

From: Mark Saunders
Sent: 20 February 2020 12:53
To: Jean Watkins; Planning
Subject: FW: Request for consultation on 60823 at FORMER YELLAND POWER STATION, LOWER YELLAND, YELLAND, BARNSTAPLE, DEVON, EX31 3EZ

Jean,

Habitat Enhancement

- The location of the Bat Box Building appears overly close to the Tarka Trail and clearly risks persistent disturbance.
- The overall total proposed bat and bird box provision should be significantly increased to reflect the views of the RSPB (18/02/19) and in accordance with good practice. This revised figure should be included in the LEMS and indicative locations for provision of all habitat mitigation and enhancements, e.g. bat/bird boxes, hibernacula, etc throughout the site should be illustrated on appropriate plans.
- There is currently insufficient detail regarding a site wide lighting specification. Specification should be sufficiently detailed to inform detailed modelling, lux contour map and secure appropriate levels of illumination resulting from all external and internal lighting. Current proposals for 5-6m high column mounted lighting in the car park to the south of the Tarka Trail and along the length of the access road would potential result significant impacts on the proposed dark corridor and open character of the landscape to the south.
- The Preliminary Access Plans appear to indicate that proposed access road will be tree lined to the west. The Strategic Landscape Plan and Proposed Site Plan do not illustrate this element of landscaping and instead show additional tree planting to the existing field boundaries to the east and west. This offsite planting does not reflect the local landscape character and would restrict open aspect/sight lines required by the water birds identified as using the fields opportunistically for foraging. A woodland plantation between the existing and proposed access routes would potentially provide greater ecological opportunities and reflect existing landscape composition.
- Site wide public open space information boards, North Devon Biosphere officer monitoring and North Devon Council dog waste bin arrangements should be set out in more detail in the LEMS.

Taw-Torridge Estuary SSSI

- The Identification of Wintering Wildfowl High Tide Roosts & Recreational Disturbance Impacts on the Taw Torridge Estuary (2019) concludes:
 - Despite its relatively small size in comparison to other high tide roosts on the estuary, the location of Yelland roost at the blunt end of a small west-facing promontory gives it an importance that belies its size, as shown by the range of species that gather there from early autumn until early spring.
 - Yelland roost is a ‘go-to’ roost for birds disturbed from high-tide roosts at Crow Point (especially Oystercatchers), The Black Ground and Cool Stone at Instow (mixed waders), and from along Chivenor bank (waders and wildfowl).
 - The main source of disturbance to the roost is walkers, mainly with their dogs, which can cause the roost to flush when they veer off the SWCP to traverse the saltmarsh or more usually (and easily) the open rocky area between the vegetation and the shoreline.
 - In general, roosting birds will sit ‘tight’ (shuffling as close to the shoreline as possible) when walkers, joggers, dogs and the occasional solitary birdwatcher pass by on the coast path.
 - Two easily implemented, complementary and cost-effective options to protect this roost are:
 - § Information boards showing the roost site and the birds present, and a suggested ‘no go’ zone (either voluntary or enforced) around it. Boards could be situated at or near the concrete bridge over the defunct water outlet from the old power station, and at, or near, the point where the path crosses the track from the business park to the old quay.
 - § Screening or fencing along a section of the SWCP to prevent easy access to the foreshore in the vicinity of the roost area.
- The current proposal for a timber screen to western edge of footpath would partially satisfy the assessments recommendations but directly conflicts with the recommendations of the SWCP. The specific design of the structure has not been demonstrated and therefore there is no certainty that it will be acceptable in ecological, landscape or amenity terms. There also appears to be no substantive justification for the proposed screen to be roofed. A specific design should be agreed which will satisfy the recommendations above and the requirements of all relevant stakeholders. The design should clearly illustrate how any screen proposed for this area will be sufficiently robust to withstand prevalent wind and wave action.
- The creation of a new pedestrian route from the development to link with the south west coast path to the west of the site should be clearly identified as a priority route with suitable interpretation boards. However, the proposed route through the development would clearly be more attractive to residents and visitors alike if it were aligned to the eastern bank of

the ponds rather than between two distinct areas of development. Consideration should be given to providing a robust and attractive route which offers the most realistic opportunities of being adopted as part of a diverted SWCP in the future. The route should offer walkers a similar experience to the existing path with expansive, uninterrupted views across the estuary.

- The exact location and extent of the post and rail fence to the east of the jetty is not sufficiently clear on the current Masterplan and Site Plan. The fence should extend from the east of the jetty and encompass the entirety of the footpath adjacent to Isley Marsh before reconnecting with the Tarka Trail to prevent access to the foreshore.
- ES p6.8.3 states that construction works along the north west boundary would be undertaken between April and the end of September. This may conflict with most sensitive overwintering water bird period September to March inclusive. Therefore additional measures may be necessary to facilitate development during the month of September. Temporary visual and acoustic screening along the north-western boundary including consideration of acoustic curtains should be illustrated within the Landscape and Ecological Management Strategy (LEMS).
- The SSSI monitoring and contingency measures should be identified in the LEMS and clearly establish the procedures in place should monitoring identify regular disturbance during construction. This should include consideration of avoiding construction practices affecting the foreshore when a specific tidal height is exceeded. This will involve agreement with Natural England and RSPB regarding any requirement for specific noise and lighting thresholds.
- The LEMS should be amended to include a statement clearly establishing the number, nature and locations of SSSI interpretation signs throughout the site and the operating remit of the wardening provision as well as all online and resident information provision. The ES indicates wardening provision of at least two days per week from September to March although the remit should be extended to a year round provision to mitigate disturbance risks across the whole estuary but specifically Isley Marsh nature reserve and Home Farm Marsh County Wildlife Site (CWS) and the County Wildlife Site level importance bird use during the summer.

Biodiversity Net Gain

- A 'live' Defra metric tool should be submitted to enable the reader to follow the assessments through baseline, post development, mitigation and enhancement calculations.
- The metric and ES p6.7.19 concludes significant net losses across the development despite including the enhancement of 1.25ha of poor semi-improved grassland adjacent to the site (to the south of the Tarka Trail) to 'Good' condition wildflower grassland with trees. This tree provision is potentially inappropriate for reasons set out above and in Natural England's response (14/12/20).
- Offsite provision of habitat to achieve a net gain should be clearly detailed, particularly where this has been agreed with third party landowners or the Biosphere Reserve. Offsite projects that also contribute towards the ecological function of the estuary e.g. habitat/habitat features that support overwintering waders and wildfowl associated with the SSSI should be considered.
- It is unclear whether the proposed habitat mitigation on land within the applicant's ownership can be secured when outside of the current red line boundary, e.g. heron platforms and wildflower meadows.
- ES p6.8.2 states 'Landscape and Ecological Management Strategy (LEMS) provides the framework for the delivery of a series of Construction Ecological Management Plans (CECoMPs) and post-construction Landscape and Ecological Management Plans (LEMPs), that would be produced for each phase of the development. CECoMPs would be appended to respective Construction Environmental Management Plans, as appropriate'. The LEMS should specifically refer to the requirement for the LEMPs to achieve a net gain for biodiversity across the entire development in accordance with the Defra metric.
- The amended proposals have resulted in further encroachment on open land to the east. It is not clear whether the submitted net gain metric accounts for this additional loss within its overall assessment.

Braunton Burrows SAC

- In terms of the location of the site, it is within the Zone of Influence (ZOI) identified through the Local Authority's Appropriate Assessment in relation to the Braunton Burrows Special Area Conservation (SAC) under the Habitats Regulations 2017. As such, any new residential development in the ZOI is considered to have recreational impacts on the SAC and is therefore required to pay a contribution of £100 per unit in order to mitigate the impacts of development. At present developers can either enter into a S106 agreement or make a direct payment to the LPA under Section 111 of the Local Government Act 1972.
- Based on the information provided, the application will increase residential capacity and is therefore likely to have an indirect impact on the Braunton Burrows SAC due to its proximity and the likelihood of recreational impacts associated with visitor impacts. North Devon Council must have regard for any potential impacts that a plan or project may have and are required to conduct a Habitats Regulations Assessment to determine the significance of these impacts on the SAC and the scope for mitigation.
- North Devon Council's Habitats Regulations Assessment (HRA) at the Joint Plan level (JLP) identified the main recreational pressure as coming from the Braunton, Wrafton, Chivenor area and concluded that there is unlikely to be an adverse effect on the integrity of the interest features of the SAC. However, since adoption of the JLP, new evidence has concluded that recreational impacts are evident and contributions towards strategic mitigation will be required from all development within an identified Zone of Influence.

Landscape Character and Visual Impact

- The submitted plans exhibit numerous inconsistencies in terms of landscaping and therefore it is unclear how judgements on landscape and visual impact have been assessed. The submitted Strategic Landscape Masterplan, Proposed Site Plan and Axonometric Views show differing provision of planting particularly on the northern and western frontages which will impact on views from across the estuary, and from Appledore and Northam Burrows. As such the Western Edge Sections cannot be viewed as representative of the potential scale of effects on the estuary character.
- Strategic planting is particularly important on the western and northern boundaries and should be combined with appropriate landform variations to reduce the mass of development as currently illustrated. Rerouting the proposed footpath alongside the ponds eastern bank would offer greater opportunities to soften the developments edge.
- The eastern boundary 'soft green boundary edge' is illustrated as a planted Devon Bank however consideration should be to expanding this area to form a transitional boundary incorporating an appropriate variety of planting. Greater connectivity of this feature through the eastern flank of housing would also improve the ecological network and soften the overall appearance.
- The positioning of the five and six storey buildings potentially adds significant mass to distant views and is not reflective of other coastal villages within the setting. An interactive 3D model of the proposals may be a useful tool in demonstrating the potential impact of the development at a human scale both from within the site and from distant views around the estuary setting.
- Opportunities to incorporate green roofs and other ecologically sensitive materials would help to make the proposals unique, soften the appearance of the scheme in distant views and reduce the reliance on strategic offsite habitat mitigation.

Regards

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From: Planning <planning@northdevon.gov.uk>
Sent: 17 January 2020 10:00
To: Mark Saunders <Mark.Saunders@northdevon.gov.uk>
Subject: Request for consultation on 60823 at FORMER YELLAND POWER STATION, LOWER YELLAND, YELLAND, BARNSTAPLE, DEVON, EX31 3EZ

Please see the attached consultation letter regarding the above application which has been received by North Devon Council. If this letter is in relation to a pre-application enquiry please reply to this email to submit your comment; otherwise please open the attachment, click the hyperlink, press comment on this application and complete your comment in the comments box. If you are having any difficulties, please get in contact with us. Planning Support Team