



Appeal Decision

Hearing Held on 25 January 2022

Site visit made on 26 January 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/Y1110/W/21/3278148

Land at Redhills, Exwick Lane, Exeter

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by ALD Developments against the decision of Exeter City Council.
 - The application Ref 20/1380/OUT, dated 31 July 2020, was refused by notice dated 18 June 2021.
 - The development proposed is described as a residential development of up to 80 dwellings and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for a residential development of up to 80 dwellings and associated infrastructure at Land at Redhills, Exwick Lane, Exeter in accordance with the terms of the application, Ref 20/1380/OUT, dated 31 July 2020, and subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The application was made in outline with all matters except access reserved for future determination. Except in relation to the position and layout of the points of access into the site, I have treated any other details shown on the submitted plans as indicative. The shape of the site and its topography nonetheless each limit scope to vary the possible internal layout. In this regard the plans provide a reasonable indication of the way in which the site would be developed.

Main Issues

3. The main issues are the effects of the development on:
 - the character and appearance of the area, including the landscape setting of Exeter; and
 - biodiversity.

Reasons

Character and appearance

(a) Policy background

4. The site falls within the locally defined landscape setting of Exeter. This is a geographically large area originally subject of saved Policy LS1 of the Exeter

Local Plan First Review 2005 (the LP). The designation was subsequently refined for the purposes of the Exeter City Council Core Strategy 2012 (the CS) and carried forward in Policy CP16. Within this context the site forms a small, detached part of the area within the landscape setting described as 'hills to the north and northwest of the city'.

5. Saved Policy LS1 and Policy CP16 each therefore have an overlapping interest in the area within which the site is located, and each similarly seek to secure development compatible with local distinctiveness and character. However, whereas saved Policy LS1 additionally seeks to tightly restrict development based on type, no such restriction exists within Policy CP16. Therefore, whilst the scheme would directly conflict with saved Policy LS1 given that it would not involve a type of development permitted, the same direct conflict would not arise in relation to Policy CP16.
6. Here the parties are agreed that saved Policy LS1 should be accorded only limited weight. Indeed, as Policy CP16 is the more recent and up to date it logically carries greatest weight when considering the development plan as a whole.
7. Policy CP16 is itself applied within the context of the vision and spatial strategy set out within the CS. These seek to safeguard and to steer development away from the hills to the north and northwest of the city. In this are informed by a 2007 study which indicated limited capacity for development. Whilst the general strategy is therefore to prioritise development of sites outside the landscape setting of the city, development of sites within it is not precluded. In this regard consideration of the scheme's specific effects on local distinctiveness and character is required in line with Policy CP16.

(b) Assessment

8. A number of different values and functions are ascribed to the landscape setting of the city. These include the provision of an attractive green setting or 'backcloth', containment of the developed area, and intrinsic quality. The extent to which these values and functions are realised and fulfilled in large part depends on the ability of the public to experience and perceive them. Moreover, given the very large area covered by the hills to the north and northwest of the city, both value and function varies with character and context within it.
9. The site itself occupies a series of small fields set astride a minor ridgeline. This is perhaps best described as lying roughly west-northwest of the city centre, which lies some distance away. These fields are currently used for horse grazing, and aside from the broad hedgerows they contain, are unremarkable, and none is publicly accessible. Agricultural land lies to the north, and village housing at Nadderwater towards the northwest. The setting towards the south, east and northeast of the site is in contrast largely dominated by existing suburban housing estates. The site thus occupies a position on the suburban/rural fringe.
10. The topography of the site, the undulating nature of the surrounding landscape, and trees, combine to limit the extent and nature of views into and out of the site. Even during winter no more than relatively small parts of the site are visible from any given vantage point, both from within and outside it, and the terrain prevents clear views across it side to side. The perceived

prominence of the site, including its presence on the skyline consequently varies by location. In this regard the undeveloped nature of the site makes no more than a negligible contribution to the broader backdrop of the city in long views. The development would as such have a negligible effect upon such views.

11. The majority of the viewpoints identified within the submissions are instead from within established housing estates in the immediate locality. Some of these estates occupy topographically prominent positions, and those to the north and northeast spill some distance into the surrounding landscape. Their broader settings consist of a mix of open landscape and other developments, perception of which changes with movement through them. In this regard it is not unusual for development to be visible on the skyline, or for views of the skyline to be blocked by development closer to hand. In none of the views identified is there any clear sense that the site provides a definite edge to the developed area of the city. In this regard the function of the site is limited even when viewed from nearby.
12. Though the open slope within the southwest corner of the site does form a direct backdrop to housing in part of St Peter's Mount, the relationship and view are localised and limited. Whilst it is in any case likely that the slope would remain free from housing given its gradient, my findings above apply equally to St Peter's Mount. For this and the above reasons it is unlikely that the development would be generally perceived as intruding into the landscape setting of the city in views from adjacent estates.
13. Insofar as the site lies within the suburban/rural fringe, some sense of transition is perceived when travelling past it out of the city. This is the case moving north on Redhills, along the west edge of the site, and west on Exwick Lane, along the north edge of the site. Given that Redhills is the busier route, it is the principal context within which the transition is experienced.
14. At present there is a clear sense of physical separation and difference in character between suburban housing at St Peter's Mount and village housing at Nadderwater. Aside from differences in the type and layout of housing, the sense of transition is strongly influenced by the uphill climb between trees, and by the opening of long forward views north into the landscape beyond Nadderwater upon reaching the top of the ridge. The role played by the site itself is modest. Indeed, whilst it is apparent that the Redhills frontage is undeveloped, very limited views into the site exist from street level. Travelling downhill along Redhills the sense of transition is less discernible. In both directions it is likely to be undergo change if and when an approved housing scheme on the scrapyards adjoining the southwest edge of the site is implemented.
15. Development of the Redhills frontage/west end of the site would give rise to additional/further change. Here the indicative scheme suggests a typically inward-looking suburban layout, showing little direct engagement between the development and the streetscene. The reserved matters nonetheless provide scope to secure a design more responsive to the character and layout of existing housing in Nadderwater along the frontage/west end of the site. Little more of the development would be visible beyond this point from the street. Though the access would remain a pronounced feature, the majority of the roadside hedge would be retained, and planting could be generally

strengthened. A positive response to the immediate context could thus be achieved.

16. The pavement between the site and St Peter's Mount would provide a stronger physical connection between it and established suburban development towards the south than at present. However, accepting that clearance of trees is likely to occur along the west side of Redhills whether the appeal is allowed or not, the character of the lane would not be fundamentally changed by works to slightly widen the road, particularly once replacement planting was established. In this context the pavement would remain a minor feature. This and the above being so, subject to careful handling of the reserved matters and off-site works, a sense of transition, physical separation, and difference in character between St Peters Mount and Nadderwater should remain clearly perceptible. As such a sense of suburban-rural transition could be maintained.
17. Exwick Lane retains a strongly rural character along the section of it bordering the site. This is abruptly lost within suburban housing immediately towards the east. Consequently, a strong sense of transition again exists travelling west along Exwick Lane towards Nadderwater. This is principally informed by the heavily vegetated boundaries to either side, and views across the open landscape towards the north. Though it is apparent that the site frontage is largely free from development, the site again plays no more than a modest role given that differences in ground level limit views into it. Though the development would be perceptible from the lane, there would remain a far stronger perception of the open landscape toward the north. As improved management of the site boundary could be secured as part of the scheme, a sense of transition would again continue to be perceived.
18. Exwick Lane would otherwise provide a more meaningful and perceptible edge to the developed area of the city than exists at present. This would better define and so reinforce the function of the far more visually exposed area of open landscape within the setting towards the north of the lane.
19. The character of the site itself would clearly undergo a transformative change. This would be harmful insofar as it would involve loss of hedgerows. Whilst scope may exist to achieve better levels of retention, replanting would otherwise be required as compensation, and in mitigation of effects to be considered further below. Again, improved management could be secured for retained and replacement planting. Set within the overall context of my assessment above, change to the site's character would not be unacceptable.
20. The development would inevitably generate some noise as a result of day-to-day activities and vehicle movements. This would again result in change. However, though it has been asserted that there would be a consequent loss of tranquillity, most of the immediate context cannot be reasonably described as tranquil. Indeed, traffic noise is generally audible in the background, as are sounds generated by day-to-day activities and vehicle movements within adjacent estates. It is otherwise unlikely that noise generated by domestic occupation of the site would be unduly loud, or therefore in any way discernibly different to that within these adjacent developments.
21. The development would form a source of artificial light which would increase its visibility at night. Again, there would be an obvious change in character, but not one at odds with that of adjacent development. Lighting otherwise remains to be considered within the context of the reserved matter of appearance, and

would require specification to limit adverse effects on wildlife. The latter would necessarily reduce any broader effects of light spill.

22. Paragraph 170 of the 2019 version of the National Planning Policy Framework (the Framework) was referenced within the decision notice. This has been carried forward as paragraph 174 of the 2021 edition. Insofar as the provisions it contains are relevant, the Council confirmed at the Hearing that it does not consider that the site forms part of a 'valued landscape'. Paragraph 174 otherwise indicates that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. In view of my findings above, I am satisfied that the development would not conflict with paragraph 174.
23. My attention has been drawn to a dismissed appeal at Pennsylvania Road relating to a site also located within the landscape setting on the north side of the city. Though the issues considered were similar to those in the current case, the location differed, as too the character of the immediate context. Indeed, as noted above, the large area occupied by the landscape setting of the city varies in character as too in terms of the contribution that individual parts of it make to it. I have therefore necessarily assessed the appeal scheme on its own merits. In this regard I am satisfied that the development would not undermine the continued function of broader landscape setting of the city.
24. For the reasons outlined above I conclude that the development would not have an unacceptable effect on the character and appearance of the area, including the landscape setting of Exeter. Though I have acknowledged the existence of conflict with saved Policy LS1 of the LP above, the scheme would not conflict with Policy CS16 of the CS. Nor would it therefore be incompatible with the vision and spatial strategy set out within of the CS. Consequently, and in light of the relative weight I have attached to the above policies, I am satisfied that when taking the development plan as a whole, the scheme would not give rise to an overall conflict.

Biodiversity

25. Part of the site falls within a Site of Local Interest for Nature Conservation (SLINC), protection for which is provided by saved Policy LS4 of the LP. SLINCs are also referenced within the supporting text of Policy CP16, which again overlaps the earlier policy. In this context some future review and refinement of the designation was envisaged, but this has never been completed.
26. Whilst both policies seek to limit harm, saved Policy LS4 sets the overall assessment within the context of 'need' for development. This is not clearly defined and makes the policy somewhat more restrictive in nature than Policy CP16. Again, I attach greater weight to the latter based on its more recent date.
27. In the apparent absence of any up-to-date evidence in relation to or justifying the SLINC's designation, an Ecological Impact Assessment (EIA) carried out the appellant has confirmed that the site hosts a breeding population of dormice, which are a European Protected Species (EPS). In this regard the hedgerows within the site are of importance as they provide a key habitat. The site additionally provides a general resource for bats and birds and may support reptiles. As such the site clearly holds some ecological value.

28. The EIA outlines a mitigation strategy, which crucially includes replacement planting of hedgerows and the provision of buffer zones, alongside additional enhancement works. On this basis Natural England (NE) states that it is likely that an EPS license, which would be necessary for the development to go ahead. Though the EIA has clearly been prepared on the basis of indicative plans, I am satisfied that its contents and any further work can be secured by suitably worded conditions. That being so, the effects of the development on dormice and other wildlife would not be unacceptable.
29. Insofar as the scheme would generate off-site works in Redhill, I have noted above the likelihood that the row of trees whose removal would be required would occur whether the appeal is allowed or not. This has not otherwise been identified by NE as having high ecological value. In this regard, the implementation of offsite works provides the opportunity for improved planting, thus potentially enhancing the available habitat for dormice and other species.
30. Considered alone and in combination with other plans and projects, the Council, appellant and NE have each identified or acknowledged that the development would have a likely significant effect on the integrity of the Exe Estuary Special Protection Area (SPA) and Ramsar site. This would be based on proximity and the adverse effects of increased recreational pressure. On the same basis the Council are alone in additionally referencing the East Devon Pebblebed Heaths SPA and Special Area of Conservation.
31. In consultation with NE, the Council has undertaken an Appropriate Assessment (AA). In this context NE has confirmed that it raises no objection to the development subject to mitigation being secured in line with the South-East Devon European Site Mitigation Strategy (the Strategy), which applies to all the above European sites. I am content to rely on these sources for the purposes of this appeal. Delivery of measures set out within the Strategy is funded through the Community Infrastructure Levy (CIL). Though parts of the development would not be liable to pay CIL, this is addressed by the Council by ringfencing of the required sums. I am therefore able to conclude that the development would have no adverse effect on the integrity of the above European sites.
32. In view of my findings above, any adverse effects of the development on biodiversity could be satisfactorily addressed, thus meeting the requirements of Policy CP16. Given my consideration of the relative weight of the policies above, this is the key consideration in this case. Nonetheless, to the extent that the need for the development can be equated with the general need to boost the supply of housing, and particularly affordable housing in the local context, there would also be no clear conflict with saved Policy LS4.
33. For the reasons set out above I conclude that the development would not have an unacceptable effect on biodiversity. As set out above, it would therefore comply with the development plan taken as a whole.

Other Matters

Planning obligation

34. Planning permission was partly refused on the basis that provision of affordable housing, open space and a range of financial contributions had not been

secured. In consultation with the Council the appellant has submitted a Unilateral Undertaking (UU) to address this matter.

35. In the interests of meeting a high local demand, the UU secures the provision of 35% on-site affordable housing, satisfying the requirements of Policy CP7 of the CS. It also secures the provision and subsequent management of on-site public open space, and a contribution towards the cost of upgrading a nearby off-site play area and access to it from the site. Each is in accordance with Policy DG5 of the LP and would serve the interests of the health and wellbeing of future occupants.
36. The UU further secures contributions towards the cost of works to enlarge and provide necessary additional capacity within local GP facilities, and to provide additional secondary school places. Each would directly service demand generated by the development, as established through the application of national formulae, and informed by Devon County Council's Education Infrastructure Plan 2016-2033. The contributions would be in accordance with the provisions of Policy CP18 of the CS.
37. A contribution covering the cost of upgrading the existing substandard footway on the east side of the site is additionally secured. This is necessary to enable the footway to provide a more functional link between the development and streets and services towards the south, again in accordance with Policy CP18 of the CS.
38. Finally, a contribution is secured to cover the cost of implementing of the scheme travel plan, the latter required in accordance with paragraph 113 of the Framework, and in the interests of promoting sustainable travel.
39. I am satisfied that the obligations above, as contained within the UU, pass the tests set out within Section 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework (the tests).
40. A contribution has additionally been sought by the local NHS Foundation Trust (the Trust) for gap funding of hospital services during the first year of occupation. The Council considers that the contribution fails the tests, and though the appellant agrees, the UU has nonetheless been drafted to secure payment of the contribution. The Council's concerns include the lack of a clear policy basis for the contribution, lack of certainty and accountability in relation to how it would be spent, and lack of clarity as to why it should be required at all. In this regard the Council states that it is working with the NHS Trust to attempt to resolve these matters.
41. In the interim The Trust has provided evidence showing that the issue is not exclusive to Devon, and that it has been considered variously at appeal. This includes recently in relation to Ikea Way in Exeter, where on that occasion an Inspector considered that a contribution would pass the tests. It is unclear whether the evidence considered was the same as has been presented in this case. Therefore, as in that instance, I must consider the current case on its own merits.
42. It is understood that funding is calculated based on the previous year's population and expenditure, meaning that allowance is only made for population growth the following year. This can potentially lead to a shortfall in

funding for services. As future occupants of the development are likely to visit the local hospital should the need arise, a link can be made between the two. Nonetheless, the assumption of a 12 month gap in funding appears generalised, as occupation of dwellings within the development could occur at various points within any given 12 month period. It also remains the case that the contribution would not be used to pay for anything specific, but would be absorbed into the wider budget. Whether the contribution would be fairly and reasonably scaled, as too the relationship between its use and the development are therefore uncertain. That being so, I cannot find that the contribution passes the tests, and consequently I cannot take it into account. Given that the requirement for the contribution was not endorsed by the Council, this finding makes no difference to my decision.

Other concerns

43. The site has been held to contribute to the recreational value of the area. However, as noted above, it is not publicly accessible, and most of it is not clearly visible from outside. As such it in fact holds little or no value in this regard. As the development would see provision of public open space within the site, footpath linkages through it, and off-site improvements to routes likely to see broader use by pedestrians and walkers, the overall effect of the development in relation to recreation would be positive.
44. Interested parties have raised a number of concerns not shared by the Council. These include congestion and limited access to services. Given that no likely unacceptable impacts have been identified by the Highways Authority in relation to traffic, and offsite works would either see provision or improvement of pedestrian routes, I see no reason to take a different view.
45. Whether or not the Council can demonstrate a 5-year supply of deliverable housing sites is a matter disputed by the parties and was discussed at the Hearing. Given my findings in relation to the main issues however, it is not necessary for me to reach any conclusion on the matter.
46. As I have considered the appeal on its own site-specific merits, the suggestion that allowing the appeal will provide a precedent for further development does not attract weight, or therefore alter my findings above.

Conditions

47. A range of conditions will be required. Conditions 1-4 are standard conditions relating to approval of the reserved matters, setting the time period for commencement, and identifying the approved plan for sake of certainty. Though the appellant has willingness for the standard 3 year time period for commencement be reduced to 2 years, the Council saw no necessity for this, and neither can I.
48. Conditions 5, 6, 9 and 10 impose interrelated requirements necessary in relation to safeguarding and enhancing the ecological value of the site. In this regard condition 5 requires the provision of an Ecological Mitigation and Enhancement Strategy, building upon the Ecological Impact Assessment (EIA) already submitted. This is necessary given that, as noted above, the EIA was produced in relation to an indicative scheme. In the same way condition 6 requires the specific Arboricultural implications of the development to be ascertained and mitigated.

49. Complementing the above, condition 9 requires the provision of a Construction and Environmental Management Plan, specifically securing coordinated management of ecological impacts during the construction phase. Condition 10 further requires provision of a Landscape and Ecological Management Plan, specifically securing management over the longer term, and thus assisting in delivery of measures identified in relation to condition 5. Both conditions use standard wordings.
50. I have not separately imposed conditions relating to the provision of bird boxes, restricting work during the nesting season, or requiring wildlife sensitive lighting as these matters fall within the scope of the above conditions. They would thus necessarily need to be addressed in the context of the reserved matters.
51. Condition 7 requires the provision of a drainage scheme, again reflecting the fact that the submitted details relate to an indicative layout. The condition is necessary in the interests of ensuring proper drainage of the development.
52. I have not imposed conditions requiring the submission of details of materials or lighting in general as each fall within the scope of the reserved matter of appearance. I have also not imposed a requirement to provide and retain cycle or car parking, as this likewise falls within the scope of the reserved matter of layout. Insofar as it is proper to impose conditions in this context, condition 8 requires space for parking in relation to cycle, car club, cycle hire, and electric vehicle charging to be shown in relation to the reserved matter of layout. This is in the interests of promoting sustainable modes of travel, and additionally covers recommendations set out in the Air Quality Assessment, removing the need for a separate condition.
53. Condition 11 requires the provision of a Construction Management Plan. This is required in the interests of neighbour amenity and given the identified potential for dust issues. I have not included all the suggested clauses as some, such as site access, are unnecessary or covered by other conditions. I have also not imposed a restriction on work hours, as these can be agreed in the context of the plan.
54. Condition 12 requires completion of a waste audit in accordance with local policy. This is necessary in order to help reduce waste during construction, and to facilitate management thereafter.
55. Condition 13 is imposed to secure remediation of contamination should it be found given that the presence of contamination has not been wholly ruled. It is however less onerous than the Council's suggested requirement to carry out a full survey given that preliminary findings nonetheless indicate that the potential for contamination is low.
56. Condition 14 is imposed in relation to energy efficiency, the basis for which is set out in Policy CP15 of the CS. For clarity I have used a modified wording. The condition is necessary in the interests of promoting environmental sustainability.
57. Condition 15 is imposed to require implementation of off-site highways works necessary to facilitate pedestrian linkage of the development to services/facilities to the south and east, including the local primary school. The works, which have been illustrated on plans 19.124/006 Rev B, 19.124/003

Rev E, and 200101-NTP-02.2021 would require separate approval by the Highways Authority. Consequently, it is not appropriate for the plans to be referenced within the condition(s). I have not included a further requirement for the appellant to improve the footway on the east side of the site as this would be separately funded by a contribution secured by the UU as set out above.

58. It is necessary for conditions 9, 10, 11 and 12 to be pre-commencement conditions given the need for management from the outset of works.

59. I have not imposed a condition requiring a noise assessment. Whilst the Council has clarified that the assessment would relate to the scrap yard to the southwest, the yard no longer appears to be in operation. Indeed, as noted above, its redevelopment for housing has been approved, and the site has been cleared. It therefore appears unlikely that use as a scrap yard would resume. As such there is no clear necessity for the condition.

Conclusion

60. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place, and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Insofar as it shows details of the points of access into the site, the development hereby permitted shall be carried out in accordance with the following approved plan: 19.124/001 Rev C.
- 5) Prior to or as part of the first reserved matters an Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to and approved in writing by the Local Planning Authority. The EMES shall be prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall be informed by the Ecological Impact Assessment dated February 2021. The development shall be carried out in accordance with the approved EMES.
- 6) Prior to or as part of the first reserved matters an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall be prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard. The development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
- 7) Prior to or as part of the first reserved matters, a site drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall be informed by the approved Flood Risk Assessment, soakaway test results in accordance with BRE 365 and groundwater monitoring results, and shall include:
 - a) details of how surface water and silt run-off from the site during will be managed during construction of the development;
 - b) details of arrangements for the adoption and maintenance of the surface water drainage system;
 - c) a plan indicating how exceedance flows will be safely managed; and
 - d) evidence there is agreement in principle from South West Water and/or the landowner, where appropriate.The approved scheme shall then be implemented prior to the first occupation of the dwellings hereby permitted.
- 8) Details submitted in relation to the reserved matter of layout shall show:
 - a) on-site provision of cycle parking space;
 - b) provision of a car club/car share space;
 - c) a covered space for electric bike hire; and
 - d) the locations of parking spaces to be served by electric vehicle charging points.

- 9) Prior to the commencement of the development hereby permitted a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall be informed by the details approved in relation to conditions 5 and 6. The CEMP shall include the following details:
- a) a risk assessment of potentially damaging construction activities;
 - b) identification of biodiversity protection zones;
 - c) mitigation method statements;
 - d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - e) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
 - f) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
 - g) responsible persons and lines of communication; and
 - h) the role and responsibilities on site of an ecological clerk of works or similarly competent person.

Construction of the development shall then proceed in accordance with the approved CEMP.

- 10) Prior to the commencement of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall complement the EMES and shall include the following details:
- a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) identification of the body or organization responsible for implementation of the LEMP;
 - h) ongoing monitoring and remedial measures; and
 - i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

- 11) Prior to the commencement of the development hereby permitted a Construction Method Statement shall be submitted to and approved in writing

by the Local Planning Authority. The statement shall be fully compatible with the CEMP and shall include details of:

- a) the parking of vehicles of site operatives and visitors;
- b) the management of arrivals and departures and areas for loading and unloading plant and materials;
- c) storage areas of plant and materials used in constructing the development;
- d) details of hoardings;
- e) measures to control the emission of water, dust and dirt during construction;
- f) measures to minimise noise nuisance to neighbours from plant and machinery; and
- g) working hours.

Construction of the development shall then proceed in accordance with the approved statement.

- 12) Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall utilise the waste audit template provided in the Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.
- 13) Any contamination not previously identified which is found whilst implementing the development hereby permitted must be immediately reported in writing to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall then be carried out before the development, or the relevant part of it, is resumed or continued.
- 14) The dwellings hereby permitted shall not be occupied until the relevant requirements for achieving a level of energy performance equivalent to ENE1 at level 4 of the Code for Sustainable Homes have been met, and the details of compliance have been provided to the Local Planning Authority.
- 15) No part of the development hereby permitted shall be occupied until:
 - a) a scheme of improvements designed to facilitate pedestrian use of Exwick Lane; and
 - b) a scheme of improvements designed to facilitate pedestrian use of Redhill, including the provision of a footway between Exwick Lane and St Peter's Mount;has been implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

APPEARANCES

For the Appellant

Nigel Evers	Landscape Consultant, Viridian Landscape Planning
Ian Jewson	Planning Consultant, Walsingham Planning
Billy Hughes	Highway Consultant, Highways and Access
Richard Pash	Ecological Consultant, GE Consulting

For the Council

Simon Curran LLB	Solicitor
Anne Priscott CMLI	Landscape Architect
Howard Smith BEng MA MRTPI	Principal Project Manager, Development
Katharine Smith BA MA MRTPI	Principal Project Manager, Local Plan

Interested Parties

S Booty	Local Resident
Andrew Grey	Local Resident
Neil Schofield	Royal Devon and Exeter NHS Trust

Documents presented at the Hearing

Appeal decision ref: APP/Y1110/W/20/3265253

Decision notice ref: 21/1104/FUL

Email correspondence relating to Felling Licence Application 018/2302/2021

Exwick access issues plan

Felling license ref: TC200101-RedhillsHighwayTrees-25.01.2022

Planning application – Highway consultation reply

Supplemental information regarding contributions