

County Council Development

East Devon District: Construction of an 830m single carriageway road with roundabouts forming junctions at either end linking Dinan Way and the A376 Exmouth Road, at land between Pitt Farm and Summer Lane, Lympstone

Applicant: Devon County Council

Application No: 16/2606/CM

Date application received by Devon County Council: 21 October 2016

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that subject to Natural England confirming the Council's conclusion that Habitat Regulation Assessment is not required:

- (a) **Planning Permission is granted subject to the conditions set out in Appendix II of this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local Member).**
- (b) **That the applicant uses reasonable endeavours to secure appropriate mitigation for impacts on Cirl Bunting and Great Crested Newts by securing a land management agreement, or by providing appropriate off site compensation if such agreement is not made, with such arrangements put in place before the development starts.**
- (c) **That East Devon District Council be asked to consider making a Tree Preservation Order to protect the trees and hedgerows in the designated Green Wedge area, between Summer Lane and the proposed new road.**

1. Summary

- 1.1 This Report relates to a proposal for an 830m new road connecting the A376 to Dinan Way on the outskirts of Exmouth.
- 1.2 In this case the main material planning considerations in the determination of the proposed development are: its allocation within the local plan; the public benefits; impacts upon the setting of historic assets; landscape and ecological impacts; traffic and transportation impacts; sustainability considerations; impacts upon the living and working conditions of those affected by the proposal (particularly from noise and air quality); and upon drainage and water quality.

2. The Proposal/Background

- 2.1 The road proposal will provide the final section of a link road that currently runs around the outskirts of Exmouth. This would connect the A376, on the north west side of the town, to Salterton Road on the south east. The proposal is located within an area of land allocated for the completion of Dinan Way in the adopted East Devon Local Plan (2013-2031). Supplementary text to the plan sets out that the final road location and design will need to be *'compliant with Habitats Regulations*

Requirements and place full regard on the importance of heritage assets and setting of assets of heritage and landscape importance’.

- 2.2 The new road would be located on agricultural land beyond the north western boundary of Exmouth. The road is close to A La Ronde, (a Grade 1 Listed National Trust property located just over 200m away at its closet point) and an associated cluster of Grade 1 & 2 listed buildings, and Registered Historic Park and Garden. The road is situated part way down the valley side from Courtlands Cross and Lymphstone, extending eastward towards Dinan Way. A number of residential properties are dotted in the fields around the scheme, the nearest is Green acres approximately 60m away to the north east, then Pitt Farm, located approximately 80m away to the north, and Summerfield House (approx. 100m); located along Summer lane to the south. There are also groups of residential properties that align Courtlands Lane (to the east); Exmouth Road (to the south) beyond Courtland’s Cross, and housing on the edge of the Dinan Way estate.
- 2.3 The proposed scheme involves the construction of an 830m single carriageway road ending in a roundabout junction on the A376 and another linking to the existing Dinan Way/Hulham Road junction. The road would be 6.5m wide with a 2m wide pedestrian footpath on the southern side. The road is set within verges, embankments and cuttings to fit within the landscape. New street lighting is proposed to be installed along the approaches to each arm of the roundabouts, but not along the full extent of the road.
- 2.4 The scheme includes: the removal of 690 linear metres, and replacement with 1,268 linear metres of mixed, native hedgerow. Approximately 16 trees, and 7,700m³ of grassed agricultural land would be lost, whilst approximately 2,867 square metres of new mixed, native, woodland would be planted. A linear shaped drainage pond on the northern side of the road would be constructed, that would attenuate surface water, draining into the Wotton Brook, and the construction of a noise bund.
- 2.5 In terms of development proposals within the vicinity of the scheme, with possible cumulative effects, planning permission has been granted for 350 houses at Goodmores Farm to the north east of the Dinan Way junction. The East Devon District Council draft Sports Pitch Strategy identifies potential pitches (11 &12) on a site north of Courtlands Lane. At this time it is understood that this strategy requires significant additional work before the draft is published.
- 2.6 The application is Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES).

3. Consultation Responses

- 3.1 East Devon District Council: support the application but make the following comments: Further consideration is given to impacts upon the setting of A La Ronde, Point in View and the Manse through consideration of key views to see if further mitigation is required; street lighting is kept to a minimum; support plans to restrict access to Summer Lane but state it is unclear how this will be managed; suggest consideration of removing the footpath alongside the road to further reduce its impacts; consideration of additional planting near the proposed roundabout on the A376 to protect views from A La Ronde, on slopes and within the attenuation pond; and protection of trees, with particular note on tree T16 and a tree to the north of the 450 marker on the A376.

3.2 Lympstone Parish Council: Objects to the proposal raising the following main concerns: Fear of surface water run-off from the scheme causing surface and foul water flooding; possible noise and visual intrusion for nearby residents; risk of development on land between the proposed new road and Summer Lane and protecting this land as 'Green Space'; the application does not address proposals for traffic measures for Summer Lane and Wotton Lane.

3.3 Exmouth Town Council: Members supported the link road, but raise the following points: concerns about access to A La Ronde, Point in View Church and for Residents; concerns about pedestrian safety and suggest the provision of a pedestrian crossing instead. Concerns are raised about traffic queuing back up along the A376 at peak times, as a result of cars joining from the link road, and other points were raised that do not relate to this application.

3.4 Historic England – Object to the application on the grounds of impact upon the setting of heritage assets and raise the following points:

Concerns are raised about the resulting views inter-visibility between the road (of high-sided vehicles and lighting columns). They are not convinced that the proposed additional planting will satisfactorily screen the road, in the long term when deciduous trees will be sparse. The permanence and longevity of the screening is also raised as a concern.

In line with Good Practice Advice it is expressed that a revised location of the road should have been considered in light of the impacts upon the setting.

Additional concerns are raised about the vulnerability of the fields between the road and A La Ronde for development as a result of the road proposal. Landowners have stated that they will need to remove hedgerows to ensure that viability of the use of fields, which is considered, would further erode the rural character of the surrounding landscape of A La Ronde affecting its setting.

Concerns are raised about impacts upon the tranquillity of the setting of A La Ronde and associated Historic Assets.

A La Ronde is a site of very high cultural and aesthetic value. As well as being of considerable academic interest in architectural circles, it forms a much loved landmark in Devon and its unique form and picturesque properties attract visitors from a very wide area. This application has the potential for very long-term harmful consequences to a heritage asset of the highest significance which merits every effort being made to avoid or minimise harm to it.

3.5 National Trust – Object to the application on the impacts of the road on the setting of A La Ronde and associated heritage assets and make the following key points:

Question the validity of the assessment made regarding the impact upon Heritage Assets within the Environmental Statement. It states that the resulting harm of the scheme has not been correctly assessed/recorded. The NT raise particular concerns about the assessment made of the impacts upon a principal views from the Gantry of A La Ronde, concluding themselves that these would be deemed to have an effect of Substantial Harm – whether it substantial or less than substantial if mitigation is taken into account. This includes concerns about the need for further assessment of any proposed planting, to take into account growth over 0.5 and 15 year periods. It is considered that the predicted visual effects are underplayed, and in fact should be measured as major/moderate impact, not moderate. Particular questions are raised

as to why the junction with the A376 could not be located further to the north, and out of the Zone of Theoretical Visibility.

It is acknowledged that mitigation measures may help in screening the development in the longer term, but they comment that the extent to which alternative design solutions have been explored in the first place, which would have avoided the current predicted adverse visual effects from the junction with the A376, have not been fully assessed.

Concerns are additionally raised about the consequential effects of the road forming a new extension to the settlement boundary of Exmouth – and the resulting impacts upon the rural character of the setting of A La Ronde. It is also stated that the ES does not consider impacts resulting from changes to field access & connectivity, and so consequently the viability of the pastoral farming. They state these effects remain unclear.

- 3.6 Devon Gardens Trust: No comment.
- 3.7 Natural England: No objection in relation to Statutory Nature Conservation Sites (Particularly Exe Estuary SPA and East Devon Pebblebed Heaths SAC and SSSI). The response also recommends that the authority considers biodiversity enhancement as part of the proposal and benefits for Green infrastructure.
- 3.8 Environment Agency: No Objection – Comment on the Construction and Environment Management Plan (CEMP) and request that further measures regarding the following e.g. lagoons, silt-buster/vortex systems, hydro-seeding of verges, are provided to the EA for their comments.
- 3.9 RSPB: Object on the ground of impacts upon bird species and raise the following concerns:
- The loss of temporary and permanent habitat of some Cirl Bunting habitat, and that it is not certain that mitigation is sufficient to retain these birds at the site. They note that Cirl Buntings are not Woodland birds, and that the proposed mitigation in the form of woodland will not enhance their habitat as set out in the ES. (They require grassland.) They also comment on the loss of existing hedgerow and 6,870m² of existing grassland which currently provide foraging area for the birds.
- The RSPB are concerned about the potential impact upon Curlews as a result of the scheme. It is requested that more information is provided to assess the potential loss of habitat. They also state that it is not clear if the proposed embankment screening landform, pond and planting will be suitable for Curlews to continue to use the land to the north of the road, with no evidence presented within the application to demonstrate this.
- 3.10 South West Water: No objection but note that water mains are located in the vicinity of the proposed new roundabout and some protective measures may need to be provided should the cover over them be reduced or any valves/chambers be affected.
- 3.11 Western Power Distribution: No comments received.
- 3.12 Exeter Airport: No safeguarding objections raised.

4. Advertisement/Representations

4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures 32 letters/emails representations have been received. (2 of these sent comments twice as part of the re-consultation process.)

20 objections have been raised - In summary the concerns raised are:

- the scheme will not solve the traffic congestion problems on the A376, and it is considered it may make it worst, with particular concerns raised about this worsening at Courtland Cross;
- the railway link to Exeter should have been improved, or more buses provided;
- the building of the road is not considered to be environmentally friendly or sustainable;
- the scheme is a waste of money;
- the scheme would harm A La Ronde and associated listed buildings, including the impact upon the setting of these; concern that other listed buildings have not been considered - such as St Peters School,
- the scheme will open up green field land between Summer Lane and the road for future development;
- the scheme is destroying attractive local countryside, and creating a visual eyesore for locals and visitors;
- concern raised about the appearance of the cuttings if they look like Lords Meadow in Crediton; recommendation that the landscape banking better fits in with the natural contours;
- the scheme does not adequately consider cyclists – the proposal to use Summer Lane as a cycle path does not form part of the application and is only indicated as an intention. There is inadequate cycle provision on the new road;
- the scheme will result in increased noise, and worse air and light pollution;
- the scheme will make flooding worst at Wotton Brook and at the bottom of Lypstone Hill;
- concerns about the impact upon the existing farmland; both the loss of fields and the severance of fields, making them less usable; concerns are also raised about access to the fields by landowners;
- concerns are raised about impacts upon Wotton Lane during the construction period; requests to make Wotton Lane access only;
- concerns about impacts upon bats from lighting; and destruction of habits with potential impacts upon Curlews;
- concern about the viability of fields being severed by the road, and the consequent need to remove hedgerows.

3 letters support the application of the following grounds:

- Summer Lane is currently dangerous for pedestrians, so the link road help make this route safer for walkers and cyclists;
- the scheme would result in a reduced number of vehicles on Exeter Road on the Exmouth side of the roundabout;
- the scheme would result in benefits of shorter journey times for those travelling to Liverton, Dinan Way, Salterton Road Trading Estate and to local holiday parks;
- residents of the cottages at Point in View as well as on the members of the Chapel who worship there every Sunday, would benefit from the scheme.

A further 7 representations have been received making general comments about the proposal or regarding matters not related to the application. These include comments on the dangerous nature of Summer Lane for pedestrians, and misuse by cars. Also general comments are made about severe congestion problems on the A376 at peak times, and that investment instead should be made for alternative strategic solutions.

- 4.2 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3909/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3909/2016>.

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.

6. Comments/Issues

- 6.1 The material planning considerations in the determination of this application are discussed below.
- 6.2 The adopted East Devon Local Plan identifies the provision of a road connecting Dinan Way to the A376. The proposed route falls within the area allocated for this road, in this case the principle of the new road is not a matter for debate. However Strategic Policy (22) which refers to the Dinan Way extension, specifically states that *'Future planning for and the implementation of this proposal will need to be compliant with Habitat Regulation requirements and place full regard on the importance of assets and setting of assets of heritage and landscape importance'*, and in addition, the road proposal must accord with other policies within the plan.

Highway Benefits

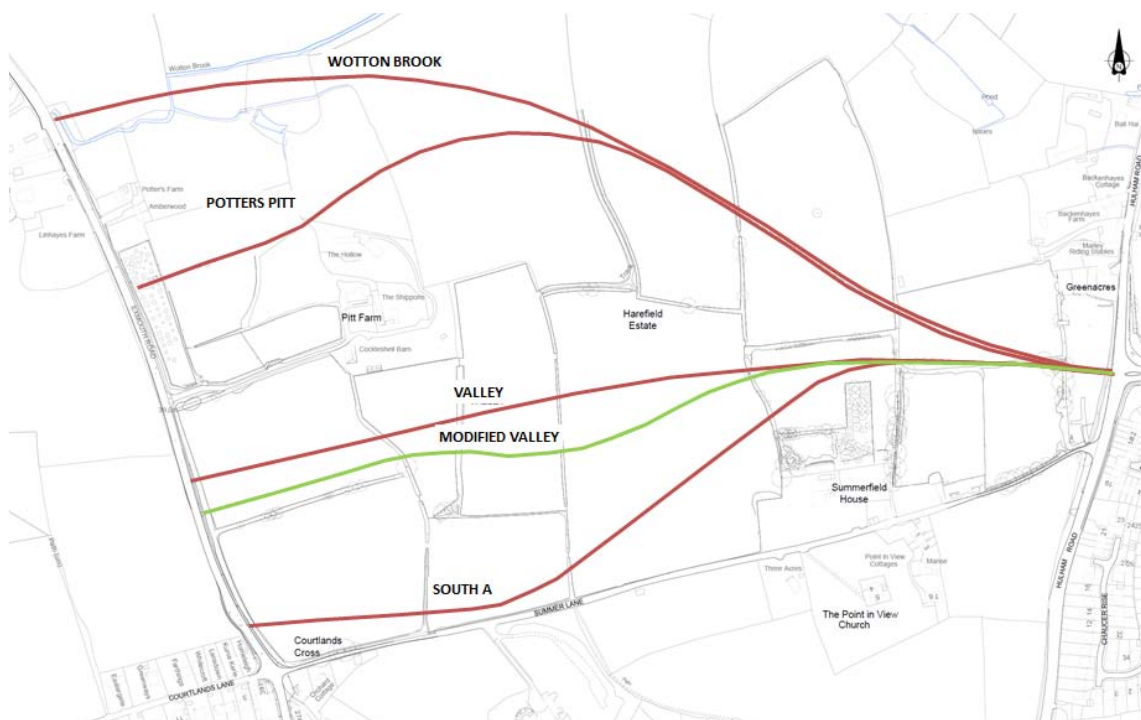
- 6.3 The road proposal would provide a final section of highway that connects to Dinan Way to the A376 to provide a seamless link around the outskirts of Exmouth, suitable for heavy good vehicles.
- 6.4 The Transport Assessment (TA) indicates predicted increases of 6.6% in the am peak hr, and 7.6% in the pm peak hour along Dinan Way as a 2031 forecast compared with 2015. Without the link road, and in combination with anticipated further growth in Exmouth, (most relevant being the 350 houses permitted at Goodmores Farm, and the expansion of Liverton Business Park), residential streets such as: Featherbed Lane; Rivermead Road; and single track country lanes such as Summer Lane and Wotton Lane would have to cope with this additional traffic. Traffic counts currently indicate that volumes of traffic are already higher than the appropriate levels for these types of road. For example, this would be supported by local perceptions/concerns raised about safety for pedestrians using Summer Lane. The Dinan Way extension would have a substantial positive impact upon these roads

reducing the need for through traffic and in turn reducing the likelihood of accidents, particularly at junctions.

- 6.5 Heavy Good Vehicles currently travel through the town centre or residential roads to Liverton Business Park and commercial development on Salterton Road, or to towns beyond Exmouth, such as Budleigh Salterton. Current base flows of HGV's along Salterton Road indicate between 5 and 11 of these vehicles travel in each direction during the am peak hour and between 3 and 7 travel in the evening peak. In this case the scheme would divert these vehicles away from the town centre, and from routes that currently travel past the Community College. Also by removing traffic from Summer Lane this road could be more congenial to pedestrian and cyclists.
- 6.6 The provision of the Dinan Way extension could provide an opportunity to improve the bus service to Exeter, by reducing journey times by at least 20 minutes. It is therefore concluded that there would be public benefits from the scheme in terms of traffic flow, benefits for cyclists using Summer Lane and Highway Safety.

Alternatives

- 6.7 The ES firstly sets out alternatives to constructing a Dinan Way Extension, including increasing capacity on the Exmouth to Exeter train, constructing a new station, modifying bus routes and seeking improvements to walking and cycling routes. The ES discounts these for a number of reasons, including not providing alternative routing for HGV's outside the centre of Exmouth. None the less, in relation to this application, alternatives to the building of a road are not for consideration, (as the road is identified and allocated as possible development), but alternative locations within the area identified in the location plan are relevant. The following plan indicates alternative options considered in the ES.



- 6.8 Five approximate locations have been considered in total, the modified Valley Route is the current scheme under consideration.
- 6.9 Firstly, the ES sets out that Wotton Brook and Potters Pitt options, would both result in impacts upon the Exe Estuary SPA, due to the current use by Curlews of the wet pasture land. The Wotton Brook option would result in greatest loss of foraging land in this case. This route is also located in a flood plain, within which policy states development should not be permitted here if there are reasonable alternatives. Both routes also fall within the Zone of Theoretical Visibility, identified in the setting study, for A La Ronde (Shell Gantry) and the Point in View, these are within the 10m & 12m area visible zones. In this case it would be expected that alternative options are pursued.
- 6.10 The South A Option is considered to result in significant visual and noise impacts upon the setting of A La Ronde, and associated listed buildings. It would seem reasonable in this case to discount this option.
- 6.11 This would leave the Valley and modified Valley routes. Neither route represents problems in relation to flood plain development or the SPA. Both are located closer to A La Ronde and associated heritage assets, yet in relation to the Zone of Theoretical Visibility it is noted that the Modified Valley Option falls predominantly beyond the area of visibility, except for the roundabout junction with the A376. It is evident that the Modified Valley Route fits better within the topography compared to the Valley Route. It can be seen that as the route could sit below the skyline and it is likely to better retain the local landscape character when compared to all the other options.
- 6.12 The conclusions made by the applicant in respect of alternatives are considered to be reasonable.

Impacts upon the Historic Environment

A La Ronde, Point in View, The Manse and the Historic Park and Garden and their setting.

- 6.13 The proposed new road lies north of a group of three Grade I listed buildings. These are A La Ronde (Grade I listed Cottage Ornee), Point in View Chapel (Grade I), The Manse (Grade I), as well as associated Pearson's Garage (Grade II Gardeners Cottage), which are all set within a Grade II Registered Historic Park and Garden. It is noted in the list description that "the whole complex is thus of major significance, not only architecturally but also historically and as a socially innovative group". The proposed development in this case has potential to impact upon the setting of these rare and important groups of buildings.
- 6.14 In this case, A La Ronde falls into a category of historic sites of particularly high aesthetic value, whose setting was consciously chosen and designed, and which is therefore intrinsic to its significance. The rural idyll in particular was part of the design concept for construction of the Cottage Ornee. Both its siting and design were intended to make it a distinctive landscape feature when viewed from the surrounding area. In addition to which, it was also intended to take advantage of a commanding position, overlooking a picturesque and tranquil countryside. Dormer windows were added to the roof on all sides when it was tiled, this reflects the significance of outlook from the house in all directions.

- 6.15 Today, the principal rural views from the house are focused to the south west, and North West. Towards the SW, views can be made over the fields of Lower Halsdon Farm, the Estuary and the Haldon Hills beyond. Views to NW are over agricultural fields that have been largely unaffected by development, and are typified by hedgerow boundaries and associated farm buildings. The Haldon Hills and distinct Belvedere Tower can also be viewed in in this direction. It is this view, within which the new road would be located. Views in this direction over the A376 specifically, and toward the estuary beyond, fall within what has been identified as a Core Setting Area in the National Trust Setting Study 2015. This is an area within which the National Trust has indicated as forming key views from the house.
- 6.16 The setting of A La Ronde in particular has changed significantly over the years, and it has been harmed as a consequence through the encroachment of housing to the south and south west, and along Exeter Road, (this includes a petrol garage at the junction of Courtlands Cross). The use of the A376 has grown significantly over the years, and noise from vehicles on this road and Summer Lane can be heard when walking around the pleasure grounds. Lighting along Summer Lane is currently a major source of night time light when viewed from the house.

Visual Impacts upon setting

- 6.17 The Environmental Statement demonstrates that as a result of the removal of hedgerows/trees and the provision of new lamp columns, that views of high sided vehicles, and the top of lighting columns at the junction with the A376, would be seen until replacement vegetation has established. These views would be from the Gantry at A La Ronde and glimpse views through gateways from Summer Lane, resulting in impacts upon the setting of A La Ronde and the Registered Park and Garden as viewed from Summer Lane. Given the small number of high sided vehicles that use this route, moderate adverse impacts are concluded in this case.
- 6.18 It is also noted that when the road is viewed from Wotton Cross, back towards A La Ronde, that again high sided vehicles would be seen, with potential major/moderate visual harm at year 1. Views of these vehicles are still predicted after 15yrs, albeit slightly more obscured by vegetation.
- 6.19 In terms of night time impacts, as indicted on viewpoint 6a (Visualisation set out at the end of the report), the final street lighting proposed would be less visible, and result in less light spill into the surrounding area when compared with existing lighting. This is as a result of the use of LED lighting, and back shields.
- 6.20 In terms of the form and appearance, an arterial road (with associated signage) within an agricultural setting would clearly appear urban in form, however the road itself would not be visible from A La Ronde or the Registered Park and Garden. In addition, it is noted that the proposed landscaping, reduced road width (6.5m, rather than standard 7.3m, and provision for only one footpath 2m), and decision to not include street lighting through the rural section, all help limit visual impacts.
- 6.21 None the less it is the Council's view that the resulting views of high-sided vehicles and the tops of lighting columns would result in less than substantial harm on the significance of the heritage assets due to the impacts upon their setting.
- 6.22 Mitigation – It is considered that further advance planting, in particular a wooded copse and more dense screening alongside the A376 and proposed roundabout, using a mix of deciduous and appropriate coniferous planting, would help prevent views of high sided vehicles and lighting at the earliest opportunity. Additional

planting /screening associated with the earth works and drainage ponds would help limit inward views of A La Ronde from the other side of the valley.

- 6.23 In addition, further tree planting in hedge banks, in particular those proposed near Dinan Way will help further reduce views from Summer Lane and the Registered Park and Garden.
- 6.24 It will be critical that the Highway Authority is able to manage this additional planting and screening in perpetuity, to ensure that this provides permanent mitigation against the impacts upon the setting of heritage assets. This shall be set out in a landscape management plan, as agreed through a condition of any permission.
- 6.25 Improving Summer Lane – It is considered that the replacement of existing lighting columns with LED lighting, could significantly reduce light spill and help to enhance setting through the use of softer lighting. This can be required through a condition in this case. Another element of the scheme would be the aspiration to alter Summer Lane so that it is a 'No Through road', reducing car use further along this route. This again could potentially provide enhancement, but as it stands does not form part of the application.
- 6.26 As a result of the partial urbanisation of the agricultural context, in combination with moderate short term impacts on views from A La Ronde and the Registered Park and Garden, which can be further mitigated against through additional planting as outlined above, it is considered the proposal will lead to less than substantial harm upon the significance of the heritage assets.

Noise impacts upon setting

- 6.27 During the 12 month construction period, impacts would be most significant as a result of noise disturbance. Predicted noise levels for A La Ronde are anticipated to be 56.9 LAeq.T at their highest, which although high, according to the Noise Assessment falls within noise thresholds of 60 LAeq.T in line with guidance set in British Standard 5228 1:2009 & A1:2014 (Code of practice for Noise and Vibration). Nether the less this level of noise would be significant, particularly in terms of its impacts upon the tranquillity of the setting of this and associated listed assets, although it would be temporary.
- 6.28 A reduction in traffic flow along Summer Lane and the southern end of the A376, following the opening of the road, would result in a decrease noise levels in the region of 2dB LA10 18h, 1year after opening and 1dB LA10, 18h 15 years after opening, resulting in negligible impacts within a 15 year period. These predicted levels have since been further reduced following recent agreement of a 40mph limit, reducing levels by an additional 1 dB LAf10 18h for the Manse and Point in View Chapel in particular. It is considered that the development would have beneficial longer term noise impacts, upon A La Ronde and its immediate setting with localised benefits upon tranquillity within parts of the core setting area identified by the National Trust.
- 6.29 Mitigation - To minimise impacts for A La Ronde and the immediate vicinity upon tranquillity, and to ensure that the benefits resulting from the reductions in noise levels take place, the low noise surfacing, Stone Mastic Asphalt should be conditioned, as set out in the noise section.
- 6.30 It is considered that the benefits over the longer 15 year period to reduce noise levels for those experiencing A La Ronde and its grounds, as well as within its core setting area to a degree, help reduce overall impacts, which are noted to be significant

during the temporary construction period. In this case, it is concluded the overall impacts from noise would result in less than substantial harm.

Conclusion

- 6.31 In arriving at this decision considerable importance and weight has been given to the desirability of preserving the setting of A La Ronde and associated Grade I & II heritage assets. It is nevertheless considered that the public interest to provide a link road which will divert heavy good vehicles away from residential streets and the town centre, and the predicted reduction in traffic along Summer Lane, outweighs the less than substantial harm that has been concluded to these heritage assets. This is in accordance with the Planning (Listed Building and Conservation Areas) Act 1990, paragraph 134 of the NPPF, and East Devon Local Plan policy: - Strategy policy 22 (Development at Exmouth); EN8 (Significance of Heritage Assets and their Setting) & EN9 (Development Affecting a Designated Heritage Asset).

Impacts upon Archaeology

- 6.32 The drains linking with the pond lie in proximity to several dwellings shown on the mid-19th century Tithe Map. These appear to have been demolished later that century. In this case, groundworks in this area have the potential to expose archaeological and artefactual deposits associated with these dwellings. As such, a condition of the development should be that archaeological work takes place in advance of construction. This would ensure the development meets the requirements of Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012).

Landscape

- 6.33 The site is located within land that is designated as a 'Green Wedge' in relation to strategic policy 8 of the East Devon Local Plan. This area is also allocated as the 'Dinan Way Link Road' in association with Strategic Policy 22. In this case the proposal will need to meet other landscape policy requirements of the plan, which include land designated as a Coastal Preservation Area (CPA) to the west of the application site, and landscape character considerations.
- 6.34 The road alignment of the chosen 'Modified Valley' route fits in with the grain of local field patterns, and protects some visually important trees & hedgerows, helping to screen the road and traffic from sensitive views. Sensitive designed earthworks that respect the rolling landform, whilst helping to minimise cutting, also help to screen the proposal from Pitt Farm, and minimise impacts on some sensitive views. This also has the benefit of enabling more land to be returned for use for farming. Particular features of the final proposed scheme, to include the planting of hedgerow trees, small copse and new hedgerows also help to conserve the rural character and integrate the road into its setting whilst partially screening the traffic and lighting from sensitive views.
- 6.35 Impacts - Nonetheless, the scheme, as a new road within the open countryside, would result in adverse impacts upon the local landscape. The LVIA (Landscape and Visual Impact Assessment) predicts these to be moderate in the medium term (after 1 year), with the greatest impacts being from views from Wotton Lane. This reduces to slight/negligible impacts 15 year after the road is built.

- 6.36 Mitigation - In order to ensure that impacts upon sensitive views are satisfactorily mitigated, additional planting is required (as set out in the historic environment section above). To ensure that the proposal fits into the local landscape as best as possible the following details are required. These should include: details and agreement of the location of hedgerow trees to screen lighting; details of fencing, walling, facing for hedgebanks; the colour/finish of the lighting columns; pond designs and soil management; and the submission and agreement of detailed for the cross sections of the road and bank profiles.
- 6.37 With this additional mitigation and agreement of the details, it is considered that the road proposal meets the local plan aspirations for an acceptable road scheme and the following landscape polices D1 (Design and Local Distinctiveness); D2 (Landscape Requirements) and D3 (Trees and Development Sites) and the NPPF (Paragraphs 17, 61, 64, 125, 129).

Nature Conservation/Habitats

- 6.38 The Exe Estuary Special Protection Area (SPA) is located approximately 0.9km to the west of the proposed road scheme and is designated for its internationally important numbers of overwintering and passage waterbirds. The East Devon Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA) is located 1.45km from the scheme. The scheme falls within both Cirl Bunting and Great Crested Newts Consultation Zones. The fields are largely arable and improved grassland surrounded by intensively managed hedges.

European Wildlife Sites

- 6.39 Due to proximity to European sites, the Council, as Competent Authority, is required by the Habitats Regulations to carry out a Habitats Regulations Assessment (HRA) to screen for likely significant effects on the SPAs and SAC. A copy of the HRA can be found in Appendix III. The screening for the HRA confirmed that the only potential impact is on loss and/or disturbance to any foraging habitat used by waders from the Exe Estuary at high tide. However survey showed that the majority of the area impacted by the proposed road was not used by waterbirds. A few fields in the area are used by groups of curlew, largely away from the scheme. Given that curlew will still be able to use fields in this area and that disturbance to curlews from the road will be minimal (due to the use of cuttings and planting), it is considered by DCC that the proposal will not have a likely significant effect on the waterbirds population of the Exe Estuary SPA. Natural England has been consulted over the HRA and have agreed in principle with the conclusions of the screening. The attached HRA screening report will be subject to a number of refinements, and a final copy will be made available at the Development Management Committee Meeting. Note that the original response from Natural England stated that they had no objection to the scheme.

Nationally and locally designated wildlife site

- 6.40 The A La Ronde County Wildlife Site, is located within the grounds of the house and associated Registered Park and Garden, although no impacts are predicted as a result of the scheme.

Priority habitats

- 6.41 The scheme would result in loss of 370m of species rich hedgerows and 320m of non-species rich hedges, all of which are a UK Priority Habitat. The replacement of

these hedges with 1,381m of species rich hedgerow will be a condition of any permission, and are considered to appropriately mitigate the impacts.

European Protected Species

- 6.42 Dormice: Surveys found only two dormice nests, neither of which will be impacted by the scheme. The site was assessed to be of limited value to dormice due to current intensive management of hedgerows but is still likely to be used for foraging, dispersal and hibernation. A licence is therefore likely to be needed from Natural England in order to remove this habitat. The County Council considers that, provided dormouse mitigation is implemented, the three Habitats Regulations tests would be met.
- 6.43 Great Crested Newts: The scheme itself does not impact upon a pond. However there are two ponds approximately 160m from the proposed road alignment which are connected to the alignment by hedges. The nearest Great Crested Newt record is 2.2kms away and before 2016 the site was outside a newt consultation zone. The developer's ecological consultant therefore considered it unlikely that there would be newts on the development site. However in 2016 the Devon Great Crested Newt guidance was amended and this site now lies in a consultation zone. Given this a pre-construction survey, and implementation of any mitigation measures required, will be a condition of any permission. The Method Statement provided with the application shows that, if needed, mitigation is achievable within the current proposals and that, if needed, NE would be likely to issue a licence.
- 6.44 Bat roosts: No bats were found during the survey of potential tree bat roosts. However pre-construction surveys will be carried out as per best practice.
- 6.45 Bat flight lines/foraging habitat: There were generally low levels of bat activity in the area, potentially due to the largely improved grassland fields and intensively managed hedges. The highest level of bat activity was along Summer Lane which will be unaffected by this proposal (although any subsequent reduction in traffic along Summer Lane will benefit bats). The bat species occurring in more than individual numbers are high flying species which are considered to be at less risk from collisions with vehicles. Lighting proposed at each end of the road has been designed to avoid impacts on wildlife, including bats. The new hedges and planting along the scheme corridor will be created and managed to provide enhanced bat flight lines and foraging habitat.

Nationally Protected/Priority Species

- 6.46 Nesting birds: The scheme will impact upon nesting bird habitat and a condition is required to ensure that active nests are not destroyed or damaged and that Cirl buntings (as a Schedule 1 species) are not disturbed whilst nesting.
- 6.47 Cirl buntings: Cirl buntings are a UK priority species and a priority for species conservation in Devon. The UK population once bred across southern England but is now largely restricted to south Devon between Exeter and Plymouth. The few pairs recorded east of the Exe Estuary are therefore strategically important for the population and need to be protected. A Survey in 2015 has shown that Cirl buntings use the area of the proposed road during both summer and winter and that it is very likely that a pair nest just south (c.45m) of the scheme corridor. The proposed road will remove summer and wintering habitat from the core of the breeding territory,

fragment habitat and potentially disturb birds. As a result of the road, the landowner has already stated that he will apply to take out hedges close to the nesting site in order to maintain the agricultural viability of his fields. In this case, adverse impacts are concluded without mitigation. It is essential that mitigation for this scheme is secured which includes sufficient habitat to maintain the viability of the breeding territory and minimise disturbance.

- 6.48 Badgers: The proposal will result in the loss of a subsidiary sett and the severance of foraging and commuting habitat leading to increased risk of traffic collisions. A licence from Natural England will be required to close a subsidiary sett which will be lost to the scheme. The road will sever foraging habitat leading to an increased risk of traffic collisions. A new sett will be created, a tunnel under the road provided and new habitat links created.
- 6.49 The applicant should use reasonable endeavours to secure appropriate mitigation to maintain a Cirl Bunting territory and, if required, to secure appropriate Great Crested Newt mitigation, in order to maintain existing populations within and adjacent to the application area affected by the proposal. If this is not possible then compensation will be required, as per the Devon Cirl Bunting Guidance and any Natural England Great Crested Newt licence, to maintain favourable conservation status of the populations. In this case it is considered that with the mitigation set out above and within the accompanying conditions that the requirements of policies EN4 (Protection of LNR's, CWS & CGS's) and EN5 (Wildlife Habitats and Features), of East Devon Local Plan and the requirements of the NPPF have been met.

Highways Safety and Access

- 6.50 The proposed road and junction design is appropriate for the forecasted levels of traffic. As a result of discussions with the Highway Safety team, the proposed speed limit has been lowered to 40mph. In this case it is considered that the proposal will satisfactorily meet highway safety standards.
- 6.51 Concerns have been raised by a local land owner about access to their property and fields from Summer Lane as a result of the scheme. For clarification, the planning application does not include any proposals to alter Summer Lane, but there is an intention to alter the lane so that it is not a through road. The applicant has confirmed that this alteration would not affect access for properties.
- 6.52 Concerns have also been raised regarding the provision of crossing point over the new road so that access can be gained to existing agricultural fields. The details of any new accesses across the new road have not been submitted within the application. These will have to be addressed with the landowner, unless any proposal would be subject to a separate planning permission.
- 6.53 Letters of representation also raise concerns about safe crossing routes over the proposed new road. In this case the County Planning Authority considers that the provision of island at the junctions for pedestrians will provide safe crossing points.
- 6.54 It has been requested that a Construction Traffic Management Plan (CMP) is agreed with the Highway Authority. It is considered in this case that incorporating these requirements into a Construction Environmental Management Plan (CEMP), though a condition will satisfy this.

Sustainable Transport

- 6.55 As the proposal stands, the road only has provision for a 2m only wide footway on one side, which would not allow use for cyclists. None the less the ES does set out that the intention is to provide alternative provision for cyclists along Summer Lane by closing this to through traffic. Although it states this will be dealt separately through a road diversion order.
- 6.56 Road miles would be reduced by Heavy Good Vehicles as they would no longer need to go through the centre of Exmouth, as they are currently directed due to vehicle weight restrictions on existing roads.

Overall Sustainability Considerations – Greenhouse Gas Emissions (GHG)

- 6.57 The ES sets out that the proposed scheme will reduce cumulative GHG emissions over the period to 2030 by 1,086 tonnes of CO₂e. This would help to contribute to reducing emissions, in helping support Paragraph 93 of the NPPF which seeks radical reduction in Greenhouse Gases. None the less, there could be opportunities to increase this amount further through new woodland planting or by further reducing the recycled content of new materials.
- 6.58 Addition woodland planting over and above that put forward in the application could compensate for lost pasture land (7,700m²), as it currently amounts to approximately half this area. This would reduce emissions by a further 22 tonnes (2% reduction in total), although this is considered negligible. This report recommends that additional planting alongside the A376 should be provided over and above that set out in the application, this will help to further mitigate against impacts.
- 6.59 The principal action used to reduce construction emissions as part of the scheme has been to retain all waste material on site. This will have the effect of reducing construction emissions by 37% that equates to 381 tonnes of CO₂ that would have otherwise been emitted to the air. It has been confirmed that due to lack of control regarding supply chains, and the need to meet stringent standard (restricting use of recycled materials) that it will be difficult to ensure that recycled content over 10% could be achieved. It would be appropriate to seek that that 10% minimum recycled content is achieved in this case through the submission of a final Waste Management Plan to ensure the proposed carbon reductions are in line with the NPPF, and the development accords with policies W21 (Making Provision for Waste Management) and W4 (Waste Prevention) of the Devon Waste Plan.

Impacts from Noise and Air Quality on Neighbouring Properties.

Noise from construction

- 6.60 Noise during the construction works would be expected from site preparation, excavation works, piling, final surfacing and associated plant and vehicles. Hours of operation are proposed as 0800 to 1800, Mondays to Fridays and 0800 to 1300 on Saturdays, but with an hour either side to allow for site start up and shut down. (The noise impact assessment has made the assumption of operating hours of 7am - 7pm). The Construction Environmental Management Plan also notes some night time working, would be associated with tie in, and road surfacing overlay works at either end of the road. It states that no continuous 24-hour activities would be envisaged.

- 6.61 Moderate impacts are expected to occur within St Thomas Close and for properties at the top of Hulham Road during works connecting the road to Dinan Way, from the use of Planers and surfacing works in particular, levels would be around 70. LAeq.
- 6.62 In terms of measures to be taken to minimise impacts from construction activities – Best Practicable Means approach is proposed to be adopted which includes some of the following measures: ensuring low noise equipment is used for all works; managing equipment's location; use of appropriate silencers; and on-time of equipment for example. It is recommended that these methods put forward are ensured through a condition requiring an update of the CEMP to include these and that noisy operations (such as piling and surface works) are carried out during more restricted time periods, in particular between the 8-6pm, and not during the start up and shut down periods. If the construction period occurs at the same time as the Goodmores Farm development, additional practices should also be put in place through the CEMP.
- 6.63 It would also be reasonable in this case to limit overall night time working to ensure impacts are acceptable for those living near either end of the scheme - in this case a condition should be used to require agreement of the maximum number of days for night time working. Daylight hours of operation in the same vain, shall be limited to those set out in the application to include start up and shut down, as these have been incorporated into all assessment of the ES.
- 6.64 In this case it is considered that the construction phase of the development would not give rise to significant adverse impacts on health and quality of life as a result of noise associated with the operation in line with the NPPF and in line with East Devon Local Plan policy EN14 (Control of Pollution)

Long term noise impacts – operational

- 6.65 Operational noise limits are assessed one year, and fifteen years after the opening of the road. Increase in noise levels would be experienced for properties directly adjacent to the road, such as Pitt Farm, those north of Summer Lane and to the west of Hulham Road, the remaining increases would be concentrated along and around Dinan Way, and would be as a result increased traffic flow.
- 6.66 One year after the completion of the road, 1,774 dwellings will experience a perceivable increase in noise (of 1dB $L_{a10\ 18h}$) at ground floor level, of these 32 would experience a moderate increase. This compares to 598 receiving a decrease. 15 year after opening of the road the same assessment, but using a higher threshold (in line with Design Manual for Roads and Bridges (DMRB) guidelines), of 3 $L_{a10\ 18h}$, indicates 989 properties with a perceived increase in noise levels, with 2 of these experiencing moderate level increases. 166 dwellings would experience a decrease.
- 6.67 Specific mitigation measures have been put forward as part of the design of the scheme to include the following: a false cutting is created nearest to Pitt Farm to screen and help attenuate noise from the road, and an additional noise bund has been located alongside the road in this location, the west woodland, which is 10m deep from the road edge would help reduce noise levels by around 1dB. In this case it is considered that these mitigation measures will help to reduce noise levels for the 6 properties in particular, experiencing moderate noise impact in the long term as a result of the scheme.

- 6.68 It is considered that as the modelling assumes Stone Mastic Asphalt would be used, it would be appropriate to condition the use of this low noise surface dressing to impacts reflect those concluded in the ES, and to help minimise overall impacts.

Air Quality

- 6.69 The main impacts upon air quality would be from dust generated from construction activities, and from traffic emissions associated with vehicles using the road when the construction phase is complete. The ES assesses impacts upon the A La Ronde County Wildlife Site and 30 nearby sensitive locations, which are predominantly residential properties, but include buildings such as A La Ronde (as a sensitive receptor).
- 6.70 During the 12 month construction phase, there is considered to be significant potential for dust to be created as a result of the removal of topsoil, and the creation of embankments & cuttings. The assessment has assumed that the site compound would be located at the eastern end of the road – although the exact location is not identified within the application. Highest risk of dust is associated with dust soiling rather than impacts upon human health or ecology.
- 6.71 It is considered that the mitigation measures proposed in the ES which incorporate: ceasing operations during high winds; using water assisted dust sweepers; carrying out regular site inspections and developing stakeholder communications plans, would ensure dust impacts are negligible on these receptors.
- 6.72 Traffic emissions from the new road will result in increases in pollutants, such as Nitrogen Oxide and PM10/2.5 particles (essentially fine dust particles) along Dinan Way and Hulham Road, whilst decreases will be experienced on Summer Lane, Featherbed Lane and Rivermead Avenue as vehicles will choose to travel along this alternative route*. Nonetheless overall impacts are predicted to be negligible.

* Traffic conditions have been simulated in line with Defra Local Air Quality Management Technical Guidance Note (LAQM.TG(16)). This includes modelling of congestion in line with Appendix 9/2. In addition time varying emissions have been applied to reflect vehicle flow (i.e. diurnal patterns) based on Highways Agency (HA) data.

- 6.73 In this case it is considered that there would be no significant adverse air quality, impacts, and with the proposed mitigation would result in acceptable levels of impact in line with East Devon Local Plan policy EN14 (Control of Pollution).

Water Environment

Surface Water Drainage

- 6.74 The site is located in Flood Zone 1 (Low Risk), although Environment Agency maps identify the site can be susceptible to flooding (the probability is 1:1,000). Currently, water drains from the agricultural fields into the Wotton Brook, at the bottom of the valley. Wotton Brook is located within Flood Zones 2 & 3. Hulham Road has its own drainage system which would not be affected by run off from the road proposal.
- 6.75 The scheme includes drainage proposals to store surface water run off within an underground storage tank beneath the roundabout on the A376, and an attenuation pond south east of Pitt Farm. Both allow for the water to be stored and discharged at Greenfield run-off rates, and are designed to prevent flooding on the highway.

- 6.76 The Lead Local Flood Authority has confirmed that the proposed surface water drainage is both acceptable and in accordance to local and national standards. Although it is also highlighted that it will be necessary to agree the management of the pond and surrounding earthworks/slopes to ensure that this is appropriately maintained and functions in perpetuity.
- 6.77 It is recommended that Surface Water Drainage Management Plan is agreed through a condition of the development. In this case it is felt the proposal accords with East Devon Local Plan policy (EN22 Surface Run-Off Implications of New Development).
- 6.78 The proposal includes the use of appropriate plant species to ensure the protection of vegetation, wildlife and downstream water quality in accordance with policy (EN18 - Maintenance of Water Quality and Quantity).

Other Matters

- 6.79 To note are the concerns raised regarding the opening up of opportunities, as a result of the scheme, for housing or other development to take place between the road and Summer Lane. This area is located in a designated 'Green Wedge', which seeks to prevent the coalescence of settlements. Most importantly, this would guide decisions for any new development within this area, along with other material planning consideration at such time. In this instance, this is not a point for consideration within this report.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 In conclusion, the road proposal falls within an area designated for such a use in the East Devon Adopted Local Plan. This report demonstrates that the proposal is compliant with the Habitat Regulation requirements, and that full regard has been given to the importance of assets and the setting of assets of heritage and landscape importance, in line with East Devon Policy requirements. In this case, it is considered that the overriding public benefit of the road, (particularly for traffic flow, for cyclist using Summer Lane and highway safety), outweigh the less than substantial harm that will result upon the setting of heritage assets. It is considered that the mitigation proposals put forward, as set out in the report and through the attached conditions, will ensure that the impacts are minimised and that:- the road proposal fits within its surroundings; sensitive views are obscured as much as possible; wildlife is protected and enhanced, the proposal does not add to surface water flooding or flood risk and the living conditions of surrounding residents are protected as much as possible.
- 7.3 In this case it is recommended that the development be approved in accordance with the recommendations of the report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Exmouth Halsdon & Woodbury

Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes

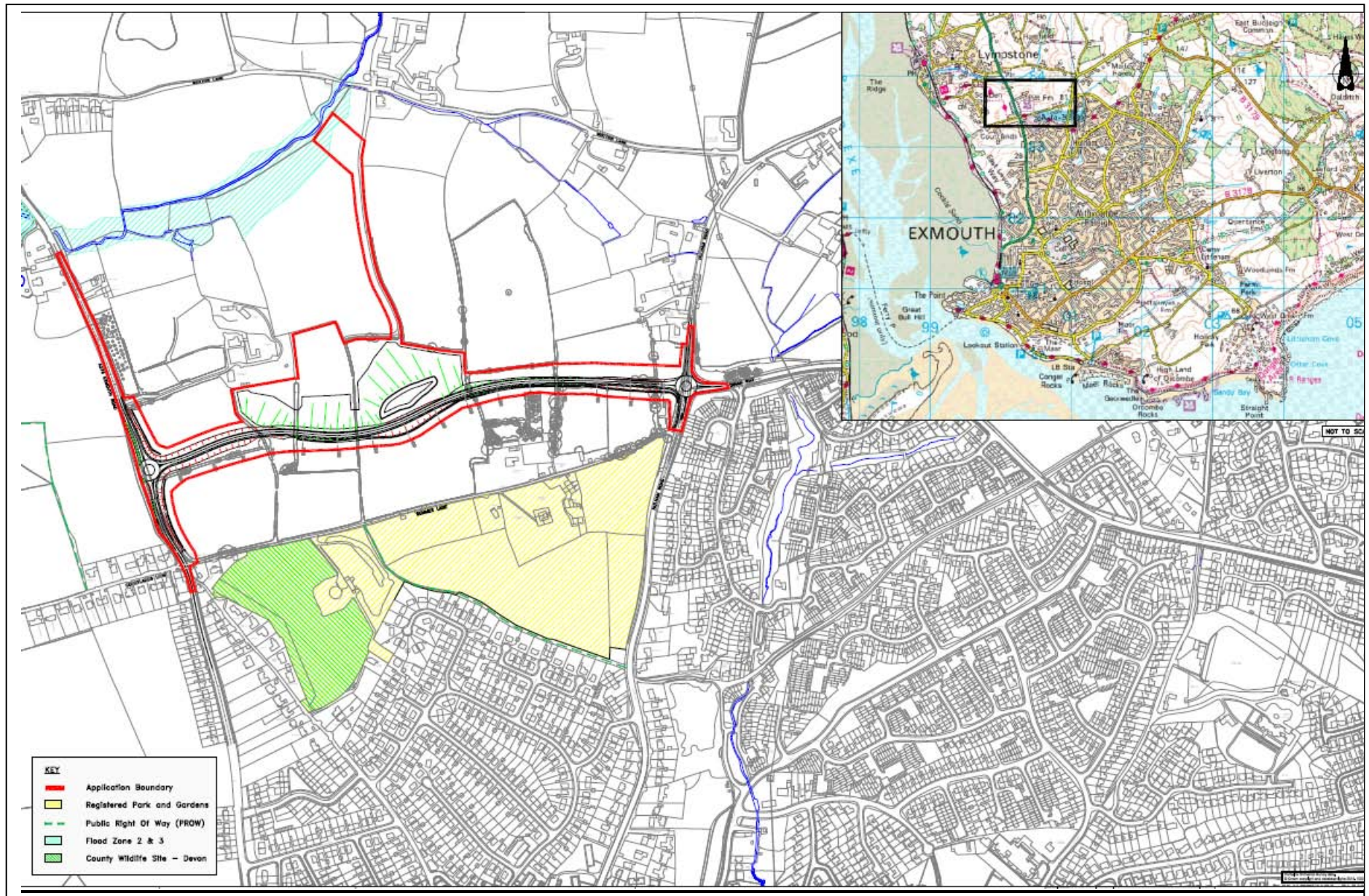
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	Current	DCC/16/2606/CM

hs120117dma
sc/cr/construction single carriageway road dinan way pitt farm summer lane Lympstone
03 170117

Location Plan



Site Plan



Engineering Design Group
 Market Office
 County Hall
 Tipton Road
 Exeter
 EX2 4QD
 Tel: 01392 351 304
 Fax: 01392 352343
 vachter@devon.gov.uk
 www.devon.gov.uk

DINAN WAY EXTENSION

GENERAL LAYOUT

No.	Date	Drawn	Checked
0	07.08.2019	AV	AV
1	10.10.2019	AV	AV

Project Name	Dinan Way Extension
Project No.	A10020/52
Scale	1:1250
Sheet No.	A1

Planning Policy Consideration

East Devon Local Plan - 2013-2031 (Adopted January 2016)

Policies: D1 (Design and Local Distinctiveness); D2 (Landscape Requirements); D3 (Trees and Development Sites); EN4 (Protection of LNRs, CWSs & CGSs); EN5 - Wildlife Habitats and Features); EN6 (Nationally and Locally Important Archaeological Sites); EN7 (Sites of Potential Archaeological Importance); EN8 (Significance of Heritage Assets and their Setting); EN14 (Control of Pollution); EN18 (Maintenance of Water Quality and Quantity); and EN22 (Surface Water Run-Off Implications of New Development).

Strategy Policy 8 (Green Wedge); Strategy Policy 22 (Development at Exmouth).

Devon Waste Plan (December 2014)

Policies W21 (Making Provision for Waste Management); and W4 (Waste Prevention) of the Devon Waste Plan.

Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence within ten years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered A10020/50; A100/20/52/A; A100/20/53; A100/20/56; A100/20/58; AW/L/308/2; AW/L/308/4/A; L10A; L10B; L10C; and 16.30.2.TPP unless otherwise maybe varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (PRE-COMMENCEMENT)

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

3. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall provide details of:
 - a) Timetable/programme of works;
 - b) Measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles];
 - c) Days and hours of deliveries;
 - d) Location of loading, unloading and storage of plant and materials;
 - e) Location of contractor compound and facilities;
 - f) Provision of boundary fencing/hoarding;
 - g) Parking of vehicles of site personnel, operatives and visitors;
 - h) Detail for proposals to promote care sharing amongst construction traffic staff;
 - i) Dust Control, in accordance with measures set out in table 9 -14 'Construction Dust Mitigation Measures' of the Environmental Statement;
 - j) Noise management procedures, in line with the Best Practicable Means as set out in section 10.4.2 of the Environmental Statement;
 - k) The hours for noisy operations that take place on site: to include Piling and breaking up of hard materials;
 - l) Proposed night- time operations/working;
 - m) Recycling during construction;
 - n) Detailed proposals and method statement for soil stripping, storage, handling and reinstatement;
 - o) Additional measures to be taken if the Goodmores Farm development occurs during the construction period of the road;
 - p) Details of the protection of wildlife habitat; including any requirements for ecological specialists.

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction activities on nearby residents, the landscape, ecology and the local highway network in accordance with Local Plan policies: EN5 (Wildlife Habitats and Features) & EN14 (Control of pollution) and the NPPF.

LANDSCAPING/TREES & ECOLOGY

4. No development shall take place until a Detailed Landscape and Ecological Design Scheme is submitted to and agreed with the County Planning Authority (CPA). This shall include updated landscape and ecological mitigation plans, and an updated 'Typical Cross Section' A10020/54/Rev A, as well as the following:
- a) further planting at specific locations to be agreed with the CPA, where high sided vehicles would be visible;
 - b) the design and location of fencing;
 - c) details of the hedge banks construction including bank ends and transitions to adjoining hedges;
 - d) materials to be used for retaining walls;
 - e) detailed landform and vegetation design of sustainable drainage features;
 - f) details of the colour and finish of lighting columns;
 - g) details of surfaces, edgings for roads and footways;
 - h) each landscape/ecological feature shall be clearly marked, and their purpose indicated.

The approved scheme shall be implemented according to a timetable to be approved by the County Planning Authority. The approved scheme shall be maintained for a period of ten years. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location.

REASON: To help protect the character and appearance of the local landscape and to mitigate adverse impacts of proposals of views from A La Ronde and associated Heritage Assets, in accordance with the NPPF and East Devon Local Plan policies D2 (Landscape Requirements), and EN8 (Significance of Heritage Assets and their Setting).

5. No development shall take place until a Landscape and Ecological Management and Monitoring Plan (LEMMP) has been produced in accordance with best practice guidance and approved in writing by the County Planning Authority at least one year before development commences. The LEMMP shall include annotated plans, an overview mitigation and monitoring report, detailed management and monitoring reports and a schedule for the timing of all works.

It shall also include the following:

- (a) A succinct overview of ecological and landscape requirements summarising for relevant habitat, species and landscape features:
 - i. Background (summarising impacts and mitigation/monitoring requirements);
 - ii. Objectives, including intended purpose/function and specific requirements in terms of habitat structure, height and composition;
 - iii. Any pre-construction surveys required;
 - iv. Any protection measures;
 - v. Mitigation requirements (avoidance, mitigation, compensation and enhancement measures) to achieve objectives;
 - vi. Management requirements (pre, during, post construction);
 - vii. Any monitoring requirements;
 - viii. The timing of actions required;

- ix The organisation responsible for actions required.
- (b) Annotated overview plans highlighting the location and function of features and works required for landscape and ecological protection and mitigation, as described in the overview.
 - (c) Detailed specification documents relating to creation, aftercare and long term management of each landscape/ecological feature required to achieve the objectives for each feature. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location.
 - (d) A detailed schedule for the timing of all landscape/ecology works.
 - (e) Details of the mitigation, on and off-site, required to maintain the cirl bunting territory as per the Devon Cirl Bunting Wildlife and Development Guidance Note.
 - (f) Detailed Pre-construction Surveys including (but not exclusive to) badgers, cirl buntings, potential tree bat roosts and Great Crested Newts.
 - (g) Detailed Ecological Monitoring Surveys and Remedial Action Plans including (but not exclusive to) Cirl Buntings.

The LEMMP shall be implemented in strict accordance with the approved details.

A report setting out implementation of the LEMMP, compliance and survey reports shall be submitted to the CPA at intervals as agreed in the LEMMP.

REASON: To conserve the character of the local landscape, to ensure that ecological mitigation is built into landscaping requirements, to ensure that the road landscape fits in with the landscape context and to respect the setting of A La Ronde and associated Heritage Assets in accordance with the NPPF and East Devon Local Plan policies: D2 (Landscape Requirements); D3 (Trees and Development Sites); EN4 (Protection of LNRs, CWSs & CGSs); EN5 - Wildlife Habitats and Features) & EN8 (Significance of Heritage Assets and their Setting).

ARCHAEOLOGY/HISTORIC BUILDINGS

- 6. No development shall take place until the applicant has secured the implementation of a programme of historic building recording and analysis in accordance with a written scheme of investigation which has been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.

DRAINAGE

- 7. No part of the development shall commence until the detailed design of the proposed temporary (during the full period of construction) and permanent surface water drainage management systems have been submitted to, and approved in writing by, the County Planning Authority. The design of the surface water drainage management systems will be

in accordance with the principles of sustainable drainage systems. The development shall be carried out in accordance with the approved details and shall thereafter be so maintained.

Reason: To ensure that surface water runoff from the development, during construction and operation, is managed in accordance with the principles of sustainable drainage systems, so as to not to increase the flood risk, or pose water quality issues, to the surrounding area. In accordance with East Devon Local Plan policies EN18 (Maintenance of Water Quality and Quantity), EN22 (Surface Water Run-Off Implications of New Development).

CONDITIONS (DURING CONSTRUCTION)

HOURS OF OPERATION

8. Construction operations on site shall only take place between 0700 and 1900 on Mondays to Fridays and 0800 and 1300 on Saturdays. There shall be no working on Sundays and Public Holidays. Unless otherwise varied by condition 3 (Construction Environmental Management Plan).

REASON: To protect the living conditions of nearby residents and in accordance with policy EN14 (Control of Pollution).

LANDSCAPE & ECOLOGY

9. Vegetation clearance shall be in strict accordance with the approved plans as varied by these conditions. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with paragraph 109 of the NPPF and the wildlife and Countryside Act 1981 (as amended).

10. Trees and hedges to be retained are to be protected prior to, during and after construction according to the Tree Protection Plan and Arboricultural Method Statement. No heavy plant to be brought onto site or excavation to commence until protective fencing shown on the Tree Protection Plan Drawing 16.30.2.TPP is erected to the satisfaction of DCC (or as delegated to EDDC).

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period, to protect the setting of listed buildings, nature conservation interests and in the interests of visual amenity, in accordance with policy D3 (Trees and Development Sites).

NOISE

11. Appropriate noise reduction surfacing, Stone Mastic Asphalt or similar, shall be used as a road coating surface.

REASON: To ensure noise levels fall within acceptable levels to minimise harm upon - local living conditions; ecology and the setting of Historic Assets. In accordance with policies EN4 (Protection of LNRs, CWSs & CGSs; EN5 - Wildlife Habitats and Features); EN8 (Significance of Heritage Assets and their Setting) and the NPPF (Paragraph 123).

WASTE MANAGEMENT

12. No development shall take place until an updated Waste Management Plan for waste arising from the development has been submitted to and agreed in writing by the County Planning Authority.

The statement shall include:

- a) methods to reduce the amount of waste material;
- b) methods to re-use the waste within the development;
- c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place;
- d) estimated quantities of excavated/demolition materials arising from the site;
- e) evidence that all alternative methods of waste disposal have been considered;
- f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

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

REASON: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with policy W4 (Waste Prevention) of the Devon Waste Plan.

HRA Screening

<p>Habitats Regulations 2010</p> <p>Section 1: Screening of likely significant effect on a European site</p>		<p>Devon County Council November 2016</p>
1. Type of permission/activity:	New Planning Application	
2. Application reference no:	DCC/3909/2016 Exmouth, EX8 5BD	
3. National grid reference:	SX 8518 8079	
4. Brief description of proposal:	<p>Construction of an 830m single carriageway road with roundabouts forming junctions at either end linking Dinan Way & the A376 Exmouth Road. Includes the provision of a footway on the south side of the carriageway, earthworks and associated landscaping. The road is located between Pitt Farm and Summer Lane, Exmouth.</p> <p>Proposed highway lighting would be limited to lighting at either end of the scheme sufficient to light the roundabout junctions. Lighting is already present along both the A376 and Hulham Road.</p>	
5. Is the proposal directly connected with or necessary to management of a European site for nature conservation?	No.	

6a. European site name(s) and relevant interest features:

Exe Estuary SPA and Ramsar Site

The Exe Estuary SPA is located 0.9km from the proposal area. The proposal area contains functionally linked high tide roosting and foraging habitats that support birds associated with the Exe Estuary SPA.

Qualifying features:

This site qualifies under Article 4.1 of the Habitats Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

- Avocet (*Recurvirostra avosetta*), 359 individuals representing at least 28.3% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)
- Slavonian Grebe (*Podiceps auritus*), 20 individuals representing at least 5.0% of the wintering population in Great Britain (5 year peak mean 1984/85-1988/9)

The site qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl

Over winter, the area regularly supports 23,513 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Black-tailed Godwit (*Limosa limosa islandica*), Dunlin (*Calidris alpina alpina*), Lapwing (*Vanellus vanellus*), Grey Plover (*Pluvialis squatarola*), Oystercatcher (*Haematopus ostralegus*), Red-breasted Merganser (*Mergus serrator*), Wigeon (*Anas Penelope*), Dark-bellied Brent Goose (*Branta bernicla bernicla*), Cormorant (*Phalacrocorax carbo*), Avocet (*Recurvirostra avosetta*), Slavonian Grebe (*Podiceps auritus*) and Whimbrel (*Numenius phaeopus*).

Similarly, the Ramsar site is designated as the area is important for internationally important numbers of several species of wintering and passage waterbirds.

During severe winter weather the Exe Estuary assumes even greater international importance acting as a cold weather refuge as waterfowl from other areas concentrate here, attracted by the relatively mild climate and abundant food resources available.

The semi-improved pasture fields within the survey area have the potential to act as functionally linked foraging and high-tide roosting habitat for the birds associated with the Exe Estuary SPA. At times of high tide, the birds associated with the Exe Estuary SPA disperse to the surrounding grazing marshes to forage.

These functionally linked habitats contribute to the ecological characteristics associated with the Exe Estuary SPA.

The conservation objective for the Exe Estuary SPA is to maintain in favourable condition, the habitats for the internationally important assemblage of waterfowl under the Birds Directive. In particular:-

- Intertidal mud and sandflat communities (excluding seagrass bed communities).
- Saltmarsh communities.
- Seagrass bed communities.
- Intertidal and subtidal boulder and cobble scar communities

The above is predominantly taken from Natural England Exe Estuary SPA Regulation 33 Conservation Advice Package, 2001.

<p>6b. European site name(s) and relevant interest features:</p>	<p><u>East Devon Pebblebed Heaths SAC/SSSI</u></p> <p>The proposed development is located approximately 1.45km to the south-west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA).</p> <p>Qualifying features:</p> <p>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 (<i>Erica tetralix</i> – <i>Sphagnum compactum</i>) wet heath. The dry heaths are characterised by the presence of heather <i>Calluna vulgaris</i>, bell heather <i>Erica cinerea</i>, western gorse <i>Ulex gallii</i>, bristle bent <i>Agrostis curtisii</i>, purple moor-grass <i>Molinia caerulea</i>, cross-leaved heath <i>E. tetralix</i> and tormentil <i>Potentilla erecta</i>.</p> <p>Populations of southern damselfly <i>Coenagrion mercuriale</i> occur in wet flushes within the site. The SPA is designated for supporting Dartford warbler <i>Sylvia undata</i> and nightjar <i>Caprimulgus europaeus</i> populations of European importance.</p> <p>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:</p> <ul style="list-style-type: none"> - European dry heaths - Northern Atlantic wet heaths with <i>Erica tetralix</i>. (Wet heathland with cross-leaved heath) <p>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:</p> <ul style="list-style-type: none"> - Southern damselfly <i>Coenagrion mercurial</i>
<p>8. Survey results for wintering birds using the habitat functionally linked to the Exe Estuary SPA</p>	<p>The wintering population of curlew within Devon is in the order of 3000-4000, principally on the Exe, Taw/Torridge, Tamar and Kingsbridge estuaries (Devon Bird Reports, WeBS counts). The Exe Estuary is the largest wintering site for curlew, and their population has shown a gradual increase over the last two decades with annual counts usually in the region of 1400 (Devon Bird Reports). The 2014/15 overwintering count for curlew on the Exe Estuary was 1,535 individuals (WeBS counts).</p> <p>8 wintering bird surveys were undertaken monthly between September 2014 and March 2015 to determine use of the site by wintering birds. Alongside these 8 surveys, 4 incidental sightings of wintering birds were also recorded. The survey visits were undertaken for 3 hours across a range of tide states. Counts and activity of all water birds and any other potentially sensitive bird species were recorded using British Trust for Ornithology recording codes. The methods of these surveys are detailed in Section 2.2.6 of the submitted Ecological Appraisal report.</p> <p>Sightings of wintering birds were limited to three fields – a cattle grazed field (Number 1 of Figure 3), a sheep-grazed field (Number 2) and a northern wet-grazing field (Number 3). See Figures 2 & 3 for the results of the wintering bird surveys.</p> <p>The survey results indicate that there this low use of the application area by curlew utilising habitats associated with the Exe Estuary SPA, in comparison to the total number of curlew found to overwinter on the Exe Estuary SPA. The conclusion is that survey area site does not constitute a regular or important high tide foraging/roosting area for wintering birds utilising habitats associated with the Exe Estuary SPA.</p>

Screening Assessment for likely significant effect

9. Potential hazards likely to affect the interest features

Sensitive interest feature	Possible impacts	Actual impact & Mitigation (if required)
Exe Estuary SPA:	<ul style="list-style-type: none"> • Direct impact upon the SPA habitats • Disturbance to birds using the SPA. • Direct loss of functionally linked habitat • Disturbance to birds using functionally linked habitat. 	<p>The Exe Estuary SPA is located 0.9km from the proposal area.</p> <p>Direct impact upon the SPA habitats – There is to be no direct impact upon the Exe Estuary SPA due to the proposals being located 0.9km away from the SPA boundary – <i>No Likely Significant Effect</i></p> <p>Disturbance to birds using the SPA – There is to be no direct disturbance to birds using the Exe Estuary SPA due to the proposals being located 0.9km away from the SPA boundary– <i>No Likely Significant Effect.</i></p> <p>Direct loss of functionally linked habitat – The proposals will avoid the wet grazing field to the north (Number 3 on Figure 3) where foraging curlew were recorded more frequently throughout the winter bird surveys. Although the large central cattle field (Number 1) will be severed, the two remaining fields will still be larger in area than the sheep field (Number 2), which was found to support foraging curlew. Impacts of habitat loss will be further minimised with the creation of a pond basin seeded with a native marshy grassland mix – <i>No Likely Significant Effect.</i></p> <p>Disturbance of birds using functionally linked habitat – The main portion of this proposed road will be locating within a cutting. This will mean view lines of foraging birds utilising the functionally linked habitats will not be significantly be impeded and disturbance of birds will be minimal – <i>No Likely Significant Effect.</i></p>
East Devon Pebblebed Heaths SAC:	<ul style="list-style-type: none"> • Degradation to the structure and function of qualifying habitats • Reduction in numbers or displacement of qualifying species 	<p>The proposed development is located approximately 1.45km to the south-west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA).</p> <p>Degradation of habitats - Given the nature of the development and its distance from the East Devon Pebblebed Heaths, it is considered impossible that there would be any direct habitat loss or significant indirect habitat damage - <i>No Likely Significant Effect.</i></p> <p>Disturbance - there would be no species disturbance/displacement affecting the specialist habitats and species associated with the designated site; there are no suitable habitats for southern damselfly, Dartford warbler or nightjar within the survey area - <i>No Likely Significant Effect.</i></p> <p>It should be noted that the road will create a main link from existing and new housing developments at Dinan Way to the A376 Exmouth-Exeter road, and may therefore assist in reducing Exeter-bound traffic levels utilising the B3180 road which lies within the SAC and SPA.</p>

Conclusion

11. Conclusion:

Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?

Section 9 shows that there will be no Likely Significant Effect of this proposal on a European Site alone. There are no residual effects which could, in-combination with any other plans or projects, have a likely significant effect a European Site.

Enhancement measures associated with the proposals will further reduce any impacts through the provision of new grassland and wetland habitats. These enhancements will be secured through the delivery of the submitted Conservation Action statement.

Natural England's response (dated 8 November 2016) also concluded that:

- *The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Exe Estuary SPA and Ramsar Site has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives*

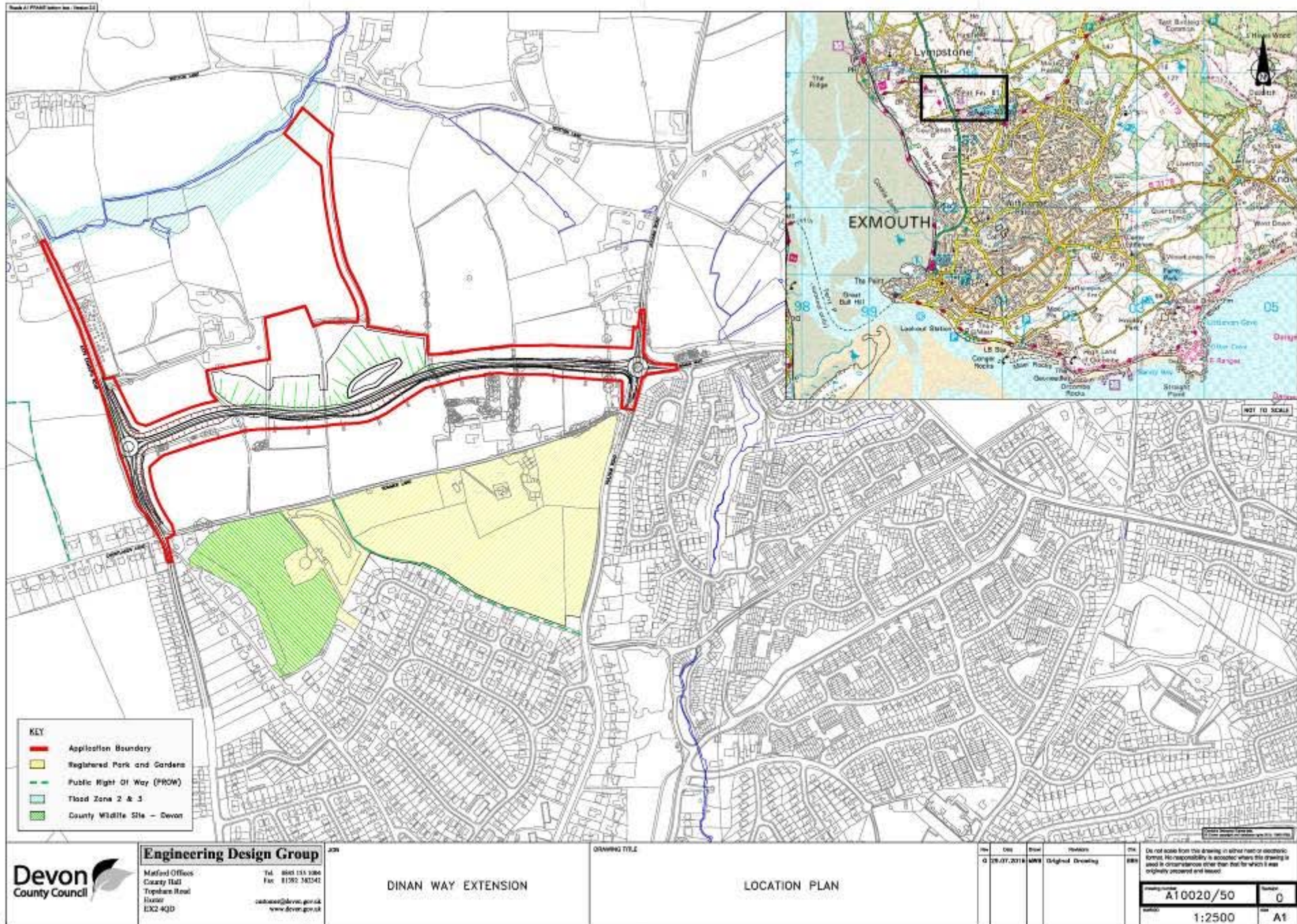


Figure 1 - Location plan of Dinan Way Link Road and surrounding land use

Date	Temp	Wind	Cloud	Rain	Start time	End time	Northern field	Cow field	Sheep field
29/08/2014	15	F3	20%	None	07:00	09:00	0	0	0
10/09/2014	13	F3	80%	None	09:00	15:30	0	0	0
17/10/2014	15	F1	20%	None	08:30	13:00	0	0	0
24/11/2014	11	F1	80%	None	11:30	15:00	0	0	0
03/12/2014	4	F1	0%	None	09:30	13:30	8 curlew	0	0
17/01/2015	3	F1	40%	Rain	<i>Incidental record</i>		0	55 curlew	1 little egret
28/01/2015	7	F3	50%	None	13:50	16:50	1 curlew	0	0
25/02/2015	10	F1	10%	Drizzle	08:05	11:00	0	2 curlew	0
17/03/2015					<i>Incidental record</i>		0	3 curlew	0
21/03/2015					<i>Incidental record</i>		25 curlew	0	0
22/03/2015					<i>Incidental record</i>		5 curlew	0	0
25/03/2015	10	F1	20	None	06:37	09:37	13 curlew + 6 flying over	1 little egret	8 curlew

Wintering Bird Survey Results

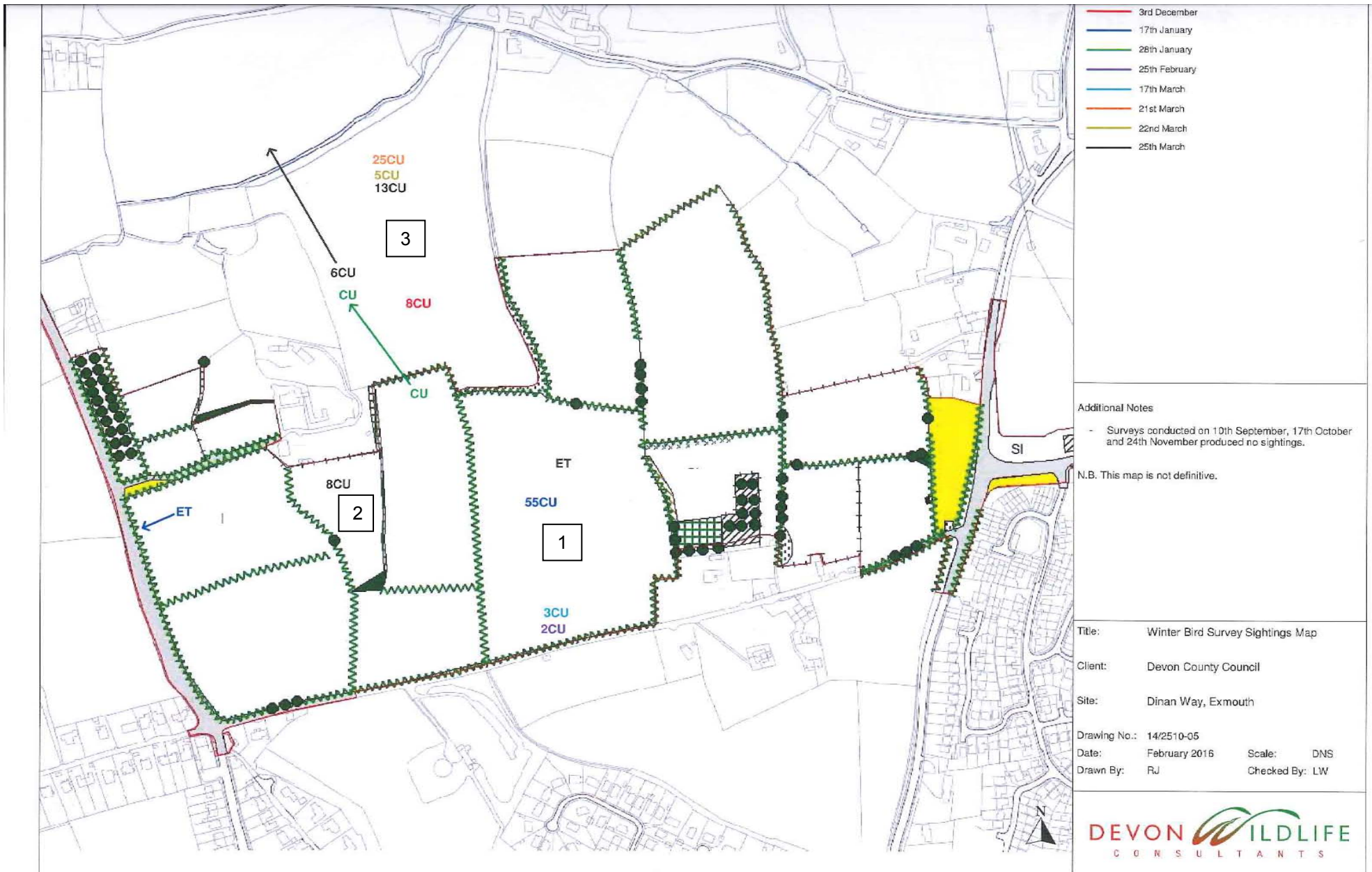


Figure 3 – Wintering Birds Survey Sightings Map