

**From:** Helene Jessop [mailto:helene.jessop@rspb.org.uk]

**Sent:** 09 February 2021 17:11

**To:** Matthew Diamond <Matthew.Diamond@exeter.gov.uk>; Planning <Planning@exeter.gov.uk>

**Subject:** RE: 21/0020/OUT - Land Off Pendragon Road

**Site Address:** Land Off Pendragon Road, Pendragon Road, Exeter, Devon

**Proposal:** Outline planning application for a residential development of up to 100 dwellings and associated infrastructure (All matters reserved except access).

**Application Reference:** 21/0020/OUT

Dear Matthew

Thank you for the consultation, I hope these comments focused on biodiversity are helpful.

There is no ecological assessment information with the application. The RSPB recommends that your authority requests a Preliminary Ecological Assessment prior to determination. The lack of any ecological information means the proposed development cannot be assessed for its impacts on biodiversity, including on any species and habitats of principal importance and European Protected Species that might be using the site. This information is also necessary as a first step towards ensuring that new development proposals are assessed against measures to avoid, mitigate or compensate for ecological harm. While noting that the application proposes retention of hedges and trees, no information is presented to know that these important biological features, valuable in their own right and as part of a network enabling wildlife to use the site and move through it to adjacent habitats, including Mincinglake Valley Park, will be adequately protected and appropriately managed to retain and enhance their wildlife value should the proposed development be consented. Government Circular: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system (Office of the Deputy Prime Minister 2005) makes clear in para 99 that ecological surveys should not be postponed until after any granting of planning permission and left to conditions on a planning permission, the Natural Environment and Rural Communities Act 2006 places a statutory duty on all public authorities to conserve biodiversity (Part 3, section 40) and the National Planning Policy Framework (February 2019) sets out in para 175 how local planning authorities should assess planning applications against their impacts on biodiversity. In the RSPB's view, there are clear policy and legislative drivers for your authority to request ecological information about the application site prior to determining this application. Also, in the absence of this information and further details, it is not possible to assess how the proposed development can meet the Government's commitment to ensure that all new developments will deliver net gain for biodiversity, which includes issues such as retention and creation of habitats and designing and constructing dwellings to maximise their value for wildlife.

While the RSPB has no detailed knowledge of biodiversity on site, our last national curlew survey in 2016 included this site. We did not record curlews but linnets were noted in the south east corner. It is quite possible other birds and other species are present.

While the site is not statutorily designated for nature conservation value, it lies close to (opposite side of Mile Lane) to Mincinglake Valley Park, an important greenspace with a range of wildlife habitats, and is designated for its landscape and local biodiversity value.

The proposal will also need to be determined against saved Policy LS1 of the Exeter Local Plan First Review 1995-2011, which excludes new residential development as compatible with that policy designation:

**LS1: DEVELOPMENT WHICH WOULD HARM THE LANDSCAPE SETTING OF THE CITY WILL NOT BE PERMITTED. PROPOSALS SHOULD MAINTAIN LOCAL DISTINCTIVENESS AND CHARACTER AND:**  
**(a) BE REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE, FORESTRY, THE RURAL ECONOMY, OUTDOOR RECREATION OR THE PROVISION OF INFRASTRUCTURE; OR**  
**(b) BE CONCERNED WITH CHANGE OF USE, CONVERSION OR EXTENSION OF EXISTING BUILDINGS: ANY BUILT DEVELOPMENT ASSOCIATED WITH OUTDOOR RECREATION MUST BE ESSENTIAL TO THE VIABILITY OF THE PROPOSAL UNLESS THE RECREATIONAL ACTIVITY PROVIDES SUFFICIENT BENEFIT TO OUTWEIGH ANY HARM TO THE CHARACTER AND AMENITY OF THE AREA.**

Part of the site falls within a Site of Nature Conservation Importance and so the proposal needs to be assessed against Policy LS4, something in our view that requires ecological information about the site:

**LS4: DEVELOPMENT THAT WOULD HARM A SITE OF NATURE CONSERVATION IMPORTANCE OR A SITE OF LOCAL INTEREST FOR NATURE CONSERVATION OR A REGIONALLY IMPORTANT GEOLOGICAL/GEOMORPHOLOGICAL SITE OR LANDSCAPE FEATURES WHICH ARE OF IMPORTANCE FOR WILD FAUNA OR FLORA, OR WILDLIFE CORRIDORS, WILL ONLY BE PERMITTED IF:**  
**(a) THE NEED FOR THE DEVELOPMENT IS SUFFICIENT TO OUTWEIGH NATURE CONSERVATION CONSIDERATIONS; AND**  
**(b) THE EXTENT OF ANY DAMAGING IMPACT IS KEPT TO A MINIMUM AND APPROPRIATE MITIGATION AND COMPENSATORY MEASURES ARE IMPLEMENTED.**

The RSPB notes the application site is not one allocated for future housing in saved Policy H3 of the Exeter Local Plan First Review 1995-2011 and that Exeter City Council Adopted Core Strategy (February 2012) has not identified the application site as one for further urban extension. Policy CP4 of the Core Strategy states that residential development should protect the character and quality of the local environment, so ecological information would assist your authority in determining how the application may meet that and other aspects of this policy.

The application proposes an area of public open space but not information is provided on what this will be (habitat types etc) and how it will be managed (including adequate secured funding relating to establishment and ongoing management) should the application be granted.

Finally, should your authority does decide to grant this application, there will be a requirement to secure a financial contribution from the developer for mitigation of impacts of increased recreational use of the Exe Estuary Special Protection Area (SPA) and East Devon Heathlands SPA and Special Area of Conservation arising from the increased residential population enabled by the application, as required by the South East Devon European Site Mitigation Strategy.

Yours sincerely

Helene Jessop

Conservation Officer (usually Mon & Tues 0900-1715 and Wed half day)

Senior Office Administrator (usually Fri mornings) – still part furloughed

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