

Land South East of Axminster (EDC Ref. Axmi_11) Landscape, Ecology and Heritage Technical Note edp5456_r002a

1. Introduction

- 1.1 This Technical Note has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of Barwood Land Ltd. It provides landscape, ecology and heritage evidence to support the allocation of Land South East of Axminster (East Devon Council reference Axmi_11) for residential development in the emerging East Devon Local Plan.
- 1.2 The extent of land to which this Technical Note refers (hereafter referred to as the 'Site') is illustrated on **Figure EDP 1**. With reference to the Regulation 18 Consultation Draft Local Plan¹, the Site includes:
- Axmi_11a, which covers the northern third of the Site and is proposed as a 'Second choice' allocation for 100 dwellings and 0.4 hectares (ha) of employment land; and
 - Axmi_11b, which covers the southern two thirds of the Site and is currently rejected for allocation based upon perceived landscape and heritage impacts.
- 1.3 The Council's decision to include Axmi_11a as a second choice site, and to reject Axmi_11b, is documented in its Site Selection Report (September 2022)². Appendix 2 of this report includes a more detailed assessment, however the Summary Commentary for of Axmi_11 reads as follows:
- "Axmi_11 is well related to an excellent range of services and facilities within Axminster. However, it forms part of the attractive landscape to the east of Axminster and parts of the site are quite steeply sloped. It is not clear that satisfactory highway access could be achieved for the level of development that could be accommodated on the whole site. The southern part of the site is on the other side of a lane from a Scheduled Ancient Monument. There may be significant archaeological remains within the site. The site borders a tributary to the River Axe and development has the potential to affect an internationally recognised site of conservation importance."*
- 1.4 A key part of the evidence base used in the Site assessment is the Sustainability Appraisal report, which accompanies the Consultation Draft Local Plan³. A summary of the pertinent conclusions of the Sustainability Appraisal (SA) report for Axmi_11 is set out in **Table EDP 1.1**.

¹ East Devon Local Plan 2020 to 2040. Preferred Options Reg. 18 Consultation Draft Plan. Current draft - autumn 2022

² Report to Strategic Planning Committee. Site Selection for the emerging East Devon Local Plan 2020 to 2040 - interim findings at Tier One and Tier Two settlements. 06 September 2022.

³ East Devon Local Plan 2020-2040 - Preferred Options consultation draft Sustainability Appraisal report, November 2022



Table EDP 1.1: Summary of Pertinent Conclusions of SA for Axmi_11

Sustainability Objective	Scoring	Significance Criteria
1. Biodiversity	- -	Development at the Site has the potential for negative effects on an internationally or nationally designated biodiversity site. Mitigation likely to be difficult.
2. Landscape	- -	Site has medium to high or high sensitivity in landscape/seascape terms and/or is within an AONB. Mitigation likely to be difficult.
3. Historic and Built Environment	- -	Potential for a major negative effect on a designated heritage asset or an important non-designated heritage asset and/or their setting. Mitigation likely to be difficult. High quality design and accessibility is unlikely.

1.5 The remainder of this Note presents further evidence in respect of landscape, ecology/biodiversity and heritage to challenge the Council's current position regarding the suitability of the Site for development.

The Site

1.6 The Site lies at the south-eastern edge of Axminster in the East Devon District. The Site area, as illustrated at **Figure EDP 1** below, is evidently on greenfield land beyond the built limits of Axminster. It should be noted, however, that it does not extend beyond existing built form to the, north, south and east.



Figure EDP 1: Site Location and Context

- 1.7 The Site is currently agricultural land/pasture. Where historic field parcels remain, they are divided by well-established hedgerows and hedgerow trees. The mature, densely vegetated field boundaries at the periphery, in combination with a gently rolling topography (**Figure EDP 2**), act to contain the Site and reduce intervisibility with the wider landscape.

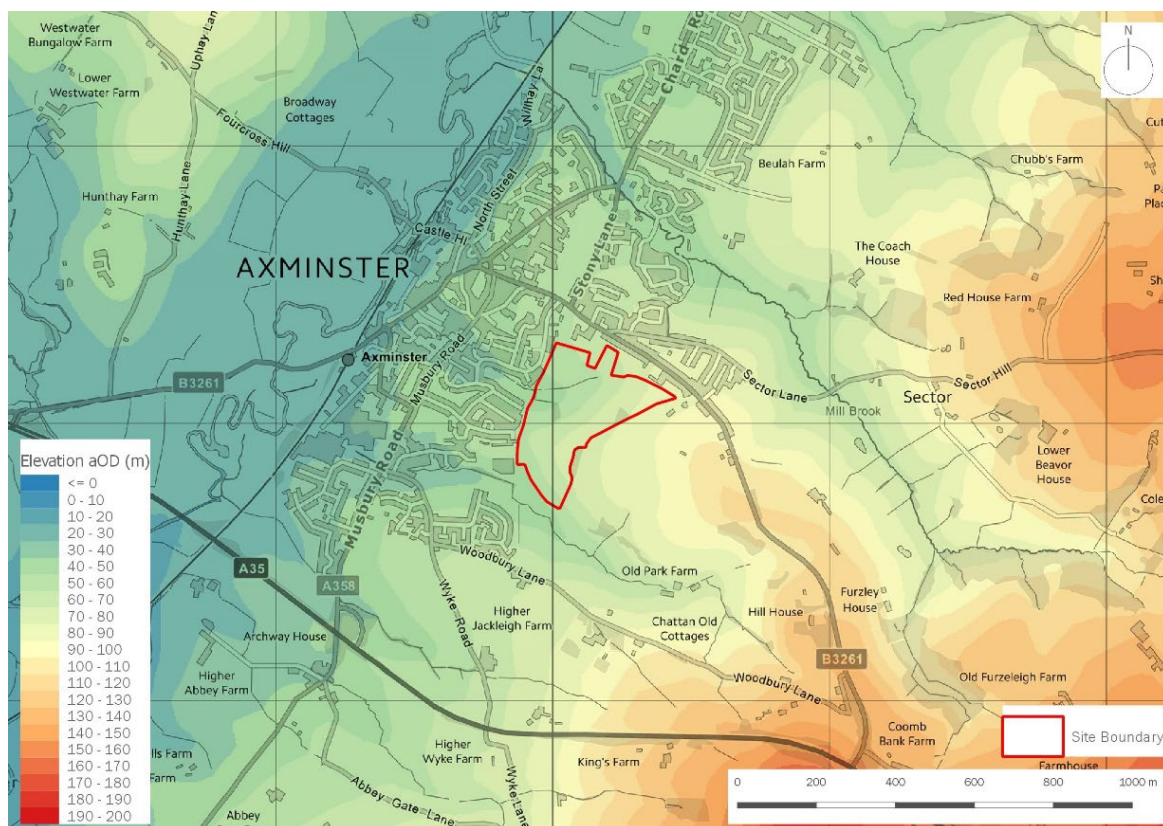


Figure EDP 2: Topographic Context

2. Landscape Matters

Review of Evidence

- 2.1 As noted above, a key part of the evidence base used in the Site assessment is the Sustainability Appraisal report which accompanies the Consultation Draft Local Plan. A summary of the pertinent conclusions of the Sustainability Appraisal (SA) report for Axmi_11 is set out in **Table EDP 1.1**.
- 2.2 In terms of Axmi_11, it judges the Site to have medium to high or high sensitivity in landscape/seascape terms and/or is within the AONB. Mitigation is stated as likely to be difficult, with no additional commentary provided.
- 2.3 On this basis, the Council's SA gives the Site a double negative score. According to the methodology employed in the SA, a double negative score indicates the:

"Site has medium to high or high sensitivity in landscape/seascape terms and/or is within an AONB. Mitigation likely to be difficult."

- 2.4 In relation to landscape matters, the Housing and Economic Land Availability Assessment (HELAA)⁴ considers the Site in landscape terms as follows:

“Very attractive countryside providing landscape setting for town, particularly to the northern part of site. This area also has good intervisibility with hills in AONB to west of the town. Southern part of site comprises steeply sloping attractive fields intersected by tree lined stream form a very attractive enclosed landscape, although outside of the AONB.”

- 2.5 It should be noted however, that the HELAA identifies that development of the Site **would not** have an unacceptable impact on landscape as result of either residential or commercial development. The HELAA includes an assessment of Axmi_04, which overlaps with the southern part of Axmi_11, but outside of the current Site boundary, which in landscape terms is considered as follows:

“Steeply sloping attractive fields intersected by tree lined streams form a very attractive enclosed landscape, although outside of the AONB. Steepness of slope reduces potential yield.”

- 2.6 Again, these do not present an ‘in principle’ constraint to development of the Site, as the HELAA identifies that development of the Site **would not** have an unacceptable impact on landscape as result of either residential or commercial development, merely that any development would need to respond to the Site’s context.

- 2.7 Further assessment in landscape terms of Axmi_11 is provided in the Council's Site Selection Report, which states that:

“...attractive landscape to the east of Axminster and parts of the site are quite steeply sloped.”

- 2.8 It should be noted that the Site is consistent in topographic context to the existing settlement of Axminster, and that the Site is not within, nor is immediately adjacent (immediate setting) to the AONB. Merely being ‘attractive’, sets a very low bar for a double negative score.

- 2.9 Appendix 2 of the Site Selection Report should provide consideration of the potential landscape impact of the whole of the proposed Axmi_11 site. However, in relation to Axmi_11 it states that:

“Landscape sensitivity - summary of findings: Not yet assessed.”

- 2.10 As such, it would appear that the whole of the Axmi_11b site has been discounted on landscape grounds, for which there is no evidence of any assessment of the impact, but it has apparently been discarded based on a perceived potential for impacts as a result of being merely ‘attractive’, rather than any more substantive and Site-specific assessment.

⁴ East Devon. 2022 Housing and Economic Land Availability Assessment (HELAA). November 2022.

2.11 On this basis, it should also be noted that the Council's preferred option, Axmi_02 and Axmi_08, as well as the Second Choice Axmi_09, are each located adjacent to the AONB, to the south and south-east; far closer than Axmi_11. Furthermore, all such sites are considered by the authority to be 'attractive'. This does not constitute an objective assessment of landscape sensitivity or capacity.

"Site forms part of attractive countryside south of the town, but is outside of the AONB"; or

"Attractive site helping to form landscape setting for Axminster, but outside of the AONB."

2.12 Similarly to Axmi_11, both Axmi_02 and 08 have the potential to receive a double negative score in the Council's SA, with an acknowledgement for potential "major negative" effects.

2.13 As such, it is not clear why the Site has been discounted on landscape grounds since the Council's preferred options have a similar, or limited commentary in this regard within the evidence base. Furthermore, some of the Council's preferred and Second Choice allocations include proposed housing sites within AONBs around Sidmouth and Honiton, and an employment site within the AONB on the southern edge of Axminster.

Site Appraisal

2.14 In light of the above, EDP has undertaken a high-level review of the Site in relation to its landscape and visual context. This is based on a desktop review and a Site visit. This identifies that the landscape and visual considerations do not warrant 'high' sensitivity, nor is the exclusion of Axmi_11 on landscape grounds justified.

2.15 Consideration of the spatial relationship between the parcels and the existing settlement will be important for any development around the settlement of Axminster, as will the landscape role in the setting of the AONB on the contribution it makes to the settlement itself. The northern and western parcels have the benefit of lying directly adjacent to the existing settlement edge, furthermore, development extends beyond the Site to the north, south and east. As a result, development of the Site would not be considered to constitute an abrupt protrusion into the countryside, nor would it form a 'new' southern settlement edge; much of the Site is well contained. The south-eastern boundary is currently 'open', comprising hedgerows and hedgerow trees that abut the wider undeveloped landscape; as such, in development terms, it will be important that the land use and proposals within these parcels responds accordingly.

2.16 As discussed above, and illustrated by **Figure EDP 2**, the Site's topography rises from the north-west to the south-east. In combination with existing vegetation, development would be relatively contained visually by incorporating adequate green space, specifically along the south-eastern and north-eastern boundary.

2.17 Spatially, the Site links well to the existing public right of way network, and the existing settlement. Three public rights of way (PRoW) cross the Site from the north to south and east

to west (**Figure EDP 3**) and this offers an excellent connection into the existing settlement and to the wider landscape. As noted above, much of the Site has no intervisibility with the AONB (unlike a number of the proposed allocations – which have adjacency). Where intervisibility is available, it is distant and any views of the Site from elevated positions within such landscapes will be perceived alongside the built form of Axminster.

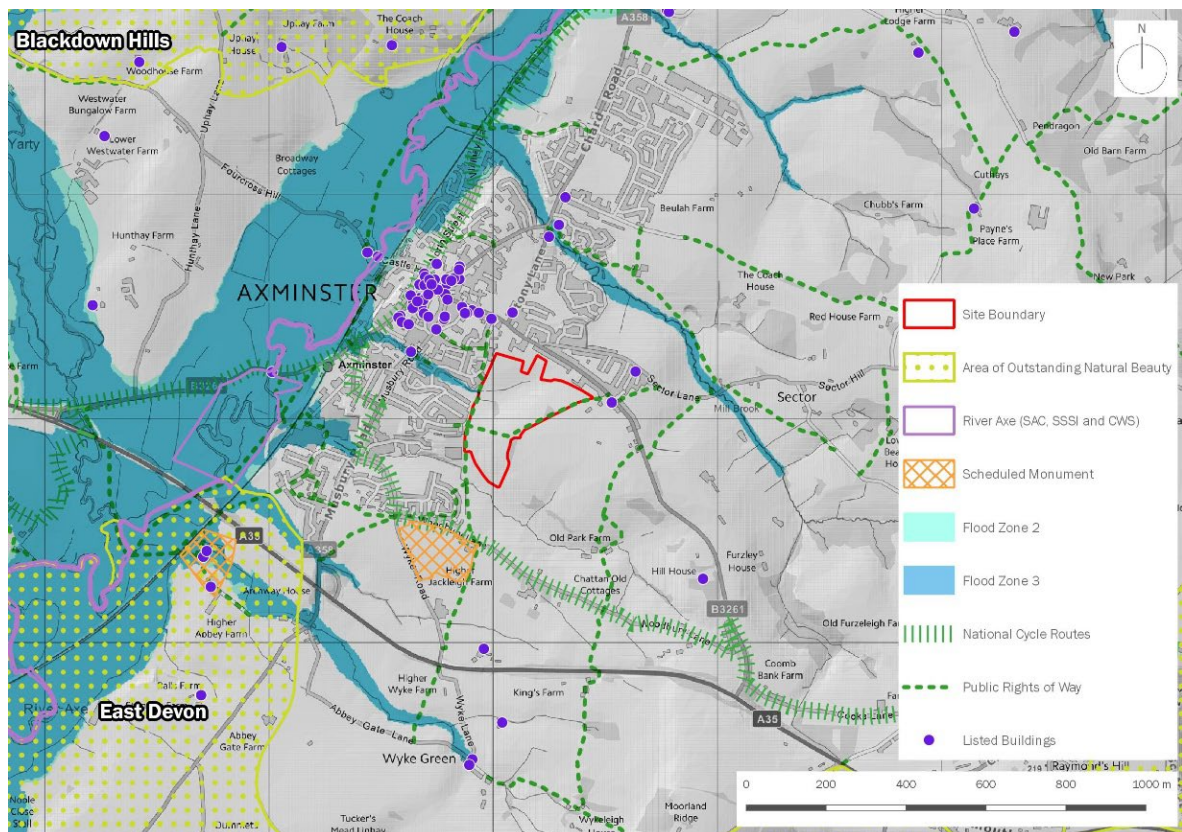


Figure EDP 3: Environmental Planning Context.

2.18 In relation to landscape matters, **Figure EDP 4** illustrates the Site’s development considerations and therefore capacity (and its inter-relationship with sensitivity), which can be summarised as follows:

- Due to its location and context, can be sensitive to the existing road patterns and settlement form;
- Development wouldn’t be an uncharacteristic protrusion, extending the visual envelope of the settlement, nor would it result in ribbon development;
- The Site is not identified (unlike preferred sites) to make a contribution to the setting of Axminster. Considered development would not detract from any distinctive entrances to the settlement approach;

- The prevailing settlement edge demonstrates how development has responded historically to the same topographical context;
- Considered development would ensure a ‘soft’ settlement edge which can be readily integrated with additional new landscape mitigation to enhance landscape character, habitat links and biodiversity; and
- Considered development would respond to the role of the Site in medium to long distance views and highlight views into, and across Axminster, from areas of attractive open space.



Figure EDP 4: Landscape Considerations

Landscape Conclusions

- 2.19 Given the Site-specific commentary above, there is no reason to believe that landscape matters would result in any unacceptable or major negative impacts, which could not be mitigated through sensitive masterplanning.
- 2.20 The Site is not subject to any national or local landscape designation; due to its spatial relationship it performs a lesser role in the context of AONB setting than a number of the proposed allocations. There is no reason, nor any objective assessment within the evidence base, to preclude the Site’s allocation for residential development.

- 2.21 In that respect, it may be the case that the ‘potential’ impacts of development on landscape character and visual amenity may bear upon the Site’s capacity (as illustrated by **Figure EDP 4**), but there is no reason to believe or expect that they would preclude or restrict its deliverability in line with the relevant national and local planning policy framework.
- 2.22 Accordingly, it is assessed that Axmi_11b’s exclusion from the Local Plan as a draft residential allocation is considered to be pre-emptive and unjustified, on the basis that there is not currently any evidence to demonstrate that impacts on landscape matters arising from its development could not be avoided or minimised through the application of detailed design measures, the principles of which are discussed above and illustrated on **Figure EDP 4**, to an acceptable residual level of effect.
- 2.23 Further, it is also unclear as to why Axmi_11b has been discarded on landscape grounds considering the similar ‘score’ and ‘evidence’ for the council’s own assessment of other preferred options in the Draft Local Plan.

3. Heritage and Archaeology Matters

Review of Evidence

- 3.1 As noted above, a key part of the evidence base used in the Site assessment is the Sustainability Appraisal report which accompanies the Consultation Draft Local Plan. A summary of the pertinent conclusions of the Sustainability Appraisal (SA) report for Axmi_11 is set out in **Table EDP 1.1**.
- 3.2 In terms of Axmi_11, it notes the proximity of the Scheduled Monument of Woodbury Farm Roman Fort and Romano-British Settlement and the Grade II listed Loup House. It identifies that there is the Potential for a major negative effect on a designated heritage asset or an important non-designated heritage asset and/or their setting, stating: *“Mitigation likely to be difficult. High quality design and accessibility is unlikely.”*
- 3.3 On this basis, the Council’s SA gives the Site a double negative score. According to the methodology employed in the SA, a double negative score indicates the:
- “Potential for a major negative effect on a designated heritage asset or an important non-designated heritage asset and/or their setting. Mitigation likely to be difficult. High quality design and accessibility is unlikely.”*
- 3.4 In terms of the evidence base, the SA notes that this commentary is based on the HELAA site assessment; the proximity to designated heritage assets and comments on impact; and with reference to the Devon Historic Environment Record and East Devon local list of heritage assets.

- 3.5 It should be noted however, that the HELAA only identifies the proximity of sites to heritage assets and for Axmi_11 does not mention the scheduled monument at all, but rather the only heritage comment relates to views to the church tower from higher ground within the Site. The HELAA includes an assessment of Axmi_04, which overlaps with the southern part of Axmi_11, but outside of the current site boundary, identifying that the Site is adjacent to the scheduled monument, so it would appear that the element of the Axmi_11 allocation deemed to affect the scheduled monument is actually the area outside the Site.
- 3.6 Further assessment of Axmi_11, in heritage terms, is provided in the Council's Site Selection Report, which states that:
- "The southern part of the site is on the other side of a lane from a Scheduled Ancient Monument. There may be significant archaeological remains within the site."*
- 3.7 It should be noted that this specifically relates to the southern part of the Axmi_11 site, which lies outside the boundary of the area currently under consideration of this note. Indeed, the identification of the 'southern part of the site' suggests that the double negative score relates only to the parcel of land adjacent to the monument, rather than the remainder of the Axmi_11 site as a whole.
- 3.8 Appendix 2 of the Site Selection Report again provides more detailed consideration of the potential heritage impact of the whole of the proposed Axmi_11 site. It notes that:
- "Axmi_11 is on the opposite side of a lane from a Roman fort and later Romano-British settlement, which is a Scheduled Ancient Monument. It is also around 75 metres from Loup House, Lyme Road to the east of the north eastern part of the site. Loup House is a Grade II Listed Building. The Historic Environment Record shows that a large number of Pre-historic artifacts were found when excavating for a pipeline running through the southern part of the site. The western boundary of the site is within the area that formed an anti-tank island in WWII and an associated anti-tank ditch that formed part of the Axminster to Taunton Stop Line. A Medieval holloway, a findspot for Roman coins and historic chalk pits are also shown on the Historic Environment Record."*
- 3.9 Again, it should be noted that this reference to the scheduled monument being located on the opposite side of the road appears to relate to the southern part of the proposed Axmi_11 site and not the area under consideration in this note, which instead is some 280m distant from the scheduled monument.
- 3.10 As such, it would appear that the whole of the Axmi_11b site has been discounted on heritage grounds, in particular on the southern part of the land area (in some places referred to as Axmi_04), which does not form part of the Site proposed in this note. Further, there is no evidence of any assessment of the impact but it has apparently been discarded on the basis of a perceived potential for impacts as a result of mere proximity of the Site to heritage assets, rather than any more substantive and Site-specific assessment.

- 3.11 On this basis, it should also be noted that the Council's preferred option Axmi_02 and Axmi_08, as well as the Second Choice Axmi_09, are each located directly adjacent to the scheduled monument, to its south and south-west, closer than that proposed in this note.
- 3.12 Similarly to Axmi_11, both Axmi_02 and 08 accrue a double negative score in the Council's SA, with the Interim Findings Assessment identifying that they are located next to a Scheduled Ancient Monument (SAM) and also with potential for significant archaeological interest associated with a Roman fort and Romano British settlement protected by the SAM, including a Roman Road between Axminster and Honiton. This is a similar commentary to the one provided for the Axmi_11 site.
- 3.13 As such, it is not clear why the Site has been discounted on heritage grounds, in view of the fact that the Council's preferred options have a similar commentary in this regard within its own evidence base.

Site Appraisal

- 3.14 In light of the above, EDP has undertaken a high-level review of the Site in relation to its heritage context. This is based on a desktop review of the historic environment record and a site visit. This identifies that the Site does not contain any designated heritage assets and so any potential effects in that regard would therefore not be 'direct' and would instead arise from development within their setting potentially causing harm to their significance.
- 3.15 The nearest designated heritage asset to the Site comprises a Grade II listed building, Loup House on the Lyme Road to the north, some 75m to the east of the Site boundary. There is no ready visibility of the listed building from within the Site and hence it is considered unlikely to represent a significant constraint to its deliverability and/or capacity for development.
- 3.16 To the west, the nearest listed building is the Grade II listed The Laurel and Tanners Cottage which is located within the Axminster Conservation Area, the eastern boundary of which is c.100m to the west of the Site boundary. These two designated heritage assets are separated from the Site by existing built form and it is deemed to be unlikely that the land within its boundary makes a contribution to their significance.
- 3.17 The church within Axminster is visible from the upper parts of the Site. However, this should not restrict or compromise its deliverability overall and potentially harmful effects could be considered through sensitive masterplanning.
- 3.18 As noted above, to the south of the Site is a scheduled monument known as Woodbury Farm Roman Fort and Romano-British settlement. Whilst it is situated 280m to the south of the Site, its elevated position means that there are views northwards from it into the southern part of the Site, whereby the southern flank of the valley faces the north-eastern boundary of the scheduled monument.

- 3.19 Notwithstanding this, it should be noted that modern housing development already forms a part of the wider setting of the monument and that the area of the scheduled monument from where views are obtained is occupied by a later farm complex; i.e. views from this location are assessed as being less sensitive to change because of the later features that occupy this portion of this designated heritage asset. In contrast the monument does, however, have extensive views along the Axe Valley from its south-western boundary across the Axmi_02 and Axmi_08 preferred option.
- 3.20 Given this, any impacts arising through change within its setting (through development of the Site) would be limited and, with good masterplanning and placement of open space, should not constrain the deliverability of the Site.

Heritage Conclusions

- 3.21 Given the Site-specific commentary above, there is no reason to believe that the settings of these assets would be a significant constraint to the development of the Site and that any harmful impacts which could not be mitigated through sensitive masterplanning would constitute no more than 'less than substantial harm' in terms of *the National Planning Policy Framework* (NPPF). This assessment is made on the basis of this being a 'worst case' scenario, which may even be reduced on a full assessment of the assets' significance and relationship to the Site. Further, this is even without considering any potential mitigation, which could be put in place to minimize harm, as per Step 4 of the Historic England guidance set out in GPA 3 (2017).
- 3.22 Notwithstanding this, it is also worth considering what the NPPF says when it comes to decision making in cases where there would be heritage harm. Paragraph 199 directs the decision maker to place 'great weight' on the asset's conservation within the planning balance. Furthermore, in cases of 'less than substantial harm', Paragraph 202 states that this harm should be weighed against the public benefits of the proposal. Here it should be noted that public benefits can include heritage benefits, including securing the optimum viable use, sustaining or enhancing the significance of a heritage asset or reducing or removing risks to a heritage asset. Paragraph 202 also allows for 'non heritage' benefits to be taken into account, as described in the PPG (paragraph 020) as being:

"..anything that delivers economic, social or environmental objectives."

- 3.23 In other words, the potential finding of 'less than substantial harm' does not preclude the Site's allocation for residential development because it could well be the case that, when they are properly understood and quantified, the public benefits which would arise from bringing forward and delivering the proposed development could outweigh that harm.
- 3.24 In that respect, it may be the case that the 'potential' impacts of development on off-site designated heritage assets will need to be considered carefully as part of the masterplanning of the Site, but there is no reason to believe or expect that they would preclude or restrict its deliverability in line with the relevant national and local planning policy framework.



- 3.25 Accordingly, it is assessed that Axmi_11b's exclusion from the Local Plan as a draft residential allocation is considered to be pre-emptive and unjustified, on the basis that there is not currently any evidence to demonstrate that impacts on off-site heritage assets arising from its development could not be avoided or minimised through the application of detailed design measures, or that the public benefits brought forward by the Site's allocation and then development would not counter-balance, or in fact outweigh, the 'less than substantial harm' which might be generated.
- 3.26 Further, it is also unclear as to why Axmi_11b has been discarded on heritage grounds considering the similar heritage 'score' for the council's own evidence of other preferred options in the Draft Local Plan.

4. Ecology and Biodiversity Matters

4.1 The principal matters regarding ecology and biodiversity are as follows:

- Potential impacts upon the River Axe Special Area of Conservation (SAC);
- Potential impacts on the Devon Nature Recovery Network; and
- Biodiversity Net Gain requirements of Draft Local Plan Policies.

4.2 These matters are discussed in turn below.

River Axe SAC

- 4.3 The water quality in the River Axe SAC has been assessed as being in 'unfavourable/declining condition' by Natural England, due to excess phosphates. Treated sewage is one source of phosphate and therefore, any development which could result in increased volume of sewage entering the river is currently required to demonstrate nutrient neutrality, as part of a Habitats Regulations Assessment. This is also a requirement of Policy 86 within the Draft Local Plan.
- 4.4 The Site is over 600m east of the River Axe SAC but lies within the surface water catchment of the river and would therefore be required to achieve nutrient neutrality. This is noted within the Local Plan SA, and within the Site Selection report (Appendix 2), as counting against the Site in terms of its suitability for development. However, this is not a reasonable conclusion to reach for the following reasons:
- As clearly stated in the SA, the majority of potential development sites within Axminster are adjacent to either the River Axe or tributaries that flow into it, thus, this is not a constraint that is in any way unique to the Site; and

- According to Natural England (NE), nutrient neutrality requirements are currently constraining housing development in 74 of the 333 Local Authorities in England. The UK Government has recognised that this needs addressing urgently and, in July 2022, it set out plans⁵ to address this through: a) placing a new legal duty on water companies to upgrade wastewater treatment works in affected areas; and b) launching a new Defra-funded Nutrient Mitigation Scheme to be run by Natural England (NE), to invest in habitat creation projects such as new and expanded wetlands and woodlands, which take up nutrients out of surface water, for which nutrient credits can be purchased by developers.

4.5 Further details of the national Nutrient Mitigation Scheme were published by NE in November 2022⁶. This confirmed that the scheme will be open to all developers, with credits offered in batches for which developers can apply. NE will formally launch the scheme by inviting applications for credits from developers before the end of March 2023.

4.6 Taking the Site out of its current agricultural use for development purposes would result in a reduction in phosphate in surface water run-off, and this would go some way toward off-setting the increase in phosphate entering the River Axe via wastewater treatment works associated with new residential development. Any remaining phosphate load could then be off-set, and nutrient neutrality achieved, though an off-site mitigation scheme such as the national Nutrient Mitigation Scheme described above.

4.7 Thus, it can be predicted with a high degree of confidence that a development within the Site could come forward in the near future, with an associated mitigation package which would ensure nutrient neutrality and avoid any impact upon River Axe SAC.

Nature Recovery Network

4.8 The *Environment Act* (2021) requires LPAs to produce a Local Nature Recovery Strategy (LNRS). This should set out the priorities and actions required to achieve the Nature Recovery Network and also include a map showing existing habitats and highlight opportunities and priorities. Work has begun to produce a Devon NRN Map⁷. This includes existing areas of wildlife rich habitats (Core Nature Areas and Nature Areas), habitat suitability (a map showing which habitats would occur naturally across our landscapes due to soils, geology and landscape) and priority areas for action (Strategic Nature Areas).

4.9 Within Appendix 2 of the Site Selection report, Axmi_11 is described as being “*adjacent to a Nature Recovery Network area*” with “*a significant moderate adverse effect*” predicted. The Local Plan SA also notes that Axmi_11 is adjacent to a grassland nature area, which is assumed is also referring to areas mapped within Devon’s Nature Recovery Network.

⁵ <https://www.gov.uk/government/news/government-sets-out-plan-to-reduce-water-pollution>

⁶ <https://naturalengland.blog.gov.uk/2022/11/25/new-scheme-to-protect-our-waterways-from-pollution-and-enable-home-building-set-to-launch/>

⁷ <https://www.devonlnp.org.uk/our-work/nature-recovery-network/>



4.10 These are put forward as evidence for the Site being ecologically constrained/less suitable for development. However, interrogation of the Devon Nature Recovery Network Map (publicly available via the Devon County Council Environment Viewer⁸) reveals that the Site is not at all constrained by components of the Nature Recovery Network. The nearest areas of mapped habitat, or concentrations of mapped habitat, are described below and shown on **Figure EDP 5**.

- Nearest Strategic Nature Recovery Area⁹ – 1.3km to the south of the Site (labelled A on **Figure EDP 5**);
- Nearest conglomeration of Core Nature Areas¹⁰ (the River Axe floodplain corridor) – c.670m to the west of the Site and separated by built development (labelled B); and
- Two small disparate areas mapped as Core Nature Areas (one grassland – labelled C, one woodland – labelled D), both c.500m to the south-east of the Site.

⁸ <https://www.devon.gov.uk/environment/environmental-maps>.

⁹ Strategic Nature Recovery Areas are areas of countryside with higher than average concentrations of Core Nature Areas and where landscape-scale restoration of habitats will contribute significantly to nature recovery across Devon.

¹⁰ Core Nature Areas include Priority Habitats (excluding hedges and arable margins) and statutory and non-statutory designated sites such as Special Areas of Conservation, Special Protection Areas, Sites of Special Scientific Interest, National Nature Reserves and Ancient semi-natural woodlands. Habitats are grouped together and mapped as Broad Habitats (grasslands, woodlands, wetlands etc).

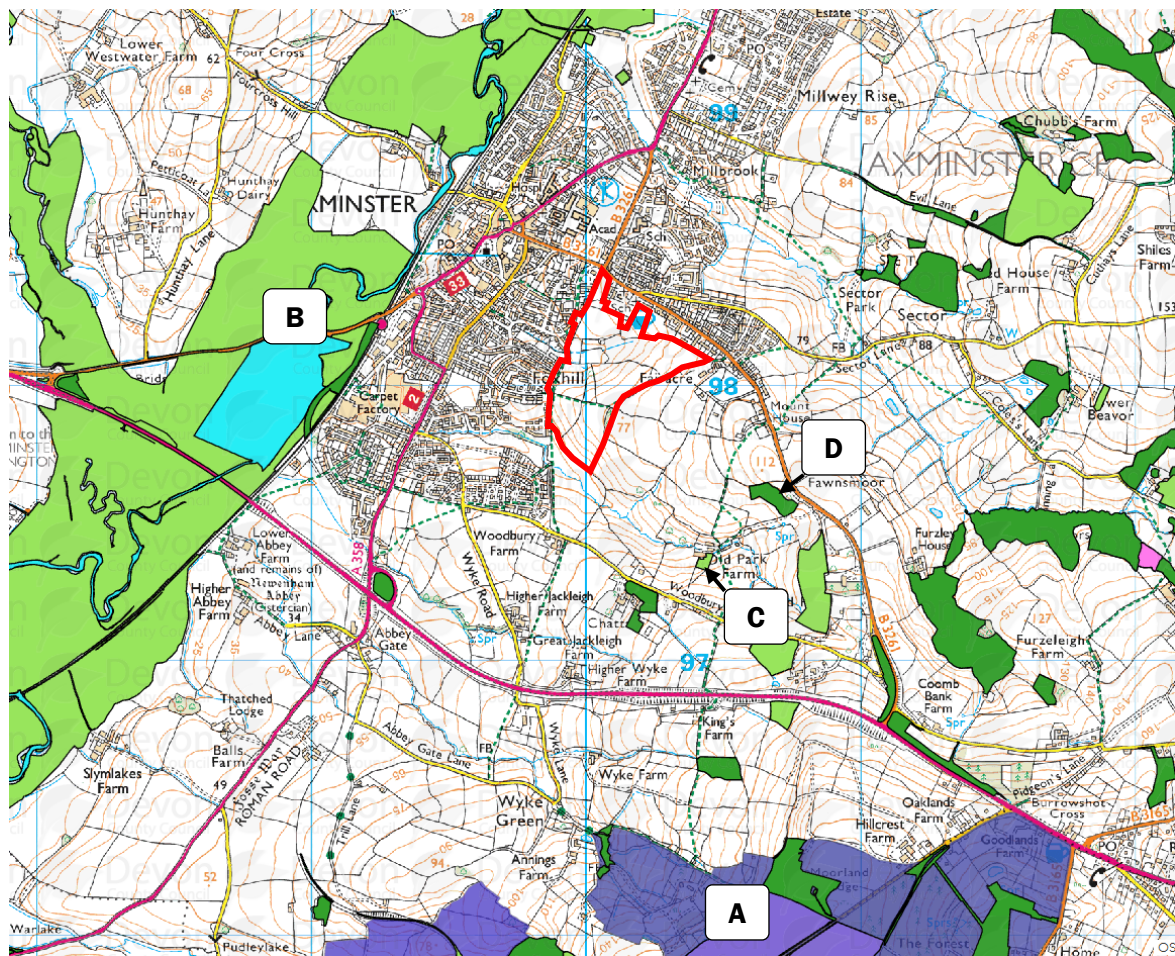


Figure EDP 5: Nature Recovery Network areas nearest to the Site.

4.11 Based on the above, it is clear that a development within the Site would be capable of avoiding impacts on the nearby elements of the Nature Recovery Network. Furthermore, through sensitive design, development within the Site would be capable of contributing to the local habitat network.

Biodiversity Net Gain

4.12 Policies 84 and 87 within the Draft Local Plan both require development proposals to result in a Biodiversity Net Gain (BNG) of at least 20%, albeit Policy 84 applies this requirement in the context of habitat loss/degradation within statutory and non-statutory wildlife sites or Priority Habitats and this policy is therefore very unlikely to be relevant to the Site.

4.13 The requirement to achieve at least 20% BNG is onerous and exceeds the 10% BNG which is expected to become mandatory in late 2023 under secondary legislation accompanying the *Environment Act (2021)*. The Council's rationale for the 20% BNG requirement is that the majority of costs to the developer are borne in reaching 10% BNG and therefore requiring a further 10% is not as costly on a per unit basis. This logic is highly questionable and will likely affect site viability and result in the inefficient use of developable land across the District.



4.14 Notwithstanding the above, mindful of the low value of the existing habitats which make up the majority of the Site, together with the significant opportunities that exist for habitat creation/enhancement as part of a landscape-led sensitive masterplan, it is likely that a development within the Site could achieve significant BNG without the need for off-site enhancement.

5. Conclusions

5.1 This Note presents further evidence in respect of landscape, ecology/biodiversity and heritage to challenge the Council's current position regarding the suitability of the Site for development.

5.2 Given the Site-specific commentary above, there is no reason to believe that landscape, heritage or ecological matters would result in any unacceptable or major negative impacts which could not be mitigated through sensitive masterplanning.

5.3 The Site is undesignated and is more distant than the proposed allocations to nationally designated landscape and heritage assets.

5.4 There is no reason, nor any objective assessment within the evidence base, to preclude the Site's allocation for residential development. In that respect, it may be the case that the 'potential' impacts of development may bear upon the Site's capacity, but there is no reason to believe or expect that they would preclude or restrict its deliverability in line with the relevant national and local planning policy framework.

5.5 Accordingly, it is assessed that Axmi_11b's exclusion from the Local Plan as a draft residential allocation is considered to be pre-emptive and unjustified, on the basis that there is not currently any evidence to demonstrate that impacts arising from its development could not be avoided or minimised through the application of detailed design measures, the principles of which are discussed above and illustrated on **Figure EDP 4**, to an acceptable residual level of effect.

5.6 Further, it is also unclear as to why Axmi_11b has been discarded on landscape or heritage grounds considering the similar 'score' and 'evidence' for the council's own assessment of other preferred options in the Draft Local Plan.