

18 August 2013

Our ref: 88526

Your ref: 13/0316/MOUT

The logo for Natural England, featuring the words "NATURAL" and "ENGLAND" stacked vertically in a bold, sans-serif font. The text is white and set against a solid yellow rectangular background.

Central Team
Planning Department
East Devon District Council
Knowle
SIDMOUTH
EX10 8HL

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Central Team

Planning consultation: Outline application for the development of up to 42 houses, a community hall, doctors' surgery and associated infrastructure, open space and landscaping (all matters except access reserved)
Location: Land South Of King Alfred Way Newton Poppleford Sidmouth

Thank you for your consultation on the above dated 06 June 2013 which was received by Natural England on the same day

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats and Species Regulations 2010 (as amended)

The proposals lies approximately 700m from the nearest part of the East Devon Pebblebed Heaths Special area of conservation (SAC)/Site of Special Scientific Interest (SSSI) and East Devon Heaths Special Protection Area (SPA).

The "New East Devon Local Plan 2006-2026 Proposed submission document (Nov 2012)" has identified in policy strategy 47 and supporting text 18.45 – 18.79 that residential development in proximity to these European Sites is likely to have a significant effect upon their designated features from increased recreational pressure, urbanisation, etc. in the absence of adequate mitigation.

The applicant has confirmed (see letter sent by Richard Green to Bell Cornwell on 6th June 2013) their willingness to make a "standard contribution" to a strategic mitigation approach to avoidance of "in combination" recreational impacts on these sites. We are aware that a draft final report has been submitted as evidence with your Local Plan (South-east Devon European Sites Mitigation Strategy (Footprint Ecology June 2013)). However, a suite of strategic measures for the Pebblebeds SAC/SPA has yet to be finalised and agreed for implementation by EDDC. As a consequence it is unclear what level of contribution will be made by this development, what measures it would be used to deliver and how these will be delivered. This should have been considered in and recorded in detail in a Habitat Regulations Assessment by you as Competent Authority. Natural England is not aware that any such assessment has been made or the conclusion reached.

There is a further issue relating to this site specifically, which should have been considered as part of a Habitat Regulations Assessment (HRA). The site is currently used by local people for informal recreation, and dog walking in particular. There are clear paths around the perimeter of the western field and into the copse on the southern side. An HRA of the potential impacts of the development

should therefore consider the loss of this resource which is likely to lead to increased visits to the SAC/SPA from existing residents of the village in addition to the increase resulting from new residents. This would need further consideration of the mitigation required before you could conclude whether the proposal would have a adverse effect on the integrity of the SAC/SPA, unless the applicant was prepared to permit this area to become public open space in perpetuity with clear access points through the proposed development.

Protected Landscapes - No objection

This application lies within the East Devon Area of Outstanding Natural Beauty designated under the provisions of the 1949 National Parks and Access to the Countryside Act.

Having assessed this application Natural England does not believe that the proposed development would impact significantly on the purposes of designation of the East Devon AONB providing the rooflines of the houses do not break the ridgeline to the to the south-east of the development. It appears from the Illustrative Sections that the amended layout has adequately addressed this issue. The only location where the houses do break the ridgeline is on the south-western side where they are backed by an existing copse of trees.

Protected Species - No objection with conditions

It is Natural England's view that the proposal will not affect the conservation status of any European protected species providing the recommendations and mitigation measures relating to bats and dormice, as set out in Richard Green's letter of 6th June to Bell Cornwall and section 4 of the Bat Activity Survey (June 2013), are implemented. As such you should ensure that conditions are attached to any permission including:

- i) production of an Ecological Management Plan to ensure that the existing and new habitats created are managed appropriately in the future to ensure they provide suitable habitat for these species
- ii) production of a lighting strategy
- iii) provision of bat roosts in suitable buildings on the edge of the development.

We have not commented on the potential impacts on species protected under domestic legislation (e.g Wildlife & countryside Act 1081 (as amended)). Further information to assist Local Authorities in determining these is available in [Natural England Standing Advice for Protected Species](#) on our website.

For any queries relating to the specific advice in this letter only please contact me on the email or telephone number below. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Gwilym Wren
Senior Adviser
Land Use Operations – Exeter and East Devon
Tel: 0300 060 1378
Email: gwilym.wren@naturalengland.org.uk