



Devon
Wildlife Trust

4 October 2023

Howard Smith
Planning Officer
Exeter City Council

By Email to: howard.smith@exeter.gov.uk

Dear Mr Smith,

Planning Application Ref: 23/1007/OUT

Water Lane (South), Exeter

Demolition of existing buildings and structures and residential-led mixed use development providing new dwellings and workspace, retail, café/restaurant, community and cultural/leisure/education/hotel uses and associated infrastructure, including vehicular access, servicing, mobility hub, energy plant; alteration of ground levels; drainage and public open space; landscaping and public realm works; including pedestrian and cycle routes, with all matters reserved for future considerations, with the exception of access.

We **object** to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d, 180d and 185c of the National Planning Policy Framework or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation. Furthermore, the Environment Act 2021 and National Planning Practice Guidance requirements relating to biodiversity net gain have not been addressed. These requirements are reproduced at the end of this letter.

The comments provided below are based on an Ecological Impact Assessment produced by Richard Green Ecology (February 2023). We consider that insufficient evidence has been provided because –

1. Bat activity survey data is limited to a single remote detector survey carried out in May 2022. This does not represent adequate survey effort and does not conform to either previous or current BCT survey guidelines for a site which is considered to be of low value for commuting/foraging bats. Full survey effort which adheres to BCT (2023) guidelines is required.

This is particularly important given that roosting bat activity has been identified within the site, and the railway line to the west and canal to the east are likely to form important bat corridors. Given that the site is subsequently assessed as being of County value for commuting/foraging bats, an accurate understanding of the species and number of bats using the site is required.

2. The report states that '*Some areas were also inaccessible for the extended phase 1 habitat survey*', however no information is provided to indicate the location or extent of the area

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INVESTORS
IN PEOPLE



which has not been subject to survey. This information is required in order to determine whether adequate assessment has been undertaken.

3. Exeter Canal County Wildlife Site (CWS) borders the application site to the south-west. The mainline railway forms the western site boundary. These form important corridors for wildlife which are part of a larger network and will therefore require buffering and protection from the development. No details of how this will be achieved are provided within the report. This information is required in order to provide assurance that the CWS will not be adversely affected by the proposals.

The report provides recommendations for the control of light spill within the site, however there is no assurance that these recommendations can/will be adopted. Lighting design should follow the recommendations provided in the Devon dark corridors guidance note produced by DCC.

4. The report produced for the site does not include an assessment of net gain (or loss) of biodiversity. The most recent DEFRA Biodiversity Metric should be utilised to calculate loss/gain. Biodiversity net gain calculations for the site must show net gain. In light of the biodiversity crisis, DWT recommends all developments achieve a 20% net gain.

For the reasons given above, we **object** to the planning application and recommend that it is refused.

Additional comment on proposals for this site has previously been provided to the applicant. This information is reproduced below:

- We would expect a full ecological appraisal of the site to be submitted with any planning application proposed for the site. This must include detailed survey and assessment of habitats and species present within the site and recommendations for ensuring the maintenance of the favourable conservation status of all habitats/species identified. The appraisal must consider the impact of increased recreational use of the adjacent Riverside Valley Park.
- The following extract from Exeter City Council's Residential Design Supplementary Planning document is relevant to this planning application:

The residential proposals should be seen in the context of the city's ecological network and will be expected to play its part in enhancing biodiversity. Opportunities to improve biodiversity connectivity to nearby green spaces should be investigated as part of the design and layout process. In this respect regard should be had to the green spaces and habitats indicated on the Exeter Biodiversity Reference Map which is being produced by Devon Wildlife Trust and Exeter City Council.

The design and layout of new residential development will protect and enhance biodiversity on the site, and enhance connections between ecological features within and across the site.

- We would expect to see strong habitat corridors created around all boundary features to connect the existing railway corridor and canal/Valley Park. Additional corridors from east



to west should also be created to further strengthen habitat links. It is welcomed that such links are outlined within the concept plan for the site. Details on design are required as part of an application for the site.

- The planting scheme should be designed to include a diversity of native species which can be used by native fauna post-development. The planting should be designed to form ecological networks throughout the built environment, which are of benefit to both nature and the establishing community of residents, providing the community with everyday contact with nature. Native species should be utilised in the street tree planting scheme in order to provide permeable pathways through the development for native insect species. Lines of street trees should be under sown with wildflower grassland in order to strengthen green links through the development. Native bulb planting should also be included within these grassland strips. Green and blue roofs should be utilised in combination with solar panels. Green walls should be utilised where possible.
- Site design must separate vegetation corridors from residential gardens and buildings to safeguard the value of the vegetation for wildlife in the future.
- It is important to note that when buildings are constructed too close to wildlife corridors, light spill has the potential to disturb the movement of wildlife along the corridor. This must be considered in the site design. A lighting strategy or assessment which concludes that light spill will not impact on ecological corridors must be included within the application. Mitigation measures must utilise permanent physical barriers such as new hedgebanks, walls etc. to ensure light spill is controlled in the long-term.
- The Ecological Appraisal produced for the site will need to include an assessment of net gain (or loss) of biodiversity. The most recent DEFRA Biodiversity Metric should be utilised to calculate loss/gain. Biodiversity net gain calculations for the site must be produced using a detailed landscaping plan and must show net gain. In light of the biodiversity crisis, DWT recommends all developments achieve a 20% net gain.

Yours sincerely,

Devon Wildlife Trust
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NPPF para. 174

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*

NPPF para. 180

"When determining planning applications, local planning authorities should apply the following principles:

- d) opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*





NPPF para. 185

"Planning policies and decisions should ...

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

National Planning Practice Guidance, under the section *What is the baseline for assessing biodiversity net gain?* states that – *'The existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for'*. Under the section *How can biodiversity net gain be achieved?* it states that *'tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net outcome is expected to be achieved'*.

ODPM Circular 06/2005 para. 99

Paragraph 99 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before a planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In cases where there is a reasonable likelihood of a protected species being present and affected by the development, surveys should be undertaken and any necessary measures to protect the species should be in place (through conditions and/or planning obligations), before a permission is granted.

Environment Act 2021

The act will require biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity.