

27 June 2016

Our ref: 185321

Your ref: 16/0669/MOUT



James Brown
Planning Department
East Devon District Council
Knowle
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EX10 8HL

EAST DEVON DISTRICT COUNCIL ECONOMY			
27 JUN 2016			
ACK	CIRC	SEEN	FILE

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BY EMAIL ONLY

Dear James

Planning consultation: Outline application accompanied by an Environmental Statement (with all matters reserved except access) for the development of up to 22,800sqm of floor space for use classes B1 (Office Light Industry), B2 (General Industry) and B8 (Storage and Distribution) with details of, and associated strategic landscaping for, the access, linking cycleway and footway, and flood improvements/attenuation.

Location: Land Adjacent To Two Bridges, Two Bridges Road, Sidford

Thank you for your consultation on the above dated 10 May 2016 which was received by Natural England on the same day.

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

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 Protected Landscapes - Objection

This proposal is for a site within a nationally designated landscape, namely East Devon AONB. Natural England advises that your Authority use national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should therefore assess whether the proposed development would have a significant impact on or harm that statutory purpose¹.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Given that the allocation of the site in your Local Plan has effectively deemed this allocation to meet the necessary

¹ Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

“exceptional circumstances,” the requirement to consider “any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.” becomes the key national policy requirement **which must be met before permission can be granted.**

Alongside national policy you should also apply the landscape policies set out in your development plan, particularly Strategy 46.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB’s statutory management plan, will be a valuable contribution to the planning decision. Local Landscape Character Assessments should also be used as a guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development. The site is located in:

- **National Character Area 147 ‘Blackdowns’**
- **Devon County Landscape Area ‘East Devon Central Ridge’**
- **East Devon and Blackdown Hills Landscape Character Type 4A ‘Unsettled farmed valley floors’**

Relevant ‘Statements of Environmental Opportunity’ for NCA 147:

SEO 2: Protect and manage the tranquil, enclosed valleys and the network of streams, springs and associated semi-natural habitats set within a farmed landscape, for the maintenance and enhancement of livelihoods, public enjoyment and ecosystem services.

SEO 4: Protect the relatively unsettled, rural character of this nationally important landscape, maintaining open skylines and historic settlement form. Reflect the local vernacular and geodiversity in new development and encourage provision of high-quality green infrastructure.

Relevant Management Guidelines for Devon LCA:

- Protect traditional building styles and materials, particularly local chert with red brick detailing, utilising the same styles and materials in new development wherever possible (whilst seeking to incorporate sustainable design).
- Protect the landscape’s network of quiet lanes enclosed by woodland and species-rich hedgebanks, resisting unsympathetic highways improvements or signage.

Relevant Management Guidelines for East Devon LCT:

Boundaries: Conserve and restore by

- Encouraging the appropriate management of ditches by infrequent or rotational management as required to conserve rare plants and insects.

Semi-natural habitats: conserve and enhance by

- Encouraging the retention and management of riparian trees for age and species diversity, promoting locally indigenous wetland species

Settlement and development: conserve by

- Maintaining the inherent absence of settlement and development

Natural England has previously objected to the allocation of this site in your Local Plan due to its size and location within the AONB. However, accepting that the principle of development has been established through its retention following examination, it is our advice that National Policy requirements must still be met. This therefore requires strict consideration of how any detrimental effects on the environment, landscape and recreation can be moderated.

Your own policy Strategy 26 makes it clear that “the employment site must be subject to the highest design and landscaping standards with extensive planting and wide buffers around existing homes to minimise any amenity impacts”.

Based on the available information Natural England’s advice is that the application, as submitted, is unacceptable in this sensitive location. The proposed layout has the appearance of a ‘standard’ business park with no indication that sufficient consideration has been given to how it might best be

accommodated within the protected landscape in which it would sit.

Natural England does not agree with the conclusions of the LVIA, specifically:

- That because the development affects only a small proportion of the total AONB area its impact is of 'minor' significance. Both the landscape and visual impacts of the proposals will be 'major significant'
- It suggests that the 'special qualities' of the AONB will not be affected by the proposed development.
- It omits a number of key viewpoints, as identified by your landscape officer (e.g. A3052 Trow Hill, Harcombe Lane, Buckley Road and Laundry Lane).

It is our view that the application requires substantial revision to take account of the guidelines above and to meet your requirement in Strategy 26 for a site which meets "the highest design and landscaping standards". In particular it should:

- Consider scale and massing of buildings more appropriate to this rural location
- Reflect local vernacular in its materials and building styles
- Present a sensitively designed and landscaped frontage and access onto A375
- Work with the existing habitats and landscape features of the site and surrounding countryside – streams and riparian vegetation, hedges and trees to integrate better with the surrounding landscape and/or mitigate its impacts more effectively
- Provide high quality Green Infrastructure and public open space/rights of way
- Ensure lighting impacts are avoided (on both landscape and wildlife) through strict conditions

In addition we advise that permission should only be granted for Phase 1 at this time. Strategy 26 is clear that only the 3ha southern area should be developed initially with a review in 5 years to ensure that demand exists to justify further significant impacts on the AONB.

WILDLIFE & COUNTRYSIDE ACT 1981 (AS AMENDED)
CONSERVATION OF HABITATS & SPECIES REGULATIONS 2010 (AS AMENDED)
Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

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

Yours sincerely

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