Lower Otter Restoration Project

Planning Statement

Report: ENVIMSW002045-CH2-000-000-RP-Z-0003

Rev: 2

September 2020

We are the Environment Agency. We protect and improve the environment and make it a better place for people and wildlife.

We operate at the place where environmental change has its greatest impact on people's lives. We reduce the risks to people and properties from flooding; make sure there is enough water for people and wildlife; protect and improve air, land and water quality and apply the environmental standards within which industry can operate.

Acting to reduce climate change and helping people and wildlife adapt to its consequences are at the heart of all that we do.

We cannot do this alone. We work closely with a wide range of partners including government, business, local authorities, other agencies, civil society groups and the communities we serve.

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Quality Assurance

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Approvals

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Contents

1. Introduction

1.1. Planning Application

This Planning Statement has been prepared by Jacobs UK Ltd in support of a full planning application for the Lower Otter Restoration Project (LORP).

This Statement summarises the key elements of the proposed development and using our professional judgement assesses the material considerations relevant to the determination of the planning application in relation to national and local planning policy relevant to the application site. It has been prepared in line with East Devon District Council's (EDDC's) National and Local Validation Requirements.

The following additional documents and plans are also provided as part of the planning application:

- Design and Access Statement.
- Outline Site Waste Management Plan.
- Construction Management Plan.
- Community Infrastructure Levy Form.
- Tree Survey and Arboricultural Method Statement.
- Environmental Statement. The following topics have been scoped in:
  - Population and human health.
  - Noise and vibration.
  - Biodiversity, marine ecology and fish.
  - Geology, soils and contamination.
  - Water environment.
  - Landscape and visual.
  - Historic environment.
  - Traffic and transport.
- Drawings:

Drawing Title	Drawing Reference
Site Layout and planning boundary Sheet 1	ENVIMSW002045-CH2-000-000-DR-LP-0001
Site Layout and planning boundary Sheet 2	ENVIMSW002045-CH2-000-000-DR-LP-0002
Scheme Orientation plan	ENVIMSW002045-CH2-000-000-DR-LP-0003
Proposed Access routes & Compounds sheet 1	ENVIMSW002045-CH2-000-000-DR-LP-0005
Proposed Access routes & Compounds sheet 2	ENVIMSW002045-CH2-000-000-DR-LP-0006
North Area General Arrangement	ENVIMSW002045-CH2-000-200-DR-C-0001
South Area General Arrangement	ENVIMSW002045-CH2-000-400-DR-C-0002
South Farm Road General Arrangement	ENVIMSW002045-CH2-000-400-DR-C-0003
South Farm Road Bridge General Arrangement	ENVIMSW002045-CH2-000-400-DR-C-0004

Drawing Title	Drawing Reference
Landfill Area General Arrangement	ENVIMSW002045-CH2-000-400-DR-C-0005
Southern Breach General Arrangement	ENVIMSW002045-CH2-000-400-DR-C-0006
Lower Estuary Area General Arrangement	ENVIMSW002045-CH2-000-400-DR-C-0007
Little Marsh General Arrangement	ENVIMSW002045-CH2-000-200-DR-C-0008
South Farm Road Car Park Gen Arrangement	ENVIMSW002045-CH2-000-400-DR-C-0009
Big Marsh North & Little Marsh Sections	ENVIMSW002045-CH2-000-200-DR-C-0020
Little Bank Sections	ENVIMSW002045-CH2-000-200-DR-C-0021
Big Marsh South Sections	ENVIMSW002045-CH2-000-400-DR-C-0022
Southern Breach & Footbridge Sections	ENVIMSW002045-CH2-000-400-DR-C-0023
South Farm Road Highway Sections	ENVIMSW002045-CH2-000-400-DR-C-0024
Landfill Area Sections	ENVIMSW002045-CH2-000-400-DR-C-0026
Big Bank Sections	ENVIMSW002045-CH2-000-200-DR-C-0027
Landscape Overview Plan	ENVIMSW002045-CH2-000-000-DR-L-0012
Landscape General Arrangement Sheet 1	ENVIMSW002045-CH2-000-000-DR-L-0013
Landscape General Arrangement Sheet 2	ENVIMSW002045-CH2-000-000-DR-L-0014
Landscape General Arrangement Sheet 3	ENVIMSW002045-CH2-000-000-DR-L-0015
Landscape General Arrangement Sheet 4	ENVIMSW002045-CH2-000-000-DR-L-0016
Landscape General Arrangement Sheet 5	ENVIMSW002045-CH2-000-000-DR-L-0017
Landscape General Arrangement Sheet 6	ENVIMSW002045-CH2-000-000-DR-L-0018
Landscape Masterplan Indicative Planting and Seeding Mixes	ENVIMSW002045-CH2-000-000-DR-L-0019
Tree Retention & Removal Plan Sheet 1	ENVIMSW002045-CH2-000-000-DR-EN-0050
Tree Retention & Removal Plan Sheet 2	ENVIMSW002045-CH2-000-000-DR-EN-0051
Tree Retention & Removal Plan Sheet 3	ENVIMSW002045-CH2-000-000-DR-EN-0052
Tree Retention & Removal Plan Sheet 4	ENVIMSW002045-CH2-000-000-DR-EN-0053
Tree Retention & Removal Plan Sheet 5	ENVIMSW002045-CH2-000-000-DR-EN-0054
Tree Retention & Removal Plan Sheet 6	ENVIMSW002045-CH2-000-000-DR-EN-0055

1.2. Consenting Regime

Consent for construction of the LORP is required through two consenting regimes:

- For works above mean low water tide level, submission of a planning application under the Town and Country Planning Act 1990 (as amended) to East Devon District Council (EDDC).
- For works below Mean High Water Spring (MHWS) tide level, submission of a request for a marine consent under the Marine and Coastal Access Act 2009 (as amended) to the Marine Management Organisation (MMO).

The coastal concordat for England sets out the process for consenting coastal developments in England and can be applied to any applications for individual projects if they span the intertidal area in estuaries and on the coast, and require multiple consents including both a marine licence and a planning permission. The aim of this principle is to reduce the duplication of evidence requirements and to streamline the regulatory process, in particular for the production of Environmental Statements (under the Environmental Impact Assessment Regulations) or Habitats Regulations Assessment (under the Habitats Regulations). EDDC has confirmed that under the coastal concordat agreement they will act as the lead authority for the Environmental Impact Assessment for LORP. The MMO will then be able to defer their responsibilities under the Marine Works (Environmental Impact Assessment) Regulations and use the Environmental Impact Assessment consent decision of the local planning authority to inform their decision on any related marine licence. EDDC will also be the lead competent authority for the Habitats Regulation Assessment of LORP.

2. Background and Proposed Development

2.1. Background

The original motivation for the LORP arose from a desire by the landowner, Clinton Devon Estates (the Estate), to manage the lower Otter valley as sustainably as possible in the face of a rapidly changing climate. The Environment Agency's involvement in the project arose from a statutory need to provide compensatory habitat for habitat losses in the Exe Estuary. The desire of these project partners is to improve the natural functioning, ecological health and environmental status of the river, demonstrate climate change adaptation and reduce risk to wildlife and public infrastructure under future climate change.

The lower Otter valley is heavily modified by human hand. In the early 19th century embankments were constructed to enclose a 60 hectare (ha) area of what was then estuary for agricultural purposes. This has had the effect of cutting off the flood plain from regular tidal and fluvial flooding. A culvert was constructed through the shingle beach at Budleigh Salterton to drain the resulting area, and the course of the River Otter was straightened.

Development has occurred in several areas of the flood plain since the embankments were constructed. South Farm Road has been formalised from Granary Lane in the west to South Farm on the east of the flood plain. This road lies at flood plain level for most of its length and is regularly flooded.

From 1928 to 1978 a municipal refuse tip operated adjacent to South Farm Road. There are few records of what refuse was placed in the tip, and there is no evidence of it being lined or capped, and it therefore presents an environmental liability.

During the 1930s Budleigh Salterton Cricket Club (BSCC) was constructed in the most southerly part of the embanked area. It lies at a low level and often suffers from water-logging. The cricket club has accepted that there is no long-term future at this site.

Footpaths have been designated along all of the embankments, and at the western edge of the flood plain. All are popular, with the most well-used being the South West Coast Path (SWCP), which runs along the embankment from Lime Kiln Car Park to White Bridge, where South Farm Road crosses the River Otter. Footpaths are currently threatened and frequently damaged by flooding, a situation projected to get worse over time.

Large fluvial floods overtop the embankments every few years, leading to flooding of the embanked area. This flooding can last for several days, because the culverts that drain the area are small and are restricted by the tide. In this situation both South Farm Road and BSCC are under water. The pavilion for BSCC has been known to flood up to its eaves. Water can also flow over the disused refuse tip. It is also possible for very high tides to overtop the embankments, although this is a less common scenario.

As our climate changes, with both rising sea levels and increased strength and frequency of storms, the embankments are becoming ever more vulnerable to

unplanned failure. In September 2018 a failure was narrowly averted, and the SWCP was diverted for six months whilst a repair was implemented.

If the embankments fail, parts of the natural floodplain will be regularly inundated by the tide and public right of way will be cut. This will lead to infrastructure in the floodplain, including to the cricket club and South Farm Road, being compromised. Drainage will take time to establish, which could lead to standing water lasting several months. Failure would be a difficult scenario for the community to manage, with little funding likely to be available.

Flooding of heavily-used path along river embankment

Budleigh Salterton Cricket Club under water

Prolonged flooding of grazing meadows in lower Otter valley

Access along South Farm Road compromised during a flood event

Figure 2.1 Flooding in lower Otter valley

The need to create intertidal habitat is to compensate for losses identified in the Exe Estuary Flood and Coastal Erosion Risk Management Strategy (the Strategy) (approved in September 2014). The Strategy identified six Flood Risk Management Schemes (FRMS) within the Exe Estuary, which were needed within 15-20 years. The Exe Estuary is a Special Protection Area (SPA), designated under the European Union (EU) Birds Directive and an internationally-designated Ramsar site. Part of the Exe Estuary is also a Special Area of Conservation (SAC) designated under the EU Habitats Directive. When the strategy was developed, the Conservation and Habitats Regulations 2010 applied (now The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)), which transpose the EU Birds Directive and EU Habitats Directive into English Law.

Maintaining and improving existing flood defences will result in the loss of European designated intertidal habitat caused by coastal squeeze (the loss of existing intertidal habitat in front of defences as a result of rising sea levels that drown out the habitat). This will adversely affect the integrity of the Exe Estuary SPA and Ramsar site. Under the Habitats Regulations, it is therefore a statutory requirement for the Environment Agency to create habitat to compensate for that lost. Without creating compensatory habitat, the Environment Agency cannot legally implement the recommendations of the Strategy and manage existing flood defences, nor build new flood defences.

The Strategy included a 'Statement of Case' for Imperative Reasons of Overriding Public Interest (IROPI), which explained that flood risk management in the Exe Estuary is essential to safeguard the public. It listed potential sites to compensate for the resulting intertidal habitat losses in the European sites; the Otter was one of these sites. It has been agreed with Natural England that 14.5ha of compensatory habitat should be provided.

Through the development of the Strategy several potential sites within the Exe Estuary were considered for compensatory habitat creation. From these a short list of sites was created, including on the Rivers Clyst and Kenn. Detailed investigations between 2013 and 2015 concluded that habitat creation at the Clyst and Kenn sites would not be feasible, and that there were no other suitable sites in the Exe Estuary. With no suitable sites in or around the Exe Estuary, the investigation moved to sites outside of the estuary.

The Otter Estuary was a potential site, as identified in the IROPI case, and the principle was agreed with Natural England. An agreement was made between the Environment Agency and the Estate, as the objectives of the Estate for the lower Otter aligned with those of the Strategy. The project subsequently progressed to outline and detailed design.

Implementation of the LORP will enable the Environment Agency to meet its statutory requirement to compensate for habitat loss caused by coastal squeeze resulting from flood risk management within the Exe Estuary international designated sites, by creating suitable intertidal habitat. The project will enable the Estate to improve the natural functioning, ecological health and environmental status of the river, demonstrate climate change adaptation and reduce risk to wildlife and public infrastructure under future climate change scenarios.

2.2. Project Objectives

The objectives for the LORP are to:

- Deliver more sustainable management in the face of climate change.
- Improve natural functioning of the lower Otter.
- Improve the quality of habitats and wildlife.
- Provide a minimum of 14.5ha of compensatory intertidal habitat
- Safeguard public access.
- Reduce risk of contamination from the old municipal tip.
- Not increase flood risk to property.
- Not impact on groundwater abstractions for drinking water.

2.3. Description of The Site

The site lies within the historic floodplain of the River Otter Estuary within the lower River Otter valley in Devon, centred at Ordnance Survey grid reference SY073830. The site lies directly south west of Otterton, directly east of Budleigh Salterton and approximately 6km east of the Exe Estuary.

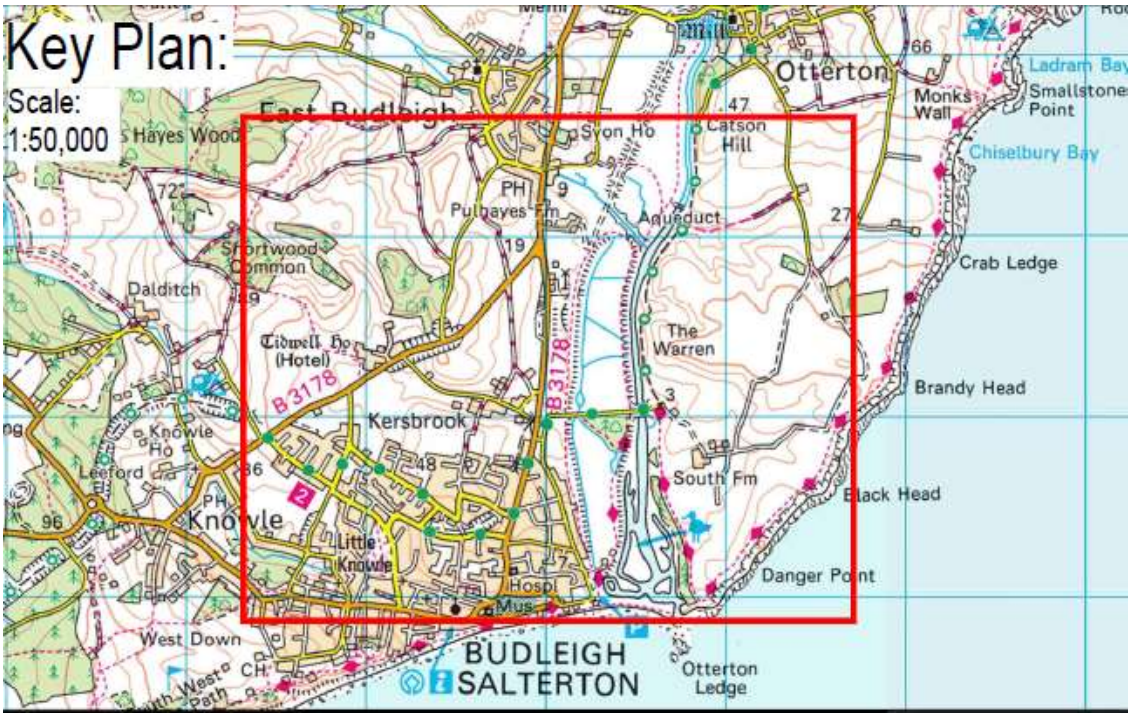


Figure 2.2 Location of Lower Otter Estuary

The entire site is located within the East Devon Area of Outstanding Natural Beauty (AONB) while the Otter Estuary along with the cliffs of Otterton Point, are nationally important sites for geology/ancient geography and biodiversity and are designated as a Site of Special Scientific Interest (SSSI). The Otterton Estuary SSSI contains a range of intertidal habitats including saltmarsh and tidal creeks. The Otter Estuary Marine Conservation Zone (MCZ) is also located wholly within the study area (and has three protected habitat features: coastal saltmarsh and saline reedbeds (combined), intertidal coarse sediments and intertidal mudflats. The MCZ is also noted as an important pathway for migratory fish and eel.

The Otter Estuary has been modified by humans for hundreds of years and was much larger than its current size. In the early 19th century embankments (known as Big Bank and Little Bank) were built, enclosing about three-quarters of the original extent of the estuary, and turning intertidal mudflat and saltmarsh into freshwater agricultural land. A network of freshwater drains crosses the site and a trunk drain lies along the western boundary. Across the mouth of the estuary is a shingle spit which lies within the Dorset and East Devon Coast World Heritage Site.

The estuary and marshes support a wide variety of breeding and wintering bird species, including waders and wildfowl, and form part of a network of important feeding sites which includes the Axe Estuary (to the east) and the Exe Estuary (to the west).

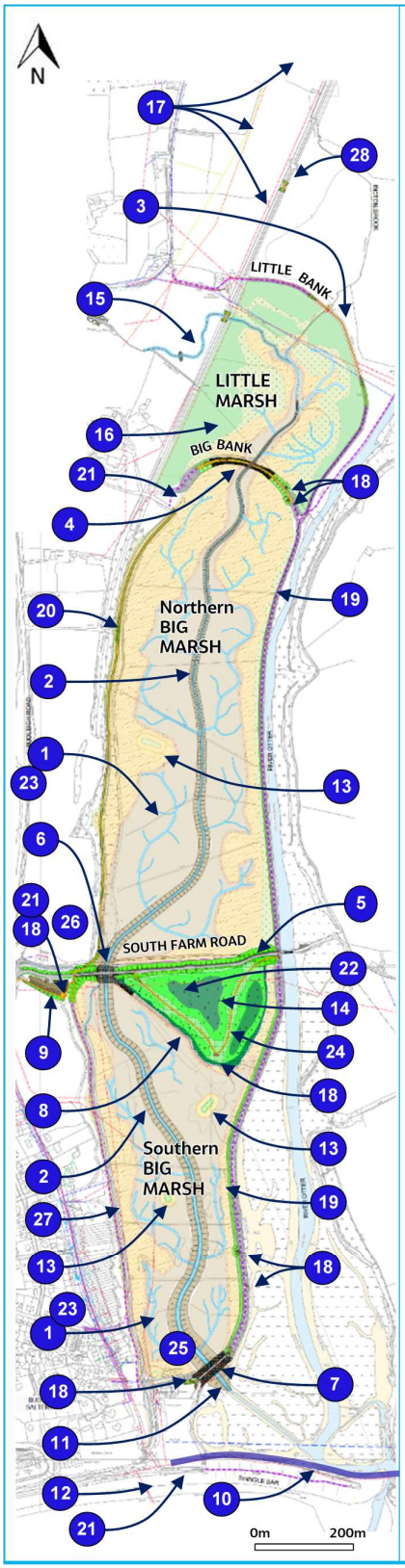
South Farm Road bisects the site in an east west direction. To the south of South Farm Road lies a historic landfill. An overhead electricity line crosses the landfill on an east to west alignment. Another overhead electricity line runs north-south along the western edge of the floodplain. Lime Kiln car park lies to the south west of the site.

A network of public footpaths provide access to much of the site, with one of Devon's most popular footpaths running along the estuary embankment forming part of the SWCP.

Budleigh Salterton Cricket Club (BSCC) lies within the southern extent of the site, to the north of Lime Kiln car park.

2.4. Proposed Development

The Lower Otter Restoration Project (LORP) will restore the historic floodplain of the River Otter to a condition similar to that found prior to the construction of the 19th century embankments. It will retain most of the embankments and create breaches in Little Bank, Big Bank and the River Otter embankment (near Lime Kiln car park) to allow water from the River Otter and Otter Estuary to inundate the site, creating intertidal saltmarsh and mudflats. South Farm Road will be raised, and the existing Budleigh Salterton Cricket Club moved off site to another location. Development of the new Budleigh Salterton Cricket Club has been approved by a separate planning application (reference 19/1521/MFUL) due to a need to progress the cricket pitch sooner than the rest of the LORP. The Scheme includes the elements shown on Figure 2.3.



1: Historic floodplain allowed to tidally inundate; leading to the creation of a total of approximately 55ha of intertidal habitat (consisting of 28ha mudflats, 27ha transitional marsh and saltmarsh).

2: Creation of a central tidal creek channel approximately 2km in length through the historic floodplain, from the new 70m wide breach up into Little Marsh. Connection to further secondary creek channels (totalling approximately 6km in length). Borrow pits and scrapes will be located at the ends of selected secondary tidal creeks.

3: Reconnection of the historic floodplain to the River Otter by creating a 200m wide breach through the existing embankment known as Little Bank and provide an improved lower level path across the breach.

4: Reconnection of the historic floodplain by creating a 170m wide breach through the existing embankment known as Big Bank and provide an improved lower level path across the breach.

5: Removal of a 380m length of the existing South Farm Road highway in the floodplain and replacement with a highway section south of the existing, raised approximately 2.5m higher on an earth embankment.

6: Creation of a new 30m span highway bridge, to allow the new tidal creek channel to pass beneath and extend to the north.

7: Creation of a 70m wide breach through the existing embankment, allowing the historic floodplain to tidally inundate. A new 70m span 2.5m width footbridge over the main breach, carrying the South West Coast footpath.

8: Removal of a small section of the existing landfill site in the far west corner, to allow construction of the new South Farm Road highway bridge. Installation of additional edge protection and capping to the landfill site.

9: Creation of new parking area; with space for up to 30 vehicles. New footpath links and information hub.

10: Existing SWW CSO pipe will be diverted by others (separate planning application). The estuary spit and mouth area will be allowed to evolve naturally. The existing lower path on the rear of the Shingle Bar will be removed.

11: A short length of the existing estuary approach channel to be increased in size; to allow transition to the new intertidal areas.

12: Operation and maintenance of existing beach outfall to be reviewed.

13: Creation of three high tide bird sanctuary islands.

14: Planting of new grassland and woodland habitat (approx. 3ha) on the historic landfill site, and the installation of a new section of footpath.

15: Existing Budleigh Brook to be realigned into a more natural form and location; reconnecting to the floodplain. Includes new culvert openings.

16: Existing Budleigh Brook aqueduct to be removed.

17: Planting of new and improved habitats; by infilling gaps of existing hedgerows, new hedgerow sections, new vegetation and woodland.

18: Installation of seven (one existing) public viewing areas or structures.

19: Planting of improved habitats by infilling gaps of existing hedgerows beside the footpath; also acting as screening.

20: Existing footpath to be improved and raised in height, to increase public safety adjacent to tidal water and provide farm access.

21: Installation public information and warning signage; to inform of likely changing environment and risks.

22: Diversion of the existing overhead power lines, which run west to east, underground through the new highway embankment

23: Removal of groups of existing trees/woodland, scattered trees and lengths of hedgerow in the floodplain area.

24: Diversion of existing footpath running to south of landfill onto the landfill.

25 & 26: Relocation of Budleigh Salterton Cricket Club (25) to new site (26) (separate planning application).

27: Diversion by others of power line that lies along the western boundary of the site, south of South Farm Road, underground in a raised embankment (separate planning application).

28: Flood relief culvert through disused railway embankment.

Figure 2.3 Proposed Scheme Overview Plan

2.5. Planning History and Future Development

A review of EDDC and Devon County Council (DCC) planning application registers has identified two developments associated with the proposed site.

Budleigh Salterton Cricket Club (BSCC)

The existing BSCC is located behind the Lower Otter embankment and frequently experiences flooding when the nearby River Otter exceeds channel capacity. An alternative site for BSCC has been identified on the northern edge of Budleigh Salterton, and adjacent to the LORP. A planning application drawn up on behalf of landowner Clinton Devon Estates in conjunction with the cricket club has been approved by EDDC (application reference: 19/1521/MFUL). The new cricket ground will need to be available for use before LORP works affecting the cricket ground can go ahead. The cumulative environmental impacts of these schemes are considered further in Chapter 15 of the Environmental Statement (ES).

France-Alderney-Britain (FAB) Link

The FAB interconnector is a 220km proposed underground and subsea interconnector which will allow exchange and trading of up to 1400MW of electricity between France and Britain via Alderney. The FAB interconnector is designated as a European Project of Common Interest (PCI project number 1.7.1) under the provisions of European Union Regulation No. 347/2013 on guidelines for Trans-European Network for Energy. The FAB interconnector is being developed by Transmission Investment LLP, together with the French grid company RTE (Réseau de Transport d'Électricité) and Alderney based tidal power developer Alderney Renewable Energy Limited.

It is acknowledged that FAB Link limited are in possession of the following permissions overlapping with the LORP Project boundary:

- Certificate of lawfulness of proposed use or development (CLOPUD) in accordance with section 192 of the Town and Country Planning Act 1990 issued on 12th June 2017 (EDDC Ref. 16/2995/CPL).
- Full planning permission to a) to raise the finished level of the footpath above the proposed cable route (Budleigh Salterton Footpath 12) which runs north-south on the western edge of the LORP between the BSCC and the historic landfill, and b) to provide flood plain compensation and associated regrading of agricultural land in accordance with the Town and Country Planning Act 1990 issued on 28th November 2017 (EDDC Ref. 17/1866/MFUL).

The planning permission provides consent for FAB Link Limited to raise the height of the finished floor level of the 800m footpath by 300mm – 600mm. This will provide an "all ability" surface for improved access along this section of the footpath and will ensure that the footpath does not flood during the majority of tidal conditions (up to mean high water springs which is 2.17m AOD).

The planning permission also provides consent for FAB Link Limited to remove approximately 850 cubic meters of material from the surface of the grazing marsh to the east of the footpath (within Big Marsh South) to offset the volume of the raised footpath level. This material will be used to regrade agricultural land outside the flood plain.

The LORP team are in ongoing discussions with FAB Link Limited about the timing of our respective works and areas where the two projects overlap. The phasing of works will need to be planned carefully to allow both projects to achieve their objectives. It is possible that the construction periods of both schemes will overlap. The cumulative environmental impacts of these schemes are considered further in Chapter 14 of the ES.

3. Health Impact Statement

EDDC's National and Local Validation Requirements states that a Health Impact Statement is required for all large-scale major development. This Statement should be proportionate to the nature and scale of the development proposals. Chapter 6: Population and Human Health of the ES presents the findings of an assessment of the impacts of the scheme on the local community, access and recreation and biting insects (topics which have been scoped in to the Environmental Impact Assessment). This Statement considers the findings of this assessment against the relevant planning policies in relation to community inclusion, healthy neighbourhoods and active lifestyles, safety and wellbeing, and protecting the environment.

In combination with the re-naturalisation of the estuarine environment, the construction of a new car park at South Farm Road Car Park, new viewing areas and improvements to the network of footpaths will improve amenity and access for all to enjoy the estuary as a recreational resource. This will be further enhanced by the improvements to the footpath between South Farm Road and Granary Lane proposed by the FAB Link project, which will provide an 'all ability' surface.

The Scheme will allow for the continued use of a cricket ground by BSCC, both during and after construction. Users of the current facility will continue to use these until autumn 2022, after which they will then move into the new facilities ready for the 2023 cricket season. The new cricket ground is the subject of a separate planning application but is integral to the delivery of LORP.

Access to the playground and skatepark adjacent to Lime Kiln car park will also be maintained throughout construction.

By improving access to amenities, including open space, the Scheme supports the aims of Strategy 3 (Sustainable Development) of the Local Plan in promoting social wellbeing. It also supports Strategy 4 (Balanced Communities) of the Local Plan which seeks to achieve community facilities that complement the range of ages of the resident population and have appropriate access for those with disabilities.

Due to climate change, coastal flooding is becoming more frequent. This could pose increased risk to the safety of those within the area. The BSCC cricket ground and South Farm Road in particular currently flood when existing defences are overtopped. The Scheme allows for the flooding of the area in a more natural way and moves key infrastructure out of the floodplain, reducing the risk posed to the safety and wellbeing of those using the area. In particular, raising the level of South Farm Road will significantly reduce the risk of longer journey times and uncertainty of journey routes (particularly in an emergency) to residential properties and businesses at the eastern end of South Farm Road during periods of flooding. This takes into consideration Paragraph 95(a) of the National Planning Policy Framework 2019 (NPPF) which advises that decisions should promote public safety and take into account wider security and defence requirements by anticipating and addressing possible natural hazards.

4. Planning Policy Context

4.1. National Planning Policy

The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The core principles of the NPPF state that the planning system should be plan-led, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

The NPPF emphasises that planning decisions must be taken in accordance with the relevant development plan unless material considerations indicate otherwise. In developing their policies, Local Planning Authorities should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts. This could include providing space for physical protection measures or making provision for the possible future relocation of vulnerable development and infrastructure.

In coastal areas, planning decisions should also take account of the UK Marine Policy Statement and Marine Plans. Integrated Coastal Zone Management is encouraged to ensure effective alignment of the terrestrial and marine planning regimes and Local Plans should identify Coastal Change Management Areas and set out what development is appropriate for such areas.

4.2. Marine Planning Policy

The UK Marine Policy Statement provides a framework for preparing Marine Plans and taking decisions affecting the marine environment.

It also sets out the policy objectives for the key activities taking place in the marine environment. These objectives are the policy specific outcomes which the UK Administrations are seeking to achieve through the sustainable development of the UK marine area.

The South Inshore and South Offshore Marine Plan (The South Marine Plan) covers the south coast between the River Dart in Devon and Folkstone in Kent. The vision set out for the area states:

> *"By 2038, the south marine plan areas' iconic and unique qualities, characteristics and culture will be conserved, promoted and where needed enhanced, through good management of its marine space. The natural beauty of the coastline and busy coastal and offshore waters are qualities that make the south marine plan areas distinctive. By 2038, the south marine plan areas will have maintained this distinctive natural beauty and diversity while sustainable economic growth, protection of the natural and historic environment, as well as the well-being of those who live, work and visit the south coast, will have been enhanced through balanced and sustainable use of its resources."*

A number of objectives (supported by detailed policies which are described in the Planning Statement) detail how this vision will be achieved. The objectives of relevance to this Scheme include:

Objective 1: To encourage effective use of space to support existing, and future sustainable economic activity through co-existence, mitigation of conflicts and minimisation of development footprints. Supported by the following policy:

- S-CO-1: Proposals will minimise their use of space and consider opportunities for co-existence with other activities.

Objective 3: To support diversification of activities which improve socio-economic conditions in coastal communities. Supported by the following policy:

- S-TR-1: Proposals supporting, promoting or facilitating tourism and recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported.

Objective 5: To avoid, minimise, mitigate displacement of marine activities, particularly where of importance to adjacent coastal communities, and where this is not practical to make sure significant adverse impacts on social benefits are avoided. Supported by the following policies:

- S-SOC-1: Proposals that enhance or promote social benefits will be supported.
- S-TR-2: Proposals that enhance or promote tourism and recreation activities will be supported.

Objective 6: To maintain and enhance inclusive public access to, and within, the south marine plan areas appropriate to its setting. Supported by the following policies:

- S-ACC-1: Proposals, including in relation to tourism and recreation, should demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts on public access.
- S-ACC-2: Proposals demonstrating enhanced public access to and within the marine area will be supported.

Objective 7: To support the reduction of the environmental, social and economic impacts of climate change, through encouraging the implementation of mitigation and adaptation measures that:

- avoid proposals' indirect contributions to greenhouse gas emissions
- reduce vulnerability
- improve resilience to climate and coastal change
- consider habitats that provide related ecosystem services

Supported by the following policies:

- S-CC-2: Proposals should demonstrate for the lifetime of the proposal that they are resilient to the effects of climate change and they will not have a significant adverse impact upon climate change adaptation measures elsewhere.
- S-CC-3: Proposals in the south marine plan area and adjacent marine plan areas that are likely to have a significant adverse impact on coastal change should not be supported.

- S-CC-4: Habitats that provide flood defence and carbon sequestration provide natural resilience for coastal communities that are vulnerable to coastal erosion and change. Proposals are required to manage impacts, enabling these important habitats to continue to provide this valuable service.

Objective 8: To identify and conserve heritage assets that are significant to the historic environment of the south marine plan areas. Supported by the following policy:

- S-HER-1: Seeks to makes sure that proposals do not have an adverse impact on marine and coastal heritage assets, regardless of their designation status.

Objective 9: To consider the seascape and its constituent marine character and visual resource and the landscape of the south marine plan areas. Supported by the following policy:

- S-SCP-1: Makes sure that proposals should only be supported if they manage impacts on the seascape.

Objective 10: To support marine protected area objectives and a well-managed ecologically coherent network with enhanced resilience and capability to adapt to change. Supported by the following policies:

- S-MPA-1: Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.
- S-MPA-2: Proposals that enhance a marine protected area's ability to adapt to climate change and so enhance the resilience of the marine protected area network will be supported.
- S-MPA-3: Where statutory advice states that a marine protected area site condition is deteriorating, or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered.
- S-MPA-4: Makes sure proposals do not prevent the future inclusion of features which may be required to enhance network coherence.

Objective 11: To complement and contribute to the achievement or maintenance of Good Ecological Status or Potential under the Water Framework Directive and Good Environmental Status under the Marine Strategy Framework Directive, with respect to descriptors for marine litter, non-indigenous species and underwater noise. Supported by the following policies:

- S-WQ-1: Seeks to manage impacts on water quality, and the habitats and species which benefit water quality through the ecosystem service they provide.
- S-WQ-2: Activities that can deliver an improvement to water environment or enhance habitats and species which can be of benefit to water quality should be supported.

Objective 12: To safeguard space for, and improve the quality of, the natural marine environment, including to enable continued provision of ecosystem goods and services, particularly in relation to coastal and seabed habitats, fisheries and cumulative impacts on highly mobile species. Supported by the following policies:

- S-BIO-1: Requires proposals to manage negative effects which may not enable the functioning of healthy, resilient and adaptable marine ecosystems.
- S-BIO-2: supports proposals that incorporate features that enhance or facilitate natural habitat and species adaptation, migration and connectivity, enabling the environment to respond to climate change and development.
- S-BIO-3: Proposals that enhance coastal habitats where important in their own right and/or for ecosystem functioning and provision of goods and services will be supported.
- S-BIO-4: Proposals that enhance the distribution and net extent of priority habitats should be supported.
- S-DIST-1: Enables people to appreciate the marine diversity and act responsibly to protect and recover populations of rare, vulnerable, and valued species.

4.3. Local Planning Policy

Applications for planning permission must be determined in accordance with the relevant local development plan unless material considerations indicate otherwise. The development is located within the administrative area of East Devon District Council (EDDC). The adopted development plan for East Devon comprises:

- The Local Plan 2013-2031.
- The Villages Plan (does not cover the area affected by this development).
- Any 'made' Neighbourhood Plans (the Scheme is covered by Budleigh Salterton Neighbourhood Plan, East Budleigh with Bicton Neighbourhood Plan and Otterton Neighbourhood Plan).

EDDC has also produced a number of Supplementary Planning Guidance (SPG) documents that add additional detail to the Policies of the Local Plan. The only SPG of relevance to this development is the Trees and Development SPG.

Devon County Council as the local Waste Planning Authority has also prepared the Devon Waste Plan 2011-2031 which is of relevance to the development.

4.3.1. Local Plan 2013-2031

The East Devon District Council Local Plan 2013-2031 (adopted 28th January 2016) sets out the strategy for the future development of East Devon while also promoting the conservation of the natural environment. It promotes the protection of the AONB by retaining the semi-rural character of the areas on the edge of Budleigh Salterton.

The Local Plan supports proposals for managed realignment provided it does not have an unacceptable adverse economic, social or environmental impact including an unacceptable detrimental visual impact on a protected landscape.

The key strategies and polices identified as being relevant to the Scheme are listed below:

- Strategy 5 – Environment
- Strategy 7 - Development in the Countryside
- Strategy 45 - Coastal Erosion
- Strategy 46 - Landscape Conservation and Enhancement and AONBs

- Strategy 47 – Nature Conservation and Geology
- Strategy 49 – The Historic Environment
- EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites
- EN5 - Wildlife Habitats and Features
- EN6 - Nationally and Locally Important Archaeological Sites
- EN7 - Proposals Affecting Sites which may potentially be of Archaeological Importance
- EN8 - Significance of Heritage Assets and their Setting
- EN9 - Development Affecting a Designated Heritage Asset
- EN14 - Control of Pollution
- EN16 – Contaminated Land
- EN18 - Maintenance of Water Quality and Quantity
- EN21 - River and Coastal Flooding
- EN22 - Surface Run-Off Implications of New Development
- D2 - Landscape Requirements
- D3 - Trees and Development Sites
- TC4 - Footpaths, Bridleways and Cycleways
- TC7 - Adequacy of Road Network and Site Access
- RC1 - Retention of Land for Sport and Recreation

4.3.2. Budleigh Salterton Neighbourhood Plan

The Budleigh Salterton Neighbourhood Plan policies, objectives and actions reflect the current views of residents and business owners in the parish of Budleigh Salterton for the period from 2017 – 2031. It covers the coastal section of the proposed LORP development site as shown in Figure 4.1 below.

The relevant polices identified to the Scheme are listed below:

- Policy NE1 - Conservation of the Natural Environment
- Policy NE3 - Conservation of Biodiversity
- Policy NE4 - Maintain Trees and Hedgerows
- Policy NE5 - Development within the Coastal Preservation Area
- Policy B2 - Protection of Key Views and Vistas
- Policy B3 - Heritage Assets
- Policy CLW1 - Protecting and Enhancing Recreational Facilities
- Policy CLW2 - Relocation of Budleigh Salterton Cricket Club

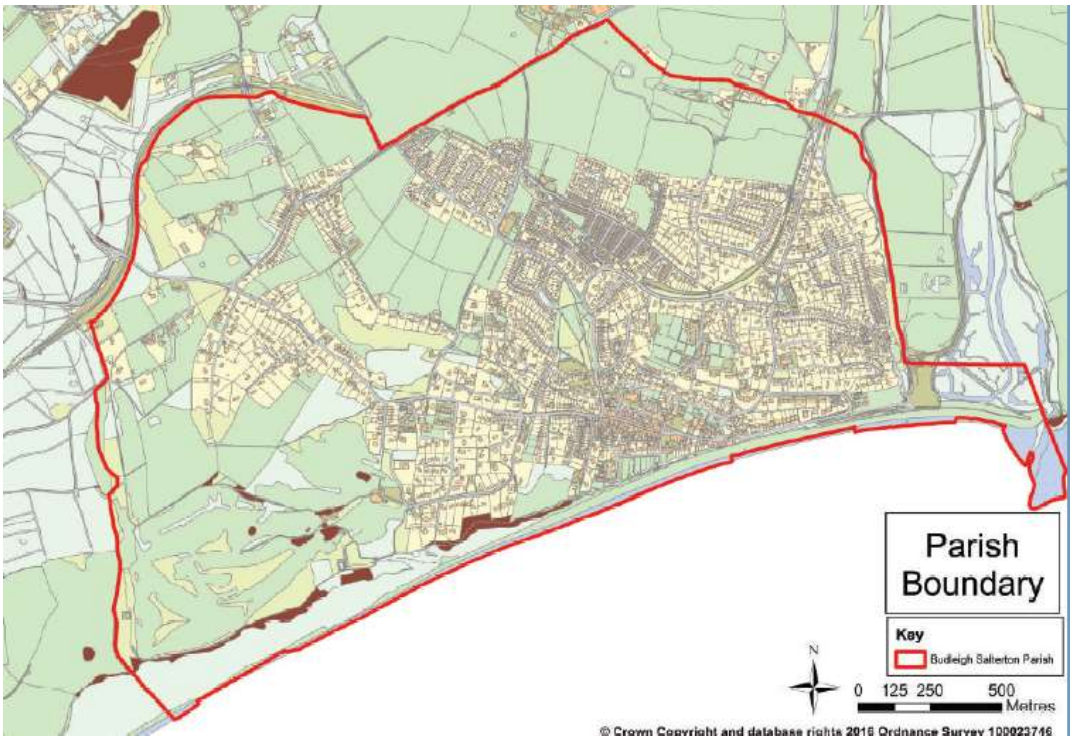


Figure 4.1. Budleigh Salterton Parish Boundary – Extract from Budleigh Salterton Neighbourhood Plan

4.3.3. East Budleigh with Bicton Neighbourhood Plan

The East Budleigh with Bicton Neighbourhood Plan policies set out the vision for the future of the community up to 2031. It covers the lower section of the site, including the existing Budleigh Salterton Cricket Club as shown on Figure 4.2 below.

The relevant polices identified to the Scheme are listed below:

- Policy N1 - Protecting and enhancing the landscape, biodiversity and local countryside character
- Policy F1 - Flood Risk Assessment
- Policy F2 - Surface Water Run-off
- Policy F3 - SuDS Design & Management
- Policy B1 - Heritage Assets and their Setting
- Policy L1 - Enhancing Recreational Facilities
- Policy L2 – Budleigh Salterton Cricket Ground
- Policy G1 - To protect and enhance the network of public rights of ways and bridleways around the Parish

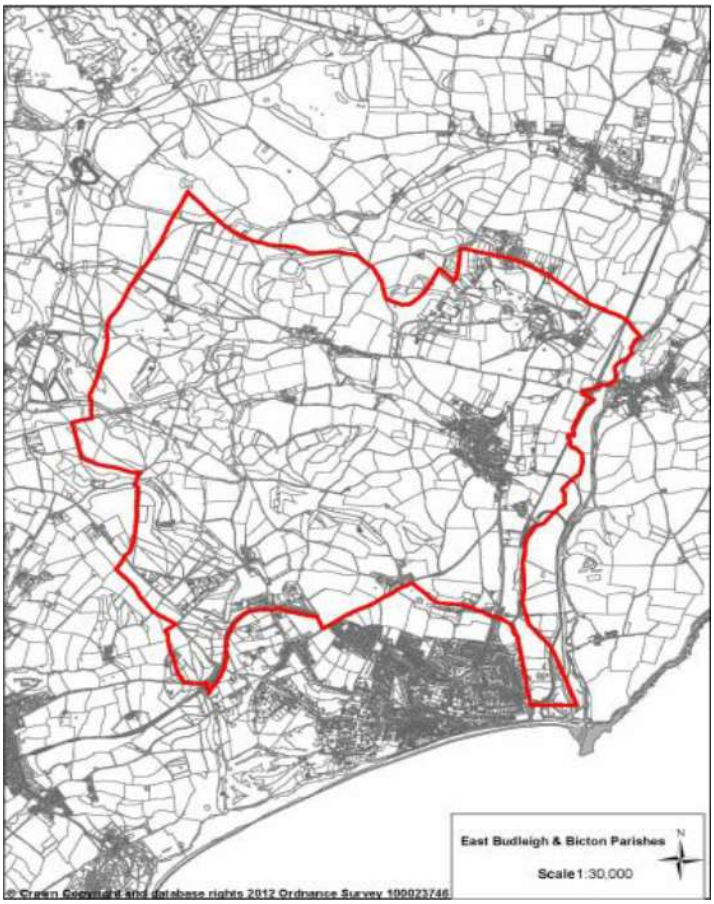


Figure 4.2. East Budleigh and Bicton Parishes – Extract from East Budleigh with Bicton Neighbourhood Plan.

4.3.4. Otterton Neighbourhood Plan

The Draft Otterton Neighbourhood Plan seeks to preserve and protect the best and distinctive features of Otterton Parish, while recognising the need for evolution, measured growth and careful development to allow the community to thrive. It covers the eastern and northern areas of the LORP as shown in Figure 4.3 below.

The relevant polices identified to the Scheme are listed below:

- ONP1 - Sustainable Development
- ONP2 – Protecting and Enhancing the Conservation Area and other Heritage Assets
- ONP3 – Protecting and Enhancing the Built Environment
- ONP4 - Protecting and Enhancing the Natural Landscape
- ONP5 - Protecting and Enhancing Wildlife in the Natural Environment
- ONP8 – Traffic and Travel Around the Parish

Figure 4.3. Otterton Parish – Extract from Otterton Neighbourhood Plan.

4.3.5. Trees and Development Supplementary Planning Guidance (SPG)

The Trees and Development SPG seeks to ensure that trees are effectively and sustainably integrated into new development. The SPG provides further guidance about the level of information required to be submitted with a planning application in order to meet the requirements of Policy D3 (Trees and Development Sites) of the Local Plan.

4.3.6. Devon Waste Plan

The Devon Waste Plan identifies that the largest quantities of waste generated in Devon arise from construction. The policies contained in the Plan set out DCCs strategy for managing waste and largely relate to developments specifically relating to waste management. Policy W4 applies to major construction projects and seeks to ensure that waste generation from construction projects is minimised and that any waste generated is managed through the waste hierarchy.

4.4. Other Plans and Strategies

4.4.1. National Flood and Coastal Erosion Risk Management Strategy for England (2020)

National Flood and Coastal Erosion Risk Management Strategy for England sets out the long-term delivery objectives England should take over the next 10 to 30 years as well as shorter term, practical measures risk management authorities should take working with partners and communities. The Strategy's long-term vision is for a

nation ready for, and resilient to, flooding and coastal change – today, tomorrow and to the year 2100. It has 3 long-term ambitions:

- Climate resilient places: working with partners to bolster resilience to flooding and coastal change across the nation, both now and in the face of climate change.
- Today's growth and infrastructure resilient in tomorrow's climate: making the right investment and planning decisions to secure sustainable growth and environmental improvements, as well as infrastructure resilient to flooding and coastal change.
- A nation ready to respond and adapt to flooding and coastal change: ensuring local people understand their risk to flooding and coastal change, and know their responsibilities and how to take action.

4.4.2. Durlston Head to Rame Head Shoreline Management Plan Review (SMP2) (2011)

The Shoreline Management Plan (SMP) provides a large-scale assessment of the risks associated with coastal evolution. It includes a policy framework to address these risks in a sustainable manner with respect to people and the developed, historic and natural environment.

The preferred plan for the Otter Estuary is managed realignment, allowing the shoreline position to move backwards with management to control movement. This will encourage natural development of the estuary, offers habitat creation potential and may also be beneficial for reducing flood risk in other parts of the estuary whilst maintaining reduced flood risk to developed areas.

A SMP Refresh has commenced to ensure the Plan is up to date, however further details are not available at the time of writing this document.

4.4.3. South West River Basin Management Plan 2015 – 2021

The South West River Basin Management Plan fulfils the requirements of the Water Framework Directive and provides a framework for protecting and enhancing the benefits provided by the water environment. The East Devon catchment partnership has produced a catchment action plan that aims to improve ecological status, achieve protected area objectives and prevent deterioration with the catchment which includes the River Otter. Future opportunities identified include river restoration and habitat creation that can provide multiple benefits, including green infrastructure, flood resilience and river basin management measures. The action plan lists LORP as a key project supported by the catchment partnership.

4.4.4. Dorset and East Devon Coast World Heritage Site Management Plan 2014-2019

The Dorset and East Devon Coast World Heritage Site Management Plan aims to:

1. Protect the Site's Outstanding Universal Value and setting.
2. Conserve and enhance the Site and its setting for science, education and public enjoyment.
3. Strengthen understanding and awareness of the Outstanding Universal Value of the Site, and of World Heritage.

4. Support communities in realising the economic social and cultural opportunities and benefits that World Heritage Status can bring.
5. Improve sustainable access to the Site and enable visitors to enjoy a welcoming experience and high quality facilities.
6. Support and demonstrate exemplary World Heritage Site (WHS) Management.

The Jurassic Coast Trust is currently creating a new Partnership Plan in collaboration with a wide variety of stakeholders. The new Partnership Plan will guide management of the World Heritage Site over the next five years and will replace the current Site Management Plan. The aims of the new Partnership Plan as set out in the draft document broadly align with the aims of the Site Management Plan described above.

4.4.5. A Green Future: Our 25 Year Plan to Improve the Environment (Defra, 2018)

The Green Future plan sets out to achieve a number of goals including clean and plentiful water; thriving plants and wildlife; a reduced risk of harm from environmental hazards such as flooding; using resources more sustainably; and enhanced beauty, heritage and engagement with the natural environment. The plans actions are formed around the following areas:

- Using and managing land sustainability.
- Recovering nature and enhancing the beauty of landscape.
- Connecting people with environment to improve health and wellbeing.
- Increasing resource efficiency, and reducing pollution and waste.
- Securing clean, productive and biologically diverse seas and oceans.
- Protecting and improving and global environment.

4.4.6. Biodiversity 2020: A strategy for England's wildlife and ecosystem services (Defra, 2011)

The Scheme aims to contribute positively to the Biodiversity 2020 strategy which sets out "*to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.*"

4.4.7. East Devon AONB Partnership Plan 2019-24

The East Devon AONB Partnership Plan aims to conserve, manage and enhance the natural beauty of the AONB to support and benefit present and future generations. It's aims and objectives are centred around three themes:

1. Place – to conserve and enhance the natural beauty of the AONB.
2. People and Prosperity – to encourage and support economic development, social engagement and recreational activity that conserves and enhances the natural beauty of the AONB.
3. Communication and Management – to ensure the AONB is recognised and valued as a national, regional and local asset and is effectively managed in partnership with stakeholders.

The plan is supported by a delivery plan to achieve these aims. The delivery plan includes a range of priorities including:

- Work with partners on the East Devon Catchment Partnership to deliver climate change adaptation measures and promote sustainable management of our natural resources.
- Play an active role in the Lower Otter Restoration Project.
- Encourage and support safe off-road access routes for all users.

4.4.8. The Nature of Devon: A Biodiversity and Geodiversity Action Plan (Devon County Council, 2009)

The Nature of Devon: A Biodiversity and Geodiversity Action Plan identifies the key wildlife and geological features in Devon and sets priorities for nature conservation. It details action plans for 17 terrestrial and freshwater habitats and 20 species.

4.4.9. Natural Devon (Devon Local Nature Partnership)

Natural Devon is an umbrella body that brings together everyone with an interest in securing the benefits of the natural environment in Devon. It aims to:

- Protect and improve Devon's natural environment.
- To grow Devon's green economy.
- To reconnect Devon's people with nature.

The LORP aligns with a number of priorities set out in their Prospectus for Natural Devon (2014-2019) including by creating opportunities for everyone in Devon to be 'naturally active', promoting green infrastructure, contributing to resilience to flooding and healthy wildlife habitats.

4.4.10. East Devon Playing Pitch Strategy (2015)

Based on the findings of the Exeter and East Devon Playing Pitch Strategy Needs Assessment (prepared by Bennet Leisure and Planning Ltd for East Devon District and Exeter City Councils jointly), The East Devon Playing Pitch Strategy seeks to ensure sufficient provision of good quality playing pitches and protect playing pitches from development. It identifies that BSCC floods regularly and sets out an action to explore the possibility of developing a new ground with extra capacity and reduced/no flood risk.

5. Planning Considerations

5.1. Principle of Development

Implementation of the LORP will enable the Environment Agency to meet its statutory requirement to compensate for habitat loss. It will also enable Clinton Devon Estates to improve the natural functioning, ecological health and environmental status of the river, demonstrate climate change adaptation and reduce risk to wildlife and public infrastructure under future climate change scenarios. In doing so, the Scheme addresses the key concerns and priorities of a number of local and national policies and strategies (further details of policy compliance are provided in the following sections).

Future resilience

The preferred plan for the Otter Estuary, as set out in The Durlston Head to Rame Head Shoreline Management Plan, is managed realignment allowing the shoreline position to move backwards with management to control movement. Removing artificial structures impacting on natural processes, controlling invasive species, and reducing risk of environmental pollution will assist the River Otter to move towards 'good ecological status' thereby strategically aligning the Scheme with the objectives of the European Community Water Framework Directive and its regional delivery mechanism, the East Devon Catchment Action Plan.

LORP supports the principles of the NPPF and the South Marine Plan by providing measures to ensure the future resilience of the lower Otter valley infrastructure and community to climate change impacts. It will reduce the influence of existing ageing and failing 'hard infrastructure', thereby allowing tidal and fluvial flooding to ebb and flow naturally and improve the natural functioning of the lower Otter. Should the Scheme not go ahead and the estuary embankments fail, the protected/original flood plain would be inundated on each high tide. Farmland would become unusable, the South Farm Road access would be tidally inundated twice on most days, and the South West Coast Path would be severed. Due to the unplanned change it is unlikely that the breach in the embankments would enable efficient drainage of the area filled by incoming tides and the area would likely be wetter for longer. These impacts would continue until the breach could be repaired. LORP will also reduce the risk of contamination from the old municipal tip within the floodplain from erosion, reducing an environmental liability at risk from a climate change induced unmanaged breach.

Enhancement of the natural environment

The Scheme will create 55 hectares of inter-tidal habitat, and support national and local planning policies and strategies that aim to contribute positively to biodiversity and create well-functioning ecosystems and coherent ecological networks.

The Scheme is aligned with a number of key objectives and policies of local and neighbourhood plans including those relating to protecting and enhancing the local natural environment, enhancing habitat connectivity at a landscape scale. Through restoring the ecological health of the lower Otter Valley, the creation of inter-tidal habitat, the protection of access and engagement of local communities with natural heritage, the Scheme also strongly supports the mission statement of England's Biodiversity Strategy 2020. Specifically, it helps deliver priority actions related to the

protection of ecosystem services, halting habitat and species decline, and adapting to climate change. It also supports five of the seven priority themes of Devon's Local Nature Partnership. These are: Naturally Healthy; Green Connections; Outdoor learning; Farming with Nature; Resilient Wetlands. The Scheme supports a number of the priority themes of Devon's Local Nature Partnership including by creating opportunities for everyone in Devon to be 'naturally active', promoting green infrastructure, contributing to resilience to flooding and healthy wildlife habitats.

The AONB Partnership Plan and the WHS Management Plan have also been key considerations throughout the design of the Scheme resulting in a Scheme that seeks to restore and enhance the natural beauty, quality and local distinctiveness of the landscape character and visual amenity of the lower Otter Valley.

Community benefits

A number of objectives and policies of the South Marine Plan support tourism and recreation activities, and seek to maintain and enhance inclusive public access to the coastal area. Healthy and safe communities are also promoted by the NPPF which highlights the provision of access to a network of high quality open spaces and opportunities for sport and physical activity as being important for the health and well-being of communities. By safeguarding and enhancing the public access along approximately 2km of the lower Otter Valley (including part of the nationally significant South West Coast Path) it is hoped that the Scheme will improve amenity and access for all to enjoy the estuary as a recreational resource.

Relocating Budleigh Salterton Cricket Club will also ensure the future of an important local community asset (thereby supporting the delivery of the relevant objectives of the East Devon Playing Pitch Strategy).

Overall, it is therefore considered that the principle of the Scheme is compliant with planning policy at both the national and local level by ensuring resilience to future climate change, promoting healthy and functioning ecosystems, and contributing to social benefits of the area.

5.2. Biodiversity

Relevant Policies

Paragraph 170 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Planning for the enhancement of natural capital at a landscape scale is encouraged (paragraph 171) and the conservation, restoration and enhancement of priority habitats, ecological networks and priority species populations is promoted (paragraph 174).

In addition to the legislation protecting internationally and nationally designated sites, the following principles should be applied in order to conserve and enhance biodiversity:

a. *"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated,*

or, as a last resort, compensated for, then planning permission should be refused;

b. *development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

c. *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

d. *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

Strategy 5 (Environment) of the Local Plan reflects the requirements of the NPPF, while Strategy 47 (Nature Conservation and Geology) additionally requires any non-residential development scheme within 10km of the Exe Estuary SPA/Ramsar or Pebbled Heaths SAC to be subject to project level assessment to establish the potential need for mitigation.

Mitigation is required to reduce any negative impacts caused to a Local Nature Reserve or County Wildlife Site, or adequate compensatory habitat enhancement or creation schemes will be required to ensure that the impacts of the Scheme have been mitigated as far as possible. Development or land use change that has the potential to adversely affect a Local Nature Reserve or County Wildlife Site will only be permitted if the justification of the scheme outweighs any harm to the intrinsic nature conservation value of the site (Policy EN4: Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites of the Local Plan).

Other non-designated wildlife sites habitats and features should also be protected as far as possible, and opportunities for habitat creation and enhancement are encouraged (Policy EN5: Wildlife Habitats and Features of the Local Plan; Policies NE1:Conservation of the Natural Environment and NE3: Conservation of Biodiversity of the Budleigh Salterton Neighbourhood Plan; Policy N1: Protecting and Enhancing the Landscape, Biodiversity and Local Countryside Character of the East Budleigh and Bicton Neighbourhood Plan; and Policy ONP5: Protecting and Enhancing Wildlife in the Natural Environment of the draft Otterton Neighbourhood Plan).

The importance of protecting trees and hedgerows is also highlighted by Policies NE4 (Mainlining Trees and Hedgerows) of the Budleigh Salterton Neighbourhood Plan and Policy N1 (Protecting and Enhancing the Landscape, Biodiversity and Local Countryside Character) of the East Budleigh and Bicton Neighbourhood Plan.

Objective 7 of the South Marine Plan encourages measures which improve resilience to climate change and consider habitats that provide related ecosystem services. Policy S-CC-4 emphasises that habitats can provide an important flood defence. Objective 10 of the South Marine Plan supports marine protected area

objectives and a well-managed ecologically coherent network with enhanced resilience and capability to adapt to change. It is supported by the following policies:

- S-MPA-1: Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.
- S-MPA-2: Proposals that enhance a marine protected area's ability to adapt to climate change and so enhance the resilience of the marine protected area network will be supported.
- S-MPA-3: Where statutory advice states that a marine protected area site condition is deteriorating, or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered.
- S-MPA-4: Makes sure proposals do not prevent the future inclusion of features which may be required to enhance network coherence.
- S-BIO-1: Requires proposals to manage negative effects which may not enable the functioning of healthy, resilient and adaptable marine ecosystems.
- S-BIO-2: Supports proposals that incorporate features that enhance or facilitate natural habitat and species adaptation, migration and connectivity, enabling the environment to respond to climate change and development.
- S-BIO-3: Proposals that enhance coastal habitats where important in their own right and/or for ecosystem functioning and provision of goods and services will be supported.
- S-BIO-4: Proposals that enhance the distribution and net extent of priority habitats should be supported.

Review

The existing site comprises large areas of semi-improved grassland, with some amenity grassland, intertidal habitat and saltmarsh. The Scheme seeks to restore the site to its pre-existing natural condition and has been designed to respect the character and nature of the area and enhance habitat areas to encourage local biodiversity. It will create approximately 27ha of saltmarsh and 28ha mudflats and also includes the creation of tidal creeks (2km main creek and 6km secondary creek). The Scheme will provide a number of key benefits in the long-term that will enhance or improve the area's biodiversity including by providing an increased habitat resource for overwintering birds, benthic estuarine invertebrates and intertidal, estuarine and migratory fish species in the Otter catchment. It therefore aligns with the commitment of the NPPF to establish coherent ecological networks that are more resilient to current and future pressures.

A Stage 1 Habitats Regulation Assessment has been carried out and provides an assessment of the likely significant effects of the Scheme on the Exe Estuary SPA/Ramsar, Pebbled Heaths SAC, Beer Quarry and Caves SAC and South Hams SAC. Likely significant effects were identified for the Exe Estuary SPA/Ramsar and therefore a Stage 2 Appropriate Assessment has been undertaken which concluded that the proposal would have no adverse effects on the integrity of the designated site. The Scheme will provide more than the required 14.5ha of intertidal habitat (mudflat and lower saltmarsh) to compensate for the loss of intertidal habitat within the Exe Estuary through coastal squeeze from human intervention. In doing so it will

create suitable habitat for the following over wintering bird species that are designated features of the Exe Estuary SPA:

- Dark bellied Brent goose
- Dunlin
- Grey plover
- Black-tailed godwit

It is likely that the site would also provide suitable conditions for a range of other waterfowl species from the Exe Estuary, including wigeon, lapwing and whimbrel, which are interest features of the Exe Estuary Ramsar Site, and other species from the Exe Estuary assemblage.

Chapter 8 of the ES presents the findings of an assessment of the potential impacts of the Scheme on biodiversity, marine ecology and fish. This assessment has identified that without mitigation there is potential for the Scheme to impact a range of important ecological features for nature conservation and species protected by legislation.

General mitigation measures proposed include design stage avoidance of adverse impacts, best practice design, pollution control measures, general good construction practices, habitat protection measures, sensitive landscaping and mitigation planting.

Protected species mitigation will be provided in accordance with legal requirements and will seek to enhance the integrity of populations where possible to do so. Specific mitigation measures for the following species are also proposed and detailed in Chapter 8 section 8.8 of the ES:

- Terrestrial invertebrates
- Freshwater and migratory fish
- Reptiles
- Owls and breeding birds
- Badgers
- Dormice
- Otters
- Bats
- Hedgehogs
- Harvest mice
- Beavers

Tree and hedgerow planting is proposed to mitigate the loss of those that will be either removed during construction or inundated with saline water. In particular this will include black poplar (male and female specimens to create a sustainable population) which will be planted in a proposed area of wet woodland north of Little Bank.

Management and mitigation is also proposed to reduce disturbance to the SPA habitat (and the bird species it will support) and bird species using the Otter Estuary SSSI habitats caused by a potential increase in visitors to the site:

- Gapping up of hedgerows to provide screening.

- Installation of fencing to prevent visitors and dogs straying from the footpaths.
- Interpretation boards to educate the public about the need to keep dogs under control, particularly adjacent to the high tide bird islands.
- Positioning of bird hides and pathways so that disturbance to birds is minimised.
- Views from the footpaths over the intertidal habitat will be provided by trimming short sections of bank top vegetation to approximately 1.2m high at suitable intermittent locations along the route.
- Boarding of the footbridge parapet to partially screen pedestrians from birds within the site.
- Discouragement of water-based recreation within the area of the restored intertidal habitat.

After mitigation, residual significant effects are anticipated in the short term due to habitat loss/degradation at the Otter Estuary SSSI during the operational phase of the Scheme. Additionally, there will be the loss of grassland and swamp habitat, which are the qualifying features of Otter Meadows CWS. Due to the change in habitat required to achieve the purpose of the Scheme, although avoidance and mitigation measures will be undertaken, like for like compensation for the loss of these habitats cannot be achieved. However, the habitats being created are of at least equal value/sensitivity as those lost. Reinstating more natural processes will result in the change of terrestrial and freshwater habitat into intertidal habitat, with long term, more sustainable benefits for species and habitats. Habitat modification will also cause short term residual adverse significant effects on fish.

These losses are offset by the multiple beneficial significant effects from the creation of saltmarsh and mudflat habitats on site and the natural transition from intertidal to coastal grazing marsh. This will have a beneficial significant effect on the Otter Estuary MCZ, Otter Estuary SSSI, invertebrates (freshwater and marine), fish (freshwater and migratory) overwintering birds (including Exe Estuary SPA and Ramsar qualifying species), otters and harvest mouse from habitat creation.

Table 6.1 shows the approximate habitat net gains and losses expected.

Should the Scheme not go ahead and the estuary embankments fail, parts the existing grassland protected by the banks will be inundated by the tide. The residual significant effects associated with the Scheme due to the loss of grassland and swamp habitat could still occur, but the multiple beneficial significant effects from the managed creation of saltmarsh and mudflat habitats on site may not be realised.

Overall, the Scheme will result in the enhancement of priority habitats and has sought to incorporate biodiversity improvements and achieve net gains in biodiversity as far as possible. It is therefore considered to comply with planning policy relating to biodiversity.

Habitat type	Biodiversity Importance	Approximate extent within the study area	Approximate habitat loss	Approximate habitat creation	Approximate habitat net loss/gain
Broadleaved semi-natural woodland	Local (Low)	3.7ha	0.64ha	2.89ha	+2.25ha
Scattered trees/ broadleaved parkland	Local (Low)	70	34 trees (approx. 0.3ha)	0.09ha	-0.21ha
Semi-improved neutral grassland	County (Low)	28.1ha	27.4ha	0	-27.4ha
Marshy grassland	County (Low)	0.2ha	0.1ha	0	-0.1ha
Poor semi-improved grassland	County (Low)	59.1ha	20.3ha	0	-20.3ha
Swamp	National (Medium) / County (Low)	5.4ha	3.9ha	0	-3.9ha
Standing water	Local (Low)	6.1ha	1.2ha	0.2ha	-1ha
Running water (freshwater)	County (Low)	9986.9m	9150m	530m	-8620m
Intertidal (mudflat)	National (Medium)	5.6ha	0.1ha	28ha	+27.9ha
Saltmarsh-dense/ continuous	National (Medium)	9.7ha	1.01ha	27ha	+25.9ha
Hedgerows	Local (Low)	4081.2m	2585m	4265m*	+1680m

Table 6.1 Approximate habitat net loss and gain

5.3. Flood Risk

Relevant Policies

Paragraph 148 of the NPPF states that planning systems should help to shape places in ways that minimise vulnerability and improve resilience, as well as take full account of flood risk in a changing climate. Paragraph 149 goes on to state that:

> *"Plans should take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscape, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure".*

Paragraph 155 details the consideration required to be given in relation to development and flood risk. It states: "*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*". Paragraph 163 of the NPPF goes on to state that, "*When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessmen*t".

The NPPF, Policy EN21 (River and Coastal Flooding) of the Local Plan and Policy F1 (Flood Risk Assessment) of the East Budleigh and Bicton Neighbourhood Plan) advocate utilising the sequential test to ensure development is focused away from areas at the highest risk of flooding. However, given the nature of the Scheme which is to maximise the amount of floodplain this is not considered relevant. Despite this, as the site falls within Flood Risk Zone 3, a Flood Risk Assessment (FRA) accompanies the application.

Policy S-CC-2 of the South Marine Plan requires proposals to demonstrate that they are resilient to the effects of climate change and will not have a significant adverse impact upon climate change adaptation measures elsewhere.

Policy EN22 (Surface Run-off Implications of new development) of the Local Plan also requires the implications of the proposed development on surface water run-off to be assessed with remedial measures put forward where required, and sustainable drainage systems utilised unless demonstrated to be inappropriate. These requirements are reflected in Policy F2 (Surface Water Run-off) and Policy F3 (SuDS Design and Management) of the East Budleigh and Bicton Neighbourhood Plan, and ONP1 (Sustainable Development) of the draft Otterton Neighbourhood Plan.

Review

An FRA has been prepared to assess the flood risks from all sources to and arising from the LORP proposals. One of the key objectives of the proposed scheme is to re-naturalise and restore the Lower Otter Estuary and floodplain. By doing so, the scheme as a hugely beneficial impact on the local area and reduces flood risk in a number of locations. Where flood risk to receptors is increased, measures have been proposed to mitigate the impacts. These include the private access road for South Farm Cottages, the edge of the historic landfill site, estuary mouth infrastructure and some lowered footpath sections (refer to the FRA for further details of mitigation proposed).

The modelled extreme fluvial and tidal events show minimal change from the proposed scheme to receptors and the wider floodplain. The key reason for this is that the existing site and embankments will overtop in these extreme events leading to the same or similar flood risk. There are some localised areas where velocities change in the proposed scheme, mostly due to the creation of the breaches in banks. One key benefit of the proposed scheme is reducing the risk of very large quantities of flood water becoming trapped in Big Marsh (where the duration can last for a few days) and Little Marsh, as the new breaches would allow this to drain away more quickly. This also reduces flood level in these areas for present day fluvial events.

Without the implementation of the proposed LORP scheme, future climate change (sea level rise and increased storm frequency) is expected to increase the risk of uncontrolled breaching of the existing estuary embankment. If this were to occur, then the floodplain could immediately start to inundate with tidal water, putting many receptors and South Farm Road at high risk of flooding. Should the Scheme not go ahead and the estuary embankments fail, parts of the protected/original flood plain could potentially be inundated on each high tide (depending on how or where the embankment fails). Farmland could become unusable, the South Farm Road access could be tidally inundated twice on most days, and the South West Coast Path could be severed. Due to the unplanned change it is unlikely that the breach in the embankments would enable efficient drainage of the area filled by incoming tides and the area would likely be wetter for longer. These impacts would continue unless the embankments could be repaired; funding for such repairs is highly uncertain.

Overall it is considered that the Scheme will have a beneficial impact on the local area and reduces fluvial flood risk in the surrounding areas. It supports planning policy relating to flood risk alleviation by helping to minimise vulnerability and improving resilience to climate change.

5.4. Water Quality

Relevant Policies

Paragraph 170 of the NPPF requires development to contribute to and enhance the natural and local environment by preventing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution. This is supported by Policy EN14 (Control of Pollution) of the Local Plan. Further to this, Policy EN18 (Maintenance of Water Quality and Quantity) of the Local Plan states that development will be restricted in Source Protection Zones if it would result in adverse impacts or potential for pollution.

Policy S-WQ-1 of the South Marine Plan seeks to manage impacts on water quality, and the habitats and species which benefit water quality through the ecosystem service they provide. Proposals that may have significant adverse impacts upon water environment, including upon habitats and species that can be of benefit to water quality must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts. Further to this, Policy S-WQ-2 supports activities that can deliver an improvement to water environment or enhance habitats and species which can be of benefit to water quality.

Review

An assessment of the impacts of the Scheme on water quality is provided in Chapter 10: Water Enrivonment of the ES. A range of standard construction mitigation methods are proposed to ensure unacceptable levels of water pollution are avoided.

With regard to surface water, once operational the Scheme will result in the return of of saline water into floodplain. Chapter 10 of the ES demonstrates that the Scheme will not lead to an increase in the upstream salinity of the River Otter or an upstream migration of the saline water/freshwater interface. Another potential source of surface water pollution is the landfill; however, this will be managed through appropriate engineering of the banks surrounding the landfill. It is expected that any

minor seepage of contaminated water from the landfill to surface waters will be so heavily diluted by tidal waters that they will not be measurable.

The Scheme also has the potential to impact underlying groundwater through salinisation of the underlying aquifer (from invading saline water) or from contamination from the former landfill at South Farm Road. Risks from the landfill are considered to be low as there are relatively limited sources of contaminants within the landfill, which is isolated from underlying groundwater by a layer of cohesive deposits that limits any downward pathway. Whilst the Principal aquifer beneath the Scheme will become subject to salinisation, the Scheme area forms a small part of the aquifer overall, and the integrity of the groundwater body as a whole will be unaffected.

Although there is low potential impact to South West Water abstraction boreholes at Otterton, it is proposed to develop a groundwater monitoring strategy to monitor possible changes in groundwater salinity arising from the scheme that might impact the boreholes. This will likely focus on the area of Little Marsh and include some monitoring of salinity within the main channel of the River Otter. Appropriate action will be undertaken if any significant changes to salinity are detected.

The Pulhayes Farm spring supply is likely to be lost during construction (or operation if unaffected during the construction period). Discussions are ongoing between the licence holder and the land owners regarding replacement of this supply away from the influence of the Scheme. Should further investigation deem it necessary, the spring head and associated chamber would be permanently sealed to prevent it acting as downward pathway for saline water into the underlying aquifer.

Should the Scheme not go ahead and the estuary embankments fail, the original flood plain would be inundated on each high tide. Consequently, the residual significant effects associated with the Scheme due to saline inundation would still occur and would continue until the breach could be repaired.

Overall, the Scheme promotes naturalisation of processes within the estuary resulting in improved flows and habitats. It has been designed to avoid, minimise and where necessary mitigate adverse impacts to water quality to ensure it does not result in unacceptable levels of water pollution. No conflict with planning policies relating to water quality is therefore expected.

5.5. Landscape

Relevant Policies

Paragraph 170 of the NPPF requires development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Great weight should be afforded to the conservation of landscapes designations with the highest protection including Areas of Outstanding Natural Beauty (AONB). Within these designated areas, the scale and extent of development should be limited. Major developments within such designated areas would only be approved in exceptional circumstances and must demonstrate that they are in the public interest. Paragraph 172 of the NPPF states that consideration of such applications should include an assessment of:

"a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Local Plan also requires development within an AONB to demonstrate that it cannot reasonably be located elsewhere outside of the AONB. Within the AONB great weight is given to conserving and enhancing the natural beauty of the area and development will only be permitted if it does not undermine the landscape quality and is appropriate to the economic and social wellbeing of the area.

As well as being located within the East Devon AONB, the site is designated as a Coastal Preservation Area (CPA) under Strategic Policy (Strategy) 44 'Undeveloped Coast and Coastal Preservation Area' of the Local Plan. CPAs are defined on the basis of their visual openness and views to and from the sea, and as such, development will not be allowed if it would damage the undeveloped/open status of the CPA or any areas visually connected to it. They are also protected from harm by Policy NE5 (Development within the Coastal Preservation Area) of the Budleigh Salterton Neighbourhood Plan.

Policy S-SCP-1 of the South Marine Plan states that any proposals that may have a significant impact on the seascape of an area should only be supported if they demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts upon the seascape of an area, d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.

Considering the wider landscape, Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted if it would not harm the distinctive landscape, amenity and environmental qualities of the area. This principle is also applied by Policy ONP4 (Protecting and Enhancing the Natural Landscape) of the draft Otterton Neighbourhood Plan. Key views and vistas should also be protected (Policy B2: Protection of Key Views and Vistas of the Budleigh Salterton Neighbourhood Plan), and trees and hedgerows should be protected and replaced where lost to ensure that there is no net loss in the quality of trees and hedgerows (Policy NE4: Maintain Trees and Hedgerows of the Budleigh Salterton Neighbourhood Plan and Policy D3: Trees and Development Sites of the Local Plan).

Policy D2 (Landscape Requirements) of the Local Plan requires landscaping schemes to be developed to meet the following criteria:

1. *'Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)*
2. *Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping*

proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.

3. *Measures to ensure safe and convenient public access for all should be incorporated.*
4. *Measures to ensure routine maintenance and long term management should be included.*
5. *Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.*
6. *The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.'*

Review

As discussed in Section 2 of this Statement, the Scheme aims to improve the natural functioning, ecological health and environmental status of the river Otter, while demonstrating climate change adaptation and reducing risk to wildlife and public infrastructure under future climate change scenarios. It will also provide compensatory habitat to enable the Environment Agency (EA) lawfully to implement a number of flood risk management schemes and manage existing flood defences at the River Exe Estuary. Initially, several potential sites within the Exe Estuary were considered for the compensatory habitat creation, however detailed investigations concluded that these sites would not be feasible so the search area was extended to include other locations. Given the specific requirements of the Scheme to deliver intertidal habitat, the number of possible locations for the development are limited and it could not reasonably be located outside of the AONB.

Without the Scheme, uncontrolled and unpredictable inundation of the project area could occur which could be exacerbated by future climate change. The East Devon AONB Partnership Plan recognises that climate change will have unavoidable, significant adverse impact on its focus area. Under its Key Objective 'The sustainable management of the natural resources of the AONB', policy EQC3 *'seeks to understand and plan to exploit or minimise possible impacts arising from climate change in order to conserve and enhance the AONB, in particular habitats and species protected for their nature conservation value'*. A key priority for action listed by the AONB is to '*work with partners to test landscape management models for climate change adaptation e.g. Lower Otter Valley'*. A letter of support has been received from the East Devon AONB.

The results of a Landscape and Visual Impact Assessment (LVIA) are presented in Chapter 11 of the ES. On balance, the Scheme is likely to have a significant overall beneficial long-term effect on the landscape resource of the lower Otter valley and its enjoyment by people by virtue of the fact that currently reclaimed estuarine and intertidal landscapes will be restored to their natural state. However, the Scheme will also give rise to some adverse impacts on landscape character and visual amenity. These adverse impacts will arise principally from the need to provide supporting infrastructure to the Scheme in the form of new pedestrian and highway bridges, raised vehicular access routes, a car park and associated vehicular barriers and other safety features. Erosion control measures and site management features such as fencing will also introduce further structures into this largely natural landscape.

Where the Scheme gives rise to significant adverse landscape or visual impacts, mitigation measures are proposed in order to avoid or reduce these impacts.

The design of the Scheme has been developed to accord with pre-existing natural topographical and geomorphological conditions so that it aligns with the natural form, profile and natural hydrological functioning of the valley floor and estuary. The main creek channel, for example, has been designed to follow historic paleo channels in the lowest parts of the floodplain on a naturalistic alignment and the proposed high tide bird islands have been located on areas of naturally higher ground. The size and appearance of the new tidal channels have been designed to match existing channels in the estuary, the proposed extent and distribution of restored mudflats and saltmarsh is intended to enhance existing conditions in the estuary and the northern extent of the intertidal area has been set in accordance with the natural limit of tidal waters. The alignment of the design with natural conditions will help integrate the main elements of the Scheme into the receiving landscape, enhance the character of the lower Otter valley and assist to mitigate the adverse impacts arising from the artificial, built elements of the Scheme.

The restoration of intertidal conditions within the site will not be suitable for tree and shrub growth below high tide level due to increases in salinity levels in the soil (the existing trees and shrubs will be removed). The extent of re-naturalisation within the valley, however, has had to be limited to accommodate existing access provision and recreational use of the area. The retention of public access and recreational activity within the lower Otter valley is an important objective of the Scheme which requires the retention of most of the flood embankment on the west bank of the River Otter and the construction of the pedestrian footbridge to maintain access along the coastal path and other public footpaths. The retention of pedestrian and vehicular access along South Farm Road is also necessary, which will require the construction of the raised road embankment and highway bridge. The new car park will cater for visitors and stop the informal parking of cars along and to the east of South Farm Road. New viewing platforms are proposed to enable views over the restored intertidal habitat and associated bird population. Visitor and dog management features in the form of fencing is also required in some locations. These elements have the potential to give rise to adverse landscape and visual impacts and have been subject to mitigation measures as follows:

- The height of the sides of the pedestrian bridge (from bridge soffit to top of parapet) has been minimised and the look of the bridge kept clean and minimalistic to reduce visual intrusion as far as is possible. The sides of the approach and exit ramps will be seeded with an appropriate wildflower seed mix and native screen planting established to the west of the bridge to reduce its visibility in views from the west.
- The new, elevated section of South Farm Road has been located on the historic landfill site rather than in future intertidal habitat to minimise negative impacts and to better integrate with the already raised levels on the landfill. The side slopes of the new embankment will be of a maximum gradient of 1 in 4 and areas above the tidal limit will be seeded and planted with native shrub and tree species to screen from traffic on the road and assist in integrating the embankment into the landscape as part of the landfill and its proposed planting.
- The location of the new car park to the west of South Farm Road will help to minimise its visibility within the wider valley as it is set off to the side of the valley

floor and screened from the west and south by rising topography and existing woodland (part of which is due to be removed); from the north by South Farm Cottages and associated vegetation and from the east by the landfill site and proposed woodland planting. Additional native species tree and shrub planting is proposed around the car park to further assist its landscape integration and visual screening.

- The proposed viewing area are intended to be low-key, open timber structures set at the embankment crest level with waist-high timber 'walls' and set within native species scrub planting to the rear. The gateway structure, located in the south-east corner of the new car park, is proposed to be a covered but open-fronted timber shelter holding information boards. Adjacent tree and shrub planting will assist to integrate this into the landscape.
- New sections of public footpath will be surfaced to complement existing footpath surfaces. Where footpaths cross the proposed breaches in Big Bank and Little Bank respectively at breach level, the use of an exposed aggregate concrete surface will be considered at detail design stage to avoid erosion of the footpath surfacing from flood water.
- Native species shrub planting is proposed to infill gaps in the vegetation cover on the western side of the SWCP where it runs on the flood embankment between Lime Kiln car park and White Bridge.
- Native species wet woodland planting is proposed adjacent to the realigned section of the Budleigh Brook within the field to the west of the former railway line and in two locations within the floodplain to the north of Little Bank.
- Native species hedge and tree planting is proposed to reinforce the existing hedgerow pattern to the north-west of the Scheme between the former railway line and Frogmore Road.

Taking account of this mitigation, during construction and for a limited period after the completion of the construction works, the Scheme is likely to give rise to localised and significant but temporary adverse effects on both the landscape character of the lower Otter valley and on the visual amenity of the identified visual receptors.

During operation, subsequent to the breaching of the flood embankments and the opening up of the floodplain to intertidal inundation, these temporary effects will lessen and subsequently become increasingly positive as grass cover on the reclaimed pasture fields is replaced initially by mudflats and then begins to naturally adapt and respond to the changed hydrological and geomorphological conditions and saltmarsh and other habitats begin to establish and spread over higher areas.

Approximately 3 to 10 years after completion it is considered likely that the resulting naturalisation of the floodplain and expansion of estuarine habitats arising from the Scheme will increasingly restore and enhance the natural beauty, quality and local distinctiveness of the natural landscape character and visual amenity of the lower Otter valley.

Overall, the Scheme seeks to restore and enhance the natural beauty, quality and local distinctiveness of the landscape character and visual amenity of the lower Otter Valley. The Scheme could not reasonably be located outside of the AONB and it seeks to minimise possible impacts arising from climate change in order to conserve

and enhance the AONB, in particular habitats and species protected for their nature conservation value. It is therefore considered to comply with relevant national and local planning policies

5.6. World Heritage Site

Relevant Policies

Paragraph 193 of the NPPF states:

> *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*

Further to this, the NPPF positively suggests that opportunities should be sought for new developments within World Heritage Sites, and within their settings, to enhance and better reveal their significance. Proposals will be treated favourably if they make a positive contribution to or better reveal the significance of the asset.
It should be noted that paragraph 201 goes on to state that *"Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its* significance".

Strategy 45 (Coastal Erosion) of the Local Plan promotes proposals for sustainable coastal change management, and highlights that the natural processes that created the coast will be allowed to continue provided the implication of this on the World Heritage Site have been fully considered.

Review

The cliffs, beach, shingle spit and the mouth of the River Otter are located within the Dorset and East Devon UNESCO World Heritage Site (WHS) (popularly known as the Jurassic Coast World Heritage Site). The WHS represents an outstanding combination of globally significant geological and geomorphological features along 155km of largely undeveloped coast and is considered by geologists and geomorphologists to be one of the most significant teaching and research sites in the world. Only a small section of the Scheme is located within the WHS, the majority of it is located outside but within its setting.

An assessment of the impacts of the Scheme on the WHS is provided in Appendix G5 of the ES. It finds that the Scheme is likely to give rise to largely positive potential impacts on the Outstanding Universal Value (OUV) of the WHS and its setting.

In re-connecting the River Otter with most of its natural floodplain to create compensatory intertidal habitat, and thereby restoring the tidal prism of the estuary close to its natural volume, the Scheme will significantly increase the velocity of tidal flows in and out of the river channel at the mouth of the estuary. Through natural processes it is likely that the increased tidal flows will likely erode the eastern end of the shingle barrier, resulting in a permanent reduction in the barrier length. Some erosion to the rear (landward sections) of the barrier is also possible due to the expansion of the tidal channels resulting in a potential narrowing of the barrier in certain sections.

The relatively rapid erosional changes expected in the short term (around one year) would cause unacceptable increase in risk of damage the existing SWW pipe in the

mouth and shingle bar, and consequently pollution. SWW have proposed a new pipeline further north beneath the estuary, making the existing pipe redundant. Exposed sections will be assessed in terms of environmental and public safety risks and ad-hoc removal of said sections may be necessary. As well as SWW gaining a far more robust pipe with a much longer lifespan and reduced risks of emergency repair/maintenance, this will have substantial benefits to the WHS by removing an aged man-made piece of infrastructure that currently constrains natural evolution, and avoiding the need for erosion control measures at this location.

In the medium to long term (beyond 1 to 10 years post Scheme breach), the rapid erosional changes are expected to reduce as the estuary system reaches a quasi-equilibrium state. Significant sediment redistribution is expected initially, which will settle as the system evolves beyond the first year. Overall, sediment and material are not expected to be lost from the system and existing shoreline processes are not expected to be significantly affected. Adjacent areas to the WHS and estuary areas within the WHS will likely see enhanced geodiversity and biodiversity as existing habitats evolve and new habitats are established.

The Scheme is expected to have a positive residual impact on the experiential setting of the WHS adjacent to the Otter estuary as the naturalisation of the estuarine floodplain will increasingly restore and enhance the natural beauty, quality and local distinctiveness of the landscape character and visual amenity of the lower Otter valley which forms the landward setting of the WHS at this location. The Scheme will restore the lower Otter estuary and floodplain to a condition more closely resembling its natural, historical form, reduce the long-term maintenance and operation in the area to create a more natural self-stabilising coastal system that will avoid or reduce the future need for artificial coastal defences to protect the area inland and within the setting of the WHS at this location. This will have a long-term beneficial impact on the conservation and enhancement of the OUV of the WHS at a local level. New interpretation facilities will also be provided at key locations (including Lime Kiln car park) which will focus on the habitat creation elements of the Scheme, the changing geomorphology through natural processes and the potential public safety risks.

Overall the Scheme is considered to comply with planning policy relating to the WHS designation. It is considered that the positive wider impacts of the Scheme on the WHS in terms of experiential setting and future protection are likely to outweigh the limited and localised adverse impacts of the Scheme. The implementation of the Scheme is therefore considered likely to be of greater benefit to the WHS than would be the case if the Scheme was not implemented.

5.7. Historic Assets

Relevant Policies

Chapter 16: Conserving and Enhancing the Historic Environment of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset (including its setting) it should be demonstrated that this is necessary in order to achieve substantial public benefits that outweigh that harm or loss, or where all of the following apply:

- *"the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit or bringing the site back into use."* (Paragraph 195).

Where a development is likely to have a direct or indirect effect on non-designated heritage assets, a balanced judgement should be made by the local planning authority having regard for the scale of any harm or loss and the significance of the heritage asset.

Strategy 49 (The Historic Environment) seeks to conserve and enhance the cultural heritage of East Devon and Policy EN6 (Nationally and Locally Important Archaeological Sites) states that development will not be permitted if it would harm nationally important archaeological remains whether scheduled or not. Should development result in harm to locally important archaeological remains or their settings, it will be required to demonstrate that the need for the development outweighs the impact. There is a presumption in favour of preservation in situ in the case of nationally and locally important remains. These principles are also reflected in Policy S-HER-1 of the South Marine Plan, Policy B3 (Heritage Assets) of the Budleigh Salterton Neighbourhood Plan, Policy B1 (Heritage Assets and their Setting) of the East Budleigh and Bicton Neighbourhood Plan, and Policy ONP2 (Protecting and Enhancing the Conservation Area and Other Heritage Assets) of the draft Otterton Neighbourhood Plan

Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the Local Plan requires a desk-based assessment, and where necessary, a field assessment of any proposals that may have an impact on any remains of archaeological importance. Where heritage assets are likely to be impacted by a development, Policy EN8 (Significance of Heritage Assets and their Setting) of the Local Plan requires a proportionate but systematic assessment to be carried out in order to fully understand the potential impact of the development on the significance of the asset. Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan states planning permission should not be given to developments which would pose substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits what outweigh the harm or loss.

Review

Chapter 12 (Historic Environment) of the ES presents the findings of an assessment of impacts from the Scheme on the historic environment including built heritage, archaeology and palaeo-environmental archaeology.

No direct impacts to any designated historic assets are expected, however the potential for a slight impact to the setting of three Grade II Listed Buildings (The Cottage, Pulhayes Farmhouse and Budleigh Salterton War Memorial), as well as a small number of non-designated historic buildings is likely as a result of the change in landscape, however this is not considered to be significant.

A number of low value non-designated archaeological assets within the Scheme will be directly impacted during the construction phase. These include a series of flood embankments and Kersbrook Quay. Impacts to these assets will be mitigated through a programme of archaeological recording and monitoring.

The assessment of geoarchaeological and palaeoenvironmental interest revealed deposits of peat to the south of South Farm Road and possible salt marsh deposits at the southern end of the Scheme. Impacts to these deposits arising from the construction of the Scheme will be mitigated through a formal programming of sampling, analysis and reporting.

No significant impact to the historic landscape character was identified.

An overarching archaeology mitigation strategy document will be submitted to the Devon County Archaeologist for approval in advance of construction of the Scheme. While invasive archaeological investigation has not been undertaken in support of the Scheme, consultation with the Devon County Archaeologist confirmed that such investigation can reasonably be undertaken as part of the necessary mitigation. The Scheme is therefore considered to comply with planning policies relating to heritage assets.

5.8. Leisure and Recreation

Relevant Policies

Section 8: Promoting Healthy and Safe Communities of the NPPF supports healthy lifestyles. It sees the provision of access to a network of high quality open spaces and opportunities for sport and physical activity as being important for the health and well-being of communities. Sports and recreational facilities should not be lost unless

> *"a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
> *b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
> *c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*
> (Paragraph 97).

The same requirements are stipulated by Policy RC1 (Retention of Land for Sport and Recreation) of the Local Plan. Furthermore, the following existing facilities are protected by policies of the Neighbourhood Plans:

- Policy CLW1 (Protecting and Enhancing Recreational Facilities) of the Budleigh Salterton Neighbourhood Plan seeks to preserve a variety of existing recreational facilities which includes the children's play park at the Lime Kiln car park.
- Policy CLW2 (Relocation of Budleigh Salterton Cricket Club) of the Budleigh Salterton Neighbourhood Plan and Policy L2 (Budleigh Salterton Cricket Ground) of the East Budleigh and Bicton Neighbourhood Plan both support the relocation of Budleigh Salterton Cricket Club.

In addition, Policy L1 (Enhancing Recreational Facilities) of the East Budleigh and Bicton Neighbourhood Plan supports applications for the enhancement and improvement of outdoor sports and recreation facilities providing they do not

negatively impact residential amenity and that the proposal provides suitable access and parking facilities.

Paragraph 98 of the National Planning Policy Framework (NPPF) encourages developments to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks. This requirement is reflected in Policy TC4 (Footpaths, Bridleways and Cycleways) of the Local Plan. Policy G1 of the East Budleigh with Bicton Neighbourhood Plan also seeks to protect rights of way while its supporting text highlights that the LORP has the potential to adversely affect Footpaths EB 1a, EB 2, EB 3 and EB 16. It goes on to acknowledge that these paths may also be adversely affected if no action is taken to address the problems arising from flooding in the area.

The South Marine Plan supports proposals that facilitate recreation activities (Policies S-TR-1 and S-TR-2) and proposals that enhance social benefits (Policy S-SOC-1). All proposals are required to demonstrate that they will avoid, minimise or mitigate significant adverse impacts on public access (Policy S-ACC-1) and proposals which demonstrate enhanced public access to the marine area will be supported (Policy S-ACC-2).

Review

The existing Budleigh Salterton Cricket Club is located behind the Lower Otter embankment and frequently experiences flooding when the nearby River Otter breaches its banks, usually as a result of fluvial flooding. As a result of the LORP, inundation will become tidal and therefore increase in frequency. In line with the East Devon Playing Pitch Strategy, an alternative site for the club has been identified on the northern edge of Budleigh Salterton, and a planning application has been approved by EDDC for its development. Users of the current Cricket Club ground will continue to use the facilities until autumn 2022, after which they will then move into the new BSCC ground ready for the 2023 cricket season. The new site will include a main cricket square, junior pitch, single-storey timber-clad pavilion, and equipment store.

Access to the playground and skatepark located at Lime Kiln car park will also be maintained throughout construction and beyond.

An existing network of public footpaths provide access to much of the LORP site, with one of Devon's most popular footpaths running along the estuary embankment. The South West Coast Path National Trail runs through the Lime Kiln car park at the south-east corner of the site, northwards along the flood embankment to the west of the Otter estuary (along the eastern boundary of the site) to South Farm Road where it turns right and crosses the Otter estuary on White Bridge and heads south on the eastern side of the River Otter. Over 250,000 people per annum currently use the South West Coast Path on the estuary embankment for access (East Devon AONB people counter data), with the adjacent estuary, cliffs and grazing marsh habitats of the Otter Estuary providing an iconic backdrop and principal attraction. Other Public Rights of Way within the Scheme area include:

- Otterton Footpath 1 runs northwards from South Farm Road on the flood embankment on the western bank of the River Otter and continues northwards beyond the site boundary to Otterton. It also extends along the southern boundary of the landfill site.

- Budleigh Salterton Footpath 12/ East Budleigh Footpath 3 / Otterton Footpath 1b runs along the western boundary of the site from Lime Kiln car park northwards to near to Pulhayes Farm where it turns eastward and cross the floodplain on Big Bank to adjoin Otterton Footpath 1 on the western bank of the River Otter.
- East Budleigh Footpath 16/ Otterton Footpath 2 runs along South Farm Road.
- East Budleigh Footpath 1/ Otterton Footpath 1a runs along Little Bank and connects Frogmore Road to Otterton Footpath 1 on the western bank of the River Otter.

National Cycle Network (NCN) Route 2 also passes through the site from East Budleigh Road, along South Farm Road, over White Bridge, before heading northwards along a track just outside of the red line boundary for the Scheme.

During construction works footpaths will be temporarily diverted. A new footbridge will be erected to ensure connectivity of the South West Coast Path from either side of the breached embankment. The PROW/NCN route that runs along South Farm Road will be realigned along the new raised South Farm Road, significantly reducing the risk of the road flooding. A designated pedestrian footway will also be provided to ensure segregation of pedestrians from vehicular traffic.

New footpaths are also proposed around the historic landfill site. These will be a diversion for the defunct footpath which runs to the south of the landfill and which will be within the inundated area. As with other new and improved sections of footpath it will be surfaced in a self-binding type of gravel (e.g. crushed limestone) to complement existing footpath surfaces. The footpath will run from the new alignment of South Farm Road, to a viewing area at the southern tip of the landfill site, and then return northwards towards White Bridge.

A car parking and viewing area will be created to the west of the realigned road, and will include provision for disabled parking spaces and a link to the footpath network around the estuary.

Further viewing areas will be created as follows:

- A viewing area with information boards on a raised earth mound near Lime Kiln car park.
- A timber platform (facing west) adjacent to the footpath along the embankment to the west of the Otter estuary.
- A timber platform (replacing the east facing hide) adjacent to the footpath along the embankment to the west of the Otter estuary/
- A timber platform (facing south) adjacent to the footpath at the southern tip of the landfill.
- Two timber platforms on Big Bank (adjacent to but offset from each other, facing opposite directions).

Existing vegetation and proposed planting to the rear of the timber platforms on Big Bank, the landfill and the Otter estuary embankment will avoid silhouetting of visitors on the skyline

At the location of the proposed breaches in Big Bank and Little Bank, the existing footpaths will be reinstated at a lower level than the existing to match adjacent ground levels. During peak flood events and very high tides the breached sections of both banks will be inundated and inaccessible to the public. The reinstated footpaths

will be surfaced with concrete or similar to minimise erosion and permanent warning signage will be installed to notify users of the risks. Furthermore, water level marker posts will be installed along the affected footpaths to indicate the shortest escape route from any potentially inundated section of path.

Overall there will be no loss of recreational facilities. There will be an overall increase in length of footpaths, improved parking facilities, and the creation of viewing platforms looking out at the re-naturalised environment. This will improve amenity and access for all to enjoy the estuary as a recreational resource, particularly in conjunction with the improvements between South Farm Road and Granary Lane proposed by the FAB Link project, which will provide an 'all ability' surface at a higher level than existing and therefore at reduced risk of flooding. Should the Scheme not go ahead, and the estuary embankments fail, the original flood plain will be inundated on each high tide. The South West Coast Path could be severed and South Farm Road access could be tidally inundated, twice on most days. In light of the above it is considered that the proposed scheme complies with local and national policies that refer to leisure and recreation.

5.9. Contaminated Land

Relevant Policies

The NPPF requires that new development be appropriate for its location taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation (including land remediation or impacts on the natural environment arising from that remediation) (Paragraph 178). In line with this, Policy EN16 (Contaminated Land) of the Local Plan requires a contaminated land assessment to be carried out where contamination is suspected. The assessment must identify and characterise the contaminations, identify the risks, and identify remediation and/or mitigation measures. Where development is proposed on former waste sites, it must be demonstrated that there will be no harm to future occupiers of the site from leachate, landfill gas or other waste arisings.

Review

A historic landfill is located directly south of South Farm Road and adjacent to the west embankment of the Otter estuary. Ground investigation has shown there is a low likelihood of pollution from the old landfill, however it does represent a source of contamination that has the potential to cause harm to humans and/or the water environment, particularly as proposed works include changes to the landfill surface and increased risk of flooding around the perimeter. Other potential contamination sources identified within the site area are:

- The former Budleigh Salterton Branch of the London and South Western Railway crosses the western edge of Little Marsh.
- The existing river embankments which may be formed from reworked natural materials.

Chapter 9 of the ES (Geology, Soils and Contamination) presents the findings of an assessment of ground conditions and contamination impacts based upon published guidance and recognised best practice. The assessment identified a number of potential contamination related effects from construction activities including:

- Risks to the human health of site users from contaminants at the site.

- Pollution of surface water from spoil and materials stored on site.
- Pollution of soil or groundwater and surface water through site investigation/construction activities.
- Pollution of soil, surface and/or groundwater from spillages or leaking oil/fuel from construction vehicles/plant machinery.

Construction best practice will be employed to greatly reduce the likelihood of the above occurring and mitigation measures will include:

- Tracking system to control soil movements, including stockpile management.
- Dust suppression.
- Groundwater control in excavations.
- Spill prevention.
- Staff training and personal protective equipment.
- Site security (to prevent public access during the works).

It is also expected that 1,500m^3 of material will be removed from the north-western corner of the historic landfill to accommodate the new South Farm Road alignment and the new river channel. Most of this material will be unsuitable for re-use since it is mostly former landfill material and will require disposal at an appropriate facility. The installation of an impermeable barrier between the new main creek channel and the western area of the landfill (most likely using sheet piling) will also be implemented during construction.

Once operational, it has been determined that the scheme has the potential to increase the erosion of the landfill, in particular the edges of the landfill. The landfill has little to no capping and the edges currently are heavily vegetated with mature trees. The increased salinity will most likely lead to the trees dying and there is potential to expose landfill materials as the trees die and fall. This may lead to landfill debris contaminating flood waters and increase the mobility of groundwater contamination within the landfill, leading to increased mixing of contaminants from the landfill with flood waters. To mitigate these risks the scheme will remove large trees from the southern edge of the landfill, install erosion protection around the perimeter and cap the landfill by the new South Farm Road embankment and a layer of excess clean soils generated during construction works.

The introduction of footpaths across the landfill also has the possibility of site visitors coming into contact with contaminated soils (e.g. dermal contact and inhalation of contaminants). The capping layer of excess clean soils will also mitigate this risk. This will be underlain by a geotextile marker layer to delineate the clean cover form the underlying landfill.

It is therefore expected that the scheme would comply with planning policies relating to contaminated land. Taking account of the proposed mitigation it is considered that the risk of adverse impacts from contamination can be reduced to minor adverse. Should the Scheme not go ahead and the estuary embankments fail, parts of the original flood plain would be inundated by the tide. The landfill, although not regularly overtopped, could be subject to flowing water, leading to potential erosion of contaminated landfill material.

5.10. Geology

Relevant Policies

In line with the policies of the NPPF, Strategy 47 (Nature Conservation and Geology) of the Local Plan aims to protect sites of geological importance.

Review

The Otter Estuary is a SSSI and is notified for its vertebrate palaeontology at Otterton Point where mid Triassic fossils have been found. As detailed in Chapter 9 (Geology, Soils and Contamination) of the ES no significant impacts on the geology of the Otter Estuary SSSI is expected.

5.11. Traffic

Relevant Policies

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan, in line with the policies of the NPPF, requires new development to demonstrate that any proposed access, or traffic generated by the development, would not be detrimental to the safe and satisfactory operation of the local, or wider, highway network. Policy ONP1 (Sustainable Development) of the draft Otterton Neighbourhood Plan also requires safe and suitable access arrangements for all new developments.

Review

A Transport Statement has been prepared to support this planning application and Chapter 13 (Traffic and Transport) of the ES examines the potential impacts of the scheme on traffic and transport.

The Transport Statement provides proposed volumes of light and heavy vehicles between the hours of 07:00 and 18:00 throughout the construction phase which is expected to take up to two years. Construction vehicle movements on roads in and around the LORP site will be greatly reduced by the use of temporary on-site haul roads which will be built during the mobilisation phase of construction and then removed during demobilisation. While the Scheme is expected to increase the volume of traffic on Salting Hill and South Farm Road during all construction phases of the Scheme, banksmen and clear signage are proposed to minimise these impacts. Due to the relatively low existing traffic volumes on these roads, the proposed increase is unlikely to cause significant delay or impact due to the short length of time these volumes are over. The forecast effect on collisions during construction is very minor, with no perceptible impact on collisions in the study area.

During the construction of the new section of South Farm Road, the existing road will be kept open for as long as possible to maintain access to South Farm Court and the residential properties. However, there may need to be two one-week closures during which the tie-ins can be constructed at either end. To mitigate for this, an alternative access route (to the east of South Farm Court) will be agreed for the businesses and residential properties, although it is recognised that this will be unsuitable for large vehicles.

Once operational, there will be no changes to traffic demand or routing resulting from the Scheme.

The realignment of part of South Farm Road will bring that section of road up to current highway standards in accordance with Devon County Council requirements. Benefits include:

- Segregated pedestrians onto footways, and new footpath sections, off the main highway. This would reduce conflict with vehicles;
- Passing places on highway, improved safety barriers, screening vegetation, and parapets over the bridge;
- The new car park takes manoeuvring vehicles away from the current verges of the road, lowering the risk of collisions with none motorised users and other vehicles; and
- South Farm Cottages would have a short length of dedicated road, and all live traffic will be moved away onto the new highway, lowering risks to those residents.

A single 'slight' collision has been recorded since 2014 at South Farm Road. It is intended the improvement to this road will provide a safer driving environment, including the reduced risk of incidents associated with flood risk.

A new car park is proposed to the south of South Farm cottages which will provide 30 formal parking spaces, including three disabled bays. This will replace the informal parking that currently takes place along South Farm Road to the west of White Bridge, which will not be available once the Scheme is in place. It is also hoped that this facility will alleviate issues associated with informal parking to the east of White Bridge, thereby improving safety for all users of the road.

Overall it is acknowledged that the Scheme will result in a short term increase in construction traffic and reduction of parking spaces however, the implementation of the mitigation outlined above will ensure the safe and satisfactory operation of the local highway network. Once constructed, minimal levels of traffic would be generated as a result of the development and the improvements proposed to South Farm Road and parking facilities result in a scheme that supports the safe and satisfactory operation of the local road network as required by planning policy.

5.12. Noise

Relevant Policies

The NPPF requires new development to be appropriate for its location, taking into account the likely effects of pollution on health and living conditions (paragraph 180). In order to achieve this any adverse impacts from noise as a result of a new development should be mitigated and reduced to a minimum, and should not result in significant adverse impacts on health and quality of life. This is supported by Policy EN14 (Control of Pollution) of the Local Plan which states that planning permission will be refused if noise levels would be unacceptable to either residents or the wider environment.

Review

No increased noise is anticipated during the operational phase of the Scheme, however potential noise impact from construction works have been assessed with the results reported in Chapter 7 (Noise and Vibration) of the ES. Adverse effects are expected at South Farm Cottages during construction of the new road and removal

of the old South Farm Road. To mitigate these effects, it is proposed to adopt Best Practicable Means (as defined in Section 72 of the Control of Pollution Act 1974) in order to reduce construction noise levels, and where practicable the control measures set out in BS 5228 will be implemented. These will include:

- Restriction of working hours to 08:00 am to 18:00 pm Mondays to Fridays, 08:00 to 13:00 on Saturdays, and no working on Sundays or Bank Holidays.
- Programming and phasing the works over a number of stages to restrict impacts within any one area to the minimum time.
- Keeping local residents and property owners fully informed about the nature and timing of the works, including traffic controls, via such means as newsletters or individual contact, where appropriate.
- Having a representative available on site during working hours to answer queries or address any concerns expressed.
- Careful selection of equipment, for example any compressors brought to site will be super-silenced or sound reduced models fitted with acoustic enclosures or any pneumatic tools will be fitted with silencers or mufflers, wherever practicable.
- All plant and equipment will be properly maintained and operated in accordance with manufacturers' recommendations and in such a manner as to avoid causing excessive noise.
- Equipment will be shut down when not in use for a period longer than 5 minutes.
- No vehicles will wait or queue on public highways with engines running and care will be taken when unloading deliveries.
- Where practical, temporary noise barriers will be utilised which may be expected to generate between 5 and 10 dB attenuation.

With the implementation of this mitigation, adverse noise impacts are expected to be experienced at South Farm Cottages as a result of vegetation clearance, removal of the existing road and piling and concreting works for the new road. This will however be short term. Significant effects are not expected during the operational phase of the project, and no conflict with planning policy is therefore likely in the long term.

5.13. Waste

Relevant Policies

The NPPF does not contain specific policies relating to waste as these are covered by the National Planning Policy for Waste. It does however support and encourage minimising waste (paragraph 8) and the reuse of existing resources (paragraph 148). The National Planning Policy for Waste encourages the protection of human health and the environment by producing less waste and by using it as a resource wherever practicable. It aims for more sustainable waste management and moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling and other recovery, and disposing only as a last resort. This principle is also promoted in the Devon County Council Waste Plan (Policy W4).

Review

An Outline Site Waste Management Plan has been prepared in support of the Scheme, which will be developed further and implemented throughout the detailed design and construction stages of the Scheme. In accordance with the waste hierarchy, waste reduction has been an ongoing objective for the Scheme and will continue through the design lifecycle of the project.

The large-scale excavations associated with the creation of the tidal creek channels, breaches, new intertidal areas and widened lower estuary channels will result in the largest volumes of material generated by the scheme. The management approach for these works is to reuse the excavated materials within the Scheme, for example in the embankment for the raised South Farm Road and the creation of high tide bird islands.

The north-west corner of the existing landfill site will also require excavation as part of the proposed works, and is estimated to produce 1,500m³ of contaminated material. Ground investigations have indicated the material is mostly made up of less hazardous content, such as metals, glass and organic waste. These wastes would be tested and classified during the excavation to allow for their appropriate treatment or disposal; It may be possible to treat a small quantity of the contaminated wastes to allow for their reuse as a fill material (non-structural) where appropriate. The remaining materials will be handled and disposed of in accordance with current Health & Safety and environmental legislation, and although possible recycling options will be explored it is likely that the majority would need to be disposed of to a suitably permitted landfill.

Table 6.2 below provides an estimate of the likely volume of excavated material produced during construction.

Volume estimate (m³)								
	Tidal creek network and scrapes	Big Bank breach	Little Bank breach	New Budleigh Brook Channel	Landfill site – north west corner removal	Main southern breach	Lower Estuary – short existing channel section	Total
Total clean materials to export	0	0	0	0	0	0	0	0
Total Contaminated materials to export	0	0	0	0	1,500	0	0	1,500
Material reused on site	31,850	2,700	1,500	1,600	0	3,700	1,500	42,850
Total excavation	**31,850**	**2,700**	**1,500**	**1,600**	**1,500**	**3,700**	**1,500**	**44,350**

Table 6.2 Estimated volume of material to be excavated

Once operational, the proposed development is not likely to produce significant quantities of waste. Overall, by seeking to achieve the highest performance levels

possible within the waste hierarchy, no conflict with planning policy is expected with regard to waste.

6. Summary and Conclusion

The LORP will restore the historic floodplain of the River Otter to a condition similar to that found prior to the construction of the embankments in the early 19th century. The Scheme is expected to create 55ha of intertidal habitat and manage infrastructure within the floodplain that is currently at risk of uncontrolled inundation, particularly in the face of climate change. By breaching the existing embankments the Scheme aligns with the preferred plan for the Otter Estuary, as described in the Shoreline Management Plan, to allow the shoreline position to move backwards with management to control movement.

Residual adverse effects are anticipated due to habitat loss/degradation or disturbance to habitat structure and function at Otter Estuary MCZ and the Otter Estuary SSSI. Additionally, there will be the loss of grassland and swamp habitat, which are the qualifying features of Otter Meadows CWS. These losses are however offset by the multiple beneficial effects from the creation of saltmarsh and mudflat habitats on site. This will have a significant beneficial effect on the Otter Estuary MCZ, Otter Estuary SSSI, Exe Estuary Ramsar and SPA, intertidal and saltmarsh habitats, aquatic/marine invertebrates, fish (freshwater and migratory) and birds (including Exe Estuary SPA and Ramsar qualifying species) from habitat creation. The Scheme promotes naturalisation of processes within the estuary resulting in improved surface water flows and consequently habitats. It has been designed to avoid, minimise and where necessary mitigate adverse impacts to water quality to ensure it does not result in unacceptable levels of water pollution. Overall, the Scheme will result in the enhancement of priority habitats and has sought to incorporate biodiversity improvements and achieve net gains in biodiversity.

The Scheme is also likely to have a significant overall beneficial long-term effect on the landscape resource of the lower Otter valley and its enjoyment by people by virtue of the fact that currently reclaimed estuarine and intertidal landscapes will be restored to their natural state. Where the Scheme gives rise to adverse landscape or visual impacts, mitigation measures are proposed in order to avoid, reduce, remedy or compensate for these impacts. The Scheme is expected to have a positive residual impact on the experiential setting of the WHS adjacent to the Otter estuary as the naturalisation of the estuarine floodplain will increasingly restore and enhance the natural beauty, quality and local distinctiveness of the landscape character and visual amenity of the lower Otter Valley.

No direct impacts to any other designated historic assets are expected, although the potential for a slight impact to the setting of three Grade II Listed Buildings (The Cottage, Pulhayes Farmhouse and Budleigh Salterton War Memorial), as well as a small number of non-designated historic buildings is likely as a result of the change in landscape, however this is not considered to be significant.

The Scheme also seeks to restore the floodplain to its natural function and will have a beneficial impact on the local area by reducing fluvial flood risk in the surrounding areas. It supports planning policy relating to flood risk alleviation by minimising vulnerability and improving resilience of infrastructure in the lower Otter valley. By developing a flood free route across the valley, the project will safeguard

compromised access to businesses and residential properties at South Farm allowing this community to thrive in the face of climate change. Relocating Budleigh Salterton Cricket Club will also ensure the future of an important local community asset. It will also safeguard and enhance public access (including part of the nationally significant South West Coast Path).

The retention of public access and recreational activity within the lower Otter valley is another important objective of the Scheme. There will be an overall increase in and improvements to footpaths, the construction of the pedestrian footbridge to maintain access along the coastal path, improved parking facilities, and the creation of viewing platforms looking out at the re-naturalised environment. This will improve amenity and access for all to enjoy the estuary as a recreational resource. Works will be timed to ensure Budleigh Salterton Cricket Club is relocated before works commence at the existing site.

Construction works will likely result in short term increases in construction traffic and noise, and mitigation is proposed to minimise these impacts as far as possible. In line with the principles of the waste hierarchy, material excavated during the creation of the tidal creek channels, breaches, new intertidal areas and widened lower estuary channels will be reused within the Scheme, for example in the creation of high tide bird islands. In order to realign South Farm Road and to accommodate the new creek channel it will be necessary to remove approximately 1,500m^3 of former landfill material which will be disposed of at an appropriate facility. To mitigate the potential for contamination from the landfill site the scheme will remove large trees from the southern edge of the landfill, install erosion protection around the perimeter and cap the landfill with a layer of excess clean soils generated during construction works.

LORP supports the core principles of the NPPF and the South Marine Plan by providing measures to ensure the future resilience of the lower Otter valley infrastructure and community to climate change impacts. It will reduce the influence of existing ageing and failing 'hard infrastructure', thereby allowing tidal and fluvial flooding to ebb and flow naturally and improve the natural functioning of the lower Otter. Should the Scheme not go ahead and the estuary embankments fail, parts of the protected/original flood plain could be inundated by the tide depending on the location and extent of the breach. This could potentially result in farmland becoming unusable, the South Farm Road access being tidally inundated twice on most days, and the South West Coast Path being severed. Due to the unplanned change it is unlikely that the breach in the embankments would enable efficient drainage of the area filled by incoming tides and the area would likely be wetter for longer. These impacts would continue until the breach could be repaired.

By acting now LORP will help to:

- Secure and improved public access
- Secure public amenities
- Enhance natural wildlife habitats
- Restore natural processes
- Restore 55 hectares of wetland habitat

- Create compensatory habitat for habitat losses in the Exe Estuary
- Allow the Otter estuary to respond and adapt naturally to climate change
- Enhance the area for environmental tourism.

LORP will result in a more sustainable estuary system, operating more naturally, closer to its historic form before major human intervention took place. Fewer intrusive activities such as bank repairs, farming practices, etc, will take place, enabling the establishment of ecologically valuable habitats which will be used by a variety of species.

In line with the requirements of national and local planning policy, mitigation is proposed to minimise adverse impacts as far as possible, and the Scheme aligns with principle of sustainable development by seeking to meet the needs of the present without compromising the ability of future generations to meet their own needs. It is therefore considered that the principle of the Scheme is compliant with planning policy at both the national and local level by ensuring resilience to future climate change, promoting healthy and functioning ecosystems, and contributing to social benefits of the area.