring measures.

The submitted ES has been taken into consideration and has been consulted on during the application process. The environmental issues have been addressed in this report where relevant and where required, mitigation will be secured through the approval of parameter plans, the imposition of conditions and S106 clauses. It is therefore considered that this report contains reasoned conclusions on the significant environmental effects and these have been integrated into the recommended decision. Subject to securing the relevant mitigation as specified above, it is considered that, under the EIA Regulations, that permission can be granted.

CONCLUSION

The two outline planning applications 18/2797/MOUT and 18/2799/MOUT on this agenda are linked as part of the proposed land use swap on part of the Science Park and on land immediately adjacent to the Science Park, forming part of the mixed use development known as Redhayes.

The site for the proposed residential development (18/2799/MOUT) currently forms part of the allocated Science Park, a major strategic employment site, and has an extant outline planning permission for this science park use. The land proposed for the relocation of part of the Science Park is undeveloped but has an extant outline planning permission for offices as part of the wider Redhayes development.

Both planning applications are departures from the development plan as the site for the residential development is outside of any Built-up Area Boundary and is allocated for Science Park use in the Local Plan. The site for the partial relocation of the Science Park is not allocated for Science Park uses but is allocated for the mixed use Redhayes Development. Both planning applications are considered to be Environmental Impact Assessment developments and are accompanied by an Environmental Statement. Both sites are owned by the applicant.

It is a requirement of planning law that planning decisions are determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

Overall, there are clear material considerations/benefits with these planning applications which facilitate the land use swap.

Both applications are linked and neither application is acceptable by itself. The draft legal agreements aim to ensure this is the case.

The proposed developments are the subject of Environmental Impact Assessment and Appropriate Assessment. The report therefore also includes a recommendation on application 18/2799/MOUT to adopt the Appropriate Assessment.

Before the applications were submitted, the council undertook an interim Masterplan which was endorsed by the Strategic Planning Committee, to guide the preparation of these applications to ensure key design elements are incorporated to help integrate the developments into the wider development. The applications are considered to be consistent with this interim Masterplan. It is expected that should the proposed land use swap proceed, a wider Masterplan covering the whole Science Park will be needed.

The other planning issues are addressed in the reports for both planning applications, including the level of affordable housing and viability, together with S106 issues. It should be noted that an overage provision is not being offered or secured but there are considered to be special circumstances in this instance to support this.

On balance, the proposed developments taken together have a number of material benefits for the improved delivery prospects for the science park. Whilst both

applications are contrary to policy, they would not cause a material harm being part of the much wider development and growth area in this part of the district and being sustainable. It is therefore the view that there are material planning considerations that would weigh in favour of approving these two planning applications.

RECOMMENDATION

- 1. That the Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 is adopted; and**
- 2. That the application be APPROVED subject to the completion of the legal agreements and the following conditions:**
 1. The first application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. All subsequent applications for reserved matters shall be submitted to the Local Planning Authority for approval no later than five 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
(Reason - To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. A longer than standard time limit has been imposed as the development is likely to come forward in stages and therefore this is justified.)
 2. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") for each approved phase or phases shall be obtained from the Local Planning Authority in writing before any development is commenced within that phase.
(Reason - The application is in outline with one or more matters reserved.)
 3. The development hereby approved shall be carried out in accordance with the following approved plans:
Site Location Plan 1128 Rev B
Parameter Plan Access and Movement 1125 Rev I
Parameter Plan Land Use 1127 Rev H
Parameter Plan Scale 1124 Rev D
Parameter Plan Green Infrastructure 1126 Rev G
Parameter Plan Density 1123 Rev D.
(Reason - For the avoidance of doubt and in the interests of proper planning)
 4. A phasing plan for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of the first reserved matters application. The phasing plan shall specify the proposed timing for the delivery of the access and pedestrian/cycle links, open space/green infrastructure, SUDS as well as the construction programme for the buildings and other elements of the development. The development shall be carried out in accordance with the approved phasing plan and delivery programme or any such

amendments to the phasing plan as may be agreed in writing by the Local Planning Authority.

(Reason - to ensure that the development proceeds in accordance with an agreed phasing and programme of delivery in the interests of securing suitable access, drainage and landscaping on the site in a timely manner as part of the co-ordinated development of the site in the interests of the environment and ecology of the area).

5. The outline planning permission hereby approves the following parameter plans together with the design principles and parameters established in the approved Design and Access Statement:

Land use - drwg no. 1127 Rev H

Density - drwg no. 1123 Rev D

Scale - drwg no. 1124 Rev D

Access and movement- drwg no. 1125 Rev I

Green Infrastructure - drwg no. 1126 Rev G

Prior to the submission of any reserved matters application(s) for an agreed phase or phases of the development, a framework plan and statement on the appearance palette for the agreed relevant phase or phases of the development shall be submitted to and approved in writing by the local planning authority. The framework plan(s) (1:1000) shall follow the principles established in the indicative masterplan and shall be in accordance with the approved parameter plans. The framework plan(s) shall show the indicative location of buildings and their type, public and private open spaces and parking (including cycle parking) typologies, together with how the design principles in the approved Design and Access Statement will be applied at the more detailed level. The appearance palette shall be provided in the form of a statement providing information and guidance on building design and character, constructional materials and detailing, surface materials and their finishes, street furniture and street tree species.

The reserved matters application or applications shall adhere to the approved framework plan(s) and accompanying appearance palette relevant to that part of the site.

(Reason - to ensure the design of the development is appropriate for the area, minimises the visual impact on the landscape and integrates with nearby development in the interests of the environment of the area and in the interests of airport safeguarding to accord with Strategy 46 (Landscape Conservation and Enhancement and AONB's) and policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the East Devon Local Plan 2013-2031. The Design Code is required prior to commencement to enable the code to guide the production of the reserved matters application(s)).

6. The details to be submitted as part of the reserved matters application(s) shall include finished floor levels for the buildings and finished ground levels in relation to a fixed datum. The building heights shall not exceed those shown on the approved parameter plan - scale, unless any variation is agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

(Reason - to ensure that adequate details are available during the determination of the reserved matters to assess the impact of the development on the area and

landscape and in the interests of airport safeguarding to accord with Strategy 46 (Landscape Conservation and Enhancement and AONB's) and policies D1 (Design and Local Distinctiveness) and TC12 (Aerodrome Safeguarding Areas and Public Safety Zones) of the East Devon Local Plan 2013-2031).

7. The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of an approved phase the necessary on site infrastructure for that phase shall be put in place for connection of those systems to the network at points on the site boundary.
(Reason - In the interests of sustainable development and to support the opportunities for decentralised energy supply systems to accord with Strategy 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy Framework.)
8. Prior to the commencement of development on an approved phase or phases, a Soil Resources Plan shall be submitted to and approved in writing by the Local Planning Authority. The Soil Resources Plan shall set out the procedures that will be put in place to ensure that all high quality soil resources on the site that will be displaced by the development are conserved and reused elsewhere in the locality. The Plan shall detail how high quality soil resources will be identified, how they will be stored and relocated and where they will be reused. The development shall thereafter only be carried out in accordance with the approved plan.
(Reason - To ensure that the high quality soil resources at the site are conserved and re-used having regard to the site being identified as 'best and most versatile' land to accord with policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013-2031 and government policy contained in the National Planning Policy Framework. These details are required prior to the commencement of development as the soil resource will be affected from the start of operations on the site).
9. Prior to the commencement of development of an approved phase or phases, a detailed site waste management plan for the operational stage of that approved phase or phases shall be submitted to and approved in writing by the Local Planning Authority. The requirements of the approved site waste management plan shall be implemented in full during the operational stages of the development.
(Reason- to ensure that the waste arising from the development is managed sustainably and responsibly in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, policy W4 of the Devon Waste Plan 2014 and policy within the National Planning Policy for Waste).
10. Prior to the commencement of development of an approved phase or phases, a Construction and Environmental Management Plan (CEMP) for that approved phase or phases shall be submitted to and approved in writing by the Local Planning Authority.
The CEMP shall include the following matters:
 - 1) Air Quality.

- 2) Dust control.
- 3) Lighting.
- 4) Noise and vibration.
- 5) Pollution Prevention and Control, including an emergency plan.
- 6) Protection and maintenance of retained landscape and habitat areas.
- 7) Airport safeguarding
- 8) Construction Traffic Management, including communications.
- 9) Monitoring Arrangements.
- 10) Waste management.

Notwithstanding the above, construction working shall not take place outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall at no time be high frequency audible reversing alarms used on the site.

The measures in the approved CEMP shall be implemented and remain in place throughout the construction period of the approved phase or phases.

(Reason - To protect the amenities of nearby occupiers, airport safeguarding and to protect the ecology/protected species in the locality to accord with policies EN14 (Control of Pollution), TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031. The CEMP needs to be approved and implemented at the start of development operations as risks to the environment, airport safeguarding and ecology will be present from this point).

11. The landscaping proposals to be submitted as part of the reserved matters for an approved phase or phases, shall clearly show the planting for that phase or phases, the type and colour of all hard surfacing materials for that phase or phases, all the hedgerows to be retained, removed and created within that phase or phases and how these hedgerows link to the hedgerow network together with future management arrangements of the hedgerows and how they will be protected during construction. The landscaping details to be submitted shall be in accordance with the approved parameter plans and include an implementation programme and maintenance schedule. The landscaping for that relevant phase shall be carried out in accordance with the approved details, including the timetable for implementation and be maintained in accordance with the approved maintenance schedule.

(Reason- In the interests of the long term visual amenity of the site and the landscape setting, airport safeguarding together with the need to conserve and enhance biodiversity on and around the site in accordance with Strategy 7 (Development in the Countryside), policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031 and policy contained within the NPPF).

12. Prior to the commencement of development of an approved phase or phases, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the proposed mitigation and enhancement measures outlined in chapter 7 - Landscape and Visual Impact and chapter 8 - Ecology, and the associated Ecological Appraisal report 15/2856.03a (appendix 8.4) of the Environmental Statement together with future monitoring arrangements. The development shall

be carried out in accordance with the approved details or such other details as may be subsequently approved in writing by the Local Planning Authority.

(Reason - to ensure that the impacts of the development on ecology/protected species and the landscape is suitably mitigated for and enhanced to comply with policies EN5 (Wildlife Habitats and Features) and D2 (Landscape Requirements) and Strategy 46 (Landscape Conservation and Enhancement of AONB's) of the East Devon Local Plan 2013-2031. The LEMP is required prior to commencement as some mitigation/enhancement will be needed at the start of development.)

13. All applications for the approval of reserved matters which include the requirement to provide exterior lighting shall be accompanied by details of exterior lighting and its management for the operational stage of the development and shall be approved in writing by the Local Planning Authority before that relevant development is brought into use. The details to be provided shall accord with the details approved within the Design Code. The exterior lighting shall be provided and managed in accordance with the approved details and maintained thereafter unless any changes are agreed in writing by the Local Planning Authority.

(Reason - to safeguard the amenities of the area, to protect nearby occupiers and protected species from excessive light levels, and in the interests of airport safeguarding in accordance with policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features), EN14 (Control of Pollution) and TC12 (Aerodrome Safeguarded

14. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with policy EN16 (Contaminated Land) of the East Devon Local Plan 2013-2031).

15. The details to be submitted as part of any reserved matters application which includes a dwelling shall include details of secure cycle parking provision for that part of the development. Development shall not be commenced on that part of the development until such details have been agreed in writing by the Local Planning Authority, and prior to the occupation of any dwellings on that part of the development, the cycle parking shall be provided in accordance with the submitted details and thereafter maintained.

(Reason: To provide adequate facilities for sustainable transport to accord with policies TC4 (Footpaths, Bridleways and Cycleways) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013 - 2031).

16. The details to be submitted as part of any reserved matters application which includes a pedestrian and cycle link as shown on the approved Access and Movement Parameter Plan shall include details of pedestrian and cycle linkages from the site/through the site and how it links into the wider network. No part of the relevant development the subject of the reserved matters approval shall be

occupied until the links have been provided, surfaced and marked out in accordance with the approved details and shall thereafter be retained for those purposes at all times.

(Reason - To provide a safe and suitable access for pedestrians and cyclists in accordance with policy TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan 2013 - 2031 and paragraphs 108 and 110 of the NPPF).

17. No part of the development of an approved phase or phases shall be brought into its intended use until the relevant vehicular access point(s) has/have been provided in accordance with details and specifications that shall have been submitted to and approved in writing by the Local Planning Authority.
(Reason - to ensure suitable and safe vehicular access is provided to accord with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).
18. Any reserved matters application that includes a dwelling or dwellings shall be accompanied by details for the written approval by the Local Planning Authority to show the location and appearance of walls and/or fences to be erected within the curtilage of the dwellings. Any walls and/or fences shall be erected in accordance with the approved details within the curtilage of each dwelling before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.
(Reason - in the interests of preserving and enhancing the appearance of the area and/or protecting the privacy of residents, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).
19. Any reserved matters application that includes a dwelling or dwellings within area D or the south side of area C, as shown on the approved Land Use Parameter Plan no: 1127 Rev H, shall include layout and appearance details for the written approval by the Local Planning Authority to show the front of the dwellings orientated towards the nearby kennels with the private amenity space to the rear and to minimise noise sensitive rooms facing the kennels.
(Reason - to ensure that noise from the kennels is minimised to prevent an unreasonable adverse effect on the health and quality of life for potential residents and to accord with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031).
20. Any reserved matters application that includes a dwelling or dwellings shall be accompanied by details for the written approval by the Local Planning Authority to show the how the noise mitigation strategies outlined in the Noise and Vibration chapter of the Environmental Statement shall be implemented in the development. The noise mitigation details shall be implemented in accordance with the approved details and shall thereafter be retained.
(Reason - To protect the amenities of future residents from noise, in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031).

21. The layout and appearance proposals to be submitted as part of the reserved matters for an approved phase or phases, shall show the location and appearance of any electricity sub-station(s) required for the development hereby approved. The details submitted shall be approved in writing by the Local Planning Authority before any commencement is made on the development hereby permitted and the electricity sub-station(s) shall be sited and constructed in accordance with the approved details. Notwithstanding the provisions of Part 15, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further electricity sub-station shall be provided or the approved electricity sub-station(s) shall not be re-located or modified without the prior written approval of the Local Planning Authority.
(Reason - In the interests of the appearance of the development to secure a sensitive design and location for any electricity sub-station and protect areas of open space from an inappropriate location and/or design to accord with strategy 9 (Major Development at East Devon's West End) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).
22. Prior to the commencement of a particular approved phase, details of materials to be used externally in that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - to ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).
23. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. A representative number of tests shall be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.
Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible to accord with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place).
24. No part of the development hereby permitted shall be commenced within an approved phase or phases until the detailed design of the proposed permanent surface water drainage management system for that phase or phases has been submitted to and approved in writing by the Local Planning Authority. The design of this permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk & Drainage Assessment (Rev 03) for the Proposed Residential Development at Tithebarn/Science Park, Land East of Langaton Lane, Exeter, dated November 2018. The development shall be carried out in accordance with the approved details.

(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems to accord with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream).

25. No part of the development hereby permitted shall be commenced within an approved phase or phases until the detailed design of the proposed surface water drainage management system which will serve the development site for that phase or phases for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority. This temporary surface water drainage management system shall satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The construction works shall be carried out in accordance with the approved details.

(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area to accord with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure).

26. No part of the development hereby permitted shall be commenced within an approved phase or phases until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system for that phase or phases have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage management system shall be managed and maintained in accordance with the approved details.

(Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development to accord with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above).

NOTE FOR APPLICANT

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

This outline planning permission is accompanied by a S106 Planning Obligation which must be read in conjunction with the decision notice.

The planning application was accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In accordance with Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Planning Authority confirms that they have examined the environmental information, reached a reasoned conclusion on the significant environmental effects of the proposed development and integrated that into the decision, together whether any monitoring measures that are appropriate.

Plans relating to this application:

1123 D	Other Plans	07.12.18
1124 D	Other Plans	07.12.18
1125 I	Other Plans	25.03.19
1126 G	Other Plans	25.03.19
1127 H	Other Plans	25.03.19
1128 B	Location Plan	20.12.18

List of Background Papers

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

Appropriate Assessment		
The Conservation of Habitats and Species Regulations 2017, Section (63)		
Application Reference	18/2799/MOUT	
Brief description of proposal	Erection of up to 150 dwellings with associated infrastructure and public open space including allotments/community gardens.	
Location	Land east of Langaton lane, Exeter Science park, Clyst Honiton.	
Site is:	<p>Within 10km of the Exe Estuary SPA site alone (UK9010081)</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
Step 1		
Screening for Likely Significant Effect on the proposed development on land to the east of Langaton Lane, Exeter Science park, Clyst Honiton		
Risk Assessment		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.</p>	
Conclusion of Screening		
<p>Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?</p>	<p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA.</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>	
Local Authority Officer	Andy Carmichael	Date: 14 th February 2019

Step 2

Appropriate Assessment

NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

In-combination Effects

Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<p>Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use.</p> <p>In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans.</p> <p>This many houses equates to around 65,000 additional people contributing to recreational impacts.</p>
Mitigation of in-combination effects.	<p>The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p> <p>Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.</p>

Assessment of Impacts with Mitigation Measures

Mitigation measures included in the proposal.	<p>Joint approach standard mitigation contribution required for non-infrastructure</p> <ul style="list-style-type: none">• Residential units £201.61 x 150 dwellings = £30,241.50• Total.
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	<p>Yes - the Joint Approach contribution offered is considered to be sufficient in conjunction with CIL contributions.</p>

Conclusion

List of mitigation measures and safeguards	<p>Total Joint Approach contribution of £30,241.50 will be secured through the S106 to be completed before planning permission is granted.</p>
The Integrity Test	<p>Adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA can be ruled out.</p>
Conclusion of Appropriate Assessment	<p>East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.</p>

Local Authority Officer	Andy Carmichael	Date: 14 th February 2019
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

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

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

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

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

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

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

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

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

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

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

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

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

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

The extent and distribution of the habitats of the qualifying features

The structure and function of the habitats of the qualifying features

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

The population of each of the qualifying features, and,

The distribution of the qualifying features within the site.

Dawlish Warren SAC

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

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'). (Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus-Glaucium flavum* shingle community

SD2 *Cakile maritima-Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

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

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

SD8 *Festuca rubra-Galium verum* fixed dune grassland

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

SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens-Calliergon cuspidatum* dune-slack community
SD16 *Salix repens-Holcus lanatus* dune slack community
SD17 *Potentilla anserina-Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:
Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

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

List of interest features:

East Devon Heaths SPA:

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

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

Objectives:

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

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

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts

of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

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

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

H4030. European dry heaths

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

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

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

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

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)

A141 *Pluvialis squatarola*; Grey plover (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

Waterbird assemblage

Objectives:

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

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

Exe Estuary Ramsar

Principal Features (updated 1999)

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

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

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

