
Representations to the Feniton Neighbourhood Plan

Pre-submission Consultation draft Plan: Regulation
14

Representations prepared by Savills on behalf of
Taylor Wimpey

1. Introduction

These representations have been prepared by Savills on behalf of Taylor Wimpey, in response to the Feniton Neighbourhood Plan Pre-Submission Consultation Draft Document.

We welcome the opportunity to contribute to the Neighbourhood Plan process, and trust these representations are helpful in assisting the Neighbourhood Plan Steering Group.

Taylor Wimpey control an area of land approximately 32 hectares (79 acres) in size adjacent to the north western edge of Feniton. The land has previously been promoted for residential development, including through the East Devon Villages Plan, and the SHLAA. The location of the site can be seen from the plan attached at [Appendix 1](#).

A range of technical work has been completed for the site and concluded that, in principle, there are no technical or environmental matters which would preclude development of the site and mitigation measures can be addressed through development of the site. It is therefore considered that the development of the site would be entirely deliverable and achievable.

The suitability and sustainability credentials of the land clearly indicate that it should be allocated for development through the emerging Neighbourhood Plan, and that the allocation of this site would provide flexibility in future delivery.

These Representations respond directly to the approach taken in the Neighbourhood Plan Pre-Submission Consultation Draft Document, particularly the absence of a housing requirement and land allocations to address the objectively assessed housing needs for the area. In addition, the representations outline the significant opportunity presented through north to the north west of Feniton, which we believe, should be considered as part of an assessment of potential development options.

2. Scale of Development

It is clear that the draft Neighbourhood Plan, whilst outlining policies which relate to housing, does not propose a specific scale of development for the plan period, nor does it propose to allocate land to deliver the housing requirement for the area.

There are a number of references within the draft Plan to the delivery of housing through recent commitments, including the public inquiry held in January 2014, and how there is a feeling within the community that the village has already been the subject of overdevelopment in recent years. This is clear from page 9 of the Plan which states:

"Many comments on the Neighbourhood Plan questionnaire made reference to the need for the village to grow incrementally and not be swamped by large-scale developments such as were proposed by developers at the Feniton public inquiry in January 2014".

Whilst it is acknowledged that the village has been subject to speculative planning applications in recent years, we are concerned that the draft Plan provides no justification for failing to address the current and future housing needs for the area. Indeed, the only reference made within the draft Plan is set out on page 9 of the document, which states:

"For this reason, and others stated within the Key Issues, it would be inappropriate at this stage to allocate sites for development. At the time of writing (June 2017), there are 32 houses under construction in Acland Park, the development of which follows closely on the development of 50 houses in Winchester Park. Both these developments were won at appeal, and in fact every appeal decision affecting Feniton made since 2012 has raised the issues of the lack of sustainability and ever-present concerns about surface water flooding in the area. It was seen as important to allow the village to concentrate on bringing the social and environmental aspects of the community into equilibrium with the large-scale unplanned developments that had been built, or were in the process of being built, at the time of writing the plan".

It appears that a mixture of perceptions over the housing need for Feniton, alongside ill-feelings over recent developments, has informed the strategy set out within the Neighbourhood Plan, and has resulted in a draft Plan which does not seek to address the objectively assessed housing needs for the area. It is indeed concerning that despite no up to date evidence in the form of a Housing Needs Survey, the draft Plan has made an assumption that no further development is required, and that this should be a matter which is addressed as part of a future plan review.

It is acknowledged that both the East Devon Local Plan, and supporting Villages Plan do not specify a specific housing requirement for Feniton for the plan period. The primary reason for this is to ensure that any subsequent Neighbourhood Plan has the opportunity to include specific policies to address local issues. However, irrespective of recent developments, the intention of the District Council's plan, and national policy and guidance, is not for Neighbourhood Plans to unnecessarily restrict development, particularly where this is not supported by evidence.

It is therefore concerning that the draft Plan proposes neither a housing requirement figure, nor land allocations, simply on the basis of recent speculative developments, and without any evidence. Indeed, there is a lack of recognition over the importance of development and significant benefits which can be delivered through future development, particularly in supporting existing, and delivering new, infrastructure which may be lacking in the village. Furthermore, the draft Plan, at paragraph 3.2, highlights the imbalance in the existing population age, with the "*average age of residents in the highest 40% of wards nationally*". This only further emphasises the importance of future housing delivery at Feniton in order to provide additional housing for families and younger people. Indeed,

without further development which provides a suitable mix of housing, there is a risk that young people in the village will be forced to look for housing elsewhere.

The draft Plan states that, as part of a 5-year review, potential sites will be assessed and the community will be asked to consider which site(s) should be promoted for development to meet the future needs of the village. The draft Plan makes it clear that "*the wishes of the people of Feniton will be the driver for the choice of site(s) put forward: the scale of development will be in accordance with the results of a Housing Needs Assessment commissioned by Feniton Parish Council*". We support this notion and consider it important that development options are considered by both the Steering Group and wider community, however we consider that the timing of such a review of potential options should be informed by an up to date Housing Needs Survey undertaken now which confirms the future housing needs for the area. If an up to date Housing Needs Survey, undertaken to inform this Neighbourhood Plan, confirms that additional land is required for development now, it therefore follows that the various development options would need to be considered now and not as part of a future review.

It is therefore vital that the Neighbourhood Plan is supported by an up to date Housing Needs Survey in order to ensure that the strategy and policies are sound and robust. Unfortunately, in its current form, the draft Plan is based on a strategy of 'limiting' future development without being based on up to date evidence. Indeed, if the Neighbourhood Plan 'fails to plan' properly, there is a risk that the objectively assessed needs of Feniton will not be met.

Policy H1 (Affordable Housing)

Policy H1, on the whole, is consistent with the district wide affordable housing provision targets set out in Strategy 34 of the adopted East Devon Local Plan (2016). The reference within draft Policy H1 to viability is welcome and it is important to ensure that viability is carefully considered as part of future developments. We do however recommend that the words 'at least' be removed within the draft policy, to ensure that reference is made simply to 50%. The adopted Local Plan does not require a level of affordable housing 'in excess' of 50%, and therefore removing reference to 'at least' from draft Policy H1 would ensure consistency with the adopted plan.

3. Land North West of Feniton

It is strongly contended that Feniton is one of the most sustainable settlements in the District which is capable of accommodating future growth. However, we have concerns that the draft Neighbourhood Plan currently fails to plan for sustainable future growth at Feniton, and in doing so fails to assess any alternatives at the village.

The land north west of Feniton, shown on the plan at **Appendix 1**, is suitable, available and deliverable, and there is no restriction to it contributing towards meeting the housing needs for Feniton.

The site is approximately two minutes walk from the mainline railway station, and is therefore ideally placed to encourage future residents who work in Exeter to walk to the station and catch the train rather than use private vehicles.

The site is also closely located to local bus services, with the nearest bus stop 160m south of the site on Ottery Road. This bus stop is served by Number 382 which provides links to Exeter and Honiton. In addition, the National Cycle Network cuts through the middle of the site. As a result, there are a variety of opportunities to travel by sustainable modes of transport and increase the self containment of Feniton through the development of the site. There are clear opportunities for the development to tie into the existing network of roads and pedestrian footways. Given the proximity of the site to a range of services in the centre of Feniton, a walkable neighbourhood in the western part of the village could be achieved.

The site does not fall within any protected landscape or planning policy designations, and the considerable technical assessment and environmental work undertaken on behalf of the land owner demonstrates that the site is both suitable and deliverable for residential development. A summary of the assessments which have been completed to date include the following:

Indicative Framework Plan

Based on background technical work undertaken, and a good understanding of the site, we have prepared an Indicative Framework Plan to outline how development could be accommodated on the site. This is supported by an Opportunities and Constraints Plan which draws on the technical assessments in further detail.

Overall, it is considered that the potential development area would be sited adjacent to the village boundary, in the southern part of the site. This would respond to the topography of the site and potential to ensure any development responded to the existing character of the village.

Attenuation ponds could be sited in the southern part of the site to ensure surface water drainage is managed, with the site providing for a betterment in surface water drainage conditions.

Whilst sections of hedgerow may need to be removed to provide for access into the site, this would be mitigated through suitable replacement within the site. In addition, there is potential, due to the size of the land holding, to provide for a significant amount of green infrastructure and public open space, resulting in both ecological and recreational benefits.

Safe walking routes would also be provided to ensure that future residents can access local services and facilities, including the local school. The potential routes, utilising both existing and new sections of footpath are outlined on the Indicative Framework Plan.

A copy of the Indicative Framework Plan is attached at **Appendix 1**, and the Opportunities and Constraints Plan at **Appendix 2**.

Highways and Access

A Preliminary Transport Appraisal has been prepared to assess the existing and potential new access arrangements, and sustainability credentials, to support development of the site.

The Appraisal concludes that the location of the site offers many advantages, particularly the range of existing good quality public transport connections located within a short walking distance of the site, including frequent rail connections to neighbouring employment and service centres. Indeed, a wide range of facilities fall within a comfortable walking or cycling distance of the site, with the key facilities such as the primary school, convenience store all close by.

There is therefore potential for the development of the site to focus on active travel links, encouraging travel by foot and bicycle to the key destinations within the village.

In relation to access, it is proposed that the principal access for both vehicular and sustainable modes of travel will be via Colestocks Road, as indicated on the Indicative Framework Plan (**Appendix 1**). The predominant direction of development traffic flow will be southbound on Colestocks Road, towards the village, and the A30 junction for connectivity to Honiton and Exeter. The majority of the local highway network is suitably designed to accommodate additional flow generated by the development of the site.

Along small lengths of the route, minor improvement works may be required, including road widening and the provision of additional footpaths.

Whilst we have identified an informal narrowing of the carriageway on Colestocks Road, this could also serve as a benefit through traffic calming as a result of existing on-street parking and a reduced carriageway width.

Based on the potential residential capacity of the site, there is capacity within the local highway network to accommodate the expected additional trips. However, due to the proximity of the site to the local facilities, there will be an evident bias towards sustainable travel due to the majority of the local facilities being situated within comfortable walking and cycling distances, including local bus stops and Feniton Rail Station.

It is noted that draft Policy H4 of the Neighbourhood Plan states that the Plan will look favourably upon developments which recognise the unique pressures faced by Feniton with respect to traffic congestion and on-road parking, i.e. by proactively providing more parking spaces per dwelling than the minimum set out in the Local Plan. In response, the site has the potential to provide sufficient car parking to meet the likely demand for resident and visitor parking. As a result, this will ensure development would avoid additional demand for parking on existing streets within the area and that car parking would instead be contained within the site. In addition, in order to promote sustainable travel, any future development would ensure each dwelling would be constructed with appropriate cycle parking of at least one bicycle within the property curtilage; within either a garage, a shed or a specific cycle store.

The land to the north west of Feniton is therefore capable of delivering development which is acceptable from a highways and access perspective.

Further details of the Preliminary Transport Appraisal can be found at **Appendix 3**.

Flood risk and Drainage

A Flood Risk and Surface Water Drainage Review has been undertaken which provides an overview of the flood risk and drainage constraints to the development of the site. The assessment concludes that the site is located within Flood Zone 1 and therefore considered appropriate for development.

The Assessment recommends that, as part of a masterplanning process, strategic surface water management and a site wide drainage strategy will need to be considered. In particular, the use of Sustainable Drainage Systems (SuDS) would be promoted onsite to ensure the sustainable management of urban drainage.

Surface water would be managed on site through the use of SuDS which may include a combination of features for both infiltration and attenuation of runoff. These features have already been integrated into the Indicative Framework Plan, attached at **Appendix 1**, at appropriate locations to ensure that there is no increase in the rate and volume of surface water runoff from the site following development.

Indeed, given the existing flooding issues and the location of the site upstream of Feniton, the proposed development presents the opportunity to offer further flood alleviation. Whilst the majority of the site slopes to the west and away from Feniton, surface water runoff from the remainder of the site that currently drains towards Feniton could also be redirected away from the village. This redirection of runoff would lead to a SuDS scheme in the north-west part of the site and reduce the catchment area flowing towards Feniton. There is the potential to infiltrate surface water into the ground, with this to be determined through testing and the results used to inform the drainage design.

Therefore, from a flood risk and drainage perspective, the land north west of Feniton is capable of delivering development which is consistent with national and local planning policy.

The background Flood Risk and Surface Water Drainage Review can be found at **Appendix 4**.

Landscape and Visual Impact

A Landscape and Visual Baseline Study has been undertaken, involving a desk study and a field survey review of the site and its principal features, and a visual assessment.

The Study identified particular areas of sensitivity, which would need to be addressed by means of appropriate siting and landscape framework planting to inform any future development proposals.

The Study identified a number of key observations, including:

- Strong relationship and interconnectivity to the existing infrastructure: existing highways, railway station and proximity to the A30(T)
- The tightly restricted Primary Visual Envelope, constrained by landform and vegetation including numerous tall traditional Devon hedgebanks
- The limited number of sensitive visual receptors within the Primary Visual Envelope
- No local or statutory landscape designations apply to the site; the site lies to the northwest of the East Devon Area of Outstanding Natural Beauty, but outside its boundary.

The Study noted that the secluded character of the site is not unduly affected by the close proximity of neighbouring activities at Feniton, as it remains largely shielded by the enclosing nature of the surrounding landform and vegetation.

Indeed, the Study concludes that, given a number of factors including the discreet and contained location of the site, a tightly restricted Zone of Visual Influence, and the limited number of sensitive receptors, residential development on the site would not result in a significant visual effect when viewed from the majority of the surroundings.

Further details can be found at **Appendix 5**.

Ecology

A Ecological Deliverability Report (EDR) was undertaken to assess the ecological value of the site, including the potential presence of protected or notable species.

The EDR covers the following elements:

- Preliminary ecological baseline for the site and immediate surrounds;
- Potential ecological constraints to the development of the site;
- Assessment of the site's suitability for development; and
- Further ecological work necessary for a planning submission.

The EDR confirms that two European-designated sites are located within 10km of the site, East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA). Both sites are located approximately 7.8km southwest of the site.

Overall, there are no overriding ecological constraints to the development of the site. The following conclusions are set out within the EDR:

- Potential recreation impacts on the East Devon Heaths SPA could be mitigated through a financial contribution in accordance with EDDC 'Habitat Mitigation' contributions, or provision of on-site 'Suitable Alternative Natural Greenspace (SANG);
- It is considered unlikely that development proposals would be significantly constrained by other statutory or non-statutory designated sites;
- It is considered unlikely that development proposals would be significantly constrained by impacts on habitats. Development could be designed to retain and protect hedgerows, which are a Priority Habitat, as far as possible. Where losses are unavoidable, new habitats (i.e. new native hedgerow planting) could be integrated into the layout;
- Depending on the extent of future development proposals, further surveys are recommended to determine the presence of the following species. This information could be used to inform the development layout and assessment of the planning application:
 - Great crested newt
 - Reptiles.
 - Breeding birds, including barn owl.
 - Bats (roosts and activity).
 - Badger.
 - Hazel dormouse.
- It is considered that mitigation could be provided (e.g. timing of construction; retention/creation of new habitat within the development layout; mitigated lighting strategy) to ensure compliance with relevant legislation and planning policy, and that it is unlikely that development proposals would be significantly constrained by the presence of protected species. Natural England licensing may be required post-consent and prior to development, if the presence of legally protected species (e.g. great crested newt, bat roosts, badger setts or hazel dormouse) is confirmed.

The EDR provides a sound platform for ongoing liaison with key stakeholders and informs the approach to survey work and detailed mitigation measures required. Further details can be found at **Appendix 6**.

Consistency with Draft Neighbourhood Plan Policies & Vision / Objectives

It is considered that the Indicative Framework Plan enclosed at **Appendix 1**, supported by the assessments outlined above, demonstrate that the site is suitable for development. It is also considered that the development of the site would assist in addressing a number of the objectives set out in the draft Plan, and would be consistent with a number of the draft policies.

Firstly, in relation to Objective 1, the site has the opportunity to deliver improvements to the local highway network, and would not have an adverse impact on traffic. The attached Opportunities and Constraints Plan, along with the Indicative Framework Plan, outline the opportunities which exist in relation to the potential connectivity to local services and facilities.

In this respect, it is considered that the development of the site would be consistent with the requirements of draft Policy T1, particularly through the management of traffic and accessibility to local services and facilities. The Opportunities and Constraints Plan demonstrates that safe walking and cycling routes to key services and facilities can be provided. This is consistent with the requirements of Policy O3 which stipulates that development should provide "*safe, convenient and pleasant pedestrian and cycling routes to the village centre and to principal facilities including the school, including safe and convenient crossings, where practical and the location of the proposal suggests a need for such routes*". As demonstrated by the Opportunities and Constraints Plan, future residents would be able to reach local services and facilities in a safe manner via Colestocks Road and along Station Road, or via Lincoln Close.

Furthermore, any proposals would ensure that adequate car parking is provided on-site to avoid an increase in parking within the village. This would be consistent with the aspirations set out in draft Policy H4 which states that developments should ideally provide more parking spaces per dwelling than the minimum amount set out in the adopted Local Plan to address congestion and on-street parking issues.

Secondly, in relation to Objective 2, the supporting Flood Risk and Surface Water Drainage Review demonstrates that the site is capable of "*minimising and managing flood risk*", with the potential for surface water to be managed through the provision of attenuation ponds. Therefore, it is also considered that the development of the site is also capable of meeting the requirements of draft Policy F1.

Thirdly, as demonstrated by the Indicative Framework Plan, there is potential for the site to deliver community facilities, as required such as open space and green infrastructure, recreation space and children's play facilities and youth facilities. It is acknowledged that the draft Neighbourhood Plan, through Objectives 4 and 6, along with draft Policies C3 and O2, sets out the aspiration to improve the local offer through enhancements to existing facilities and provision of new facilities which may be lacking. Due to the extent of land to the north west of the village, there is a significant opportunity, through an appropriate scale of development, to deliver community facilities identified through discussions with the Steering Group and local community. We would be delighted to work with the Steering Group to explore such opportunities.

The types of facilities required within the village also includes other services, particularly the lack of medical facilities identified through Objective 7 and draft Policy M1. However, there is a significant opportunity for the development of the site to contribute towards the delivery of such a facility, as appropriate to serve the area.

Finally, in accordance with Objective 5 and draft Policy E1, the site has the potential to deliver an appropriate development which responds to the landscape setting and does not result in any adverse impacts.

Summary

It is strongly considered that the land north west of Feniton is entirely suitable for development, and offers a significant opportunity to deliver a residential scheme is consistent with the objectives and draft policies of the draft Neighbourhood Plan. The site in particular offers an opportunity to deliver a number of improvements, enhancements and additional facilities which are considered key for the village. Indeed, it is only through additional development that some of the objectives set out within the draft plan can be met.

Pending the outcome of an updated Housing Needs Survey to identify the future housing requirement for the village, we consider that the land north west of Feniton should be considered as part of an assessment of potential development options. Indeed, subject to the housing need identified, it is considered that the land north west of Feniton should be considered for allocation as part of a revised, positive plan which seeks to address the objectively assessed housing needs for the area.

4. Conclusion

We welcome the opportunity to contribute to the Neighbourhood Plan process, and trust these representations are helpful in assisting the Neighbourhood Plan Steering Group.

However, we are concerned with the approach being taken in the Neighbourhood Plan Pre-Submission Consultation Draft Document, particularly the absence of a housing requirement and land allocations to address the objectively assessed housing needs for the area.

It is considered that the draft Plan places significance on past speculative planning applications which have delivered a number of additional homes in the village, and concludes that no further development is required prior to a 5-year review. However, it is concerning that the draft Plan provides no justification for failing to address the current and future housing needs for the area. Indeed, there is a lack of recognition over the importance of development and significant benefits which can be delivered through future development.

These representations therefore emphasise that it is vital that the Neighbourhood Plan is supported by robust justification for the absence of a housing requirement and allocations, and recommends that an up to date Housing Needs Survey should be completed now in order to ensure that the strategy and policies are sound and robust. Unfortunately, in its current form, the draft Plan is based on a strategy of 'limiting' future development without being based on up to date evidence. We have significant concerns that if the Neighbourhood Plan 'fails to plan' properly, there is a risk that the objectively assessed needs of Feniton will not be met.

These representations have demonstrated that the land north west of Feniton is entirely suitable for development, and offers a significant opportunity to deliver a residential scheme is consistent with the objectives and draft policies of the draft Neighbourhood Plan. The site in particular offers an opportunity to deliver a number of improvements, enhancements and additional facilities which are considered key for the village. Indeed, it is only through additional development that some of the objectives set out within the draft plan can be met.

Pending the outcome of an updated Housing Needs Survey to identify the future housing requirement for the village, we consider that the land north west of Feniton should be considered as part of an assessment of potential development options. Indeed, subject to the housing need identified, it is considered that the land north west of Feniton should be considered for allocation as part of a revised, positive plan which seeks to address the objectively assessed housing needs for the area.

We request that the Steering Group carefully consider these representations when progressing with the Neighbourhood Plan through to Examination.



Appendix 1

Indicative Framework Plan



FENITON, EAST DEVON - INDICATIVE FRAMEWORK PLAN



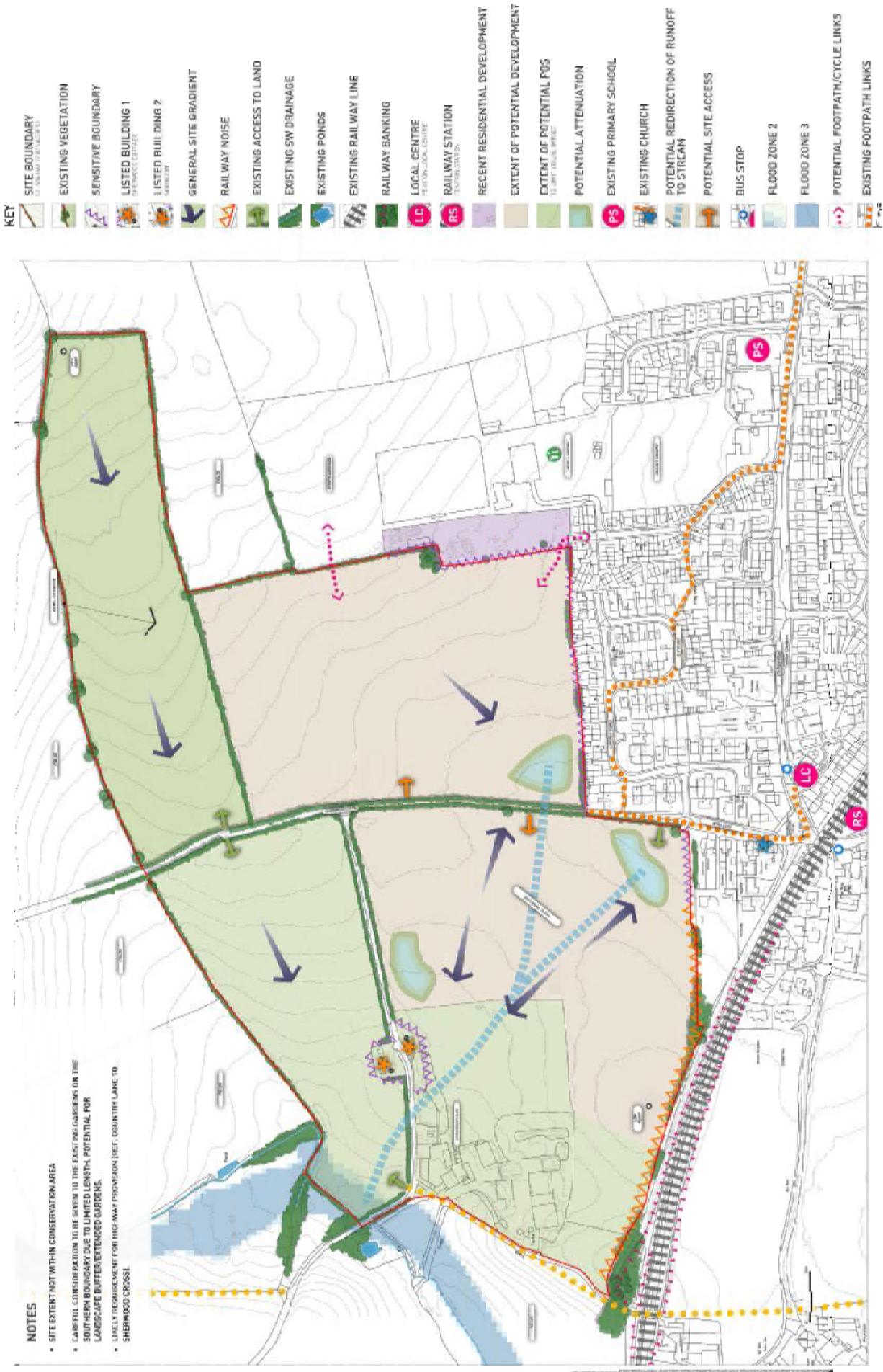


Appendix 2

Opportunities and Constraints Plan



FENITON, EAST DEVON - CONSTRAINTS & OPPORTUNITIES





Appendix 3 Preliminary Transport Appraisal





Feniton Neighbourhood Plan

Preliminary Transport Appraisal

17/08/2017

Introduction

Vectos have been commissioned by Taylor Wimpey Strategic Land to provide a desk based transport appraisal to support the promotion of the land to the north west of Feniton. This note considers the potential Transport constraints to the residential development of the site, and outlines the opportunities to address these. Within this context it is important to draw attention to paragraph 32 of the National Planning Policy Framework (NPPF) that sets out the key elements that decisions should take account of in relation to transport.

Paragraph 32 “Plans and decision should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual impacts of development are severe.”*

The land to the north west of the village offers an opportunity to maximise the significant potential of Feniton as a thriving village with a good range of local facilities, alongside the potential that rail offers in mitigating commuting impacts from the village towards Exeter.

Context

The site is located to the north west of Feniton and is bounded by residential dwellings and the railway embankment to the south and agricultural land to the north, east and west. The current land parcels are dissected by Colestocks Road. To the south of the site, the Colestocks Road provides connectivity to the A30 which in turn provides connectivity to a range of local destinations such as Exeter and Honiton, and further afield.

Feniton is a post war village, with the residential area construction taking into account the use of the private car along with pedestrians. As such the adjacent highway network is generally of appropriate modern standards to cater for vehicles as well as provision for pedestrians. In light of the above, the adjacent transport network is appropriately designed to cater for the additional demand in travel associated with the development of the site.

The land has the potential to sensitively accommodate residential development, , with principal access via Colestocks Road. Given the scale of development, it is expected that a simple priority junction arrangement would be sufficient to serve the development.

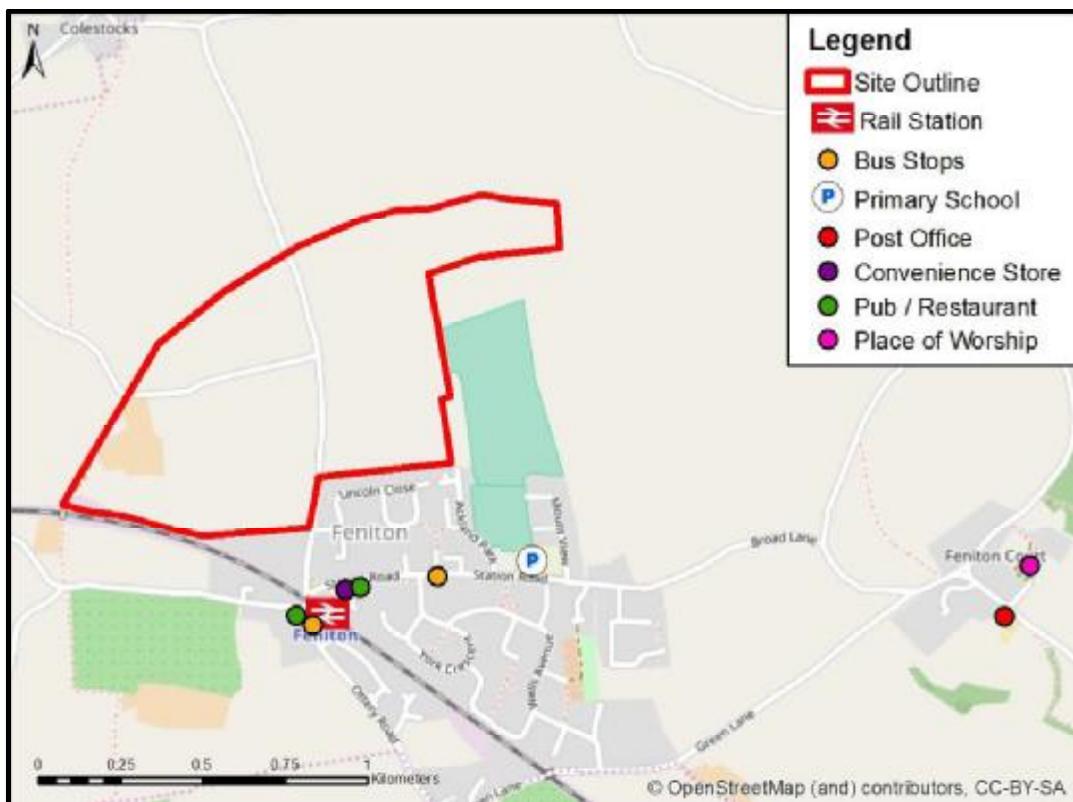
Sustainable Travel Opportunities

The site is well located with regard to sustainable travel and offers genuine opportunities to minimise reliance on the private car by drawing on the existing sustainable transport opportunities within the area.

Comfortable walking distances and cycling distances are subjective, varying based on a number of factors including, but not limited to, age, topography and pedestrian facilities on the various links. A desktop study has been undertaken and these factors have been analysed in order to determine comfortable walking/cycling distances and, hence, sustainable connectivity to the local facilities and surrounding areas.

Figure T.1 shows the key facilities within the vicinity of the site, including education, leisure, employment and retail areas.

Figure T.1 – Facilities Plan



The majority of the local facilities within Feniton are located within a reasonable walking, and easy cycling distance from the site, the table below demonstrates this.

Table T.1: Accessibility to a Range of Services and Facilities in Feniton

Type of Facility	Specific Facility	Distance (m)	Time to travel to facility	
			Walking (mins)	Cycling (mins)
Education	Feniton Church of England Primary School	900	11	3
Retail	Spar Convenience Store	500	6	2
	Feniton Hair Express	750	9	3
	Pizza Time	550	7	2
	Post Office*	1900	23	7
Leisure	Nog Inn	500	6	2
Transport	Feniton Rail Station	500	6	2
	Bus Stops	500	6	2
Place of Worship	Saint Andrews Feniton	2000	24	8

*Full Post Office service closed in February 2017 and it is understood that a new service could operate at limited times on a Wednesday and Friday

Walking Opportunities

MfS seeks to achieve a walkable neighbourhood that ‘ensures effective access to public transport facilities’. In addition, MfS indicates at paragraph 75 that ‘walking offers the greatest opportunity to replace the car as a mode of transport for short journeys, particularly those under two kilometres’.

The primary pedestrian desire line from the site is to the south, towards the village of Feniton, via Colestocks Road. As outlined previously, Feniton contains a number of core facilities which are vital for day to day life. There is a comprehensive network of footways throughout the village which follow pedestrian desire lines to local facilities identified in **Table T.1**. Although there are no formal pedestrian facilities present along the links between the main village area and the post office area, these rural lanes have good visibility and during daylight periods, use of lanes similar in nature by pedestrians is not uncommon. Alternatively, there are a number of bus services that link these areas together throughout the day.

The scheme can provide footpaths and safe walking routes to the station and key facilities in the area, including the primary school and local centre as shown on the indicative layout. This can be provided through suitable connections to the existing pedestrian network. Generally, the footways within the existing network are well maintained, over looked, are subject to good widths and are lit with dropped kerbs and tactiles located strategically at crossings along the route.

Cycling Opportunities

Whilst there is no formal cycle infrastructure within the vicinity of the site, cycling offers a great alternative to aid minimising car borne trips, especially for those within the Feniton area. The local highway network is generally lightly trafficked and subject to good visibility, on this basis it is considered that the local highway network is suitable for use for on-carriageway cycling by confident cyclists. Furthermore, for commuters by rail, the bicycle offers a viable alternative to travel between the residential area and the rail station. The station has 8 storage spaces for bicycles and South West Trains offer bicycle storage for those who wish to take their bikes with them.

Bus

At present, the nearest bus stops are located approximately 400m from the centre of the site adjacent to Feniton Rail Station, and there are further stops located on Station Road, approximately 700m from the centre of the site.

These stops are serviced by bus routes 382, 387 and 694, providing a combined frequency of 14 services per day. These services also provide connectivity to Ottery St Mary, a short 250m walk from The King’s

School, an academy that offers year 7 intake and continues through to sixth form. Feniton C of E Primary School is listed as one of the primary schools ‘linked’ to The King’s School, meaning students progressing from the primary school to the secondary school have an improved priority when determining successful applicants.

Services 20 and 367 can be accessed for the bus stops adjacent to the site. These services provide seven bus services daily. The bus stops located in Honiton town centre are serviced by bus routes 20, 367, 387, 681, 682 and 694. These provide a combined frequency of 11 busses per day and provide connectivity between Feniton and various local destinations such as Sidmouth, Ottery St Mary, Taunton, Honiton, and Cullompton.

Rail

The site has excellent rail connections, with Feniton Railway Station located within a short 6-minute walk. The station benefits from safe and secure cycle parking, as well as a ticket office. Feniton Railway Station is situated on the West of England Main Line running from Exeter St Davids to London Waterloo. There are frequent and quick connections between Feniton and Exeter and Honiton, which are two key employment areas in the vicinity of the site.

The service offers significant potential for sustainable journeys to be made to Exeter and Yeovil, with journey times approximately 20 minutes and 40 minutes respectively. The principal benefit rail offers in this location is to reduce the impact of commuting to Exeter and offers a very attractive alternative to the private car, taking passengers to destinations on the fringe of the city and onwards directly to the City Centre, forming part of the Devon Metro Network.

Access

The principal access for both vehicular and sustainable modes of travel will be via Colestocks Road. The predominant direction of development traffic flow will be southbound on Colestocks Road, towards the village, and the A30 junction for connectivity to Honiton and Exeter. The majority of the local highway network is suitably designed to accommodate additional flow generated by the development of the site. Along small lengths of the route, minor improvement works may be required. It is anticipated that the rural nature of some of the routes may assist to discourage travel by private car and provide a greater bias towards sustainable travel modes such as bus or rail. This would also maintain low vehicle speeds and provide a road safety benefit.

The scheme can provide footpaths and safe walking routes to the rail station and key facilities in the area, including the primary school and local centre as shown on the indicative layout.

The principal local constraint would be where Colestocks Road is informally narrowed in width due to informal on-street parking. Although this could easily be resolved by applying parking restrictions (there is sufficient provision in the immediate surrounding area to accommodate the few relocated vehicles), it is envisaged that the parking and reduced carriageway width would help to calm traffic in the urban environment and so actually has a positive effect on the safe operation of the local highway network, as reflected by PIA data obtained from CrashMap for a five-year period (2012 – 2016) whereby not a single incident occurred on Colestocks Road within the vicinity of the site.

Typically, assuming an initial phase of development comprising approximately 70 dwellings, the site could be expected to generate 36 trips by car in the AM peak and 34 trips by car in the PM peak. There is ample capacity within the lightly trafficked local highway network to accommodate these additional trips, as representative of a worst-case scenario. In reality, due to the proximity of the development to the local facilities, there will be an evident bias towards sustainable travel due to the majority of the local facilities being situated within comfortable walking and cycling distances and due to the proximity of bus stops and Feniton Rail Station to the site for travel to the wider destinations (i.e. for commuting purposes).

Though unlikely to be required due to the modest scale of development and complimentary location of the site, the main focus of any infrastructure investment will be on active travel routes and access to the railway station in order to encourage and maximise sustainable travel within the village, and beyond. It

is anticipated that any sustainable travel enhancements would have a far wider effect than just the development, contributing towards a more holistic modal shift within the village.

Sufficient car parking could be provided on site in order to meet the likely demand for resident and visitor parking. Sufficient parking would also ensure that the scheme would not result in any additional demand for parking on existing streets within the area and that car parking would be contained within the site.

In order to promote sustainable travel, the development of the site could accommodate appropriate cycle parking of at least one bicycle within the property curtilage; within either a garage, a shed or a specific cycle store.

Summary

Feniton is a post war village with the local roads and pedestrian networks generally constructed to modern standards, which would safely accommodate the travel demand associated with the development of the site.

The site is in an excellent location with regard to access to sustainable modes of travel, with excellent rail links to Exeter, with journey times of just 20 minutes on the train. Commuting to Exeter via rail would offer a cheaper and faster alternative than taking the private car and is likely to generate a noticeable bias towards sustainable travel for development trip generation. There should be a priority to locate development close to rail stations as this provides an excellent opportunity to enable sustainable travel and to facilitate a shift away from the use of the private car. The presence of the rail station means that the development would make best use of existing infrastructure and would enable non-car trips to Exeter and Honiton which are key employment areas in the region.

There is potential for the development of the site to focus on active travel links, encouraging travel by foot and bicycle to the key destinations within the village. A wide range of facilities fall within a comfortable walking or cycling distance with the key facilities such as the primary school, convenience store and rail station all falling within these distances.

The development of land to the north west of Feniton offers significant potential and is capable of achieving the core aims set out within the NPPF in relation to transport.



Appendix 4

Flood Risk and Surface Water Drainage Review





Feniton Neighbourhood Plan

Flood Risk and Surface Water Drainage Review

17/08/2017

Flood Risk and Surface Water Drainage

Introduction

Vectos have been commissioned by Taylor Wimpey Strategic Land to provide a flood risk and surface water drainage review to support the promotion of land to the north west of Feniton. Within this context, it is important to draw attention to paragraphs 100 and 101 of the National Planning Policy Framework (NPPF) that set out the key elements that such decisions should take into account in relation to flood risk.

Paragraph 100. *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:*

- applying the Sequential Test
- if necessary, applying the Exception Test
- safeguarding land from development that is required for current and future flood management
- using opportunities offered by new development to reduce the causes and impacts of flooding
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations

Paragraph 101. *The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.*

Flood Risk

According to the Environment Agency Flood Map for Planning, the site is entirely located in Flood Zone 1, apart from a small strip of land along the north-west site boundary, where a small stream is present. All built development would be located in Flood Zone 1 (i.e. Low Risk; land assessed as having a less than 1

in 1,000 annual probability of river or sea flooding (<0.1%), which is in accordance with national planning policy and thus supports the development of the site. Furthermore, a desk based study has not revealed there to be any other flood sources that would impact upon the built development.

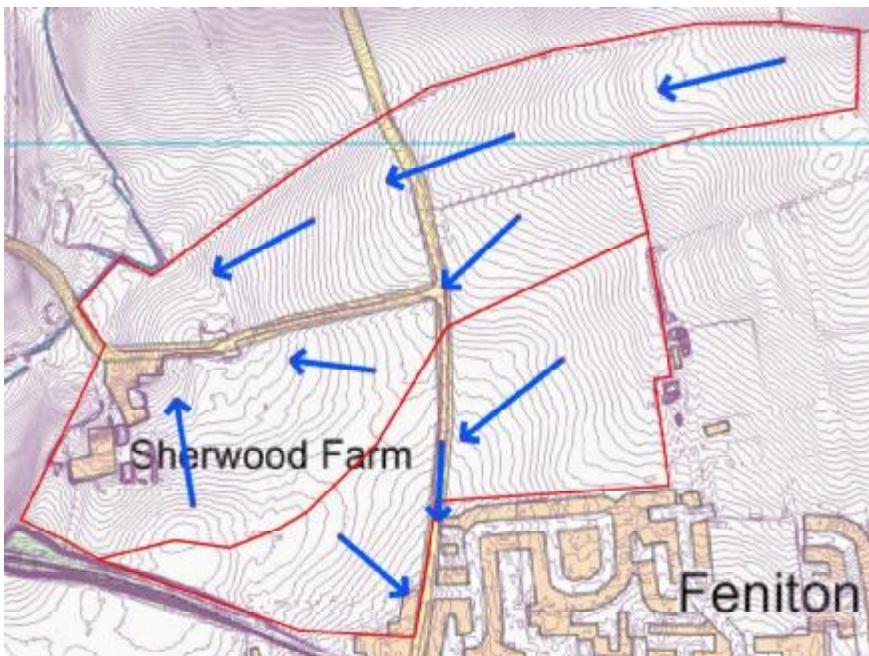
Surface Water Drainage

Surface water would be managed on site through the use of Sustainable Drainage Systems (SuDS), which could include a combination of features for both infiltration and attenuation of runoff. These features have been integrated into the Indicative Framework Plan at appropriate locations to ensure that there is no increase in the rate and volume of surface water runoff from the site following development. SuDS will also be incorporated to offer ecological and water quality improvements, and thereby providing additional community and environmental benefits.

Feniton has experienced frequent flooding in recent years, with this largely related to areas to the east of the village, and with flooding a consequence of an undersized culvert for the passage of water under the railway embankment that is to the south of Feniton. This led to the construction of the Feniton flood alleviation scheme, which has since been delivered by the Environment Agency and Devon County Council. Further opportunities to create a flood resilient community are crucial to help minimise further flooding in the future, particularly given the projected increases as a consequence of climate change.

There is a perception that new development contributes to local flooding and drainage issues. However, a SuDS strategy would be integral to any future development to negate this risk. In this case, given the existing flooding issues and the location of the site upstream of Feniton, there is an opportunity to offer further flood alleviation as part of any future development. Whilst the majority of the site slopes to the west and away from Feniton (see **Figure F.1**), surface water runoff from the remainder of the site that currently drains towards Feniton could also be redirected away from the settlement. This redirection of runoff would reduce the catchment area flowing towards Feniton and directly reduce flood risk. There is also the potential to infiltrate surface water into the ground, with this to be determined through testing and the results used to inform the drainage design. The provision of oversized infiltration basins on the site, as part of the SuDS scheme, could also be used to manage the surface water runoff and help alleviate the existing flooding issues in Feniton.

Figure F.1 – Ground Contours and Surface Water Runoff Direction



Summary

Whilst the village of Feniton has been the subject of historic flooding events, alleviation works funded by the Environment Agency and Devon County Council have since been delivered. In addition, the location of the site to the north west of Feniton is on land that predominantly falls away from the historic flooding of the village. Furthermore, in order to manage the surface water runoff from future development on the site and provide betterment, a surface water drainage strategy would be incorporated as part of any future masterplan for the site. This has already been highlighted on the Indicative Framework Plan enclosed with these representations. Surface water runoff from the majority of the site naturally falls away from Feniton. For the part of the site where runoff falls towards Feniton, measures to infiltrate to ground and/or alter the conveyance so that it is redirected to the west would be used. In addition, the use of sustainable drainage systems (SuDS) would provide additional community and environmental benefits, such as improvements to water quality and benefits to ecology.

Therefore, from a flood risk and drainage perspective, the land north west of Feniton is capable of delivering development which is compliant to national and local planning policy.

The site is located entirely in Flood Zone 1 and would therefore be steering development to land where the risk of flooding is lowest. Whilst development proposals have the potential to adversely impact the surface water runoff regime and therefore the risk of flooding, a surface water drainage strategy would be incorporated as part of the development of the site to manage the surface water runoff rates and volumes and also to direct water away from the village.



Appendix 5 Landscape and Visual Baseline Study



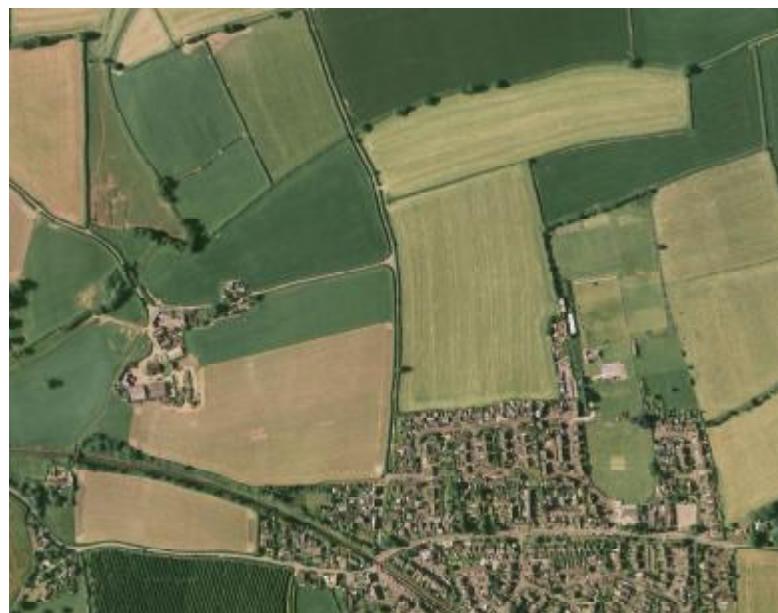


NORTH OF FENITON, DEVON

POTENTIAL DEVELOPMENT SITE

Landscape and Visual Baseline Study

FINAL Report
JANUARY 2009





Document Issue Schedule

Potential Development Site

Landscape and Visual Baseline Study

Rev	Date	Details	Prepared by	Reviewed by	Approved by
01	30 th December 2008	Draft	Sam Leathers Senior Landscape Architect		
02	7 th January 2009	Final	Sam Leathers Senior Landscape Architect	Adam King Associate	Adam King Associate

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Contents

1	Introduction	3
2	Planning policy	4
2.1	Applicable policy documents.....	4
2.2	Landscape Context.....	4
2.3	Landscape Designations.....	5
2.4	Landscape planning context: East Devon Local Plan.....	5
	Designations	5
	The countryside.....	5
2.5	Landscape planning context: Devon Structure Plan.....	6
2.6	Conclusion on landscape planning policy	6
3	Landscape baseline	7
3.1	Topography and drainage.....	7
3.2	Vegetation and land use	7
3.3	Settlement	7
3.4	Landscape character	8
	Local character.....	8
	Character of the site.....	8
	National countryside character assessment.....	8
	Local character assessment	8
4	Visual Appraisal	12
4.1	Methodology	12
4.2	Primary Zone of Visual Influence	12
4.3	Secondary Zone of Visual Influence	13
4.4	Potential Sensitive Visual Receptors	13
5	Conclusion	14
6	Appendix – Figures 1 to 10.....	15

Appendix

- Figure 1 Zone of Visual Influence
- Figure 2 Viewpoint Location Plan
- Figure 3 Local Vernacular (photo point A to D)
- Figure 4 Site Images - Buildings (photo points E to F)
- Figure 5 Site Images - Fields (photo point F)
- Figure 6 Viewpoint Location Plan (viewpoint 1)
- Figure 7 Viewpoint Location Plan (viewpoint 2 to 3)
- Figure 8 Viewpoint Location Plan (viewpoint 4 to 5)
- Figure 9 Viewpoint Location Plan (viewpoint 6 to 7)
- Figure 10 Viewpoint Location Plan (viewpoint 8 to 9)

1 Introduction

- 1.1.1 Scott Wilson have been commissioned by Savills to undertake a Landscape and Visual Baseline Study of an area adjacent to the village of Feniton. Currently, this area is mainly used for farmland, with 3no. existing dwelling houses and a number of farm buildings. The development site is dissected by two roads.
- 1.1.2 The site location is shown on Figure 1. It is situated north-west of Feniton, Ordnance Survey grid reference 095997. The proposed site covers approximately 32.04 hectares.
- 1.1.3 The assessment process has involved a desk study and a field survey review of the site and its principal features, and a visual assessment.
- 1.1.4 The appraisal identifies particular areas of sensitivity, which would need to be addressed by means of appropriate siting and landscape framework planting to inform any future design decisions.
- 1.1.5 The field and photographic survey was carried out in fine weather conditions on the 17th December 2008.
- 1.1.6 The site under consideration for potential future development is based on the following criteria:
 - Strong relationship and interconnectivity to the existing infrastructure: existing highways, railway station and proximity to the A30(T)
 - The tightly restricted Primary Visual Envelope, constrained by landform and vegetation including numerous tall traditional Devon hedgebanks
 - The limited number of sensitive visual receptors within the Primary Visual Envelope
 - The existence of areas of strong enclosing vegetative structure within the site that has the potential to integrate developments with the local landscape
 - The limited and distant Secondary Visual Envelope
 - No local or statutory landscape designations applied to the site; the site lies to the north-west of the East Devon Area of Outstanding Natural Beauty, but is outside its boundary.

2 Planning Policy

2.1 Applicable Policy Documents

- 2.1.1 Crucial to understanding the planning context of a site and its surroundings in landscape and visual terms is a thorough review of relevant planning policy. Most importantly, information on whether or not any landscape planning designations cover the site and / or the surrounding area needs to be ascertained. If such designations exist, an appraisal can then be undertaken to determine whether or not the proposed development would have an effect on such designated landscapes. More generally, planning policies can also exist which apply to the landscape in general throughout a given area, and also to ensuring that good design minimises landscape and visual intrusion.
- 2.1.2 The following planning policy documents are applicable and have been reviewed as part of this landscape and visual appraisal:
- East Devon Local Plan, Adopted July 2006
 - Devon Structure Plan 2001-2016, Adopted October 2004
 - Landscape Character Assessment and Management Guidelines for Devon and the Blackdown Hills, Adopted 2008
- 2.1.3 Ordnance Survey mapping and the Multi-Agency Geographic Information for the Countryside (MAGIC) website have also been reviewed.

2.2 Landscape Context

- 2.2.1 The site is approximately 2km north of the A30(T), 4km north of Ottery St. Mary and 5km West of Honiton. Feniton Railway Station is 03km from the site. The site is dissected by the north-south by Ottery Road, and the west of the site is dissected east-west by an unclassified single track road.
- 2.2.2 The landscape character of the area comprises a gently undulating landscape of hamlets in sheltered hollows, farmsteads and prominent bank hedgerows cut through by deep-sided roadways. The landscape to the south is characterised by the small urban clustering of mainly residential developments forming Feniton. Throughout the area, tall traditional Devon hedgebanks create an intimate scale landscape with limited distant views.
- 2.2.3 The field pattern is irregular and hedgerows, hedgebanks, trees and small copses are numerous, giving great variety to the landscape. Farming is predominantly mixed agricultural, the site itself supporting both arable crops with sheep pasture in the south western areas.
- 2.2.4 Whilst mainly rural in character, the area supports a small light industrial site located at Talewater containing engineering, print finishing and forestry units.
- 2.2.5 The Countryside Agency's Countryside Character Volume 8: South West describes the wider area in which the site lies as 148 Devon Redlands.

- 2.2.6 East Devon Council has published the 'Landscape Character Assessment and Management Guidelines for East Devon and the Blackdown Hills 2008'. This characterises the area as Landscape Character Type 4: Valley Floors, and sub-category 4D: Lowland Plains.

2.3 Landscape Designations

2.4 Landscape planning context: East Devon Local Plan

Designations

- 2.4.1 The site does not contain or fall within any of the following designated areas of landscape protection:
- Area of Outstanding Natural Beauty (AONB)
 - Area of Great Landscape Value (AGLV)
 - Land of Local Landscape Importance
 - Green Wedge.
- 2.4.2 The East Devon AONB is located at least 2km to the south of the site and there is very limited intervisibility between the two.
- 2.4.3 There are two highways which dissect the site, beyond this there are no further public rights of way within the site.

The Countryside

- 2.4.4 Policy S5 of the Local Plan, on Countryside Protection, is relevant to the site. Policy S5 states:

"The countryside is defined as all those parts of the plan area outside the Built-up Area Boundaries for towns and villages shown on the Proposals Map. The 'countryside' also specifically excludes areas that may not currently be developed but have been explicitly allocated for a specific use in plan policy. Development in the countryside will only be permitted where in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

- 1. Land form and patterns of settlement;*
- 2. Important natural and manmade features, which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings; and*
- 3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.*

2.5 Landscape Planning Context: Devon Structure Plan

- 2.5.1 As the Structure Plan was written largely to guide the preparation of Local Plans, its policies are generally less applicable to the site, but nevertheless they are still important and have been reviewed.
- 2.5.2 As the site is not within or in close proximity to the East Devon AONB, no Structure Plan policies are directly applicable.

2.6 Conclusion on Landscape Planning Policy

- 2.6.1 The site itself and its vicinity are free from specific designations to protect its landscape, although a policy applies throughout East Devon to protect the wider 'countryside' with which the development proposals must comply, as stated in policies S5.
- 2.6.2 It is clear from Local Plan policy that any proposed development must be of good design, both in terms of the built form and landscaping. The Local Plan also contains policies on landscape and visual amenity protection, which would invariably apply.

3 Landscape Baseline

3.1 Topography and Drainage

- 3.1.1 The site is low lying, ranging between 80m and 100m AOD, sloping down from east to west. The site lies within the catchment area of the River Tale, which lies 1km to the west.
- 3.1.2 The surrounding landscape comprises undulating valley topography, with hills ranging from 80m to 130m AOD in the vicinity of the site, rising steadily eastwards towards Cheriton Hill, 0.6km away, and to heights of 240m AOD to the south east in the form of the East Hill 4km away, which form part of the Green Sand Ridge.
- 3.1.3 Ottery Road, which dissects the site north-south, is set at a lower level of approximately 1.5m below the fields on either side, with the levels retained by the Devon hedgebanks. The west of the site is also dissected by a narrow unclassified lane, at a similar suppressed level.

3.2 Vegetation and Land Use

- 3.2.1 The vegetation comprises some tall elm hedgerows and hedgerow trees of oak and ash. Several sporadic small copses of broadleaved trees are located to the west of the site.
- 3.2.2 The site is bordered by a combination of mature trees and hedgerows. Medium to large field compartments bounded by hedgerows divide the internal site.
- 3.2.3 Land use is mixed, supporting mainly sheep pasture and some arable (refer to figure 5). Field sizes are generally medium to large and irregular, enclosed by tall hedgerows and hedgebanks. Other significant local land uses include the urban settlement of Feniton, which is adjacent to the south east, numerous farms, most notably Sherwood Farm located within the site, and a small light industrial site at Talewater.
- 3.2.4 There are two residential houses and a cluster of working farm buildings in the south west of the site (refer to figure 4).

3.3 Settlement

- 3.3.1 The settlement of Honiton lies approximately 5km east of the site and is largely contained by the A30(T) dual carriageway corridor. The smaller settlement of Ottery St. Mary lies 3km to the south and is also south of the A30(T).
- 3.3.2 The study area retains many local vernacular styles and characteristics such as cob or sandstone buildings, with thatch on older properties. Within Feniton several more recent housing developments have been constructed (refer to figure 3).
- 3.3.3 Settlement around the site is characterised by large dispersed villages such as Talaton, Old Feniton Village and Payhembury, interspersed by farmsteads and hamlets linked by narrow lanes and hedgebanks.
- 3.3.4 The railway line runs through Feniton, where there is a station, and traverses along the south western boundary of the site.

3.4 Landscape Character

Local Character

- 3.4.1 The landscape character of the area comprises an undulating landscape with gentle valley sides rolling down to low flood plains on the lower plateaus. Small villages and hamlets nestle in sheltered hollows and tall, traditional Devon hedgebanks and copses create an intimate and attractive scale landscape with limited distant views.
- 3.4.2 While largely rural in character, the presence of the A30(T) dual carriageway and busy M5 motorway approximately 10km to the west, together with the proximity of the railway station, present significant urbanising elements in the landscape.
- 3.4.3 Tranquillity levels are high in the valleys, away from major routes.

Character of the Site

- 3.4.4 The western section of the site has an enclosed, secluded character, emphasised by the undulating surrounding landform, the high surrounding hedgebanks and mature trees to the south. The north and eastern section of the site forms a lower plateau and is more exposed relating to larger field patterns. The treed hedgebanks are predominantly to the west and lower section of the site. Tranquillity levels are generally high, occasionally broken by farm vehicles and trains. The south western boundary of the site is bordered by the railway track, which is recessed into a deep cutting with densely planted banks. The secluded character of the site is not unduly affected by the close proximity of neighbouring activities at Feniton, as it remains largely shielded by the enclosing nature of the surrounding landform and vegetation.
- 3.4.5 Based on assessment criteria, while the landscape is not designated of local importance the site exhibits attractive sloping farmland qualities and is considered a landscape of medium value.

National Countryside Character Assessment

- 3.4.6 The site is located within Countryside Agency's Character Area No. 148 (Devon Redlands) – see extract below, item 3.4.8. The Devon Redlands character area, named after the characteristic dark red soils, encircles Exeter and extends to Exmouth and east to Ottery St. Mary, and includes the ridge between the Rivers Otter and Exe.

Local Character Assessment

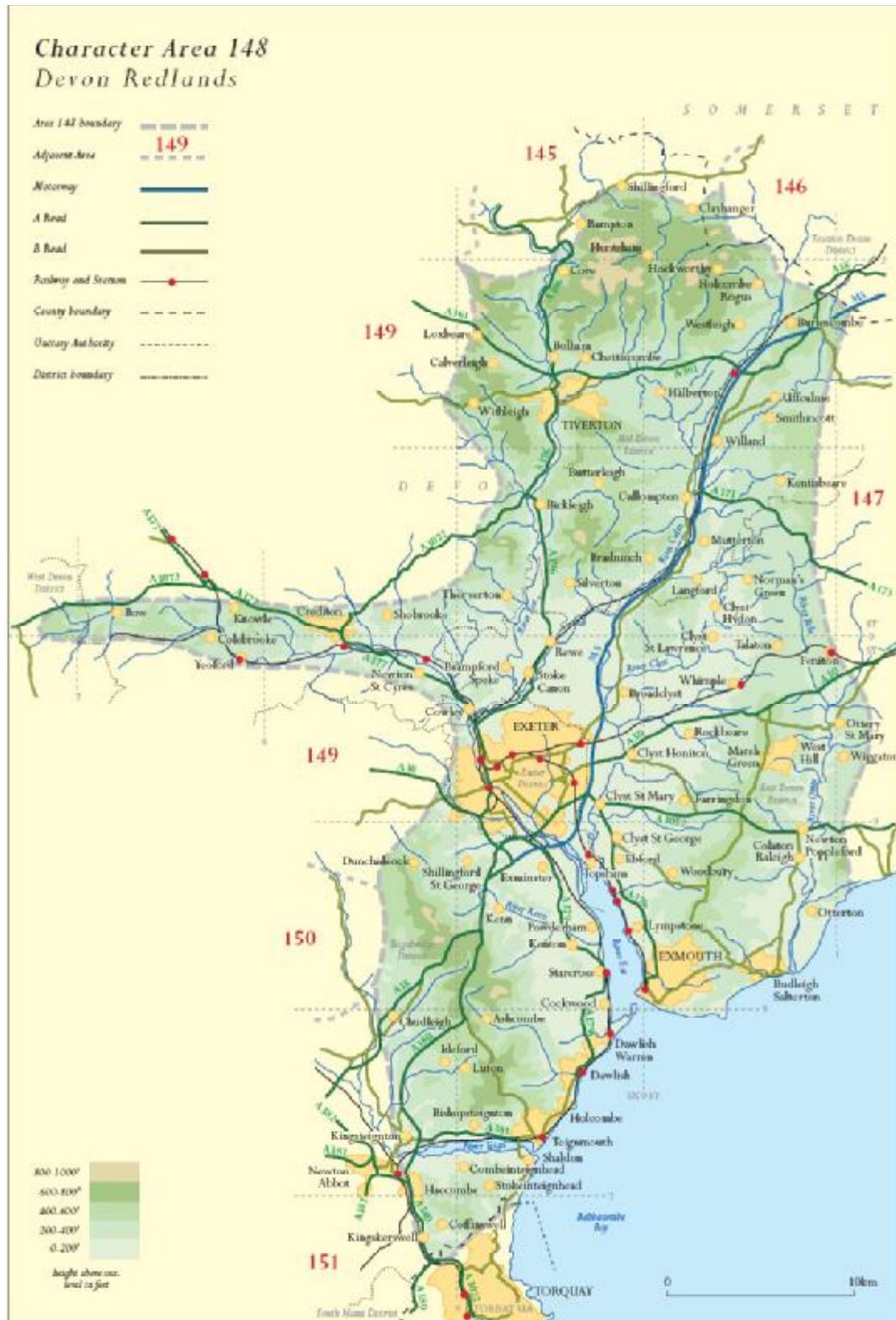
- 3.4.7 In 2002 Devon County Council published *The Devon Landscape: An appraisal of Devon's landscape at the beginning of the 21st century*. This sub-divided the larger Devon Redlands Character Area into smaller, Local Character Areas. The site lies within Landscape Character Type 4D: 'Valley Floors – Lowland Plains'.
- 3.4.8 Key characteristics:
- "Level to gently sloping landform"
 - Mixed farmland, often arable cultivation
 - Small discrete broadleaf woodlands
 - Regular medium to large field pattern with local variation

- Wide low roadside hedges and banks with hedgerow oaks
- Settled, with mixed pattern of large villages, hamlets or isolated farms
- Some villages significantly enlarged and modified by 20th century expansion
- Victorian estate cottages and large farm buildings
- Extensive commercial development
- Long views over low hedges [this is however not applicable to this particular site]
- Surprising feeling of remoteness in some parts, despite general level of development".

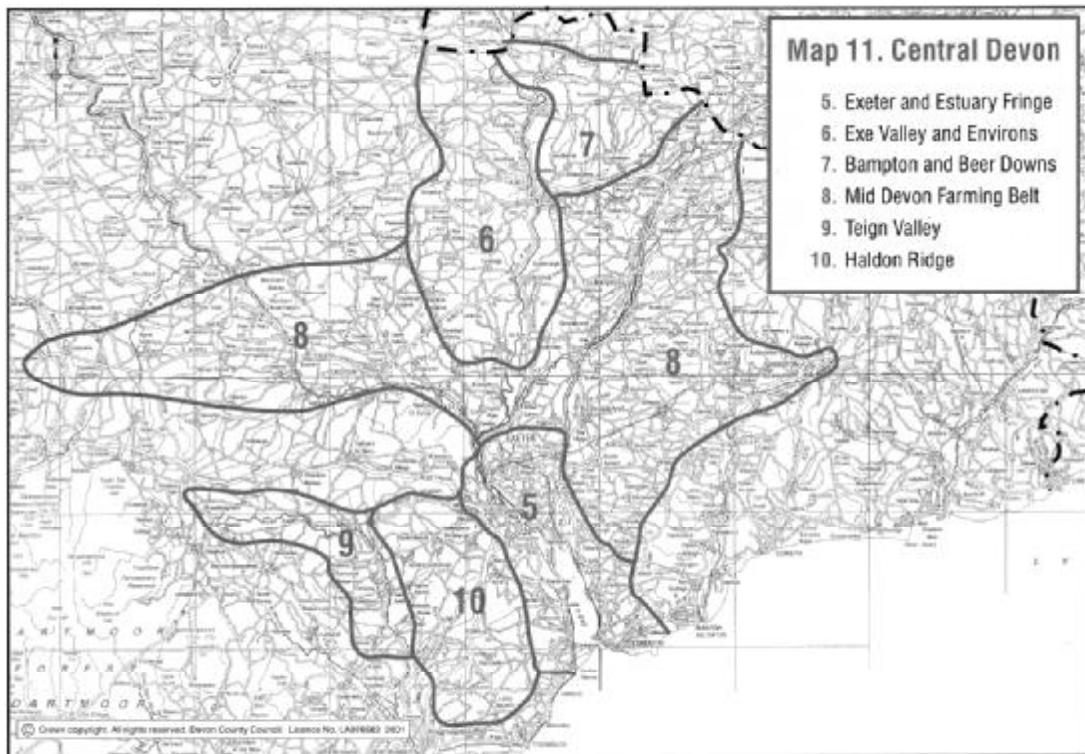
3.4.9 Forces of change:

- Considerable pressure from development and agriculture.
- A30(T) dual carriageway and M5 motorway have had considerable impact on local character.
- Peripheral growth of many market towns unrelated to local styles.
- Rural areas have retained their integrity, although hedgerow loss is a threat.

Extract from 'Countryside Character Volume 8: South West' published by The Countryside Agency, 1999



Extract from 'Countryside Character Volume 8: South West' published by The Countryside Agency, 1999



4 Visual Appraisal

4.1 Methodology

- 4.1.1 A visual appraisal of the area was undertaken using plan base review and field surveys to establish existing environmental conditions. This method enabled the preliminary visual envelope and key viewpoints to be established.
- 4.1.2 The appraisal was undertaken on the basis of a baseline review and so does not constitute an exhaustive Landscape and Visual Assessment. The appraisal identifies Primary and Secondary Zones of Visual Influence and potential sensitive visual receptors and viewpoints in the area and a photographic survey. It also proposes recommendations to inform any future landscape framework plan.
- 4.1.3 A number of viewpoint locations are shown on Figure 2, cross-referenced to annotated photographs in Figures 6 to 10.

4.2 Primary Zone of Visual Influence

- 4.2.1 The Primary Zone of Visual Influence (PZVI) describes the area of land from which there is a potential view of any part of the development. It has been established by desktop studies and site analysis and is shown on Figure 1. It should be noted, however, that not all the areas within the PZVI will be able to see the site as the intervening effects of landform, vegetation and buildings can have screening effects.
- 4.2.2 The PZVI for the site is well contained to within 1km of the site by undulating landform and by a combination of woodland, hedgebanks and trees and some urban construction (refer to figure 5).
- 4.2.3 The PZVI to the south east of the site is restricted immediately by the settlement of Feniton being located along the boundary of the site. This built form is made up of the rear of residential houses and their gardens.
- 4.2.4 The PZVI to the east is framed by the ridgeline and hedgebank running along the road. Occasional glimpses are achieved through field gates (refer to figure 8, viewpoint 5).
- 4.2.5 To the south west the PZVI is restricted by the dense tree vegetation planted along the railway cutting running along the boundary of the site. An insignificant glimpse of the site is gained from the public footpath in Long Park (refer to figure 9, viewpoint 7).
- 4.2.6 The PZVI at the west is defined by a cluster of copse planting both within the site and adjacent to it. Further planting at Talewater prevents visibility from the neighbouring village. Views are only received by users of the road bridge (refer to figure 7, viewpoint 2).
- 4.2.7 The PZVI of the north of the site is largely contained by landform and tall hedgebanks. The roads running along the edge of the PZVI are largely recessed behind the tall hedgebanks and the receptors using these routes are not afforded views, with the exception of brief glimpses through field gates (refer to figure 6, viewpoint 1 and figure 8, viewpoint 4). A woodland copse to the north west forms a visual barrier allowing only occasional glimpses from the roadway (refer to figure 10, viewpoint 8).

4.3 Secondary Zone of Visual Influence

- 4.3.1 While the immediate visual envelope to the south of the site is tightly constrained by vegetation and built form, distant glimpse views may be possible from limited areas of high ground to the south east.
- 4.3.2 At a distance of 4km away, East Hill may receive distant glimpses of the site. The visual effect upon receptors at this distance is likely to be insignificant due to the landform, vegetation and the existence of Feniton in the foreground.

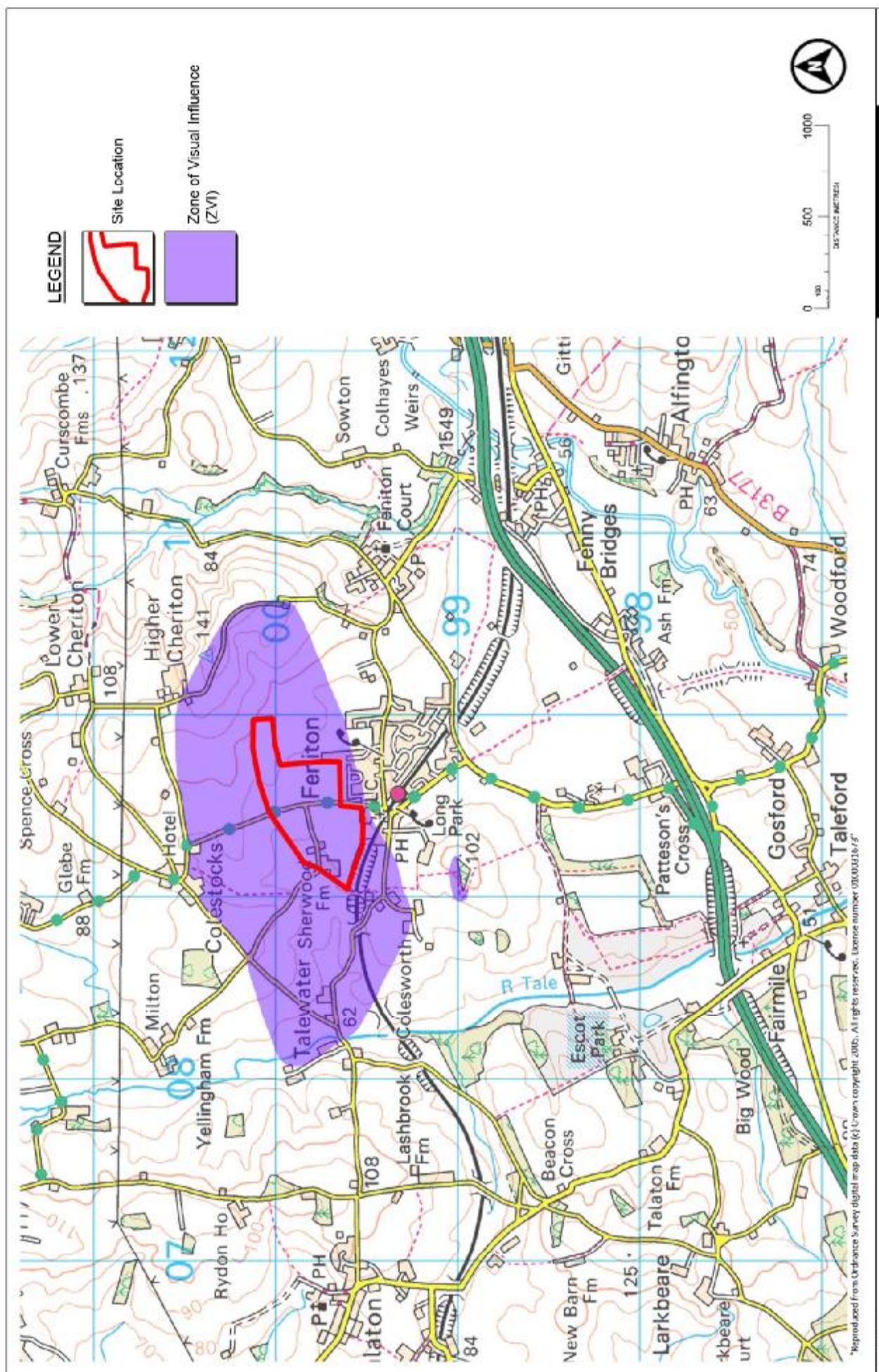
4.4 Potential Sensitive Visual Receptors

- 4.4.1 A number of residential properties and one hotel located in the south facing section of Colestock are able to glimpse the north western area of the site, as shown in viewpoint 3 (refer to figure 7). The majority of the site is concealed by the undulating landform. This visibility would decrease further when the intervening trees are in leaf, through Spring - Autumn.
- 4.4.2 Heading south from Colestock along the public footpath towards Sherwood Farm similar glimpses of the north western area of the site are available. As shown on viewpoint 9 (refer to figure 10) - similar to that seen in viewpoint 5. This would be greatly decreased when the intervening trees are in leaf, through Spring - Autumn.
- 4.4.3 A single house at Higher Cheriton facing south west is also a sensitive receptor to the development site, with clear views over the east section of the site.
- 4.4.4 Three further residential houses located on the west of the road leading from Higher Cheriton to Old Feniton Village would also receive glimpses of the development site. These views are however partially obscured by existing buildings and tree planting in the foreground (refer to figure 9, viewpoint 6).
- 4.4.5 The existing properties forming the northern extent of Feniton Village, which lie adjacent to the site, will be sensitive receptors. This is made up predominantly of the rear of residential properties and their gardens.

5 Conclusion

- 5.1.1 The results of the assessment suggest that the area proposed for potential development would not result in a significant visual effect when viewed from the majority of the surroundings, as a consequence of:
- The discreet and contained location within the valley
 - The tightly restricted Zone of Visual Influence, constrained by landform and vegetation
 - The limited number of sensitive receptors within the Zone of Visual Influence and potential use of mitigation to reduce impact
 - The existence of a strong enclosing framework of hedgerows and trees within the valley that has the potential to integrate development with the local landscape, and
 - The fact that no local or statutory landscape designations apply to the site.
- 5.1.2 Having analysed the various component parts that form the landscape and visual aspects of the site and reviewed relevant planning policy, it is concluded that the site could successfully accommodate development, with preference given to the south western area of the site. Should the north and eastern sections be developed, greater mitigation will probably be required to enhance the landscape and prevent negative impact.
- 5.1.3 Any development could also provide an opportunity to improve the external approach to Feniton, which currently forms a hard built edge adjacent to the open rural landscape.

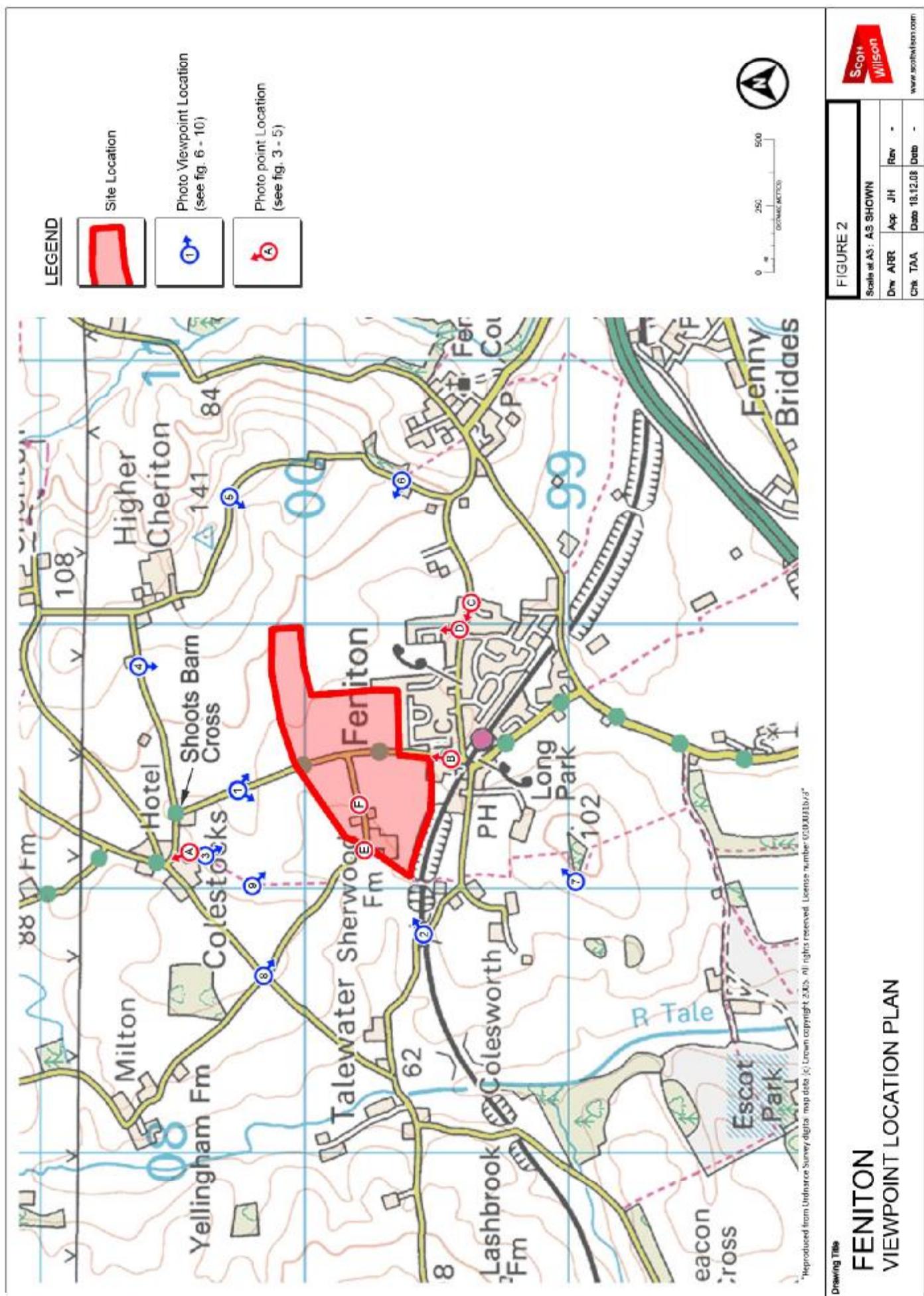
6 Appendix – Figures 1 to 10



FENITON
ZONE OF VISUAL INFLUENCE

Drawing Title

Scot Wilson
Scale at A3 : AS SHOWN
Draw ABR App SL Rev -
Cnic TAA Date 18.12.08 Deta -
www.scotwilson.com





Drawing Title

FENITON LOCAL VERNACULAR

FIGURE 3

Scot Wilson				
Scale at A3 : N/A				
Dwg	ABR	App	SL	Rev
Crit	SL	Date 05/01/09	Draw	-



E - FACING EAST



E - FACING SOUTH EAST



F - FACING SOUTH WEST

Drawing Title
FENITON
SITE IMAGES - BUILDINGS

FIGURE 4

Scot Wilson				
Scales at A3 : N/A				
Dra	AIR	App	SL	Rev
Ctrk	SL	Date 05/01/09	Draw	-



Drawing Title

FENITON SITE IMAGES - FIELDS

FIGURE 5

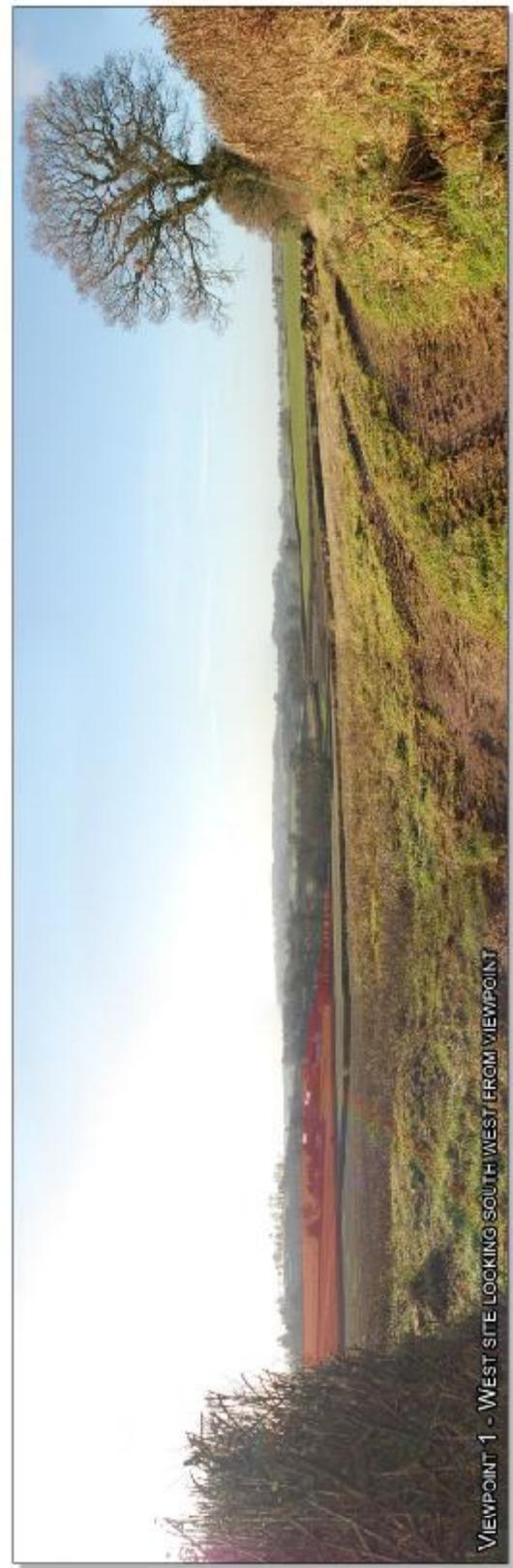
Scales at A3 : N/A

Dwg ADR Acq SL Rev -

Cncl SL Date 05/01/09 Datto -



www.scothwillson.com



Drawing Title

FENITON KEY VIEWPOINTS

FIGURE 6



AREA OF SITE VISIBLE
FROM VIEWPOINT



Scot
Wilson
www.scotwilson.com

Scales at A3 : N/A

Dra ADR Acq SL Rev -

Cncl SL Date 05/01/09 Date -



Drawing Title

FENITON KEY VIEWPOINTS

FIGURE 7



AREA OF SITE VISIBLE
FROM VIEWPOINT

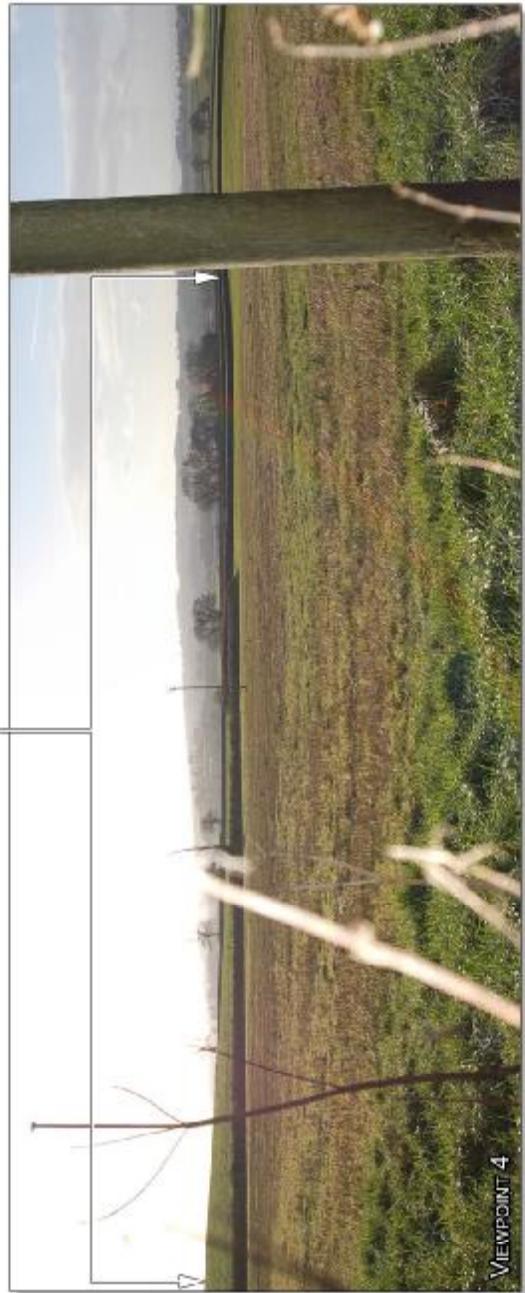
Scales at A3 : N/A

Dra ABR Ac SL Rev -

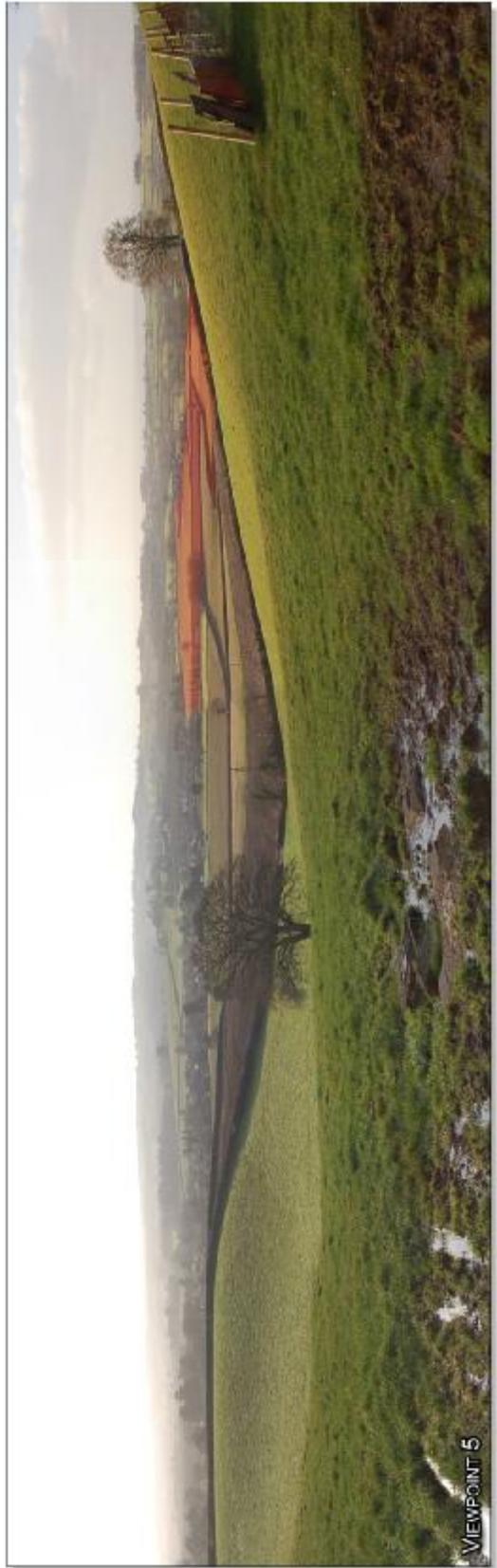
Cnk SL Date 05/01/09 Dato -

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SITE BEHIND RIDGE LINE & HEDGEBANK



VIEWPOINT 4



VIEWPOINT 5

Drawing Title

FENITON KEY VIEWPOINTS

FIGURE 8



AREA OF SITE VISIBLE
FROM VIEWPOINT

Scales at A3 : N/A

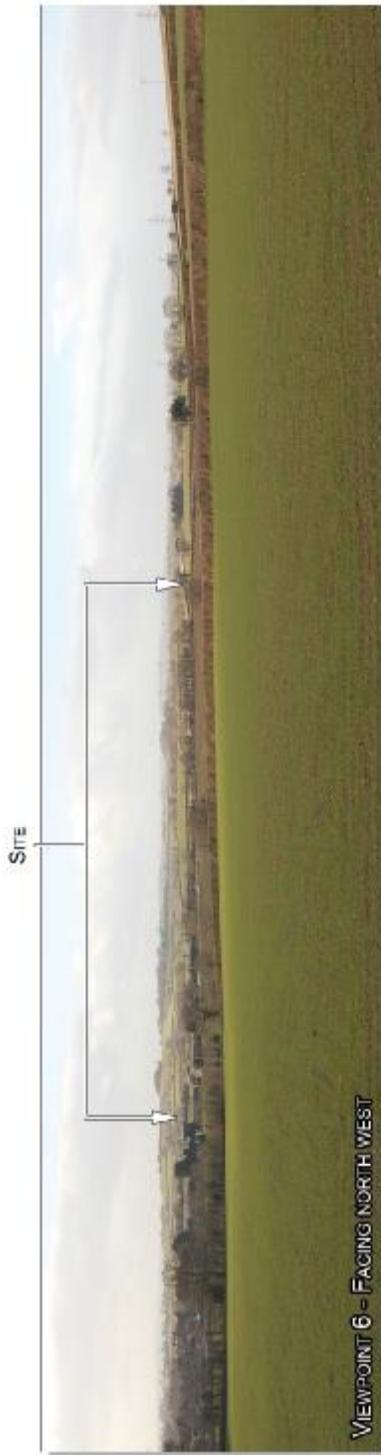
Dra ABR Acq SL Rev -

Cnk SL Date 05/01/09 Dato -

Scoti

Willson

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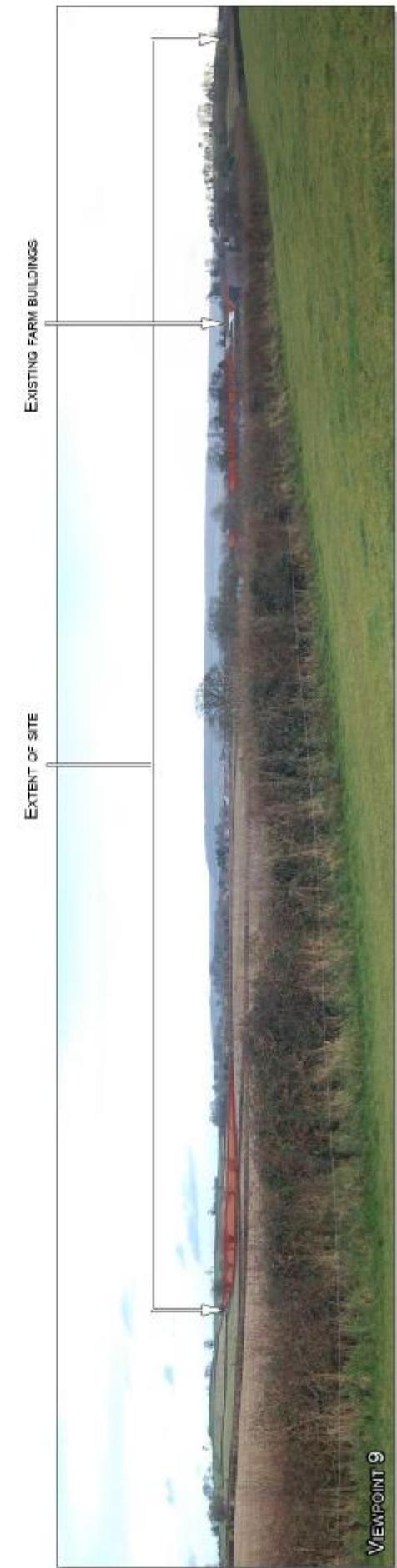


Drawing Title

FENITON KEY VIEWPOINTS

FIGURE 9

Scot Wilson			
Scalable A3 : N/A			
Dwg	ASR	App	SL
Cmk	SL	Data 05/07/03	Rev -
		Date -	



Drawing Title
FENITON
KEY VIEWPOINTS

FIGURE 10



Area of Site Visible
From Viewpoint

Scales at A3 : N/A

Dra ABR Acq SL Rev -

Ctrk SL Date 05/01/09 Date -



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Appendix 6 Ecological Deliverability Report





Ecological Deliverability Report

Land at Sherwood Cross, Feniton

Taylor Wimpey

August 2017

Report reference	Report Status	Date	Prepared by	Authorised
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Contents

1	Introduction, background and approach.....	1
1.1	Introduction.....	1
1.2	Legislation and planning policy	1
1.3	Approach	2
2	Ecological baseline.....	3
2.1	Designated sites of conservation value.....	3
2.2	Habitats within the site boundary.....	3
2.3	Surrounding habitats.....	4
2.4	Protected and notable species	5
3	Conclusions and recommendations	8
3.1	Suitability of the site for development and potential ecological constraints	8
3.2	Recommended further surveys and consultation.....	9
3.3	Conclusions.....	10
4	References.....	11

Tables

Table 2.1: European Sites within 10km of the site.....	3
Table 2.2 Notable bird records from the 2km study area	6
Table 3.1: Recommended Phase 2 ecological surveys	9

Figures

Figure 1: Location Plan	
Figure 2: Phase 1 habitat plan, target notes and photographs	

Appendices

Appendix 1: Wildlife legislation	
Appendix 2: Species legislation and conservation status	
Appendix 3: National Planning Policy	
Appendix 4: Local Planning Policy	
Appendix 5: Designated Sites plans	
Appendix 6: Plant species list	

1 Introduction, background and approach

1.1 *Introduction*

- 1.1.1 EAD Ecology was commissioned by Taylor Wimpey UK Ltd to undertake an ecological deliverability study of land identified for residential development at Sherwood Cross, Feniton (approximate NGR SX SY094998; refer to Figure 1; hereafter referred to as ‘the site’). The study is documented in this report and includes the following:
- Preliminary ecological baseline of the site;
 - Potential ecological constraints to the development of the site;
 - Assessment of the site’s suitability for development; and
 - Further ecological work necessary for a planning submission.

1.1.2 The report has been prepared to support representations to the Feniton Local Plan Steering Group as part of consultation on the Pre-Submission Feniton Neighbourhood Plan.

1.1.3 All work has been undertaken in accordance with the Chartered Institute of Ecology and Environmental Management’s (CIEEM) Code of Practice.

1.2 *Legislation and planning policy*

Wildlife legislation

- 1.2.1 The following wildlife legislation is relevant to the proposed development:
- Conservation of Habitats and Species Regulations 2010 (as amended)
 - Wildlife and Countryside Act 1981 (as amended)
 - Countryside and Rights of Way Act 2000
 - Natural Environment and Rural Communities Act 2006
 - Protection of Badgers Act 1992
 - Hedgerow Regulations 1997 (as amended)

1.2.2 A summary of relevant wildlife legislation is provided in Appendix 1; information on species legislation and conservation status is provided in Appendix 2.

National planning policy

1.2.3 The National Planning Policy Framework (NPPF; 2012) includes the Government’s policy on the protection of biodiversity through the planning system. A summary of the relevant paragraphs of the NPPF is provided in Appendix 3.

Local planning policy

1.2.4 The following policies of the East Devon Local Plan 2013 to 2031 (2016) are relevant to proposed development of the site; full policy text is included in Appendix 4:

- Policy EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites.
- Policy EN5 - Wildlife Habitats and Features.

1.3 Approach

Ecological baseline

1.3.1 A preliminary understanding of the ecological baseline of the site was derived through desk study and site survey.

Desk Study

1.3.2 Biodiversity information was requested for a study area of 2km radius around the site from Devon Biodiversity Records Centre (DBRC) and 4km radius around the site from Devon Bat Group. Information requested included the location and details of the following:

- Designated sites of nature conservation value (statutory and non-statutory; extended to 10km for European statutory designated sites using MAGIC);
- Previous records of protected and/or notable species, including Species of Principal Importance for Conservation in England (formerly UK Biodiversity Action Plan (BAP) Priority Species, now referred to as 'Priority Species') and Devon BAP Priority Species.

Site Survey

1.3.3 An Extended Phase 1 Habitat survey of the site was undertaken on 14 August 2017. The survey followed standard IEA Guidelines (1997) and JNCC methodology (2010) and involved a surveyor recording the habitats on the site and the presence/potential presence of protected and notable species. The results of the survey were detailed on a Phase 1 Habitat plan; refer to Figure 2. Target Notes were used to identify specific features of ecological interest.

2 Ecological baseline

2.1 Designated sites of conservation value

European designated sites

- 2.1.1 Two European-designated sites are located within 10km of the site boundary; East Devon Pebblebed Heaths, Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA). Both sites are located approximately 7.8km southwest of the site (refer to Appendix 5); further information on their reason for designation is included in Table 2.1.

Table 2.1: European Sites within 10km of the site

Site name	Nature conservation designation	Reason for designation	Approximate distance and direction from survey area
East Devon Pebblebed Heaths	SAC	Designated for the presence of the following Annex I habitats: <ul style="list-style-type: none"> • North Atlantic wet heaths with <i>Erica tetralix</i> • European dry heaths And for the presence of the Annex II species: <ul style="list-style-type: none"> • Southern damselfly 	7.8km southwest
East Devon Heaths	SPA	Breeding Dartford warbler and nightjar	7.8km southwest

Nationally designated sites

- 2.1.2 There are no statutory designated sites present within 5km of the site. However, the site falls within the East Devon Pebblebed Heaths SSSI Impact Risk Zone. This is a zone within which the Local Planning Authority should consult Natural England on potential risks to the SSSI associated with residential development of 50 units or more.

Non-statutory designated sites

- 2.1.3 There are 13 non-statutory designated sites present within 2km the site boundary. Three of these are County Wildlife Sites (CWS), five are Other Sites of Wildlife Interest (OSWI) and five are Unconfirmed Wildlife Sites (UWS). The closest of these is Rowden End Covert OSWI which lies approximately 0.9km south-west of the site and consists of a coniferous plantation on an ancient woodland site; refer to Appendix 5.

2.2 Habitats within the site boundary

- 2.2.1 Habitat descriptions are provided below; these should be read in conjunction with the habitat map, target notes (TNs) and accompanying photographs (refer to Figure 2). The site comprised three fields containing poor semi-improved grassland and one field managed as arable, bounded by species-poor and species-rich hedgerows with some broadleaved trees. A number of farm buildings were located in the west of the site. Plant species are referred to using their English names, with scientific names listed in Appendix 6; nomenclature follows Stace (2010).

Amenity grassland

- 2.2.2 Small areas of this habitat were associated with the farm buildings.

Arable

- 2.2.3 The south-eastern field was managed as arable. It was planted with a potato crop at the time of the survey, with scentless mayweed, sow thistle and knot grass recorded in field margins (TN4).

Bare ground and earth bank

- 2.2.4 Areas of disturbed ground occurred around the buildings.

Buildings

- 2.2.5 A variety of buildings were located in the west of the site, including thatched and tiled residential dwellings, and a range of brick-built, timber and modern open construction agricultural buildings (TN2).

Hedgerows

- 2.2.6 The majority of field boundaries comprised species-rich hedgerows; typical species included hazel, elm, holly, elder, hawthorn, blackthorn, grey willow and beech. Ground flora included red campion, herb-Robert and broadleaved dock. Mature and semi-mature trees occurred along some hedgerows, and a defunct, species-poor hedgerow was located on the western boundary of the site. A non-native hedgerow dominated by laurel formed a garden boundary within the site (TN6).

Poor semi-improved grassland

- 2.2.7 This was the dominant habitat within the site and comprised perennial rye-grass dominated grassland with frequent white clover and Yorkshire fog; occasional greater plantain, broadleaved dock, creeping thistle, yarrow and rare daisy. Scentless mayweed and pineappleweed were found in disturbed areas near to field entrances.

Scattered broadleaved trees

- 2.2.8 Scattered broadleaved trees were associated with hedgerows in the site and comprised predominantly mature and semi-mature oak and ash.

Scattered scrub

- 2.2.9 Small areas of scattered bramble-dominated scrub were associated with site boundaries.

Semi-natural broadleaved woodland

- 2.2.10 A small area of this habitat was located on the western side of the site, adjoining the northern boundary. The canopy was dominated by oak with a dense understory dominated by hazel, hawthorn, elm and grey willow.

Tall ruderal

- 2.2.11 This habitat was associated with field margins and around farm buildings and was dominated by common nettle and creeping thistle.

2.3 Surrounding habitats

- 2.3.1 The site is located to the immediate northwest of existing residential development in Feniton. A railway line and urban habitats occurred to the south of the site, and sports pitches to the east;

agricultural habitat adjoined other boundaries comprising pasture and arable bounded by hedgerows, together with some small pockets of broadleaved woodland.

2.4 Protected and notable species

Plants

Desk Study

- 2.4.1 Primrose, which is a Devon BAP species, has been recorded within the 2km study area.
- 2.4.2 There are also a number of records of legally controlled invasive plant species within the study area comprising:
 - Himalayan balsam;
 - Japanese knotweed; and
 - Rhododendron.
- 2.4.3 These species are listed on Schedule 9 of the Wildlife and Countryside Act (WCA) 1981 (as amended), making it an offence to plant or otherwise cause them to grow in the wild.

Site survey

- 2.4.4 It was considered likely that primrose would occur within hedgerows or within woodland adjoining the site. The presence of other notable plant species was considered unlikely. No evidence of legally controlled invasive plant species was recorded.

Invertebrates

Desk Study

- 2.4.5 The following invertebrate species have been recorded within the study area:
 - Brown Hairstreak, Small heath and Grayling butterflies, which are Priority Species;
 - Purple Hairstreak butterfly, which is a declining species;
 - 20 species of moth that are Priority Species;
 - 9 species of moth that are Nationally notable;
 - Willow Ermine Moth (Red Data book 3 – Rare); and
 - Great Green Bush-Cricket, which is a Devon BAP Species.

Site survey

- 2.4.6 No protected or notable species were recorded and the presence of significant populations of notable invertebrate species was considered unlikely. The hedgerows within the site provided suitable habitat for brown hairstreak and great green bush-cricket.

Amphibians

Desk Study

- 2.4.7 No amphibian records were identified within 2km of the site. The site falls within the Devon County Council ‘Great crested newt consultation zone’, which is a 5km buffer around existing or historical (post 1970) great crested newt records.

Site survey

- 2.4.8 No breeding habitat for amphibians was recorded within the site; grassland and hedgerows provided suitable terrestrial habitat for common amphibians. Four ponds were identified within

500m of the site boundary (including three within 250m) from Ordnance Survey maps, these may provide suitable breeding habitat for great crested newt and other amphibians.

Reptiles

Desk Study

- 2.4.9 Grass snake, common lizard and slow worm, which are legally protected, Priority Species have been recorded within the study area.

Site survey

- 2.4.10 Habitats within the site including field margins, hedgerows, and tall ruderal habitats provided suitable habitat for common reptiles such as grass snake and slow worm.

Birds

Desk Study

- 2.4.11 Notable bird species recorded in the study area are listed in Table 2.2. All breeding birds, their nests, eggs and young are legally protected; species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) received additional protection; refer to Appendix 1.

Table 2.2 Notable bird records from the 2km study area

Species	BoCC4 status ¹	Priority Species	WCA Schedule 1
Hobby			Sch 1
House sparrow	Red	Priority Species	
Kingfisher	Amber		Sch 1
Marsh tit	Red	Priority Species	
Red kite			Sch 1

¹ Status in Birds of Conservation Concern 4 (Eaton *et al.*, 2015)

Site survey

- 2.4.12 The hedgerows and mature trees provided suitable habitat for common / widespread nesting birds, including Species of Conservation Concern such as song thrush, dunnock and bullfinch. The farm buildings were suitable for nesting house sparrow, and also had barn owl nesting/roosting potential; this is a 'Schedule 1' species that receives specific protection against disturbance when nesting.

Bats

Desk Study

- 2.4.13 There are no records of bat roosts within the site boundary. There are several records of bat roosts within 2km of the site boundary, the closest of which is a suspected pipistrelle roost 0.1km south of the site. Other bat roost records within 4km included brown long-eared bat and serotine; a greater horseshoe roost was located approximately 2km south of the site. Other bat records from within the 4km the study area comprise:

- Common pipistrelle, Daubenton's, long-eared species, serotine and Nathusius' pipistrelle (all are legally protected); and
- Brown long-eared, greater horseshoe, lesser horseshoe, noctule and soprano pipistrelle (all legally protected and Priority Species).

Site survey

- 2.4.14 The farm buildings and some trees provided features suitable for roosting bats. The hedgerows and tree-lined boundaries provided suitable habitat for foraging/commuting bats.

Badger

Desk Study

- 2.4.15 The desk study identified a number of badger records within the study area. Badgers and their setts are legally protected.

Site survey

- 2.4.16 Hedgerows provided suitable habitat for badger setts; the presence of a main sett is considered unlikely. Grassland and arable habitats are suitable for foraging badgers.

Hazel dormouse

Desk Study

- 2.4.17 There are two records of hazel dormouse within the study area, the closest of which is approximately 0.8km north-west of the site. Hazel dormouse is a legally protected and Priority Species.

Site survey

- 2.4.18 The hedgerows within and adjoining the site, and adjacent broadleaved woodland provided suitable habitat for this species.

Otter and water vole

Desk Study

- 2.4.19 There are a number of records of otter and water vole from within the study area, though none located within the site.

Site survey

- 2.4.20 No habitat suitable for these species was recorded within the site, and their presence was considered very unlikely.

Other mammals

Desk Study

- 2.4.21 The desk study identified records of brown hare, a Priority Species, within the study area.

Site survey

- 2.4.22 The site, including hedgerows, provided suitable habitat for brown hare, together with hedgehog, which is also a Priority species.

3 Conclusions and recommendations

3.1 Suitability of the site for development and potential ecological constraints

- 3.1.1 There are no overriding ecological constraints to the development of the site and the site is considered deliverable from an ecological perspective. The site lies within the '10km zone' for the East Devon Heaths SPA, and therefore development would need to ensure that there were no adverse effects on this European Site. East Devon District Council (EDDC) have an agreement in place with the other adjoining authorities (Teignbridge District Council and Exeter City Council) to ensure that measures are implemented to avoid adverse effects on the SPA as a result of increased recreational pressure from new development. Guidance published by EDDC states:

'Mitigation for recreational impacts can take the form of access management within the European sites, or provision of substantial alternative recreation locations to draw users away from the European sites. To make it easier for developers to 'deliver' such mitigation, in many cases we will accept a financial contribution per new house or holiday unit. The three local planning authorities will work in partnership to use these financial contributions to deliver the required mitigation measures. Alternatively, a developer may choose to provide their own mitigation measures rather than pay the contribution.'

- 3.1.2 Therefore, potential adverse effects to the European site could be avoided through a financial contribution towards SPA mitigation (currently £146 per unit). Alternatively, it may be possible to provide on-site mitigation in the form of a 'Suitable Alternative Natural Greenspace' (SANG). It is likely that a proposed SANG would be required to meet a number of characteristics, including the provision of at least 8ha of SANG per 1000 new residents, a minimum 2.3km circular walk, and areas that would enable dogs to be exercised freely off the lead. There may also be scope to provide 'strategic SANG' for other new development in the area as part of proposals.

- 3.1.3 It is considered unlikely that development would be constrained by other statutory or non-statutory sites, or by impacts on habitats. Development could be designed to retain and protect hedgerows, which are a Priority Habitat, as far as possible. Where losses were unavoidable, new habitats (i.e. new native hedgerow planting) could be integrated into the layout.

- 3.1.4 Other ecological considerations relate to the potential presence of the following protected and notable species:

- Great crested newt.
- Reptiles.
- Breeding birds, including barn owl.
- Bats (roosts and activity).
- Badger.
- Hazel dormouse.

- 3.1.5 Further surveys are therefore recommended to inform the development proposals (refer to 3.2 below). In the event that protected species were present, it is considered likely that suitable mitigation could be provided (e.g. timing of construction; retention/creation of new habitat within the development layout; mitigated lighting strategy) to ensure compliance with relevant legislation and planning policy. It is considered unlikely that development proposals would be significantly constrained by the presence of protected species. The development would also provide opportunities for ecological enhancement, including habitat creation and creation of

features suitable for notable species, such as bird and bat boxes integrated in to new buildings. Natural England licensing may be required post-consent and prior to development if the presence of legally protected species (e.g. great crested newt, bat roosts, badger setts or hazel dormouse) is confirmed.

3.2 Recommended further surveys and consultation

Further surveys

- 3.2.1 Table 3.1 provides the recommended scope and timetable for the further (Phase 2) ecological surveys.

Table 3.1: Recommended Phase 2 ecological surveys

Survey	Scope / Methodology	Survey period
Hedgerow	Survey to establish if hedgerows within the site are ‘important’ under the ecological criteria of the Hedgerow Regulations 1997 (as amended) in accordance with the Defra Hedgerow Survey Handbook (2007).	May-August
Great crested newt	Survey of ponds within 250m of the application boundary (subject to third party access permission) to establish the presence / absence of great crested newts, and population size if present. Depending on the nature of the ponds, survey would comprise a combination of Habitat Suitability Index (HSI) assessment, eDNA water sampling, and manual surveys (e.g. bottle trapping, torching, netting and egg search).	March-June (HSI survey can be undertaken at any time)
Reptile	Deployment of artificial refugia and checks on seven occasions during suitable weather, following guidelines published in the Species Conservation Handbook (English Nature 1994) and Froglife (1999).	April-September
Breeding bird	Three visits to identify evidence of breeding birds within the site following the Common Bird Census Methodology (Bibby et al, 2000).	April-June
Barn owl	External and internal inspection of buildings and other structures suitable for breeding / roosting barn owl by a licensed ecologist (Barn Owl Trust, 2012).	March-August
Bat roost	Preliminary assessment of trees and buildings to assess suitability for roosting bats (BCT, 2016). Further surveys (e.g. dusk emergence or dawn re-entry surveys) may be required, depending on the results of the preliminary assessment and emerging development proposals.	Preliminary assessment can be undertaken at any time.
Bat activity	Monthly transect surveys and deployment of static detectors, in accordance with BCT (2016).	April-October

Table 3.1: Recommended Phase 2 ecological surveys

Survey	Scope / Methodology	Survey period
Badger	Survey of the site and the immediate surrounds (where accessible) to record signs of badger activity, including setts, latrines, pathways and feeding signs (Mammal Society, 1989).	Any time
Hazel dormouse	Deployment and checks of nesting ‘tubes’ and check for feeding signs in suitable habitat, in accordance with Natural England guidance (English Nature, 2006).	April-November

- 3.2.2 The above survey information would provide the complete ecological baseline for the site, against which the ecological effects of the proposed development could be assessed. It is recommended that an Ecological Impact Assessment (EIA) is produced to support a planning application for the site, in accordance with CIEEM Guidelines (2016) and BS42020:2013.

Consultation

- 3.2.3 It is recommended that the proposed scope of the surveys and assessment are agreed with EDDC. Depending on the results of the surveys, further consultation may also be required with EDDC to discuss any species-specific mitigation strategies. In the event that on-site mitigation for potential effects on East Devon Heaths SPA is proposed, this would be subject to consultation with Natural England and EDDC.

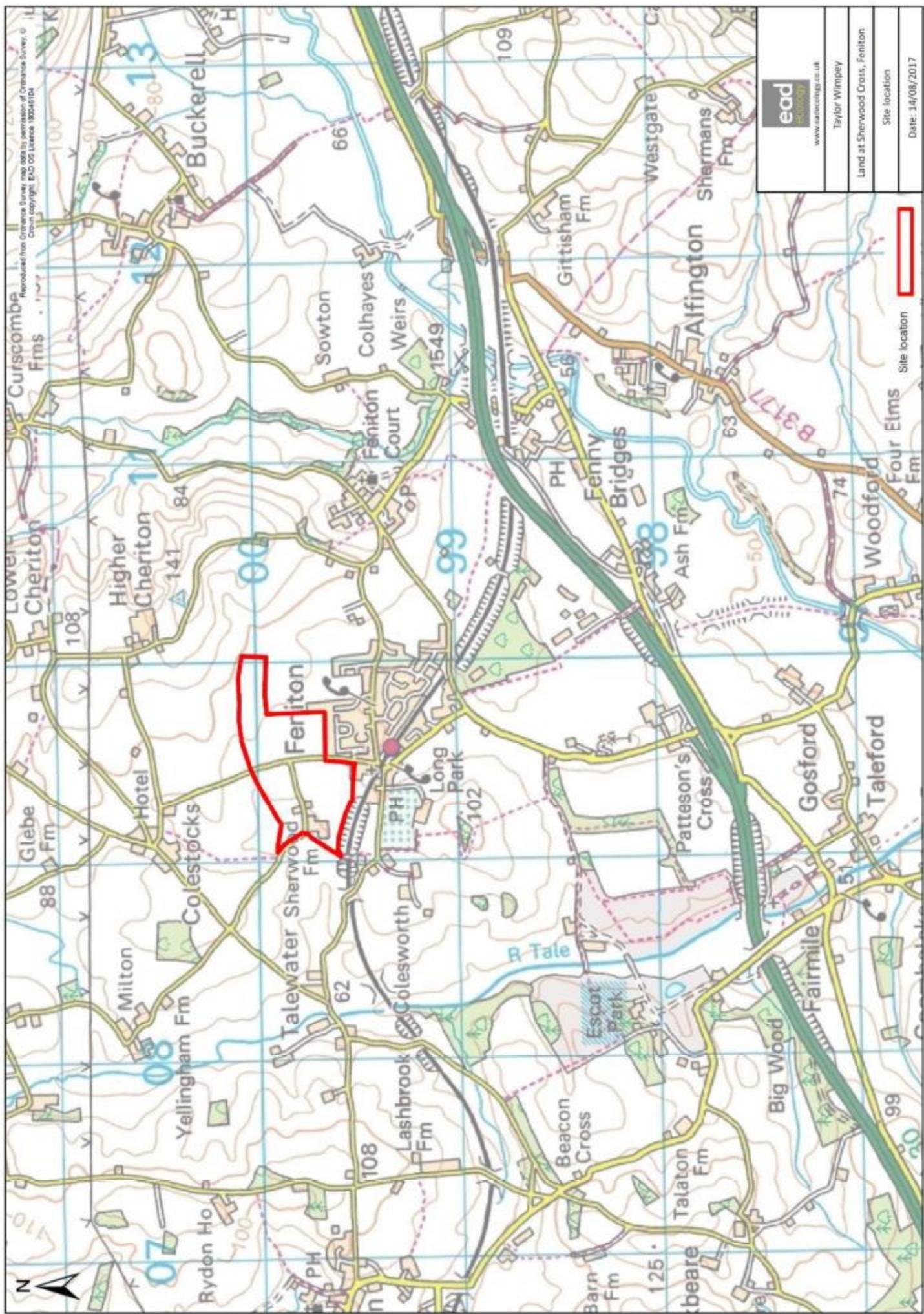
3.3 Conclusions

- 3.3.1 It is considered that the site is deliverable from an ecological perspective, and there would be no overriding constraints to development at this location. Development could be undertaken in accordance with current wildlife legislation and biodiversity policies within the National Planning Policy Framework and East Devon Local Plan 2013 to 2031.

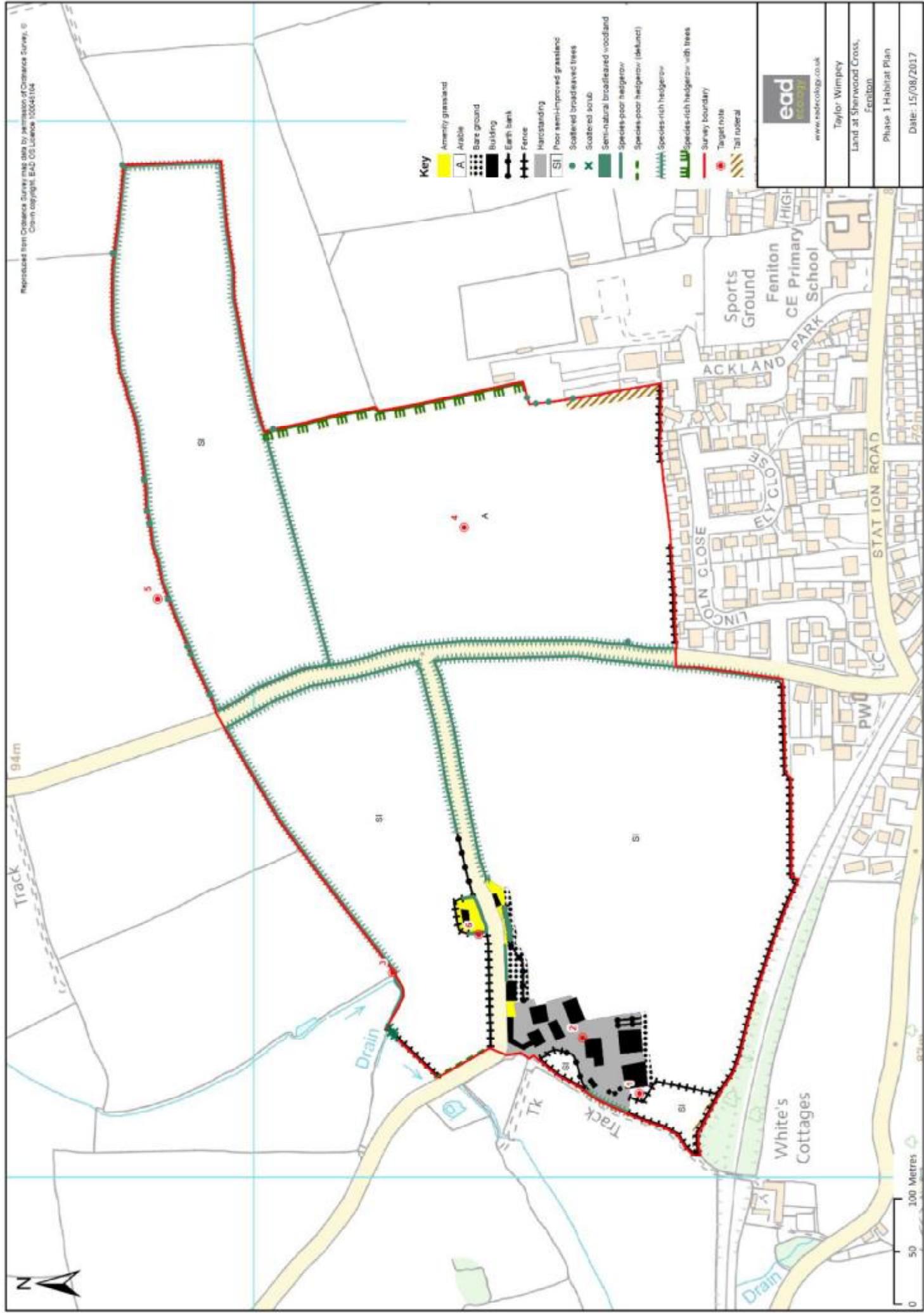
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Figure 1: Site location plan



**Figure 2: Phase 1 Habitat plan, target notes and
photographs**



Target note number	Description
1	<p>Suitable reptile habitat adjacent to the farm complex.</p> 
2	<p>Farm building complex with bat and barn owl roosting potential.</p> 

3	<p>Semi-natural broadleaved and species-rich hedgerow with dormouse potential.</p>  A photograph showing a dense, green hedgerow on the left side of a grassy field. The hedge is made of various trees and shrubs, some reaching above the top of the frame. A simple wire fence runs along the base of the hedge. The field beyond is a mix of green grass and brown soil, with a few small paths or tracks visible. In the background, there are more fields and a line of trees under a cloudy sky.
4	<p>Potato crop</p>  A photograph of a potato crop field. The field is filled with rows of green potato plants growing in dark, tilled soil. The plants have distinct leaves and stems. In the background, there are more fields and a line of trees under a cloudy sky. The perspective is from the foreground looking across the field towards the horizon.

5	Semi-mature oak trees with bat potential 
6	Non-native hedgerow 

Appendix 1: Wildlife legislation

Wildlife legislation

1 Conservation of Habitats and Species Regulations 2010 (as amended)

These Regulations, also referred to as the ‘Habitats Regulations’, implement the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (92/43/EEC) and the EC Directive on the Conservation of Wild Birds (79/409/EEC). The Regulations provide for the designation and protection of ‘European Sites’ (Natura 2000 sites). They convey a statutory requirement for local planning authorities to undertake a ‘Habitats Regulations Assessment’ of the potential impacts of plans and projects, including development proposals, on European Sites. The provisions also include protection of ‘European Protected Species’ (EPS). Under the Regulations, local planning authorities have to consider three ‘derogation tests’ when deciding whether to grant permission for a development that affects an EPS, which are as follows:

- the development must be for over-riding public interest or for public health and safety;
- there are no satisfactory alternatives to the proposed development; and
- the favourable conservation status of the EPS concerned must be maintained.

2 Wildlife and Countryside Act 1981 (as amended)

This Act is the principal wildlife legislation in Great Britain. It includes provisions for important habitats to be designated and protected as Sites of Special Scientific Interest (SSSIs). Numerous plant and animal species, and the places that they use for shelter and protection, are also protected under the Act, including all birds, their nests and eggs.

3 Countryside and Rights of Way Act 2000

Referred to as the CROW Act, this legislation increases the protection of SSSIs and strengthens wildlife enforcement action. The Act also strengthens the protection of protected species under the Wildlife and Countryside Act 1981 (as amended) through the introduction of a new offence of ‘reckless disturbance’.

4 Natural Environment and Rural Communities Act 2006

This Act places a duty on all public bodies and statutory undertakers to have due regard to the conservation of biodiversity in all their functions. It also requires the publication of a list of habitats and species of principal importance for the conservation of the biodiversity. This list, known as the Section 41 list, includes all Priority Habitats and Species of Principal Importance for the Conservation of Biodiversity in England.

5 Protection of Badgers Act 1992

This Act was introduced primarily for animal welfare reasons, as opposed to species conservation. It provides protection of badgers and their setts.

6 Hedgerow Regulations 1997 (as amended)

These Regulations include provisions for the protection of hedgerows and make it an offence to remove ‘important’ hedgerows without consent from the local planning authority. Where planning permission is granted for a development proposal, the removal of ‘important’ hedgerows is deemed to be permitted.

Appendix 2: Species legislation and conservation status

1 Invertebrates

A number of UK invertebrates are protected by international and national legislation, including the EC Habitats Directive (1992) and the Wildlife and Countryside Act 1981 (as amended). In addition, many are Species of Principal Importance for Conservation in England (Priority Species).

2 Plants

All wild plants are protected against unauthorised removal or uprooting under Section 13 of the Wildlife and Countryside Act 1981 (as amended). Plants listed on Schedule 8 of the Act (e.g. stinking goosefoot, red helleborine, monkey orchid) are afforded additional protection against picking, uprooting, destruction and sale. Bluebell (*Hyacinthoides non-scripta*) is protected against sale only. Further species are also protected under the Conservation of Habitats and Species 2010.

Notable plant species include those that are listed as:

- Nationally vulnerable – A taxon is Vulnerable when the best available evidence indicates that it meets any of the criteria A-E for Vulnerable, and is therefore considered to be facing a high risk of extinction in the wild (Cheffings C M & Farrell L (Eds) (2005) Species Status No. 7 – The Vascular Red Data List for Britain, JNCC (online))
- Nationally scarce – species recorded in 16-100 hectads in Great Britain
- Nationally rare – species occurring in 15 or fewer hectads in Great Britain

Section 14 of the Wildlife and Countryside Act 1981 (as amended) prohibits the planting of certain invasive plant species in the wild, or otherwise causing them to grow there. Prohibited plants are listed on Part 2 of Schedule 9 and include Japanese knotweed, Himalayan balsam and giant hogweed.

3 Amphibians

There are seven native amphibian species present in Britain. These are afforded varying degrees of protection under national and European legislation. Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CRoW) Act 2000 and the Conservation of Habitats and Species 2010. Together, this legislation makes it illegal to:

- Deliberately or intentionally capture, kill or injure a great crested newt.
- Damage or destroy any place used for shelter or protection, including resting or breeding places; or intentionally or recklessly obstruct access to such a place.
- Deliberately, intentionally or recklessly disturb great crested newts.

Great crested newt and common toad are Priority Species.

4 Reptiles

Slow-worm, viviparous/common lizard, adder and grass snake are protected under the Wildlife and Countryside Act 1981 (as amended) against intentional killing and injuring. These species are also Priority Species.

5 Birds

The bird breeding season generally lasts from March to early September for most species. All birds are protected under the Wildlife and Countryside Act (1981) (as amended) and the Countryside & Rights of Way (CRoW) Act 2000. This legislation makes it illegal, both intentionally and recklessly, to:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while it is being built or in use;
- take or destroy the eggs of any wild bird

Furthermore, birds listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended) are protected against intentional or reckless disturbance whilst nest building and when at or near a nest containing eggs or young. Dependent young of Schedule 1 species are also protected against disturbance.

In addition to this legal protection, the leading governmental and non-governmental conservation organisations in the UK have reviewed the population status of the birds regularly found here and produced a list of birds of conservation concern. Of the 246 species assessed, 52 were placed on the Red List of high conservation concern, 126 on the Amber List of medium conservation concern and 68 on the Green List of low conservation concern:

Red list species are those that are Globally Threatened according to IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and not shown a substantial recent recovery.

Amber list species are those with an unfavourable conservation status in Europe; those whose population or range has declined moderately in recent years; and those with internationally important or localised populations.

A number of birds are also Priority Species.

6 Badgers

Badger (*Meles meles*) is a widespread and common species. However, they are legally protected under The Protection of Badgers Act 1992, due to animal welfare concerns. Under this legislation it is illegal to:

- Wilfully kill, injure, take, or cruelly ill-treat a badger, or attempt to do so
- Intentionally or recklessly interfere with a sett by disturbing badgers whilst they are occupying a sett, damaging or destroying a sett, or obstructing access to it.

A badger sett is defined in the legislation as “any structure or place, which displays signs indicating current use by a badger”.

7 Bats

There are 17 species of bats found in the UK. The UK conservation status of these species is summarised in the table below:

Common name	Scientific name	UK conservation status	Priority Species
Greater horseshoe	<i>Rhinolophus ferrumequinum</i>	Endangered	Yes
Lesser horseshoe	<i>Rhinolophus hipposideros</i>	Endangered	Yes
Daubenton's	<i>Myotis daubentonii</i>	Not threatened	No
Brandt's	<i>Myotis brandtii</i>	Endangered	No
Whiskered	<i>Myotis mystacinus</i>	Endangered	No
Natterer's	<i>Myotis nattereri</i>	Not threatened	No
Bechstein's	<i>Myotis bechsteinii</i>	Rare	Yes
Greater mouse-eared	<i>Myotis myotis</i>	Status unknown	No
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	Not threatened	No
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	Not threatened	Yes

Common name	Scientific name	UK conservation status	Priority Species
Nathusius's pipistrelle	<i>Pipistrellus nathusii</i>	Rare	No
Serotine	<i>Eptesicus serotinus</i>	Vulnerable	No
Noctule	<i>Nyctalus noctula</i>	Vulnerable	Yes
Leisler's	<i>Nyctalus leisleri</i>	Vulnerable	No
Barbastelle	<i>Barbastella barbastellus</i>	Rare	Yes
Brown long-eared	<i>Plecotus auritus</i>	Not threatened	Yes
Grey long-eared	<i>Plecotus austriacus</i>	Rare	No

All bat species are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species 2010. Together, this legislation makes it illegal to:

- Deliberately or intentionally capture, kill or injure a bat.
- Damage or destroy a bat roost; or intentionally or recklessly obstruct access to bat roosts.
- Deliberately, intentionally or recklessly disturb bats.

A bat roost is defined in the legislation as “any structure or place which a bat uses for shelter or protection”. Roosts are protected whether or not bats are present at the time.

8 Otter

Otters (*Lutra lutra*) are fully protected under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CROW) Act 2000 and the Conservation of Habitats and Species Regulations 2010 (as amended). Together, this legislation makes it illegal to:

- Deliberately capture, injure or kill an otter
- Damage or destroy any structure or place used for shelter or protection by an otter; or intentionally or recklessly obstruct access to such a place.
- Deliberately, intentionally or recklessly disturb an otter whilst it is occupying a structure or place which it uses for shelter or protection

Otter is listed as a Priority Species.

9 Water vole

Water vole are afforded full protection under the Wildlife and Countryside Act 1981 (as amended), which make it illegal to:

- Kill, injure or take a water vole.
- intentionally or recklessly destroy, damage or obstruct access to any structure or place that is used by a water vole for shelter or protection.
- intentionally or recklessly disturb a water vole whilst it is in a place used for shelter or protection.

Water vole is also a Priority Species.

10 Common/Hazel dormouse

The common dormouse is fully protected under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CROW) Act 2000 and the

Conservation of Habitats and Species Regulations 2010 (as amended). Together, this legislation makes it illegal to:

- Deliberately capture, injure or kill a dormouse.
- Damage or destroy any structure or place used for shelter or protection by a dormouse; or intentionally or recklessly obstruct access to such a place.
- Deliberately, intentionally or recklessly disturb a dormouse whilst it is occupying a structure or place which it uses for shelter or protection.

The dormouse is a Priority Species.

Appendix 3: National Planning Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) includes the Government's policy on the protection of biodiversity through the planning system. Local plan policies and planning decisions should seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Planning policies should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations (e.g. Habitats and Species of Principal Importance) linked to national and local targets.

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."*

The NPPF establishes the need to identify a hierarchy of international, national and local wildlife sites through planning policy. However, it does not specifically address policy in relation to the protection of European Sites (such as Special Areas of Conservation) as these are dealt with separately through the process of Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 (as amended).

Planning Practice Guidance associated with the NPPF provides guidance on the practical implementation of the NPPF. The majority of the guidance relating to Ecology and Nature Conservation is set out in 'Planning Practice Guidance relating to the Natural Environment: Biodiversity, Ecosystem and Green Infrastructure' (DCLG, 2014).

**Appendix 4: Local Planning Policy (East Devon Local Plan
2013 to 2031, Adopted – 28 January 2016)**

EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites

Development or land-use changes likely to have an adverse effect, either directly or indirectly on:

1. Local Nature Reserves.
2. County Wildlife Sites.
3. County Geological Sites.

either as identified on the Proposals Map in the Local Plan or otherwise existing in the plan area will only be permitted if the justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the site.

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

ENS - Wildlife Habitats and Features

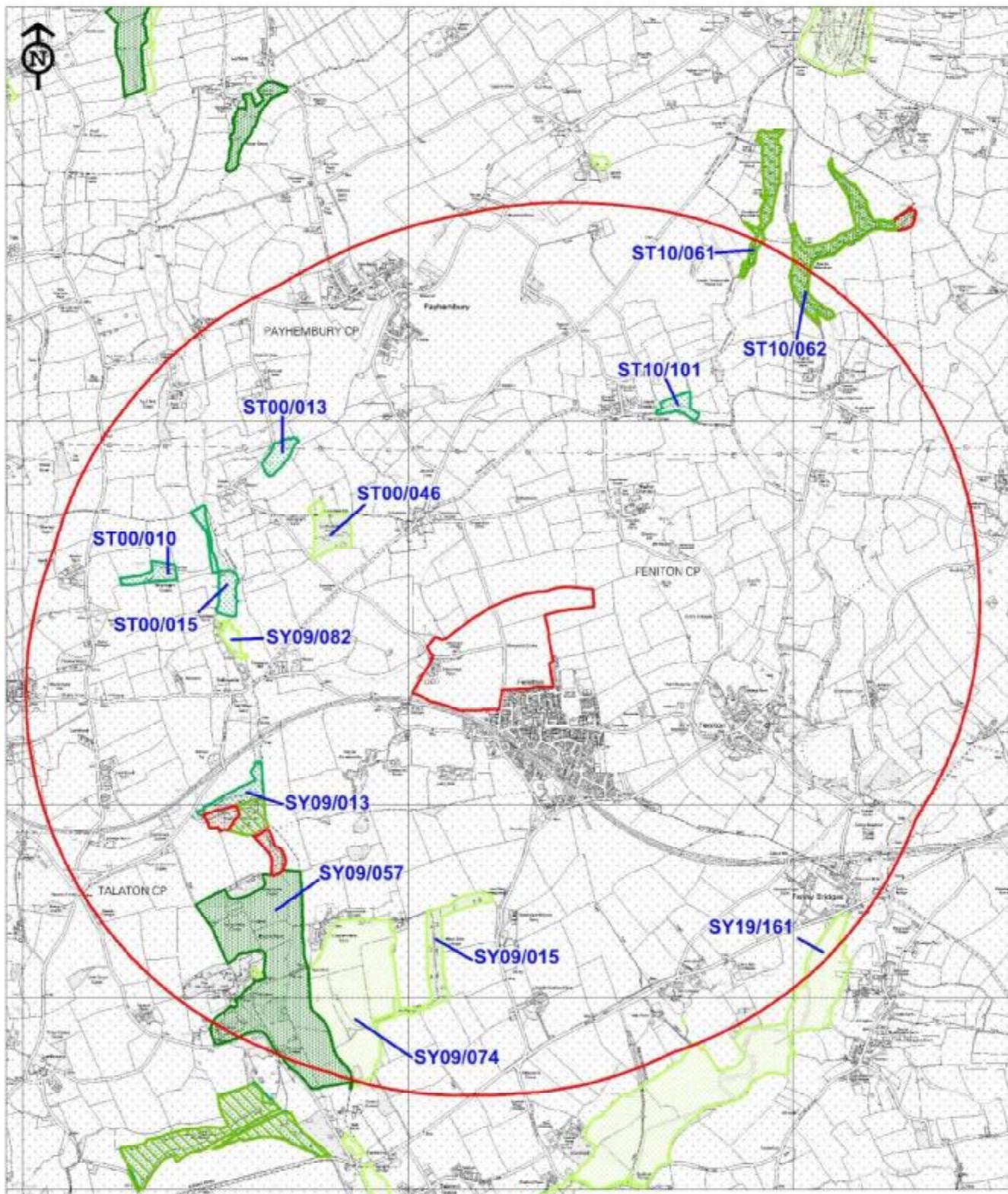
Wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

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

Appendix 5: Designated Sites plans

(Data from Devon Biodiversity Records Centre and Defra MAGIC website)

**Statutory and non-statutory sites within
2 km of SY0949599773 (4/8/2017) Enq no. 8476**

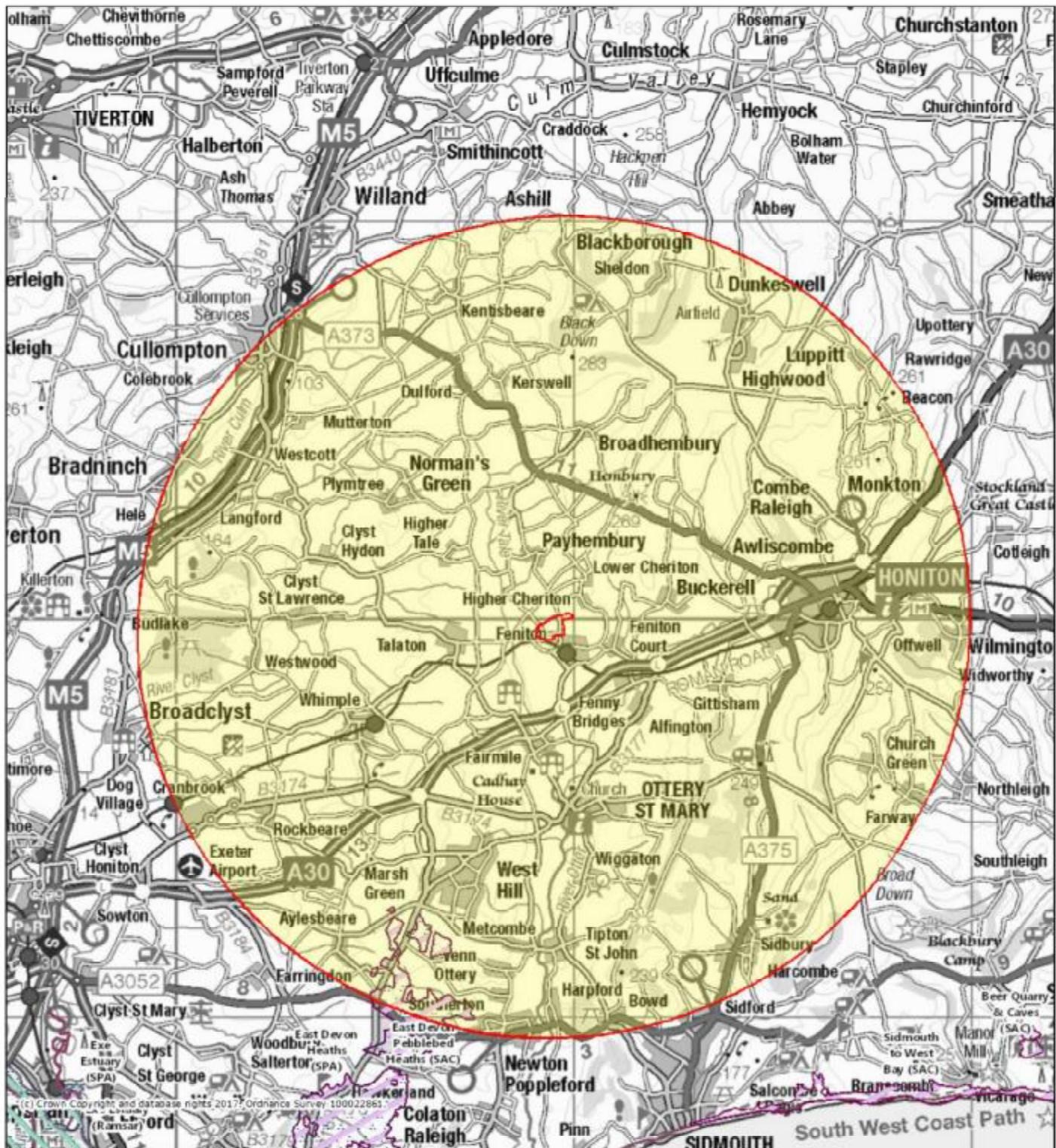


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	County Wildlife Site (CWS)
	Other Site of Wildlife Interest (OSWI)
	Unconfirmed Wildlife Site (UWS)
	Ancient Semi-natural Woodland (ASNW)
	Planted Ancient Woodland (PAWS)

**Legend**

- Ramsar Sites (England)
- Special Areas of Conservation (England)
- Special Protection Areas (England)

Projection = OSGB36

xmin = 284700

ymin = 89370

xmax = 333100

ymax = 112700

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Appendix 6: Plant species list

Scientific Name	Common Name
Trees and shrubs	
<i>Corylus avellana</i>	Hazel
<i>Crataegus monogyna</i>	Hawthorn
<i>Fagus sylvatica</i>	Beech
<i>Fraxinus excelsior</i>	Ash
<i>Ilex aquifolium</i>	Holly
<i>Lonicera periclymenum</i>	Honeysuckle
<i>Ligustrum</i> sp.	Privet species
<i>Prunus spinosa</i>	Blackthorn
<i>Quercus robur</i>	Pedunculate Oak
<i>Rosa</i> sp.	Rose
<i>Rubus fruticosus</i> agg.	Bramble
<i>Sambucus nigra</i>	Elder
<i>Acer campestre</i>	Field maple
<i>Ulmus minor</i>	Elm
Grasses and forbs	
<i>Arrhenatherum elatius</i>	False oat-grass
<i>Arum maculatum</i>	Lords-and-ladies
<i>Calystegia sepium</i>	Hedge bindweed
<i>Cirsium arvense</i>	Creeping thistle
<i>Cirsium vulgare</i>	Spear thistle
<i>Dactylis glomerata</i>	Cock's-foot
<i>Galium mollugo</i>	Hedge bedstraw
<i>Geranium robertianum</i>	Herb-Robert
<i>Glechoma hederacea</i>	Ground-ivy
<i>Heracleum sphondylium</i>	Hogweed
<i>Holcus lanatus</i>	Yorkshire fog
<i>Lolium perenne</i>	Perennial rye grass
<i>Matricaria matricarioides</i>	Pineappleweed
<i>Plantago lanceolata</i>	Ribwort plantain
<i>Rumex acetosa</i>	Common sorrel
<i>Rumex obtusifolius</i>	Broadleaved dock
<i>Silene dioica</i>	Red campion
<i>Taraxacum</i> sp.	Dandelion
<i>Trifolium repens</i>	White clover
<i>Tripleurospermum inodorum</i>	Scentless mayweed
<i>Urtica dioica</i>	Common nettle
<i>Vicia cracca</i>	Tufted vetch



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