

Date: 26 June 2017
Our ref: 218208
Your ref: 63167



Mr. Robert Pedlar
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Dear Bob,

Planning consultation: DEMOLITION OF EXISTING HOTEL, ERECTION OF 23 DWELLINGS, FORMATION OF NEW PUBLIC OPEN SPACE, EXTENSION TO EXISTING CAR PARK, ERECTION OF CAFE & WC BLOCK & ASSOCIATED LANDSCAPING, DRAINAGE & HIGHWAY WORKS

Location: LEE BAY HOTEL LEE ILFRACOMBE GRID REF: 248056; 146499

Thank you for your consultation email dated and received by Natural England on 13 June 2017.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on **Bideford to Foreland Point Marine Conservation Zone (MCZ)**.

Natural England advice is that further information is required in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Bideford to Foreland Point MCZ – detail of proposed wetland to receive the discharge from the package treatment plant before it enters the stream.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is set out in Annex A.

Additional Information required

Bideford to Foreland Point Marine Conservation Zone (MCZ) – further information required

The development site is adjacent to the [Bideford to Foreland Point Marine Conservation Zone \(MCZ\)](#) with a stream connecting the development site directly to the MCZ.

All public authorities have a legal duty to further the conservation objectives for MCZs as far as is consistent with the proper exercise of their functions. MCZs are a material consideration in the determination of planning applications.

We therefore recommend that the council ensures it has sufficient information to fully understand the impact of the proposal on the MCZ before it determines the application and ensures that the proposal accords with the relevant policies in the Local Plan.

We note that the proposal includes treatment of wastewater via a Package Treatment Plant (PTP) which will discharge directly to the stream which flows through the intertidal habitat.

Any new discharge into the stream that crosses the MCZ has the potential to affect the site's intertidal features if it significantly alters the nutrient load of the stream. Of particular concern would be areas of intertidal rock in direct contact with the stream where there is the potential for increased nutrient loads to result in changes to algal communities.

Although PTPs are considered an acceptable option for discharge direct to a water course there is evidence that they are not so efficient at stripping nutrients and so discharge to ground is preferred. We would therefore welcome an additional stage in the drainage treatment train to include an area for discharge to ground before the discharge reaches the stream (separation distance should be 30m). This would provide the opportunity for nutrients to be stripped out before reaching the MCZ.

The submitted documents for the current application do not appear to include any reference to the previous proposal (your ref 57966) to create a wetland (technical note eg14632) to receive the discharge from the package treatment plant before it enters the stream (Natural England's comments dated 15th September 2015 ref: 163052 and 9th March 2016 re: 180597).

- To remove any concerns about any possible eutrophication of the foreshore as a result of the current application, our advice is that the wetland habitat should be a requirement of the revised scheme.

Natural England would look to the Environment Agency to appropriately condition any discharge consent to ensure the quality of the effluent from the development was of high enough quality to ensure that no eutrophication of the foreshore occurs.

Mitigation in line with the Environment Agency's Pollution Prevention Guidelines should also be secured to minimise contamination/pollution of the surface water run-off during the demolition and construction phases.

Other advice

In addition, Natural England would advise on the following issues.

Protected Landscapes

North Devon Area of Outstanding Natural Beauty (AONB)

The proposed development is for a site within a nationally designated landscape namely North Devon AONB. It is also within the North Devon Heritage Coast and adjacent to the South West Coast Path National Trail.

Natural England recognises that this is an opportunity to remove a derelict building and eyesore. However, the location of the site within the AONB makes it very sensitive to change and great care needs to be taken to ensure that any redevelopment does not itself detract from the quality and character of its landscape and conflict with the statutory purpose of the AONB.

We would draw particular attention to the proposed extent of the new development and question whether the scheme as currently presented might be too dominant within this intimate narrow valley setting.

We would recommend that, given the need to respect local character, the proposed use of modern materials and contemporary design should be considered carefully, including with regard to the AONB Management Plan and Local Plan policies dealing with 'local vernacular'.

Natural England advises that the planning authority consults the North Devon AONB partnership, giving their advice careful consideration alongside national and local policies to determine the proposal.

The policy and statutory framework to guide your decision and the role of local advice are explained at **Annex A**.

Further general advice on consideration of protected species and other natural environment issues is provided at **Annex A**.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on the details below.

Should the proposal change, please consult us again.

Yours sincerely

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Annex A - Additional advice

Natural England offers the following additional advice:

Protected Landscapes

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.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The AONB Partnership's knowledge of the location, its role within the AONB, its location on the South West Coast path National Trail and the relevance of the aims, objective and policies in the AONB Management Plan will be crucial to a fully informed determination of the scheme. This information can also help to inform any amendment to the proposals that may be required to make the scheme more acceptable.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. 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). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Where sustainable drainage systems are proposed their amenity and wildlife value can be increased with careful design https://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating nest sites for swallow, house martin, house sparrow, swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

We welcome the proposal to deal with invasive species such as Japanese knotweed. Devon County Council have provided comprehensive advice for dealing with Japanese knotweed which can be found at http://www.devon.gov.uk/japanese_knotweed.htm

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).