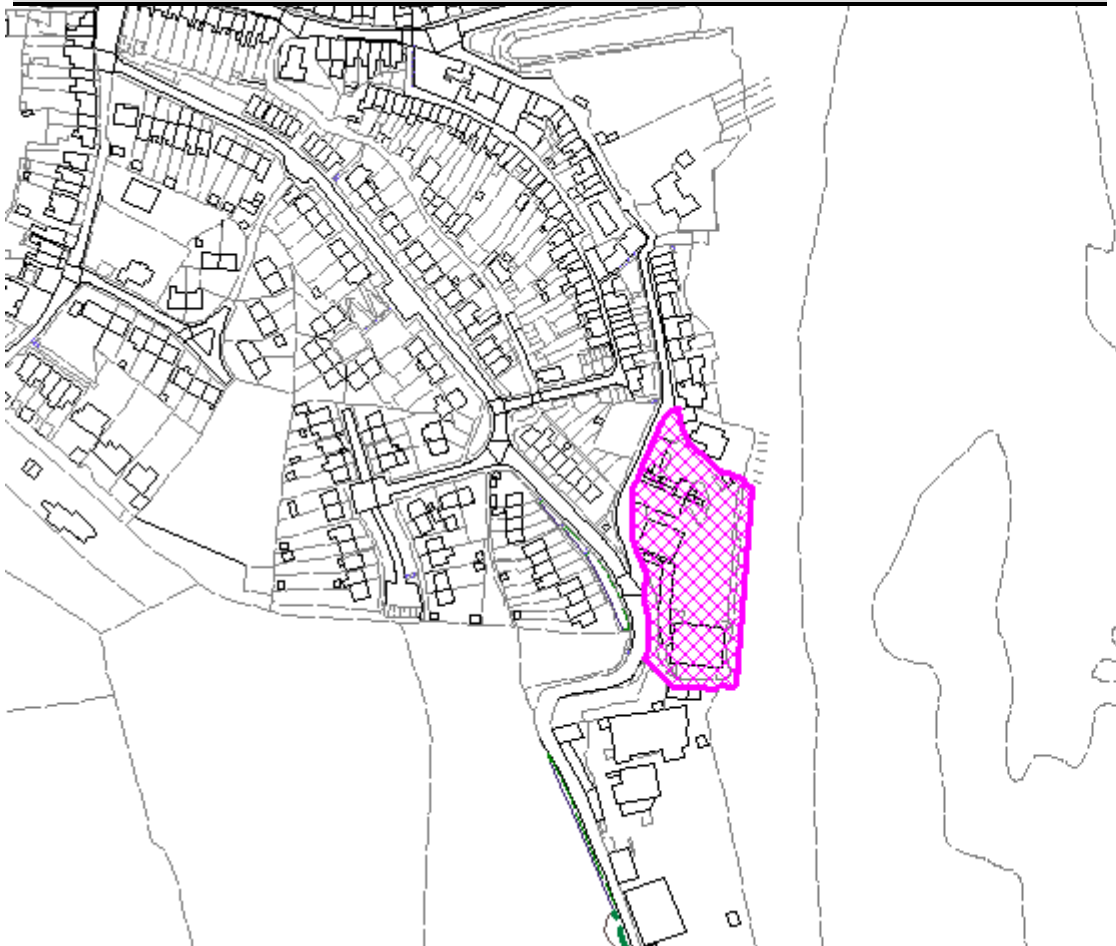


Committee Report – 03.10.2024

Application Number:	1/1179/2023/LA
Registration date:	5 December 2023
Expiry date:	5 March 2024
Applicant:	Torridge District Council
Agent:	Stride Treglown Limited
Case Officer:	Laura Davies
Site Address:	Middle Dock, New Quay Street, Appledore, Devon, EX39 1LU.
Proposal:	Erection of Clean Maritime Innovation Centre incorporating office space, workshop space and extension and repairs to quay wall
Recommendation:	GRANT



Reason for referral:

This application has been referred to Plans Committee for determination as the applicant is Torridge District Council and the development is located on Council owned land.

Relevant History:

Application No.	Description	Status	Closed
1/0206/1974	BULK FINISHED PRODUCE BINS MIDDLE DOCK, APPLIEDORE NORTHAM	PER	19.06.1974
1/1387/1976	BULK FAT STORAGE TANKS (2) & EXTENSION TO MESS BUILDING MIDDLE DOCK, APPLIEDORE	PER	31.01.1977
1/1852/1979	PORCH EXTENSION TO WEIGHBRIDGE OFFICE	PER	20.12.1979
1/0043/1983	EXTENSION TO EXISTING WEIGHBRIDGE OFFICE	PER	22.02.1983
1/1052/2023/SCR	EIA Screening Opinion for new Appledore Clean Maritime Innovation Centre	SCRIP	24.11.2023
1/0051/1982	RE-ALIGNMENT AND EXTENSION OF FITTING OUT QUAY INCLUDING REPOSITIONING OF SEPTIC TANK	PER	06.04.1982
1/0472/1993	EXTENSION OF DOCK WALL	PER	24.05.1993
1/0812/2010/FULM	Mixed use redevelopment of site comprising the demolition of existing buildings, the erection of a community sea sports building, the erection of 23 dwellings, associated parking, the provision of a waterfront walkway and improvements to vehicular and pedestrian access including the provision of a new footway along New Quay Street	WDN	15.12.2010
1/0857/2011/FULM	Mixed use redevelopment of site comprising the demolition of existing buildings, the erection of a community sea sports building, the erection of 22 dwellings, associated parking, the provision of a waterfront walkway and	REF	09.12.2011

improvements to vehicular and pedestrian access including the provision of a new footway along New Quay Street

1/1239/2023/DEM

Removal of all remaining buildings & partial structures and boundary wall to New Quay Street

PER

19.01.2024

Site Description & Proposal

Site Description

The application site is located to the south-east of the village of Appledore and immediately to the west of the River Torridge. Hubbastone Road/New Quay Street extends along the western boundary of the site with residential properties further to the west. To the north are residential dwellings on New Quay Street and to the south a slipway and further industrial buildings. The application site is located within Flood Zones 2 and 3 and immediately adjacent to the Taw-Torridge Estuary SSSI. The application site is located within a mineral safeguarding area, in accordance with the Devon Minerals Plan.

The application site covers an area of 0.5ha and the previous commercial buildings on site have now been removed, further to the Prior Approval granted under application reference: 1/1239/2023/DEM.

Proposed Development

This application seeks the redevelopment of the site to provide a Clean Maritime Innovation Centre to include office space and workshops to the eastern side of the site. Works are also proposed to repair and extend the quay wall approximately 1 metre out to the west.

The proposed development has been amended during the consideration of the application. As amended the proposals include the development of the site with a part single, part two storey building to the western side of the site, to include three distinct sections; a two-storey pitched roof element to the northern part of the site, a single storey flat roof element to the centre and a two storey flat roof part to the south of the building. The proposed development would include workshop areas to the ground floor along with entrance and circulation space. To the first floor, office space would be provided along with meeting facilities. A total of 60 parking spaces would be provided within the site and all would be accessed via the existing entrance to the northern end of the site, which would benefit from improved visibility from the re-siting of the existing boundary wall fronting onto New Quay Street/Hubbastone Road. A sub-station, refuse storage area and outdoor seating area with associated green space would be provided to the northern end of the proposed building.

The proposals also seek works to the existing quay wall with the construction of a new sea wall further to the east and the infill of land to the rear of this, resulting in the site being extended into the estuary by a distance of between 2.5 and 6 metres to form a more continuous quayside area.

The existing high stone boundary wall to part of the existing western boundary onto Hubbastone Road/New Quay Street and southern boundary with the slipway would be retained. The northern part of the existing boundary wall would be replaced by a new retaining wall to be constructed further to the east (within the site) to allow the provision of a new footway along the frontage of the site.

The design of the proposed building would include a mix of light and dark shade rainscreen cladding, cementitious panel system. Roller shutter doors would be used to the workshop entrances to the eastern elevation and aluminium framed windows and doors to the remainder of the building. The roofing materials would also include rainscreen cladding, to both pitched and flat roofed areas.

Consultee representations:

Northam Town Council:

Initial Comments received:

Northam Town Council recommended that the proposal be granted permission.

Further comments received 9th August 2024:

Northam Town Council noted the proposal and made no further comment at this stage.

Conservation Officer:

Initial comments dated 24th January 2024:

Summary

There is no objection in principle to the redevelopment of the site. The justification for this scheme in terms of level of harm to the conservation area and the listed buildings it contains has not been demonstrated adequately at this time and has not been quantified in an appropriately detailed Heritage assessment or amended LVIA. There may need to be changes to the design as a result of the further report considered to be necessary.

Conservation comments.

The proposal seeks to redevelop a disused industrial site on the quayside on the south edge of Appledore. The site is outside the conservation area designated around New Quay and New Street area of the settlement. The development along New Quay Street includes Dock Cottage, a grade II listed building.

The current proposal is considered not to provide adequate assessment of the impact of the new scheme on the conservation areas and listed buildings within Appledore (paragraph 200 of the NPPF (2023)). The level of harm is not specified or evaluated in a heritage impact assessment that covers the wider area of the conservation areas and the listed building within them. Some assessment is needed so that the level of harm on the significance and to enable evaluation in terms of paragraph 205 - and if considered less than substantial paragraph 208 of the NPPF. (2023)

The site includes Bensons Building which has been identified together with the dock wall as a non-designated heritage asset. (English Heritage report November 2010). An extract is included below.

The western edge of New Quay Street is defined by the retaining wall of the western hill slope; the height of these opposing walls creates an enclosed approach to Appledore from the south, which is valued locally. However, this local interest is not of a nature that can be protected by statutory designation but might more appropriately be reflected by a local designation.

The warehouse, quay wall and boundary wall form a group which is of some interest in an area where traces of the former industrial heritage are relatively scarce. However, the structures do not form a group unified by date or style, through which a defined industrial process can be read, and are not of national historical interest, whilst the principal structure - the warehouse - does not possess the architectural interest which might otherwise justify a place on the statutory list.

These features will be removed to create an improved access to the site and a decked parking feature at the first floor which is accessed directly from New Quay Street. The lower area of parking accessed from the current site entrance and lower level, will be visible in views out of the conservation area south. This view will be altered with the removal of Bensons warehouse and its current height will be increased in the replacement building which together with the decked parking attached to the north elevation will change the views out of the conservation area and setting to Dock Cottage.

The site requires parking provision but the visual impact of the parking deck breaking the elevation of the 'warehouse' is not considered to preserve the views out of the conservation area.

The application also includes a landscape and visual impact assessment (LVIA) and while there are key viewpoints within the LVIA these are indicated with a red line on the photograph with no photomontage or quantification of harm of the visual impact caused by the proposal being provided.

There are two views which warrant closer consideration in my opinion, and these are set out below.

Viewpoint 12 from Tapeley is of interest as this has an impact on the setting of the historic park/garden and views into the conservation area at Appledore. This is not evaluated in the LVIA. Viewpoint 20 from the Quay in Appledore is included and indicates the scale of the new building as part of the backdrop to the views out of the conservation area and setting of the listed Dock Cottage but the level of harm needs to be quantified.

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

The opinion of the conservation officer is that the proposal does cause harm to the setting of the listed building (Dock Cottage) and while this is less than substantial there could be some mitigation in changes to the design to lessen the contrast in scale of the new buildings.

The previous industrial backdrop to the domestic buildings along New Quay Street and New Street was lesser in scale than now proposed.

The assessment of harm needs to be taken further to allow any mitigation to be included in the decision. To this end the palette of materials needs to be clearly stated and adhered to ensure the development provides an appropriate backdrop to the view out of the conservation area and views into the conservation and setting of the listed buildings (Heritage assets) within Appledore.

Further comments received

The historic structure on this site has been removed and so the comments can only relate to the setting of the conservation areas and heritage assets.

The paring back of the design and need to provide access to the site will remove the surviving boundary wall to the middle dock compound from the junction with South Road. This is not negotiable as access is required to the site by larger vehicles and the coast path route is to be accommodated adjacent the new boundary.

An updated heritage impact assessment has been provided and the findings of the evaluation are accepted.

The lesser scheme will have a lesser impact on the views into the conservation area and in views from the east.

The proposal is considered to be acceptable and within the guidance as set out in the guidance as set out in paragraphs 205-214 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal causes less than substantial harm to the significance of the surrounding heritage assets and so it remains with the case officer to weigh the public benefits of the proposal.

The Environment Agency:

Initial comments received 22nd December 2023:

Thank you for consulting us on this planning application.

Environment Agency Position

We have no flood risk objection to the proposal subject to four conditions being applied to any permission granted.

The proposed development will still need to pass the Sequential Test (the site is a mixture of flood zone 3, 2 and 1).

The FRA has assessed the relevant tidal flood risks, and the proposed mitigation measures reduce the flood hazards to an acceptable level, if fully implemented over the lifetime of the development. A water compatible usage on the ground floor is a suitable vulnerability. The proposed less vulnerable usage on the ground and upper floor are appropriate as they tie in to higher ground at the rear.

Conditions Required

Before any works construction works start on site the four following issues need to be resolved, by either detailed design, legal/planning agreement or product of reports/drawings, which will need to be approved by the LPA:- The proposed lower ground floor level of 7mAOD, is only acceptable with four main mitigation measures:-

1. Flood resistant and resilience up to 8mAOD (1m above FFL) on all developments at quay level.
2. Flood evacuation plan – using the EA flood warning system (which offers a generalised flood alert for the area)
3. A future wave return wall to be added to the quay – an adaptive measure for climate change.
4. The lower ground floor can only be used for water compatible usage.

The above four measures need to be conditioned/legally agreed in any planning permission or S106 agreement.

1. Flood Resistant and Resilience Measures

We are unable to find these (apart from the drainage channel) on any of the submitted planning drawing, but are discussed in the section 7.4 of Design & Access statement (page 61), and section 5.3 of the FRA and appendix 3 drawing. The individual flood mitigation measures need to be clearly shown on each buildings on a drawings that is part of the approved planning drawings. This needs to be at least 8mAOD, not 750mm above LGFL.

2. Flood Evacuation Plan

This needs to be produced before any of the site is occupied, and should be based on the latest ADEPT guidance. The proposed Safe Access and Egress route to New Quay street is acceptable, but the action that need to be taken on the lower ground floor and quay should be considered.

3. Adaptive Wave Return Wall

The design of the quay wall includes structural measures that permit the future construction of a wave return wall on edge of the quay. However, there is little explanation on when or what triggers the need to construct this flood mitigation measure. This measure and trigger point is essential in permitting the site to be safe in the future, otherwise the risk from wave overtopping is significant/extreme hazard - Danger to Some or Risk to Life. Please note, the expensive of this wave wall will fall entirely on the land owner, as contribution from government grant is not permit under current funding guidance rules.

4. Lower Ground Floor Usage

There needs to be some planning mechanism to ensure that only water compatible usage are permitted on the lower ground floor. Water compatible usage, and the types of fittings/equipment will need to be defined in any rental agreement.

Technical Comments on the FRA:-

We do not agree with the statement that the site is predominantly in Flood Zone 1 or that the extend of flood zone 2 or 3 is not expected to increase over the lifetime. Our flood mapping, at this location has its limitation in terms of accurate existing site levels. It does not include wave action (which is nearby always present during storms) or include any sea level rise since the baseline date (2017). Based on the submitted site survey, over 50% is within flood zone 2 (still water), and flood zone 3 could be similar if you included wave action. Over the lifetime of the development (the next 75 years), the extent of flood risk/zones will increase significantly across the site. The current 'defence' only offers a 20% AEP (1in 5) in any year) standard, which support the actual flood risks on site being high.

The FRA's wave assessment supports this assessment on flood zone and show that there is risk to people and building currently and in the future, hence the required flood mitigation measures.

We agree that the site will only be affected for a few hours either side of high tide, which is just over 2hrs for current flooding, and 4hours in the year 2098. However in each case these are at rates which are a high risk to people and property. The proposed quay wall repairs are in line with the Shoreline Management Plan policy for this management units (Appledore). These repairs will need an MMO license, who will consult the EA for the Flood Risk Activities permit aspects.

Environmental Protection Officer:

Initial comments received 20th December 2023:

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

It is acknowledged that the application site has a historic industrial or commercial use and noise would be typical. However, the proposed development is likely to introduce new external plant and equipment that has the potential to adversely impact neighbouring residential amenity. As such, any new plant and equipment introduced to the site must be appropriately assessed. The Noise Impact Assessment has been undertaken in accordance with relevant guidance and methodology. The Environmental Protection Team concurs with the background levels measured for the daytime and night time period. The Assessment proposes a limit that the rating level of noise from plant shall not exceed 30dB during both the day time and night time period. Having regard for the background levels, it is agreed that the proposed noise limit for plant noise will have a low impact when assessed under BS4142. Whilst it is agreed that a rating level of 30dB will have a low impact, ideally a lower level should be achieved for the night time period to avoid some potentially unwanted sound that may be experienced in neighbouring external areas. However, it is accepted that such a noise limit is considered very low and would not result in an adverse amenity impact. Subsequently, should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

The rating level of noise from external plant and equipment shall not exceed 30dB LAr, Tr (as defined in BS4142:2014+A1:2019) at any time when evaluated at the boundary of any noise sensitive receptors. Noise levels shall be measured and rated in accordance with British Standard BS4142:2014+A1:2019. Reason: To protect residential amenity

The proposed development has the potential to cause disturbance to neighbouring amenity on a temporary basis during the construction works. As a result, the Environmental Protection Team considers it necessary to ensure measures are in place to prevent or minimise such disturbance and recommends the imposition of the following condition:

Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall include:

- a) measures to regulate the routing of construction traffic;
- b) the times within which traffic can enter and leave the site;
- c) the importation of spoil and soil on site;
- d) the removal /disposal of materials from site, including soil and vegetation;
- e) the location and covering of stockpiles;
- f) details of measures to prevent mud from vehicles leaving the site and must include wheel washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) mitigation measures in relation to noise, vibration, dust and lighting;
- i) details of any site construction office, compound and ancillary facility buildings;
- j) specified parking arrangements for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: To ensure that a harmful impact on the amenities of neighbouring occupiers

In addition to the above, construction works including deliveries to site should be restricted to Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

The Geo-environmental and Geotechnical Assessment has been undertaken in accordance with appropriate guidance. Whilst the application site has historic industrial use and some contamination has been identified, the Environmental Protection Team concurs with the findings in that the site does not pose a risk to human health given the proposed commercial end use. Whilst the Assessment reports no risk to human health, it is considered prudent to ensure measures are in place to address any potential contamination that may arise during construction. Therefore, the Environmental Protection Team recommends the imposition of the following condition:

Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that phase or sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that phase or sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To protect human health and the environment

It is not apparent whether asbestos containing materials are present on the application site, particularly within the existing buildings and structures to be removed. Asbestos can pose a significant risk to human health, especially if asbestos fibres become airborne when broken and careful consideration for its removal and disposal is essential. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

Prior to demolition of the existing building, the structure will be surveyed by a competent person for the presence of materials containing asbestos. Any such materials identified must be removed and disposed of in accordance with the Control of Asbestos Regulations 2012, HSG248 and other relevant guidance by a suitably qualified contractor with an appropriate waste carrier licence.

Reason: To protect human health and the environment

Further comments received 31st July 2024:

Further to the previous consultation response dated 20 December 2023, the Environmental Protection Team acknowledges the revised Noise Impact Assessment and Air Quality Assessment submissions. The Environmental Protection Team reiterates its comments and recommended conditions in the consultation response dated 20 December 2023 and in addition, recommends the imposition of a condition stipulating that construction works are carried out in accordance with the 'Construction Mitigation Measures' outlined in Appendix C of the Air Quality Assessment (Revision 1.1).

Designing Out Crime Officer - DC&D Police:

Initial Comments received:

Thank you for this application, having reviewed the application pack, whilst there is no specific Crime & Disorder Statement, the Design & Access Statement and relevant drawings do contain various references to Crime Prevention, I have no objections in principle from a designing out crime and anti-social behaviour perspective. Given the nature of the proposals and potential staff and visitors, I have further discussed the project with colleagues at Counter Terrorism Policing South West and can confirm that they have no additional advice or recommendations at this time.

Most crimes committed on commercial premises are property related because modern business uses an array of desirable and easily transportable goods with a ready market such as plant, raw materials, laptops and many other valuable assets. Among other crime types to be considered when designing commercial properties are vandalism, graffiti, robbery, assaults on staff members and cyber-crime, including the Internet of Things (IoT).

It is vital that the benefits of a secure commercial development is complemented with a clear management and maintenance programme together with a business continuity and resilience plan

which will further promote a safe working environment. More information about risk management in both new and existing commercial buildings can be obtained from the SBD partner initiative 'Secured Environments' at: www.securedenvironments.com

Pre application crime and ASB prevention advice has been provided to and considered by the applicant for inclusion where practicable. The information below is provided to further inform and update.

External facilities & building exterior.

The building's reception area and car park should be clearly signposted from the entrances and throughout the site. People found wandering around the forecourts of industrial buildings will often use the excuse that they could not find their way to the reception and the presence of clear signs will go some way to dismiss this excuse and help staff establish the legitimacy of the claim. Likewise, signs that identify areas that are not open to public access can act as a reminder that unauthorised persons should be challenged.

The proposed boundary treatments are noted, the height and length of the site entrance gates should be consistent with the dimensions of the boundary fence into which they are set and there should be a minimal gap beneath them to ground level to prevent access.

Consideration must be given to the inclusion of dedicated emergency service access and parking onto the dockside.

To avoid the potential for conflict, electric vehicle charging points (EVCPs), provided for employee use only, should be located in parking bays that are subject to natural surveillance. A management process should ensure that charging bays are only used for their intended purpose and that steps are taken to prevent vehicles overstaying after a charge has been completed. Security could be compromised in circumstances where non-employees are allowed to use pay-as-you-go EVCPs within secured car parks and is therefore not advised.

Where there is a risk of motor vehicles being used to attack premises or an ATM etc, the following standards for secure bollards are:

Fixed bollards should have been successfully tested to PAS 68-1:2010 Performance specifications for vehicle security barriers – fixed bollards.

Rising Bollards should have been successfully tested to: PAS 68-2:2010 Performance Specification for vehicle security barriers – rise and fall bollards.

PAS 69:2013 provides guidance on the appropriate selection, installation and use of such bollards and should be referenced in the first instance.

External bicycle parking facilities will be designed for secure storage using bicycle lockers, hangers or dedicated storage devices and be certified to one of the following minimum standards:

Sold Secure – SS104 Silver,
STS 501 Security Rating TR2,
STS 503 Security Rating TR2,
STS 205 Issue 6:2021 Security Rating BR2,
STS 225 Issue 1:2021 Security Rating BR2 (S),
LPS 1175 Issue 8:2018 Security Rating B (B3)

External bicycle parking facilities will be located as close to the primary entrance as possible, and in any case within 50m of it and be subject to natural surveillance by building occupants where feasible. Current video surveillance systems should be extended to ensure that the bicycle parking facility is within view of the cameras.

Waste and rubbish containers, particularly wheelie bins, can be re-positioned and used to aid climbing to vulnerable parts of buildings whilst their contents can be used as fuel for arson attacks. To combat these two risks the bins should be retained in a lockable roofed store set apart from the main buildings and the containers themselves fitted with lockable lids. Advice in respect of a safe stand-off distance,

fire and smoke detection devices and fire sprinkler systems should be sought from the appropriate fire authority. In general, combustible materials should not be stored within 10 metres of the building.

Utility access covers, protecting access to drains, sewers, telephone cables, electricity cables and other services, must be secured to prevent access and damage by unauthorised persons.

A lighting scheme should provide uniformed lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the industrial or warehouse unit and site. It should not cause glare or light pollution and should support both formal and informal surveillance of the site. External illumination when the building is unoccupied is recommended for entrance gates and routes to the main entrance and doors, car parks (if occupied by vehicles) and observable building elevations.

Where a business manages large visitor numbers, the reception should be staffed at all times. Access beyond the reception area shall be controlled by staff preferably on a raised dais using automatic locking doors or barriers and/or by the use of proximity reader technology. All doors or barriers must allow emergency egress and be integrated into the fire/smoke alarm system for fail safe opening during the hours of occupation. When the building is not occupied, doors and barriers should be secured in accordance with the relevant fire authority's advice.

It is preferable that any reception areas should be designed so as to provide staff with a clear view of the entrance doors, the approaches to the entrances and the public waiting area within. Reception desks should be constructed so that they are of sufficient height and depth to afford protection for the receptionist against attack. Consideration should also be given to the inclusion of an escape route to a place of safety, such as a lockable office behind the reception area, where there is an increased risk of assaults on staff. This place of safety room must have a 'slam to lock' door with a facility to view the public area from within.

Access Control

I note the reference to access control within the application documents. Access control, most likely electronic, is required at the main entrance points and may also be required on some internal doorsets, such as those that lead from an entrance lobby or reception into offices and production and warehouse floors. The requirement for access control will for example, be influenced by some of the following factors:

- The need to protect a lone worker or vulnerable persons working in a reception area, office, lab or workshop.
- To prevent access into parts of the building beyond the reception to prevent crime and maintain health and safety.
- To prevent trespass onto the production or warehouse floors, especially where the offices and the reception are located on an upper floor.
- Where two or more businesses are served by a common entrance

In all such cases the doors must incorporate an electronic access control system, with an electronic lock release and (for the main entrance) an audio link to the individual businesses, offices or receptions. In some cases, visual verification by CCTV camera incorporated into the call panel or separately located may be required. Access control systems should have a data logging facility.

Doorsets and windows (including shutters & grilles) and their fitness for purpose.

BS 6375-2:2009 defines the resilience and operational characteristics of both doorsets and windows which, in simple terms, means to test a doorset or a window to ensure that it will withstand the demands of repeatedly being opened and closed over a significant period of time.

It is recommended External doorsets shall be certified to one of the following minimum police preferred standards:

PAS 24:2022,
STS 201 Issue 12:2020,
LPS 1175 Issue 7.2:2014 Security Rating 2+,
LPS 1175 Issue 8:2018 Security Rating B3+,
STS 202 Issue 10:2021 Burglary Resistance 2,
LPS 2081 Issue 1.1:2016 Security Rating B,
STS 222 Issue 1:2021

Recessed doorways should, where possible, be avoided as they provide venues where crimes such as graffiti, arson and burglary are committed. If recessed doorways are unavoidable, other mitigating measures will be required such as higher security rated doorsets, fire retardant surfaces or anti-graffiti treatments. In addition to the aforementioned measures, lighting and CCTV may also be added to make the recessed area safe.

All ground floor and easily accessible glazing must incorporate one pane of laminated glass or glass tested to BS EN 356:2000 Glass in building. Security glazing – resistance to manual attack to category P1A unless it is protected by a roller shutter or grille.

Grilles and shutters can provide additional protection to both internal and external doors and windows. The minimum standard for such products is certification to:

LPS 1175 Issue 7 Security Rating 1,
LPS 1175 Issue 8 Security Rating A1,
STS 202 Burglary Resistance 1

For roller shutters, the above minimum security ratings are generally sufficient where:

A shutter is required to prevent minor criminal damage and glass breakage the shutter is alarmed and the building is located within a secure development with access control and security patrols.

A shutter or grille is intended to prevent access into a recess the door or window to be protected is of a high security standard in its own right.

Security ratings higher than the minimum may be required and will be dictated by one or more of the following security considerations:

Type of crime risk
Level of crime risk
Location of the building
Security level of the door or window being protected.

Roller shutter doors providing access for deliveries and other entrances where no other door is present must be certificated to a minimum of:

LPS 1175 Security Rating 2,
STS 202 Burglary Resistance 2,
Sold Secure – SS101 Gold

The security requirements for easily accessible roof lights and roof windows differ depending on the crime risk and potentially the goods equipment stored within the building below.

Low crime risks require the roof light and roof window apertures to be protected by roof lights certificated to:

LPS 1175 Security Rating 1,
STS 202 Burglary Resistance 1, STS 222 Burglary Resistance 1 (S)
LPS 2081 Security Rating A.

High crime risks require the roof light and roof window apertures to be protected by roof lights certificated to:

LPS 1175 Security Rating 2 or 3,
STS 202 Burglary Resistance 2 or 3,
STS 222 Burglary Resistance 2 (S),
LPS 2081 Security Rating B.

Intruder alarm & CCTV

A suitably designed, fit for purpose, monitored intruder alarm system must be installed. For police response, the system must comply with the requirements of the NPCC Security Systems policy, which can be found at the following link: www.policesecuritysystems.com/national-police1chiefs-council-security-systems-policy.

It should be noted that when places that the public are permitted access are well lit but lack effective surveillance this can create cover for criminal activity and/or inappropriate loitering and behaviour.

A monitored Closed Circuit Television system (CCTV), subject to an operational requirement and passport to compliance document, is recommended for this site, including any landing points/jetties on the quay wall.

A passport to compliance document puts responsibility for the system in the hands of the organisations that operate them and should be completed for new systems or where significant changes are made to an existing system.

The supporting documents will ensure that the surveillance system is fit for purposes and the needs of the end user are met.

Additional information & advice

Consideration must be given to the structure of the internal walls, floors and ceilings of computer server rooms to provide appropriate security and to prevent damage by fire, smoke or from firefighting (water) from other parts of the building. Due to varying construction methods and materials, it is not possible to be prescriptive, however combinations of different materials, such as high impact gypsum boards, expanded metal sheets, plywood, and masonry have proved to be effective.

All stores containing potentially hazardous materials, for example, gas cylinders shall be secure and access shall be restricted to authorised personnel. This may be achieved by securing the site with a boundary fence with lockable gates or by securing individual stores. Dependant on the site security requirements both conditions may be required.

Suitable security arrangements shall take into account the classification of the gases and the quantities being stored. The security arrangements shall include appropriate physical and management security controls to prevent unauthorised access, theft, tampering, arson, vandalism and to effectively monitor the usage of gases, as well as any specific local considerations.

Access to any flat roofs must be restricted to authorised personnel. For example, external ladders and stairs must be gated, pipework enclosed and furniture and bins located so as not to aid climbing.

Further comments received 12th August 2024:

Thank you for this application. Further to my previous consultation response dated 21st December 2023, much of which remains valid from a designing out crime and ASB perspective, having reviewed the revised drawings, I have no objections in principle to the proposed amendments.

However, I have concerns with the externally accessed unisex shower cubicle shown on the Ground Floor Plan. Whilst the need for privacy is understood, access being via the clear space escape/maintenance lane offers no real surveillance opportunities, potentially leaving both users and the shower room vulnerable. It is recommended the access is provided internally, forming a set of 3 showers or, with VAWG concerns (Violence Against Women & Girls) in mind, relocated to the first floor as part of the female WCs.

Final comments received 19th August 2024:

Many thanks for the attached updated plans, which I confirm address my concerns regarding the ground floor external shower room. Out of interest, has this 'space' been relocated elsewhere within the scheme or removed completely?

Historic England - Southwest Casework:

Initial Comments:

Thank you for your letter of 6 December 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/> It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Further comments received 27th August 2024:

Thank you for your letter of 31 July 2024 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Natural England:

Initial comments dated 12th January 2024:

Thank you for your consultation email dated and received on 06 December 2023 relating to the above proposal. Based on the information provided we have the following comment1.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER CONSIDERATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Further information and / or mitigation is required to determine / mitigate impacts on the Taw Torridge Estuary Site of Special Scientific Interest (SSSI).

Details are provided below. Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's advice on other natural environment issues is also set out below.

Nationally Designated sites

Taw Torridge Estuary Site of Special Scientific Interest (SSSI)

The development site is adjacent to and within the Taw Torridge Estuary SSSI and has triggered Natural England's Impact Risk Zones2 (IRZ). The SSSI is notified for its overwintering bird interest and intertidal habitats which includes extensive mudflats, sandflats and saltmarsh.

Further information about the special interest features can be found at www.magic.gov.uk The composition of the SSSI bird assemblage alters through time as species populations fluctuate. Therefore any native wetland bird species (in practice waders and wildfowl) will be a legitimate part of the bird assemblage.

Designated sites are material planning considerations. A proposal within or close to a SSSI needs to be consistent with maintaining and enhancing the special interest of the protected site. It must be demonstrated that harm will not accrue and that the development will not have an adverse impact on the interest features of the site or be contrary to local policy e.g. DM08 and national policy e.g. NPPF paras 180 and 186.

Further consideration therefore needs to be given to the potential impacts on the special interest of the designated sites so that the LPA is able to make a fully informed decision in line with their [NERC section 40](#) duty to have regard to conserving biodiversity as part of your decision making and the need to take reasonable steps to conserve and enhance the special features of [sites of special scientific interest](#).

The Environment Act 2021 included an amendment to the original NERC Act, reflecting government's ambitions to shift the focus from conserving to enhancements to nature and nature recovery. The changes to the act are intended on making this a stronger mechanism to strategically consider the natural environment and the actions public bodies can be taking towards recovery.

Our advice is that a sufficiently detailed method statement for the works (what, when, how) is required, to allow Natural England and your Authority to evaluate the potential impacts, during construction and operation. Mitigation should be agreed pre-determination rather than secured via conditions to ensure that it is appropriate and deliverable.

A formal licence application to the Marine Management Organisation (MMO) may also be required for works below mean high water.

The method statement should consider:

Habitat loss

- Based on information provided, a new independent sheet piled quay wall is proposed immediately in front of the existing stonewall. The sheet piling will be installed via jack up barge located in the estuary.
- This will result in the loss of approximately 250m² of priority intertidal habitat/SSSI interest. Whilst not large in the context of the wider estuary, this does represent a net loss of SSSI intertidal habitat which is not in line with the conservation objectives (no change in extent) or national and local policies. No compensation is proposed.
- Vessels moored up alongside the seawall for long periods of time would also increase the footprint of mud habitat lost.
- The design and access statement refers to dredging a berth pocket as part of for future regular commercial marine use which would result in further habitat loss.
- Strategically, the LPA should consider identifying an area where they can satisfactorily compensate the small incremental losses taking place to development in the estuary (NPPF para 181).
- Alternatively, financial contributions could be made to projects creating new intertidal habitats

Pollution

- No assessment of mobilisation of sediment/pollutants from dredging/piling and the potential impact on the SSSI has been done. The plans do not show any trial pit locations/contamination analyses of mud samples for the estuary.
- Based on the information provided it is not possible to avoid dredging and remobilisation of sediment.
- Consideration needs to be given to measures to protect the marine environment during the demolition of existing structures, the removal of materials, and during the construction phase.
- There is the potential for release of sediment and remobilisation of contaminants into the estuary particularly during piling and renovation of the seawall with the potential to reduce the availability of benthic food resources for wintering birds e.g. smothering of mussel beds.
If concrete is to be sprayed, suitable protective sheeting must be provided to prevent rebound or windblown concrete from entering the water environment. Rebound material must be cleared away before the sheeting is removed'. The weather conditions in which it would be applied should also be a consideration.
- Materials that are not toxic to the marine environment and accelerants in concrete to ensure fast setting should be used.

Access to the foreshore

- If access to the foreshore is required, tracking across and disturbance of the harbour bed should be minimised by marking out access routes across the foreshore and ensuring works are restricted to as small an area as possible;
- There should be no storage of equipment/materials on the foreshore at any point.

Noise & Lighting

- It is known that noise and lighting can lead to both the displacement and disturbance of wildlife. The main concerns are to ensure that noise and light disturbance from any source is considered and that design measures to avoid and mitigate disturbance are incorporated into the proposal.
- There may already be a certain level of light spill onto the estuary.
- A lighting assessment has been proposed but not provided. We would seek a commitment to avoid illumination of the adjacent intertidal habitats which form part of the Tav/Torridge SSSI, during construction and operation.
- Ecological receptors were not considered in the noise assessment. Piling noise has been identified as an issue in the ecology report for wintering birds.
- Piling typically involves high amounts of vibration and noise, therefore a key consideration is visual and/or noise disturbance to sensitive species including overwintering birds and other sensitive mobile species such as spawning or migrating fish (shad, Atlantic salmon, river and sea lamprey).
- Noise abatement measures for machinery are proposed. The use of acoustic screening should also be considered and would also reduce visual disturbance to overwintering birds.
- Timing piling works to avoid the colder winter months (particularly November to February) would avoid/reduce disturbance to overwintering birds. As would timing work to spring low-tide when the maximum area of mudflat is available for birds to feed away from disturbance.

- Vibro piling rather than percussive piling is preferred in terms of noise impacts. The use of a soft start /slow introduction is considered best practice.

Surface water

- Principles outlined in the [Ciria SuDS Manual](#) and / or guidance presented in reputable sources such as the Susdrain website should be used to inform the SuDS design, ensuring that any anticipated contaminants will be sufficiently attenuated before they reach the SSSI. The design should be clearly presented and the mechanisms by which the SSSI will be protected should be clearly explained. This could include features such as permeable surfaces and rain gardens to take water at source and the use of hydrocarbon capturing membranes such as Permafilter in carpark areas.

Ecological enhancements

- The proposed repairs and maintenance of the seawall will result in the destruction of a number of ecological niches, such as gaps and crevices which may be occupied by aquatic invertebrates and colonised by brackish plants, such as seaweeds. The works are likely to result in the removal of some areas of seaweed in order to facilitate repointing and repairs.
- The sea wall renovations provide an opportunity for habitat enhancement / mitigation measures by maximising habitat diversity and complexity, surface roughness and texture.
- In order to ensure that there is no net loss in these habitats, the creation of ecological niches is proposed in the masonry of the repaired wall.
- Recommendations for further enhancement in the form of artificial mudflat and rockpool niches are made in the ecological report (Orbis 2023) and we recommend these are included in any final design.

Priority Habitats and Species

Priority habitats and species Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Consideration should be given to how any loss will be avoided, mitigated or compensated as advised above for the designated sites. Policy DM08 (6) of the Joint Torridge and North Devon Local Plan applies.

Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and enhance local distinctiveness and be guided by your Authority's landscape character assessment and the policies protecting landscape character in your local plan.

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

The proposal is adjacent to the Southwest Coast Path National Trail. We therefore advise you to seek the advice of the National Trail Officer and/or the Coast Path Officer for Northern Devon to ensure adequate mitigation is secured to avoid adverse effects on the Trail. Their knowledge of the location and wider landscape setting of the development should help to confirm whether it would impact significantly on the trail. The [National Trails website](#)¹ provides information including contact details for the National Trail Officers.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has produced [standing advice](#)³ to help planning authorities understand the impact of particular developments on protected species and we refer you to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

It is the LPA's responsibility to ensure that protected species, as a material consideration, are fully considered and that ecological surveys have been carried out where appropriate and appropriate mitigation is secured. It is the applicant's and/or their ecologist's decision as to whether a licence is required for works proposed.

Biodiversity Net Gain

Development provides opportunities to secure a net gain for nature as outlined in the NPPF, the Defra 25 year Environment Plan and the Environment Act. Policy ST14 of the Joint Torridge and North Devon Local Plan also expects all development to provide a net gain in biodiversity

Whilst it is not Natural England's role to comment on metric calculations or to provide detailed advice on biodiversity net gain at the planning application stage, we do advise and encourage the LPA to determine the application in accordance with Local Plan policy, and to check the calculations and supporting information to ensure the applicant has provided a clear narrative, and accurate assessment of condition, that enables the LPA to understand what has been factored into the calculations and how gains have been determined, in accordance with the mitigation hierarchy (paragraph 186 NPPF). The LPA is advised to secure the details for the delivery, management and monitoring of the net gain through planning condition or obligation.

Opportunities for wildlife enhancements might include:

- Incorporating nest sites for swallow, house martin, house sparrow, [swift boxes](#) or bat boxes into the design of new buildings. The RSPB recommends one bird box per building as good practice.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

Incorporating bee bricks into buildings <https://greenandblue.co.uk/product/bee-brick/>

- Designing lighting to avoid disturbing wildlife.
- Green/brown roofs - The use of alternative roofing (turf, aggregate, brown and green roofs) can make a significant contribution to biodiversity, attenuation of rainfall, and energy efficiency as they can provide a high degree of insulation. Green walls can provide insulation or shading and cooling.
- Street trees to help improve air quality and reduce flooding, provide wildlife habitat and an urban greening function, or a shading and cooling function in adapting to climate change.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on designated sites, Natural England will be happy to consider it, and amend our position as appropriate.

Please do not hesitate to contact me via consultations@naturalengland.org.uk if you wish to discuss any of the advice in this letter further.

Interim Comments dated 26th February 2024:

Thank you for your emails of 15th and 20th February providing further information relating to the above project. We have the following observations and advice.

Fish data and literature review / Intertidal habitat survey and Sediment surveys.

The submitted reports have considered impacts on fish species associated with the estuary and the impacts of sediment movement / pollution. Both reports have made recommendations to mitigate predicted impacts on ecological receptors including the timing of piling works at low tide, soft start as best practice, potential timing in the year to avoid more sensitive migration periods, use of bubble curtains during piling/noisy activities if avoiding working at higher tides is not possible.

Some of the proposed measures, such as working at low tide, align with the mitigation proposed for avoiding disturbance of overwintering birds.

Fish are not a notified feature of the SSSI but the rivers are important for several migratory fish species protected under other legislation. We recommend you also consult the Environment Agency as fish fall within their remit.

A construction environmental management plan should be secured, pulling together all the ecological recommendations/timings decided upon in one place.

The mitigation for sediment disturbance also involves working at low tide to allow sediment to settle again before the tide returns/avoids dispersing too far from where it is. The sediment sampling confirmed the presence of heavy metals etc. There doesn't appear to be mention of dredging large quantities of material but anything above 'Action Level 1' should not be dumped at sea.

The sediment survey acknowledges the loss of intertidal mud priority habitat to the new sea wall but does not address how this could be accounted for. Biodiversity net gain We don't have any additional advice regarding biodiversity net gain. There is advice for LPAs on gov.uk at Biodiversity net gain: what local planning authorities should do - GOV.UK (www.gov.uk).

Final Comments dated 11th September 2024:

Thank you for your consultation email dated and received on 31 July 2024 relating to the above proposal. We are providing advice because Natural England is a s Statutory consultee for protected sites. Natural England is not a statutory consultee for Biodiversity Net Gain (BNG) at the planning stage. Based on the information provided we have the following advice¹ .

SUMMARY OF NATURAL ENGLAND'S ADVICE DESIGNATED SITES – OBJECTION Natural England objects to this proposal. As submitted, we consider it will damage or destroy the interest features for which the Taw Torridge Estuary Site of Special Scientific Interest has been notified.

The outstanding issue is the direct loss of approx. 250m² intertidal mudflats within the SSSI.

Two separate issues have been confused in terms of impacts and mitigation:

- Potential impacts on designated sites.
- Biodiversity Net Gain (BNG)

The Local Authority, as decision maker, must address the protected sites impacts first, before considering the wider BNG requirements of the development. Natural England would expect SSSI compensatory measures to be secured, with BNG provided on top. Further advice is provided below. Please re-consult Natural England once this information has been obtained.

Designated sites

The Taw Torridge Estuary Site of Special Scientific Interest (SSSI) The development site is adjacent to and within the Taw Torridge Estuary SSSI and will result in the loss of 250m² of SSSI intertidal mudflat and Priority Habitat. A proposal within or close to a SSSI needs to be consistent with maintaining and enhancing the special interest of the protected site.

Paragraph 186(b) of the NPPF states *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (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.*

NPPF 186(a) states *if significant harm to biodiversity 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.*

Policy DM08: Biodiversity and Geodiversity of the Joint North Devon and Torridge Local Plan states: National Sites (4) *Development proposals within or outside a Site of Special Scientific Interest or Marine Conservation Zone which would be likely to affect the designation adversely, either individually or in combination with other developments, will not be supported unless the benefits of the development at this site clearly outweigh both the adverse impacts on the site and any adverse impacts on the wider network of Sites of Special Scientific Interest and Marine Conservation Zones.*

Avoidance, Mitigation and Compensation for Biodiversity and Geodiversity Impacts (8)

Development should avoid adverse impact on existing features as a first principle and enable net gains by designing in biodiversity features and enhancements and opportunities for geological conservation alongside new development. Where adverse impacts are unavoidable, they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort.

Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. The strengthened 'biodiversity duty' that the Environment Act 2021 introduces means that, as a public authority, you must:

- Consider what you can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on your consideration.
- Act to deliver your policies and achieve your objectives.

Natural England does not consider the proposed loss of intertidal mudflat as trivial or inconsequential. It will be a permanent loss of SSSI habitat and the site-specific target for favourable condition of the SSSI is no loss of extent.

There may be scope for amendments to the design of the proposal that could avoid or mitigate the environmental harm described above. This might include repairing the existing seawall to avoid the loss of SSSI habitats.

Accepting such small-scale losses, particularly if there are, or likely to be, similar proposals coming forward, in the face of climate change for example, would have an adverse cumulative impact over time. If the LPA determines that the loss cannot be avoided or mitigated, then compensation must be secured.

The Shoreline Management Plan (SMP) states that *there is likely to be a change in the composition and distribution of habitats within the Taw Torridge Estuary SSSI due to natural processes and coastal squeeze. Low lying areas of the Taw-Torridge under non active intervention managed realignment provide opportunities to create intertidal habitat and offset losses.*

Natural England's advice is that it is not appropriate to propose buying BNG off site units/statutory credits to compensate for the SSSI habitat loss (ecological method statement Table 2 first line of intertidal habitats section).

The applicant will need to put forward a bespoke compensation plan for negotiation with the Local Planning Authority which should be secured through suitably worded conditions.

Natural England deals with planning proposals on a case-by-case basis and we may recommend refusal to the LPA of any application that does not adequately mitigate or compensate for the impact of development on designated sites.

Wave return wall

The Environment Agency consultation response references an option for a proposed wave return wall. The LPA will also need to consider how this may further impact the SSSI by potential scour from wave reflection during extreme events.

Ecological Method Statement (EMS) and Construction Environment Management Plan (CEMP)

There seem to be 3 copies of the EMS online. I have used 1417632.

Based on the information provided:

- The Ecological Method Statement (EMS) (Orbis) Ecology does not sufficiently address the SSSI loss, as set out above.
- The EMS does appear to secure all the mitigation identified in the various ecological assessments for overwintering birds, migrating fish.
- However, much of the mitigation is proposed as 'where possible' which does not provide the LPA with enough certainty. The mitigation set out in the EMS is required and necessary to avoid or reduce adverse impacts on designated sites and the wider environment.
- The lighting technical design note says a lighting plan was not required for planning. The expectation is that a pre-commencement condition will secure lighting detail. The lighting detail does need to include mitigation to avoid light spill on to the estuary habitat as per the ecological method statement.
- The EMS includes all the measures Natural England would want to see when working on the foreshore.
- Vibro piling rather than percussive piling is preferred in terms of noise impacts.

- Piling will be avoided between November to February which covers the colder months. However, the overwintering birds are present between September and March inclusive.
- We understand that dredging is not proposed.
- We do not have any comment on the noise assessment as it does not consider ecological receptors. The EMS includes noise mitigation measures.
- The CEMP Section 6.2 Ecology refers to section 4 Ecology method statement which is the Orbis report. The summary Table of the EMS should be appended to the CEMP to avoid any confusion.

The proposed works may require access to the foreshore and therefore would be located within the intertidal (between Mean High Water and Mean Low Water) zone and we would recommend the applicant contacts the Marine Management Organisation to ascertain whether a marine licence is required for this development.

Biodiversity Net Gain (BNG)

BNG does not replace existing policy requirements for dealing with direct or indirect impacts on designated sites.

It is not appropriate to discuss BNG proposals where there are fundamental concerns with the proposal or if the mitigation hierarchy has not been applied. BNG should not be used as a justification for otherwise unacceptable development impacting on designated sites.

Any compensation that a development is delivering in meeting wider statutory protections may be able to be counted towards that development's BNG so long as it meets BNG criteria, for example, legally secured for at least 30 years. However, this would only count up to no net loss.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Please do not hesitate to contact me via consultations@naturalengland.org.uk if you wish to discuss any of the advice in this letter further.

Marine Management Organisation:

Initial comments received:

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine Licence <https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that would affect a UK or European protected marine species.

The MMO is a signatory to the [coastal concordat](#) and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: [check if you need a marine licence](#) and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link <https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A [map](#) showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our [Explore Marine Plans](#) service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK

marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the [UK Marine Policy Statement](#) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even landlocked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

DCC Archaeology Section:

Initial Comments:

I refer to the above application and your recent consultation. The proposed development lies adjacent to the Appledore Conservation Area and with views eastward to the Instow Conservation Area and the grade II* Tapeley House and Registered Park and Garden. As such, I would defer to the Torridge and North Devon Conservation Officers with regard to any comments they will have on the impact upon the setting of these designated and other designated heritage assets in the vicinity.

With regard to the built heritage and archaeological potential of Middle Dock I would advise that the impact of the proposed development is mitigated by a programme of historic building recording and archaeological monitoring and recording

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2023), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of (i) historic building recording of the historic warehouse and other historic structures on the site - including the western roadside boundary wall. The methodology for recording the standing warehouse would need to be subject to health and safety constraints dictated by the stability of the extant building, which I understand to be somewhat unstable. This may necessitate the use of remote recording methods, such as a drone survey to create a 3D photogrammetric record of the standing building, and (ii) the archaeological supervision of all groundworks associated with the construction of the proposed development that have the potential to expose archaeological deposits - including any dredging undertaken or works in the foreshore - to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to nonhouseholder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

With regard to the written scheme of investigation submitted in support of this planning application I would advise that this document is withdrawn and revised in the light of the comments above.

Further comments received 12th August 2024:

Please find set out below the Historic Environment Teams revised comments on this planning application after your recent re-consultation.

The proposed development lies adjacent to the Appledore Conservation Area and with views eastward to the Instow Conservation Area and the grade II* Tapeley House and Registered Park and Garden. As such, I would defer to the Torridge and North Devon Conservation Officers with regard to any comments they will have on the impact upon the setting of these designated and other designated heritage assets in the vicinity.

With regard to the built heritage I understand that the historic building recording has already been undertaken prior to demolition. However, given the archaeological potential of Middle Dock I would reiterate the Historic Environments Teams previous advice that the impact of the proposed development is mitigated by a programme of historic building recording and archaeological monitoring and recording.

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest as well as setting out the post-excavation tasks still outstanding associated with the historic building recording already undertaken. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

With regard to the written scheme of investigation submitted in support of this planning application I would advise that this document is not acceptable and should be withdrawn and revised to include the outstanding post-excavation tasks associated with the historic building recording already undertaken.

If a revised Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2023), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby: No development shall take place until the developer has secured the implementation of a programme of archaeological work, including the outstanding post-excavation reporting tasks for the historic building recording already undertaken, in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

Reason 'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 205 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the heritage works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works. It is also a variation of the usually recommended archaeological condition.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development that have the potential to expose archaeological deposits - including any dredging undertaken or works in the foreshore - to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork, historic building recording and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Further comments received 27th August 2024:

Thanks for the email and the attached Written Scheme of Investigation (WSI) recently submitted in support of this application. This document sets out the scope of the archaeological work and historic building recording to be undertaken in mitigation for the impact of the proposed development upon these heritage assets and is acceptable to the Historic Environment Team.

In the light of the submission of the WSI in support of this planning application, I would like to withdraw the Historic Environment Team's previous comments and instead advise that any consent that may be granted by the Planning Authority should be conditional upon the following worded conditions:

'The development shall proceed in accordance with the Written Scheme of Investigation prepared by Oakford Archaeology (OA Project No. 2119, V1.1 dated 8 October 2023) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 211 of the NPPF (2023), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I will be happy to discuss this further with you, the applicant or their agent.

North Devon Coast AONB:

No response received.

Minerals And Waste Planning:

Initial comments dated 8th December 2023:

Thank you for consulting us on this application.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance.

A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

Within the waste audit statement submitted, the applicant has addressed the predicted amount of waste and type of waste that will be generated when the development is occupied.

However, in order to meet the requirements of Policy W4 of the Devon Waste Plan, we would request that the following details are addressed:

- State, in tonnes, the amount of construction, demolition and excavation waste that is likely to arise, set out by the type of material, and identify targets for the reuse, recycling and recovery for each waste type along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs;
- For any waste materials that are unsuitable for reuse, recycling or recovery, confirmation of the location for their disposal; including the name and location of the waste disposal site;
- Identify measures taken to avoid all waste occurring; and
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.

Further comments dated 7th March 2024:

We are happy for the information we requested on 8th December to be included as a pre-commencement condition. We recommend the following wording:

Prior to the commencement of development, an updated waste audit statement shall be submitted to, and approved in writing by, the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- *Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.*
- *The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.*
- *Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.*
- *The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site.*
- *Identify measures taken to avoid all waste occurring.*

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

Please do not hesitate to contact us should you have any queries.

Final comments received 6th August 2024:

Northam Town Council noted the proposal and made no further comment at this stage.

We are satisfied with the amendments to the operational waste calculation. Our comments from 07/03/24 regarding other requirements still stand.

Devon County Council - Flood Risk Management:

Initial comments received 4th January 2024:

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- A detailed drainage design based upon the approved Middle Dock, Appledore Flood Risk Assessment and Drainage Strategy (Report Ref. E05856/001_FRA, Rev. V1, dated 27th September 2023) with consideration of green roofs and living walls, re-using rainfall and SuDS planters or rain gardens
- Detailed proposals for the management of surface water and silt runoff from the site during

construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

The applicant have submitted Middle Dock, Appledore Flood Risk Assessment and Drainage Strategy (Report Ref. E05856/001_FRA, Rev. V1, dated 27th September 2023) to support the development of a Clean Maritime technologies and Environment Innovation Centre with associated landscaping and infrastructure.

The applicant are proposing to discharge the surface water runoff unattenuated due the location of the site on the tidal portion of the River Torridge. The applicant, however make provision of a drainage trench to allow for additional storage in the event of tide locking of the flapped outfall discharging to the adjacent slipway will need to be demonstrated during detailed design stage.

We would like the applicant to consider implementing green roofs and living walls (these could be used in sections). The applicant might also be interested in re-using rainfall (such as for flushing toilets or washing down yard areas). Some SuDS planters or rain gardens shall also be considered due to the nature of the development.

Further comments received 19th August 2024:

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

Observations: The submitted Site Plan (Drawing No. 2398-KTA-A-(01)00, Rev. 7, dated 23rd July 2024) indicates that the layout of the proposed development is changed together with the introduction of 60 car parking area. It is unsure how the applicant will deal with the pollution and water quality issue from the proposed car parking area. The applicant will need to submit this information in the next stage of the planning.

Devon County Council (Highways):

Initial comments received 4th September 2024:

Observations:

Please note that my following comments are based on the latest submitted drawing number: 32522-HYD-XX-XX-DR-C-0011 Rev P03.

In the first instance, I note the updated details that have been submitted for this application. Visibility splays offered for the site access onto New Quay Street are acceptable. The previous question of the earlier layout having limited visibility splays for the secondary access has been answered courtesy of the fact that this element has now been removed. I offer a corresponding condition below.

With regards to the construction detail, there are three issues that have a particular bearing on the Highway Authority; these being:

1. The widening of the carriageway. I do not foresee this being an issue, albeit that further details such as cross sections, materials, procedure etc. will be required at Section 38/278 stage. However, I am satisfied that there are engineering solutions for this proposal.

Moreover, the overall widening to a minimum width of 5.6 metres (and up to 6.8 metres) is acceptable mitigation.

2. The new footway: This is also an acceptable proposal but will also be subject to the above requirements. I would also expect the Highway Authority to adopt this footway. Again, I believe that this footway offers suitable mitigation.

3. Retaining wall: Given the likely height of the proposed wall, this will be subject to an Approval in Principle (AIP). Further details must be submitted including cross sections, engineering drawings etc. However, the Highway Authority would not adopt this structure and private arrangements would be required for ongoing future maintenance.

In terms of trip generation, the Transport Statement highlights the use of the Trip Rate Information Computer System (TRICS) as an evidence base; this is the standard method for evidencing movements to and from a proposed development and I raise no issue with this as a methodology.

Of the information submitted in terms of the traffic impact, there would be a clear increase in overall movements, albeit the number of larger vehicles would still be relatively few. As has been outlined, these movements are tidal with the peak (AM & PM) flows going to and from the site, respectively, so whilst there would be opposing conflicts, these would be relatively limited. As mentioned above, I would also add that the increase in carriageway width and provision of footway also adds a degree of mitigation.

The greatest concern that I had with this application was the potential movements of Large Goods Vehicles - articulated lorries, rather than the 7.5 tonne vehicles ('rigid lorries'). In the case of the latter, I appreciate that a swept path analysis has been submitted, as well as for a refuse vehicle and a fire engine. These are acceptable.

However, in terms of articulated lorry movements, I understand that given the latest layout, turning for 15.5 metre lorries would not be feasible (for the finalised operational site rather than during the construction phase). As mitigation for this, I understand that the proposal is to ensure that such vehicles are precluded from accessing the proposed development once the construction phase is complete (effectively prior to 'occupation'). I further understand that this matter can be secured by way of a suitably worded condition, which would also make this issue enforceable. Having subsequently discussed this matter with the Planning Officer, I am satisfied that this is a viable solution. In which case, I offer no objections on this basis.

Therefore, subject to the below conditions, as well as the additional condition/s relating to the movements of LGVs, I am satisfied that the proposed development offers 'safe and suitable' access and that the cumulative impact would not be 'severe', as are the test of the National Planning Policy Framework (NPPF).

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 32522-HYD-XX-XX-DR-C-0011 Rev P03 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 40 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

REASON: To ensure the safety of all road users

3. Prior to the occupation of any dwelling on the site the footpath link across the site frontage shall be provided on North Road to the satisfaction of the Local Planning Authority in accordance with diagram 32522-HYD-XX-XX-DR-C-0011 Rev P03. REASON: To provide safe and suitable pedestrian access between the site and village centre.

4. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway REASON: In the interest of public safety and to prevent damage to the highway

Further comments received 17th September 2024:

Observations:

Further to my recent recommendation, dated 4th September, I understand the applicant has considered the previously suggested option of a condition being included to restrict certain larger vehicle types. From these considerations, I further understand that the applicant would not see this as a suitable solution and would prefer all vehicle types being able to access the site. Therefore, I submit these latest comments giving my updated thoughts and recommendation keeping in mind the applicant's position on this matter, as well as giving further consideration to the additional information submitted.

At this point, I would further add that my thoughts also have regard to the previous use of the site, both the most recent use of the site by Torridge District Council, as well as the more historical uses. I also appreciate that some of these comments will repeat my previous recommendation; however, for the sake of completion, I believe it is necessary to contain these comments in this final recommendation.

As previously advised, the visibility splays offered for the site access onto New Quay Street are acceptable and I have no issue with these; a condition is offered below to secure them.

Likewise, the engineering works that have a direct bearing on the carriageway are acceptable. These will be subject to a Section 278/38 Agreement, which will need to include acceptable proposals for the construction details. Unlike the widened carriageway and footway, the retaining wall will not be considered for adoption and private arrangements will need to be made for the ongoing maintenance of this feature. Again, the retaining wall will be subject to an Agreement In Principle (AIP) so the applicant will need to liaise with the Devon County Council Structures Design Team to co-ordinate an acceptable proposal.

I appreciate that the amount of traffic attracted to and from the site is contentious and a cause of concern, particular the movement of larger vehicles. Indeed, to the last sentence I would also add that I appreciate any overall increases in traffic movements will add to any concerns. As I've previously outlined, to gauge the likely traffic movements, the Transport Statement has used the Trip Rate Information Computer System (TRICS). In such applications, this methodology is recognised as the standard process for establishing traffic movements to and from a proposed development and to form a suitable evidence base; I do not dispute the figures offered.

With regards to the increase in traffic movements identified in the Transport Statement, the comments I previously raised are still pertinent, these being:

"I raise no issue with this as a methodology. Of the information submitted in terms of the traffic impact, there would be a clear increase in overall movements, albeit the number of larger vehicles would still be relatively few. As has been outlined, these movements are tidal with the peak (AM & PM) flows going to and from the site, respectively, so whilst there would be opposing conflicts, these would be relatively limited. As mentioned above, I would also add that the increase in carriageway width and provision of footway also adds a degree of mitigation".

However, this leads onto the issue of the largest vehicle types that, notionally, could access the site, namely 15.5 metre and 16.5 metre Large Goods Vehicles (LGVs). In the first instance, I wouldn't expect such movements on a frequent basis; indeed, the likelihood is that relatively long periods of time could pass without such a vehicle accessing the site. However, I also appreciate that this comment would give scant comfort to those who live on the access route to the site, or, for example, those using the South West Coast Path. I would also like to make it unequivocally clear that the inclusion of a condition that was raised at an earlier stage (restricting such vehicle type movements altogether) would be my preferred option and the safest option.

That said, I have noted the tracking drawings submitted by the applicant, both within the site as well as along the access route. In the case of the former, the applicant has demonstrated that this manoeuvre is achievable for LGVs. Despite these manoeuvres areas being conducted off of the public highway and technically beyond my remit, I have offered the following comments:

1. It would be worth considering altering the internal parking bays so that these movements are conducted a reasonable distance from the quay.
2. The arrangement of the gates at the site access would need to be altered given the sweep of the cab's vehicle in the tracking.

Moving on to the swept path analysis for the wider access route, the tracking does demonstrate that these movements are achievable, albeit the safety margins are tight. Passing options for an LGV are limited, albeit the road widening on New Quay Street, which will be facilitated by the proposed development, will improve this situation and offer some degree of mitigation.

As mentioned at the start of this recommendation, I must give consideration to the extant and historical use of the site, the likely planning class that would be attributed to these uses and, consequently, the likely trip generation associated with these. I can confirm that I have had lengthy conversations with the Planning Officer regarding these matters. In short, the planning classes that are likely to be associated with those operations are equally likely to attract the similar types and numbers of vehicles as the proposed development that is in front of us. Therefore, not without concern, I do not believe that it would be appropriate to raise highway objections on this basis.

As a result of the above considerations, and along with the attached conditions, I accept that the proposed development offers 'safe and suitable' access and the cumulative impact would not be severe, as are the tests of the National Planning Policy Framework (NPPF).

Recommendation: THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 32522-HYD-XX-XX-DR-C-0011 Rev P03 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 40 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

REASON: To ensure the safety of all road users

3. Prior to the occupation of any dwelling on the site the footpath link across the site frontage shall be provided on North Road to the satisfaction of the Local Planning Authority in accordance with diagram 32522-HYD-XX-XX-DR-C-0011 Rev P03.

REASON: To provide safe and suitable pedestrian access between the site and village

4. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

North Devon Council:

Initial Comments:

Thank you for your enquiry which was received on the 6 December 2023.

North Devon District Council have no comments in respect of this proposal.

Further comments received 14th August 2024:

Thank you for your enquiry which was received on the 31 July 2024 The North Devon Planning Authority does not wish to make comment on this application.

DCC Rights Of Way:

No response received.

Pilot/Port & Harbour Master:

No response received.

South West Water:

Initial Comments received:

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find attached a plan showing the approximate location of a public 100mm combined sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed. Further information regarding South West Water's build over of sewers process can be found on our website via the following link:

www.southwestwater.co.uk/buildover

Should you require any further information, please contact our Asset Protection Team via email:

DeveloperServicesAssetProtection@southwestwater.co.uk.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
 2. Discharge into the ground (infiltration); or where not reasonably practicable,
 3. Discharge to a surface waterbody; or where not reasonably practicable,
 4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
 5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)
- Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

For Highway run off please contact the Highway Authority to agree disposal method

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Further comments received 31st July 2024:

South West Water have no additional comments to add

TDC Coastal Engineer:

No comment.

Economic Regeneration Officer:

Initial Comments

The Appledore Clean Maritime Innovation Centre at Middle Dock will establish northern Devon as a global-leading R&D innovation destination for clean maritime. Bringing a university research centre to northern Devon for the first time, proposals have significant community, industry and government support and will address issues around deprivation, low educational achievement and a lack of community pride in place, delivering on seven Levelling Up missions and strengthening the existing regional strengths which have recently been recognised as part of the Innovate UK Launchpad for the South West's maritime sector.

Torridge District Council secured £15.6million in January 2023 from the Levelling Up Fund, the largest single government funding award to the region, as part of a project to create 93 direct FTE jobs with a Benefit to Cost Ratio of 2.8:1 and total direct benefits of £62million whilst also acting as a major catalyst to regional economic, social and environmental growth. The collection of academia, industry and customers within the Innovation Centre is unique on a waterfront site in the South West and will in itself open up further opportunities, such as export and international collaborations.

That the Innovation Centre will feature cutting-edge research and industry partnerships from the Centre for Future Clean Mobility (CFCM, University of Exeter) and the University of Plymouth, will create a major economic and psychological impact whilst putting the region firmly on the regional, national and international map within the maritime innovation world. This has already had an impact on businesses interested in relocating to take up future space within the Innovation Centre and to create wider employment, for example through high value manufacturing, and also to generate associated projects within the close vicinity, such as through green hydrogen production locally.

The project has the support of the University of Exeter, University of Plymouth, Royal Navy, National Shipbuilding Office, Department for Business and Trade, South West Business Council and is also working closely with regional and national partners such as Celtic Sea Power to ensure that Torridge can play its role in delivering collective benefits for the region.

Working with the universities and Petroc College it will also take the lead in producing new skills for clean maritime, including Zero Emissions propulsion. Petroc will strengthen the regional skills pipeline through an expanded range of level 3-6 maritime and engineering courses co-developed with the University of Plymouth under the SW Institute of Technology umbrella. Without the Innovation Centre these growth areas will not be able to develop at the same intensity or to create as many wider jobs.

The Innovation Centre will also provide a local focus for activity to support The Crown Estate's proposed 4.5GW of Celtic Sea Floating Offshore Wind (FLOW), a physical space to channel activity and to attract investment for the area. The leasing round for that is due to begin in 2024, and the Innovation Centre provides a clear route to support developers to invest within Torridge, supporting the required elements around social value, decarbonisation and environmental innovation which in turn will not only create local, skilled jobs, but also significantly protect and enhance the local environment, including through partnerships with the North Devon UNESCO Biosphere.

Significant clustering opportunities across clean propulsion, aquaculture, environmental intelligence and FLOW, all coupled with increases in regional productivity and salaries, will generate private investment into Torridge, including into town centres and into aspects such as culture, generating further economic and community growth.

In 2021 the district had the 8th lowest median gross weekly earnings for full-time employees in the UK, where 41% of jobs pay under the living wage, and only 26.2% (national average = 33.9%, Devon average = 32.9%) of the Torridge population are qualified to NVQ Level 4 or above, the centre will spark opportunity and aspiration for all ages. It is therefore of pivotal importance for this once-in-a-generation opportunity to be supported and progressed in line with the funding timeline, delivering an inspiring facility to create jobs, address aspiration and social mobility challenges and be at the heart of local efforts to address long-standing deprivation.

Further comments dated 15th August 2024:

The North Devon and Torridge Economic Strategy (2024 2029) states that; From becoming a National Centre of Excellence for clean-propulsion vessels through to green hydrogen, maritime cyber security to robotics, and seaweed bi-products to smart environmental intelligence, the Appledore Clean Maritime Innovation Centre will directly contribute to the Offshore Wind Industrial Growth Plans ambition to double research and development investment and output. With a focus on collaborating to innovate between industry, academia and also the public sector there will also be a clear goal- to achieve not just IP but also commercialisation with target markets on the doorstep.

The North Devon and Torridge region has an enormously proud maritime heritage. Now is the time for that to underpin a new phase of positive local impact and pride both at the heart of the green energy revolution and also aquaculture, clean propulsion, smart environmental monitoring, and also future opportunities around Floating Offshore Wind and green hydrogen. The Appledore Clean Maritime Innovation Centre is the critical piece of physical infrastructure to support the development of these employment opportunities and to act as a catalyst for wider growth across the wider region, with supply chain and local investment benefits to be felt from Barnstaple to Holsworthy through the inter-connected growth potential illustrated in the North Devon and Torridge Clean Maritime Growth Vision.

The revisions for the centre in this Planning submission enable access to the neighbouring slipway which are of incredible value to the maritime sector- there is not an equivalent in the entire region, enabling a smoother process of product development and testing. The improved interaction between the workshops and the office / collaborative spaces will also strengthen the desire to bring different businesses and support agencies together to create future consortia and shared gains across different fields. The workshops themselves now also reflect industry feedback, strengthening the appeal to innovative businesses to locate within the facility. It is also pleasing that the building height is lower- it is hugely important to ensure that the building sits positively within the local community to drive pride in its presence at its heart of that community.

Representations:

Representations received in relation to the amended scheme:

Number of neighbours consulted:	74	Number of letters of support:	0
Number of representations received:	7	Number of neutral representations:	1
Number of objection letters:	6		

Objections received can be summarised as follows:

- Concerns regarding height relative to previous buildings;
- Overlooking of neighbouring properties;
- Roofline should be pitched and tiled in slate;
- Development still too bulky and out of keeping with local context;
- Concerns regarding the quality and nature of materials;
- Loss of existing historic wall;
- Steep drop behind boundary wall and safety concerns;
- Need for detailed landscaping proposals;
- Need for condition in relation to noise levels;
- More scrutiny needed of the Heritage Report in relation to Tapeley Park;

- Inadequate parking provision resulting in on-street overflow parking;
- Need to consult with SW Footpath Group;
- Plans inaccurate;
- Concerns regarding highway impacts;
- Landscape concerns;
- Design concerns;
- Impacts of construction works and road closures on neighbouring residents;
- Concerns regarding scale of development;
- Query retained access to slipway during construction works;
- Development out of character;
- Relocation of 'Benson Building' replacement;
- No direct launching facility proposed;
- Nothing proposed to take advantage of natural deep water mooring.

Comments received can be summarised as follows:

- Loss of EV charging and cycle storage from amended plans;
- Plans appear less complete and developed compared to previous;
- Need amended vehicle tracking drawings.

Representations received in relation to the previous scheme:

Number of neighbours consulted:	74	Number of letters of support:	10
Number of representations received:	30	Number of neutral representations:	2
Number of objection letters:	18		

Objections received can be summarised as follows:

- Conflict between vehicular access in relation to existing foul drainage pumping station;
- Lack detail of facilities required for proposed users of the site;
- Query material choices;
- Concerns regarding design;
- Lack detail in relation to fire resistance;
- Queries regarding design of proposed quay wall;
- Development does not enhance the setting of the Conservation Area;
- Loss of historic warehouse;
- Query nature of proposed use;
- Scale of development out of keeping with neighbouring properties;
- Overlooking to neighbouring properties;
- Potential for construction workers to park on highway resulting in congestion and access issues;
- Development out of keeping with context;
- Need restriction on size of vehicles entering the site;
- Need greater consideration of biodiversity and wildlife;
- Height of proposed buildings should not exceed previous buildings;
- Adverse impact of break-out area location on neighbouring occupiers;
- Concerns relating to glare and light pollution;
- Noise pollution from plant and traffic;
- Removal of existing asbestos if hazardous;
- Highway congestion and safety concerns;
- Increased activity will result in adverse impact on local residents using slipway;
- Inadequate consideration of bats in local area;
- Lack of employment opportunities of local residents;
- Adverse impacts of quay wall works and extension;
- Query land ownership of land between The Launches and application site;
- No need for atrium and tower;
- Nuisance from gulls exacerbated;
- Adverse impacts of construction works;
- Covenant on land restricting use for ship building or repairs;
- Insufficient public transport in area to assist with potential parking needs;

- Previous planning history inaccurately stated in submission;
- Insufficient car parking;
- Use as hydrogen plant – explosion risk close to neighbouring properties.

Letters of comment can be summarised as follows:

- Restricted road width to surrounding network;
- Additional information needed in relation to the access arrangements;
- Lighting assessment should be carried out;
- Condition to restrict the times of construction works should be considered.

Letters of support can be summarised as follows:

- Support for aquaculture in the South-West;
- Employment generation from development;
- Additional potential benefits to near shore water quality from aquaculture development;
- Economic benefits;
- Focus on decarbonisation;
- Catalyst for further development;
- Design carefully considered taking account of resident's and traffic concerns;
- Educational advancement and research opportunities for area.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST05 (Sustainable Construction and Buildings); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST09 (Coast and Estuary Strategy); ST10 (Transport Strategy); ST11 (Delivering Employment and Economic Development); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST16 (Delivering Renewable Energy); NOR (Northam Spatial Vision and Development Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); ST23 (Infrastructure); DM10 (Green Infrastructure Provision); DM12 (Employment Development at Towns, Local Centres and Villages);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

Material Planning Considerations:

1. Principle of Development
2. Impact on Heritage Assets
3. Impact on Character and Appearance
4. Impact on Residential Amenities
5. Access and Parking
6. Drainage and Flood Risk
7. Ecology
8. Biodiversity Net Gain
9. Infrastructure.

1. Principle of Development

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF

must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The application site is located within the development boundary for Appledore, within the wider settlement of Northam, Appledore and Westward Ho! which is identified as a Main Centre within the North Devon and Torridge Local Plan (Local Plan). Policy ST06 sets out the spatial strategy for the District noting that development will be supported within the development boundaries of the Main Centres noting that these will support appropriate levels of growth that will increase the towns' capacities to increase self-containment, to meet their own needs and those of surrounding communities.

Policy NOR sets out the spatial strategy for Northam, Appledore and Westward Ho! noting that Appledore will develop further as a centre for maritime activities with the development of marine based industries and a quality tourism offer across the wider Main Centre contributing to re-balancing Northam's community and add economic value to the area. Policy NOR further notes that in meeting the future growth needs of the area, development will be delivered without prejudice to valued environment and historic assets having due regard to the importance of the areas setting and landscape quality. The spatial strategy for Northam, Appledore and Westward Ho! also specifically notes: *'(d) employment will be supported by safeguarding and developing upon important economic resources, significantly in relation to Appledore Shipyard, port facilities and tourism assets;'*

Policy ST09 of the Local Plan relates to the Coast and Estuary Zone within which the application site is located. Section (2) of Policy ST09 states: *'(2) Priority will be given to employment uses and waterside infrastructure requiring a coastal location. Such uses will be directed to previously developed sites around the coastline and the Taw-Torridge estuary with existing jetties and wharves. These sites should be safeguarded for employment uses requiring a waterside location. Facilities at Appledore and Yelland Quay will be protected for their value as landing stages for marine aggregates and for other marine employment uses. Loss of traditional boating facilities that are part of the fabric of coastal communities will be discouraged.'*

Section (10) also states: *'Delivery of onshore facilities for operational servicing of offshore renewable energy proposals will be facilitated in existing ports and at existing jetties and wharves where they: (a) do not harm identified environmental and heritage assets; and (b) do no prejudice the current operational effectiveness of the port'*.

The application site has an established commercial use with a historic use for the storage and movement of agricultural feeds, aggregates and more recently as a depot for the Council's refuse truck fleet. The site is therefore an established employment site.

Policy ST11 of the Local Plan relates to the delivery of employment and economic development in the District noting that employment growth will be supported to deliver quantitative and qualitative improvements in job opportunities throughout northern Devon. Specifically, Policy ST11 emphasises the importance of working in partnership with local business and communities to maintain a diverse economy and the safeguarding of the high environmental qualities of the area to attract further investment and forging of links between the economy and environment. Section (5) states: *'Within northern Devon, high-value jobs in business, education and research, those supporting a low carbon economy and other key growth sectors will be encouraged in sustainable location. These jobs will retain and enhance local skills; and developers will need to demonstrate how they will work with local economic partnerships in maximising opportunities for employing local people and developing skills in northern Devon.'*

Policy DM12 relates to employment development within designated settlements and seeks to support additional job creation. Policy DM12 states:

'...economic development will be supported on:

- (a) Existing and allocated employment land and other suitable sites within development boundaries and the principal built form of Local Centres and Villages without development boundaries;'*

The policy goes on to list two further criteria in relation to residential amenity and the provision of a safe and adequate access. These matters will be considered in later sections.

In terms of the principle of the development, the proposal would make use of an existing employment site within the development boundary of Appledore. The application form indicates that the proposal would result in the creation of high quality and progressive employment opportunities as well as bolstering the position of the region at the forefront of clean propulsion technology. The intention is for the development to provide a focus for the future Floating Offshore Wind Developments in the Celtic Sea as well as supporting local business growth and stimulating opportunities for local manufacturing activities relating to marine employment industries.

As the former use of the site as a Council depot has been relocated, there would be no net loss of employment. The site is currently vacant.

An updated Economic Appraisal has been submitted which confirms that the key benefits of the scheme would include an increase in human capital/labour supply generated by graduates, employment in high skills jobs within the local area, the benefits to the surrounding local economy from *grow-on* space and employment or businesses starting within the development.

Within the initial Economic Appraisal, the economic benefits of the scheme have also been emphasised and confirmed as part of the successful UK Government Levelling Up Fund bid. The focus of the proposed development on maritime technology employment uses and the protection/improvement of the existing working quayside is considered to be in keeping with the provisions of Policy ST09 as set out above. A condition is recommended to restrict the use of the development to falling within Use Class E (g I, ii, iii) and limited to marine related industries.

The proposed development would also be intrinsically linked to the forthcoming floating offshore wind developments in the Celtic Sea including involvement in supply chains and long-term operations and management activities. This would be in specific accordance with the provisions of Section (10) of Policy ST09 and provisions of Policy ST16 in relation to renewable energy.

The application site is located within a Minerals Safeguarding area and therefore the provisions of Policy M2 of the Devon Minerals Plan is relevant. The County Council have commented on the application confirming that the wharf is no longer operational and there is no prospect of this reopening. On this basis, the Mineral Planning Authority has raised no objections to the application in principle.

The principle of the proposed development is considered to be supported by Policies ST06, ST09, ST11, ST16 and DM12 of the Local Plan.

2. Impact on Heritage Assets

Paragraph 205 of the NPPF sets out how Local Planning Authorities should consider the potential impacts of development on the historic environment, noting that great weight should be given to the asset's conservation with greater weight to be applied to more important assets. This assessment is noted to be required irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy ST15 of the Local Plan emphasises that great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment. Policy DM07 more specifically notes that proposals which conserve and enhance heritage assets and their setting will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved, giving great weight to the conservation of heritage assets.

The application site is located adjacent to the boundary of the Appledore Conservation Area and within close proximity to the listed building at Dock Cottage to the north.

A Heritage Impact Assessment (HIA) has been submitted in support of the proposals which sets out the historic uses of the site noting that the site and its former buildings were largely abandoned and deteriorating at the time of the assessment, with the intention to make use of this brownfield site for regeneration given its heritage importance and riverside location. The HIA assesses the former

warehouse on the site (also known as the 'Benson Building') noting that it was not deemed significant enough to be listed in 2010 however is considered to be a non-designated heritage asset with the boundary walls of the site and the adjacent slipway also contributing to the setting of the nearby Conservation Area. The HIA notes that the replacement structure has been designed to honour the site and Appledore's heritage, especially in relation to the 'Benson Building'. Whilst this conclusion was related to the previous scheme on the site, the now amended scheme would include a similarly designed two storey, pitched roof element to the northern end of the site, as a reflection of the former warehouse building.

The HIA concludes that the addition of modern structures to the remainder of the site will be largely screened from views within the Conservation Area, however views will be more altered from the riverside and from the Instow Conservation Area as well as Tapeley Park. The HIA concludes that the overall direct impact of the development is considered to cause moderate harm, with the range of benefits and mitigation measures likely to reduce this level of harm. Whilst these conclusions were reached in relation to the originally submitted scheme, it should be noted that the amended scheme which is now under consideration is significantly smaller in scale and height.

The submitted HIA further recommends that full building recording takes place of the 'Benson Building' warehouse prior to the commencement of any works to this building, along with a programme of archaeological monitoring and recording. The demolition works have now been completed on site and corresponding building recording has been undertaken.

The County Council's Archaeologist has commented on the submitted scheme and notes that a Written Scheme of Investigation has been submitted in support of the application which sets out the scope of the archaeological work and historic building recording to be undertaken in mitigation for the impact of the proposed development upon these heritage assets and confirms that this is acceptable. As a result of this information, the County Council's Archaeologist has recommended the inclusion of conditions as part of any permission granted to ensure that the development is undertaken in accordance with the Written Scheme of Investigation submitted and a further condition to ensure that the post investigation assessment is undertaken.

Historic England have been consulted on the submission and have not raised any specific objections to the scheme.

The Council's Conservation Officer has provided comments on the amended submission noting that the updated Heritage Impact Assessment has been provided and accepting its conclusions. The reduced scale of the scheme is noted by the Conservation Officer to result in a lesser impact on the views into the Conservation Area and in views from the east. On this basis, the Conservation Officer concludes that the proposed development would result in less than substantial harm to the significance of the surrounding heritage assets, taking account of the guidance set out in paragraphs 205-214 of the NPPF. As 'less than substantial' harm has been found, paragraph 208 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. The public benefits are outlined elsewhere in this report but are wide ranging and significant. It is considered that the economic and regeneration benefits identified outweigh the identified less than substantial harm.

The proposed development is considered to result in less than substantial harmful impact to the setting of the adjacent Conservation Area and listed buildings so there is some conflict with Policies ST15 and DM07 of the Local Plan, as well as the relevant paragraphs of the NPPF.

3. Impact on Character and Appearance

Policy DM08A relates to landscape character noting that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascares. Section (k) of Policy NOR notes that development within the settlements of Northam, Westward Ho! and Appledore will be supported where they respect the landscape setting including the special landscape character and qualities of the adjoining Area of Outstanding Natural Beauty.

Policy ST04 of the Local Plan seeks to achieve high quality inclusive and sustainable design with developments responding to the characteristics of the site, its wider context and the surrounding area. This refers to Policy DM04 which sets out design principles for development proposals. These emphasise the need for design which is appropriate and sympathetic to the setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

The application site forms something of a transition site between the commercial uses to the south and the residential area to the north and west. The previous buildings on the site were of a commercial scale and, together with the high retaining wall running around the site along the edge of the highway, form key features within the surrounding street scenes and from neighbouring sites. As noted above, there are also key views of the site which can be gained from Instow, across the estuary which emphasise the industrial nature of the existing hard surfaced site within the context of residential properties extending north along the river's edge and to the west on higher ground.

An amended Landscape and Visual Impact Assessment (LVIA) which takes account of the altered design and massing of the scheme has been submitted in support of the application. This includes a number of viewpoints from the eastern side of the River Torridge and also includes a comparison between the previously proposed scheme and the amended proposals for four key viewpoints.

These all show the application site within the context of the surrounding development to this part of Appledore and, in the case of many viewpoints, within the context of the larger shipyard building which is located further south. Within this context, the proposed development will not appear out of scale or keeping with the mixed character of the surrounding area. The distant nature of many of these viewpoints is important in reaching this conclusion and this is confirmed within the visualisations included within the LVIA.

Concerns have been raised in representations received in relation to Viewpoint 17 taken from South Road from which the bulk and mass of the southern section of the building would be most apparent. The height of this section of the building would appear greater at some points than the previously approved scheme and lower at others. Views of the two-storey element of the building would be clearly visible when travelling south-east along South Road, due to the gradient of the road at this point and the relative relationship with the application site. Further to a full assessment of the submitted plans and elevations, as well as the LVIA, careful consideration of the impact of the height of this section of the development on the surrounding landscape character and appearance has been undertaken.

The amended LVIA document concludes that this viewpoint would result in a medium impact in terms of sensitivity and the magnitude of landscape impact. The conclusions of the amended LVIA indicate that from Viewpoint 17 the development would have a moderate beneficial impact noting this is partly due to the removal of damage caused by existing land uses. The conclusions also indicate that there would be a high impact on sensitive visual receptors, noting the proximity of neighbouring occupiers and a medium impact in terms of the magnitude of visual impacts.

Officers would largely concur with these conclusions, noting the visual prominence of the site when exiting South Road due to the change in gradient and the proximity to visual receptors, i.e. neighbouring residential properties.

A further set of viewpoints are set along Hubbastone Road/New Quay Street and further north giving views from the Conservation Area to the site. The LVIA concludes that the development would have a negligible impact overall.

Having reviewed the submitted viewpoints and LVIA, it is considered that within the longer distance views, the development would have a negligible impact on the surrounding landscape character. There would be a more significant impact from closer range, when viewed from South Road, New Quay Street and Hubbastone Road, however this must be considered within the context of the previous large scale industrial buildings on the site.

The design of the proposed buildings will take account of their proposed use, with the inclusion of workshops to the lower ground floor allowing access onto the quayside with an extended ground to ceiling height. The siting of these also makes use of the lower level of the site compared to the adjacent highway.

The overall modern design of the buildings would include areas of flat roof as well as a dual pitched roofline to the northernmost section which reflects the former warehouse building which occupied a similar location.

The elevations would include a mix of rainscreen cladding either in a dark or lighter shade along with cementitious panelling. No samples of the proposed materials have been submitted for consideration at this stage. No confirmation has also been received in relation to the proposed roofing materials to the pitched roof element of the proposed development. The submitted plans and elevations would indicate that this appears to be a similar cladding to that used to the elevations. Given the sensitive nature of the application site and the scale of the proposed development, it is considered reasonable to include a condition to require the submission of materials samples prior to their installation on site.

The amended and retained boundary walls are indicated on the submitted plans to be retained in natural stone. No detailed plans or elevations of the height of the proposed boundary wall have been provided for consideration at this stage. In addition, this element of the scheme would need to include an element of impact protection due to its proximity to the public highway and have a safety function due to the drop in levels immediately adjacent to the boundary, down to the main level of the site which is some 3 metres below the height of the carriageway at this point. In addition, the boundary wall forms a key feature within the street scene of Hubbastone Road/New Quay Street, with a similar boundary wall to the opposite side. Any significant variation in terms of the design or materials of the proposed wall may result in an adverse impact on the character and appearance of the surrounding street scene and the setting of this part of the Appledore Conservation Area.

Full details of the proposed boundary wall will be required prior to works commencing on site and a condition to secure these could be included as part of any recommendation.

A cross section has also been provided which indicated the change in levels between the proposed development and the nearest neighbouring dwellings.

The design and scale of the proposals is considered to take account of the transition between the commercial scale of buildings to the south and the domestic scale of those to the north of the site, whilst acknowledging the former industrial uses of the site. The design would include materials which reflect the proposed uses and the former/established industrial use of the site and would retain a strong boundary wall along Hubbastone Road/New Quay Street which is a key feature of the surrounding street scene. Whilst the height of parts of the proposed buildings would extend above the height of the former buildings on site, the overall bulk and mass of the structures would be reduced when compared to the scale of the previous industrial buildings on the site.

Taking account of the former buildings on the site and the reduced scale and height of the proposed development, a harmful impact on the character and appearance of the surrounding landscape and townscape is not considered to result. The proposed development is considered to be in keeping with the provisions of Local Plan Policies ST04, DM08A and DM04 in this regard.

Policy ST05 relates to sustainable construction noting that all new major development proposals will make a positive contribution towards the creation of resilient and cohesive communities and notes that non-domestic development of at least 1,000m² will be expected to achieve a BREEAM rating of 'Very Good'. All new major development is also encouraged to be built to a standard which minimises the consumption of resources during construction and occupation.

A Statement in relation to Policy ST05 has been provided along with an updated Sustainability Statement in support of the application. These confirm two potential options for the development, one to satisfy Part L of the Building Regulations which would provide an 8.1% reduction in carbon emissions compared to the baseline; and Option B which seeks a Net Zero scenario. The proposals detail the

window strategy for the development, along with details of the mechanical ventilation strategy, materials, water efficiency measures, flood risk considerations and the potential for water pollution within the development. Sustainable transport provisions and waste management considerations are also included as part of the assessment to reach either of these two scenarios.

Whilst it is appreciated that at this stage of the development it is not possible to confirm many of these details, the submitted information confirms that the proposed development can be constructed to a standard which minimises the consumption of resources during construction and operation. In addition, the consideration of the proposed works required to meet Part L of the Building Regulations, much of which crosses over with the BREEAM principles, is also noted. The measures set out in the updated Statement go beyond simply reducing carbon emissions relative to Part L and include the other elements of BREEAM including water consumption, transport, health & well-being, resources, pollution, materials and waste. A Construction Environmental Management Plan has also been provided which includes a resource management plan for the development and Waste Audit Statement which relates to both the operational and construction phases.

On this basis, the proposed development is considered to be in keeping with the provisions of Policy ST05 of the Local Plan.

Comments from DCC Waste and Minerals have made reference to the provisions of Policy W4 of the Devon Waste Plan requiring the submission of a Waste Audit Statement. A Waste Audit Statement has been submitted which sets out the waste arrangements for the office and workshop uses, along with the design of on-site waste provision. Initial comments received from the County Council confirmed that additional information would be required to satisfy all the criteria within Policy W4. The applicant has indicated that much of this information would not be available at this stage, rather would be able to be provided at a later stage in the development and secured via condition. The County Council have confirmed that this is acceptable and have provided wording of a suitable condition.

The Police Designing Out Crime Officer has commented on the submitted plans as amended noting that many of the comments raised in relation to the previous scheme remain valid in relation to the amended, reduced scheme. Much of the advice relates to the detailed design of the buildings in terms of specifications for windows, doors, locks etc which falls outside of the planning remit. The most recent comments recommend the reconsideration of the internal layout of the ground floor facilities. An amended ground floor plan layout has been submitted to address this and confirmation received from the Police that they are happy this matter has been addressed. No specific objections to the layout, design, use or access to the development have been raised by the Police Designing Out Crime Officer.

4. Impact on Residential Amenities

Local Plan Policy DM12 notes that proposed employment activities should be carried out without undue detriment to residential amenity and this is also set out in Policies DM04 and DM01. Policy DM01 specifically states that; *'Development will be supported where: (a) it would not significantly harm the amenities of any neighbouring occupiers or uses; and (b) the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses'*.

The nature of the proposed development is intended to include uses which fall within Class E (g) (Commercial, Business and Service) of the Use Classes Order. This Use Class includes offices to carry out any operational or administrative function, research and development of products or processes or industrial processes. The key element of these uses being included within Class E is that they should be able to be carried out in a residential area without detriment to its amenity.

The proposed uses include office accommodation to the upper floors with workshops to the lower floor level. These uses are considered to be compatible with the predominantly surrounding residential area to the north and west, taking account of the former commercial uses of the site which are established along with the more industrial nature of the sites to the Shipyard located to the south of the application site.

The existing application site is set below the height of the adjacent highway along New Quay Street/Hubbastone Road, with neighbouring dwellings to the west set above the highway level (South

Road). The nearest neighbouring dwellings to the north at The Launches and Dockside are set at a similar height to the application site.

The information included within the updated Design and Access Statement (dated 24th July 2024) provides some comparisons between the initial submission and that now proposed, indicating a lower height to all parts of the site. This also includes cross section drawings which show the change in levels between the adjacent highway and application site, with the ground level of the site set some 3 metres below the level of the highway.

The proposed plans indicate the inclusion of two floors of accommodation to the southern section of the development and central atrium element, with a two storey pitched roof element to the northernmost part of the building to include a pitched roofline as a reflection of the previous warehouse building. The central section of the building would be single storey in height albeit with a 4.8m floor to ceiling height, with a flat roof above. The amended scheme would also include a reduced footprint when compared to the initially proposed scheme.

The proposed new buildings on the site would be set further to the east than the previous structures on the site, to accommodate footpath provision along the road frontage and improve the existing visibility splays from the access point. This would result in a greater distance to neighbouring properties to the west.

The proposed western elevation of the development would include first floor windows to the southern block, serving the office space, which would face towards neighbouring occupiers on South Road. These windows would be located over 31 metres from the nearest dwellinghouse on South Road (located to the southern side of this road) to the west which would be set significantly above the height of the highway at this point.

A distance of between 20 and 22 metres would be provided from the proposed single storey flat roof section of the building and the end flank wall of properties to the northern side of South Road (which are located closest to this part of the development). A cross-section of this relationship has been submitted by the applicants to demonstrate the change in levels between the two sites and the likely impacts of the development on neighbouring amenities from this side. The significant change in levels between the two sites together with the distance, is not considered to result in a harmful impact on the amenities of neighbouring occupiers. This takes account of the inclusion of a flat roof element to the building at this point.

The proposed development would be set approximately 15.8 metres from the front elevation of no. 53 New Street. This property is also set above the height of both the highway and application site, however it is noted that first floor windows are proposed to the western elevation of the two storey, pitched roof element. These windows are indicated on the submitted cross sections as serving a void for future development. Taking account of the likely later inclusion of a first floor level and noting the addition of windows to other elevations, it is considered reasonable to include a condition to ensure that these windows are obscure glazed to ensure that no overlooking of neighbouring properties would result.

The proposed buildings would be located at some distance to the northern elevation, closest to The Launches. No windows are proposed to the northern elevation of the proposed development and a harmful impact on the amenities of neighbouring occupiers to this dwelling is not considered to result.

A number of proposed break-out seating areas are proposed within the amended scheme, although these are now all set some distance from the northern boundary of the site adjacent to The Launches. A harmful impact on the amenities of neighbouring occupiers from the use of these areas is not considered to result.

The Council's Environmental Protection Officer has commented on the submitted plans noting the historic industrial/commercial uses of the site with an element of noise associated with these. Notwithstanding this, the potential for the new uses to add external plant and machinery is highlighted with the potential to adversely impact neighbouring residential amenity. The Environmental Protection Officer makes reference to the Noise Assessment submitted in support of the application and

recommends the inclusion of a condition which would ensure that external plant and machinery would not exceed a specified level at the boundaries of nearby noise sensitive receptors.

In addition, the Environmental Protection Officer has recommended the inclusion of a condition to secure a Construction Environmental Management Plan to ensure that an adverse impact on neighbouring occupiers would not result from the construction phase of the development. This would include measures to control dust, mud on surrounding highways and mitigation in relation to noise, vibration and lighting. A further condition is also recommended to secure construction working hours including deliveries. These are considered reasonable to ensure an adverse impact on the amenities of neighbouring residential occupiers would not result.

A contaminated land report has been submitted in support of the application and the Environmental Protection Officer has agreed with the findings of the report which do not pose a risk to human health given the proposed commercial use of the site. A condition is recommended to be included as part of any permission granted in relation to unexpected contamination.

The Environmental Protection Officer has also recommended a condition to be included in relation to asbestos and its appropriate handling and disposal during the demolition works. Given that a separate consent for the demolition of the buildings has already been granted and these works carried out this is not considered to be required. It is noted that the demolition application was subject to a method statement which included specific procedures for the removal of any suspected asbestos from the existing buildings.

In relation to the amended proposals the Environmental Protection Officer has reiterated the need for the conditions outlined above and further recommends a condition stipulating that the construction works should be carried out in accordance with the 'Construction Mitigation Measures' outlined in Appendix C of the Air Quality Assessment (Revision 1.1). These conditions could all be included as part of any recommendation.

It is not considered that the design and layout of the proposed buildings would result in an adverse impact on the amenities of neighbouring occupiers by virtue of overlooking or loss of privacy. The proposed development is considered to accord with the provisions of Policies DM01, DM04 and DM12 of the Local Plan in this regard. This assessment has taken account of letters of representation noting concerns about overlooking and a loss of views and privacy from neighbouring properties.

5. Access and Parking

Policy DM12 emphasises that new employment development should include an adequate and safe access and not give rise to excessive or inappropriate traffic and should contribute to the general aim of reducing the need to travel by private car. Policies DM05 specifically relates to highways impacts noting:

'(1) All development must ensure safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

'(2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to those routes where practical to do so.'

Policy DM06 relates to car parking provision stating that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs.

As amended, the proposed development would include the provision of 60 parking spaces within the site, of which three would be designated for disabled use. A number of these spaces would be provided immediately to the east of the building in close proximity to the workshops and the remainder would be located to the southern end of the site. The main access to the site would be retained with improved visibility splays. A further access would be created within the southern boundary which would provide direct access to the adjacent public slipway.

The proposed works to the existing boundary wall to the west of the site would result in an improved visibility splay to the south for vehicles exiting the site, making use of the newly formed footpath. A cycle parking area to the northern part of the site would be included for users of the site.

The County Council's Highways Officer has been in discussions with the applicant and their agent in relation to the access to the site. The initial comments received from the Highways Officer noted three elements of the developments specifically. These included the widening of the carriageway adjacent to the site and it is considered that there is a suitable engineering solution for the proposals subject to appropriate Section 38/278 provisions and the provision of a new footpath across the frontage of the site which would be suitable mitigation for the works to the highway. In relation to the retaining wall, it was noted that this will require an Approval In Principle from the Highways Department and will remain in private ownership.

The Highways Officer has noted the trip movements to and from the site which are related to the previous and established uses of the site and used this as a basis for the assessment of the proposed development. The Highways Officer confirms that the development would result in an increase in overall movements compared to the existing situation, that these would include AM and PM peaks and these should be seen in the context of the increased carriageway width and the provision of a footway as mitigation.

Consideration has also been given to the use of the site by refuse vehicles and emergency services with swept path analysis for both of these being provided for consideration.

The initial comments from the Highways Officer noted that the layout would not appear to permit the use of the site by Large Goods Vehicles (LGVs)/articulated lorries of up to 15.5 metres in length.

This was then clarified by the applicant who confirmed that the intention was for the use of the site (as required by the demands of eventual occupiers of the site) to include access by LGVs. A further swept path analysis was then provided to indicate how a vehicle of this scale could access the site, turn and exit in a forward gear.

The Highways Officer has subsequently provided updated comments (dated 17th September) which conclude that the swept path does demonstrate that the movement of LGVs within the site is achievable, albeit the safety margins are tight and whilst the passing options on the adjacent highway are limited, these will be facilitated by the proposed development, with the widening of the adjacent highway.

The Highways Officer concludes that subject to the inclusion of a number of conditions, it is considered that the proposed development offers 'safe and suitable' access, and the cumulative impact would not be severe, as is the test in the NPPF.

Taking account of the lengthy discussions which have taken place in relation to the access arrangements for the site and the additional information provided, the proposed development is not considered to result in a harmful impact on the adjacent highway and would include suitable parking provision taking account of the nature of the proposed use. Subject to the proposed conditions recommended by the Highways Officer, the proposed development is considered to be in keeping with the provisions of Local and National Policies in this regard.

6. Drainage and Flood Risk

Local Plan Policy ST03 emphasises that development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property. Policy DM02 relates to environmental protection noting the developments will be supported where they do not result in unacceptable impacts to the pollution of surface or ground water.

Paragraph 173 of the NPPF notes that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It further notes:

'Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) *Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) *It would incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *Any residual risk can be safely managed; and*
- e) *Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

An amended Flood Risk Assessment & Drainage Strategy (dated 25th July 2024) has been submitted in support of the proposal which confirms that much of the site is located within Flood Zone 1 and the lower lying areas closer to the Torridge estuary (eastern boundary of site) are within Flood Zones 2 and 3. It is noted that due to predicted rising sea levels, the extents of Flood Zones 2 and 3 will increase over time.

The quay wall is noted to provide flood defences to a 1 in 5 year standard. The proposed development is confirmed to include a first floor level which is approximately 6 metres above the 1 in 200 year still water tidal level and free from the impacts of a potential wave overtopping event. The ground floor level would include a raised finished floor level and proposes 'less vulnerable' uses. In addition, all doors, services (e.g. electricity and air conditioning) and the plant room will be set above the design flood level for resistance and resilience measures. Any entrance areas which include a finished floor level below the flood threshold should include flood defence measures to minimise the impact of a flood event. Provisions in terms of a flood emergency management plan are also proposed, to be developed in conjunction with future occupiers.

Confirmation has been provided that an appropriate emergency access would be included within the site outside of the likely flooded area.

The initial consultation response from the Environment Agency requested the provision of a sequential test in terms of the selection of the application site for the proposed development. This is included within the amended FRA and notes the development includes water compatible uses which require a quayside frontage, as a result a review of alternative sites has been undertaken and there are no suitable alternative sites. The applicant confirms that the relevant measures proposed to demonstrate the safety of the building should be sufficient to satisfy the Exception Test required by the NPPF and the Environment Agency.

No further comments have been received from the Environment Agency in response to the updated scheme however their comments in relation to the initial submission raised no flood risk objections to the proposals. These noted the inclusion of a water compatible use to the ground floor and the provision of a less vulnerable use to the upper floors. These uses remain unaltered within the revised scheme.

Recommendations were made by the Environment Agency for the inclusion of a condition as part of any recommendation. This condition includes four parts; flood resilience measures, flood evacuation plan, adaptive wave return wall and lower ground floor usage.

The Environment Agency do however disagree with the findings of the originally submitted FRA noting that over 50% of the site considered to be within Flood Zone 2 and also Flood Zone 3 when considering wave action. The comments further note that the conclusions of the FRA wave assessment show that there is a risk to people and buildings on site both currently and in the future, hence the required flood mitigation measures. The Environment Agency further agree with the conclusions of the FRA which notes that the site is only at risk for a few hours either side of high tide.

Given the no objection conclusion reached by the previous Environment Agency comments, based on a scheme with a larger footprint and the same proposed works to the quay wall, it is considered reasonable to include the previous condition within any recommendation.

The County Council's Flood Risk Engineer commented on the initial scheme raising no in principle objection from a surface water drainage perspective and recommended the inclusion of a condition to be included which secures the provision of a detailed drainage design prior to works commencing on site. The comments which accompany this recommendation note that the proposed surface water drainage would discharge to the River Torridge and would be unattenuated due to the location of the site within the tidal portion of the River. Notwithstanding this, it is noted that a drainage trench is proposed to allow for additional storage in the event of tide locking of the outfall. Further advice is also provided in relation to green roofs and living walls.

In relation to the amended scheme, a formal comment has been received from the County Council's Flood Risk Engineers confirming that they have no in principle objection from a surface water drainage perspective. No condition has been included as part of this recommendation however a query has been introduced in relation to detailing of how the development with water quality issues from the proposed parking area. Confirmation has been sought from the County Council's Flood Risk Engineers as to whether the previously advised condition is still required. Due to the absence of clarity on this matter, the condition has been included within this recommendation and a further section added in relation to the query relating to potential pollution of surface water run off from the parking area.

Informally queries have also been raised by the County Council's Flood Risk Engineers in relation to the proposed tidal locking design to be included within the development and the applicant has provided further details on this matter. No response has been received to date to this additional information. An additional criteria has been included within the recommended surface water drainage condition in order to secure the provision of further details in relation to this matter.

Any further comments received will be reported verbally to the Committee.

South West Water have been consulted on the proposals and raised no objections subject to advising the applicant to discuss directly with them in relation to connections to the public sewerage system.

On the basis of the information submitted and the consultation responses received to date, the proposed development is considered to be designed to take account of the impacts of climate change and would minimise the risk to people, land, infrastructure and property. The proposed development would further ensure environmental protection in terms of the foul and surface water drainage plans. On this basis, the proposed development would comply with the provisions of Policies ST03 and DM02 of the Local Plan and relevant paragraphs of the NPPF.

7. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the Local Plan through Policy DM08 which requires new development to 'avoid adverse impacts on existing ecology features as a first principle and enable net gains by designing in biodiversity features'.

Paragraph 186 of the NPPF sets out the key natural environment principles which should be followed by Local Planning Authorities when determining applications, as below:

- a) *If significant harm to biodiversity resulting from a development cannot be avoided (thorough 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 of a Site of Special Scientific Interest, and which is likely to have an adverse impact on it (either individually or in combination with other development), 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;*

As noted above, the application site is located immediately adjacent to the Taw-Torridge Estuary SSSI with the proposed quay wall addition extending into this area. This area was designated due to its major importance for overwintering birds and migratory populations of wading birds. The estuary is noted within its designation to include very large areas of mud flats and sandbanks at low tide, which together with the beaches and saltmarshes, provide a rich and varied source of food for many birds and other animals.

A Preliminary Ecological Appraisal (PEA) (dated November 2023) has been submitted in support of the proposed development. This identifies potential impacts on bats, winter wading birds, breeding birds and migratory fish from the proposed development. The Appraisal confirms that bat emergence surveys, a survey of wintering birds and a detailed survey of the seawall, slipway and ruderal vegetation on site to identify any potential resting sites for otters have been undertaken. No otters have been recorded on or in the vicinity of the site.

The bat emergence survey confirmed that the former stone building on the site was used as a day roost for low numbers of common pipistrelle bats and the single storey building immediately to the south of the entrance is used as an occasional night roost by lesser horseshoe and greater horseshoe bats. Appropriate mitigation for this was erected on site in advance of the demolition works taking place earlier this year.

In relation to birds, the PEA identified high numbers of house sparrows nesting in the loose stonework to the south-western elevation of the former stone building and no wading birds were considered likely to nest on or near to the area of mudflat adjacent to the quay wall due to the tidal nature and the lack of other vegetation or other forms of shelter present.

Over-wintering and migratory populations of wading birds were assessed within the PEA noting the importance of the Taw-Torridge Estuary SSSI. It is however noted that the area of mudflats adjacent to the site is close to existing sources of disturbance with the surrounding industrial and residential areas of Appledore. On this basis, the area adjacent to the site is unlikely to be used by significant numbers of rarer wading birds, particularly those associated with the SSSI (e.g. golden plover, curlew and lapwing). The existing areas of hardstanding to the main application site is also considered to be of negligible value to overwintering and wading birds.

The PEA includes an assessment of the impacts of the works to the seawall on the adjacent mudflats noting the limited area that this will cover, the potential risks from construction works on the SSSI and the impacts of dredging. Mitigation measures are proposed to address these, including the incorporation of features within the new quay wall to encourage biodiversity. With respect to the impact on bats, the PEA confirms that a European Protected Species licence is required for the works to demolish the existing buildings on the site, with the loss of the existing roosts – as indicated above, the application no longer includes demolition as this has already been carried out under permitted development. Mitigation is indicated within the submitted report to take the form of temporary replacement roost provision on the site during the construction phase with further provision of bat boxes to be incorporated into the completed development along with a permanent roost within the south-western elevation of the new build.

Mitigation is also detailed for nesting birds in the form of swift blocks along with a precautionary approach to be taken to the development in relation to nesting birds. In relation to wading birds, the timing of the proposed piling works is recommended, noting the low number of surveyed birds to this part of the mudflats.

These mitigation measures can be secured via an appropriate condition.

Additional information in relation to the likely impacts of the development on migratory fish has been provided in the form of a separate appraisal following initial comments from Natural England. This

concludes that there is the potential for adverse effects on fish behaviour and health although short lived. Mitigation is recommended in the form of timing of works to coincide with low tide, outside of the overwintering bird period and outside of the main May to August period. The applicant has also confirmed that no dredging works are proposed to be undertaken as part of the proposed development.

In relation to the amended proposals, an amended Ecological Method Statement (dated 24th July 2024) has been provided which sets out an amended Summary of Potential Impacts, Mitigation, Compensation and Control Measures resulting from the proposals. These are set out in brief below:

Intertidal Mudflat:

- Purchase of off-site biodiversity credits to compensate for the loss of intertidal habitats;
- No dredging to be undertaken, piling works restricted to when site is uncovered by the tide and a soft start to the piling works;
- Adherence to guidance in terms of pollution control.

Foreshore:

- Restrict disturbance to the smallest possible footprint;
- No storage of materials or plant in this area;
- Use of fast drying materials;
- Restriction of run-off to include petrol interceptors.

Overwintering/migratory birds and wading birds:

- Timing of piling works;
- Measures to reduce the noise of piling works and wider constructions works;
- Limitations on lighting during construction and operational phases.

Estuarine and Migratory Fish:

- Measures to reduce the noise of piling works;
- No dredging to be carried out;
- Limitations on lighting during construction and operations phases;
- Measures to control pollution from surface water runoff.

Intertidal Faunal Communities:

- New quay wall to be enhanced with features for intertidal communities;
- No dredging and limitation to area of construction activities.

Initial comments received from Natural England requested additional information to determine the impacts of the development on the designated site, the Taw-Torridge Estuary SSSI, and required additional mitigation including a detailed method statement for the proposed works, including details of habitat loss, pollution, access to the foreshore, noise & lighting, surface water and ecological enhancements. Advice was also provided in relation to biodiversity net gain.

Further comments were provided by Natural England (dated 26th February 2024) in relation to the additional information in relation to the likely impacts of the development on migratory fish and updated Extended Phase 1 Intertidal Habitat & Sediment Surveys. These comments note the recommendations made to mitigate predicted impacts on ecological receptors and the need for a construction environmental management plan to pull together all of the ecological recommendations/timings in one document. The comments further note the sediment survey acknowledges the loss of intertidal mud priority habitat to the new sea wall but does not address how this could be accounted for.

The most recent comments from Natural England outline their remaining objections with the proposed scheme, specifically the potential impacts on the designated site, noting that the development would result in the loss of approximately 250m² of intertidal mud flats which is identified as a Priority Habitat. This is confirmed by Natural England not to be trivial or inconsequential and contrary to the target for the Taw-Torridge Estuary SSSI which is 'no loss of extent'. The comments from Natural England query whether the repair of the quay wall is an option to avoid the loss of SSSI habitats and mitigate any environmental harm.

The Natural England comments state that if the Local Planning Authority determines that the loss of habitat cannot be avoided or mitigated then compensation must be secured. Consideration is also recommended in terms of the likely impact of a wave return wall on the SSSI (should this be required by the Environment Agency).

Queries have also been raised in relation to the submitted Ecological Method Statement and Construction Management Plan to ensure that these secure the required mitigation in relation to migratory fish and overwintering birds.

The applicant has provided further detail in an effort to overcome these outstanding objections (dated 20th September 2024). In brief this outlines the following:

- The existing quay wall requires works in the near future regardless of whether the site is developed due to the condition of the existing structure;
- Work has been undertaken to try to find a site for the mitigation of the lost inter tidal mudflats however none have been identified;
- A sequential test has been undertaken in relation to the flood risk and no alternative sites for the development have been found given the nature of the proposed development;
- The Appledore Clean Marine Innovation Centre, with its amended design to reflect changing market demands, is considered to bring significant economic benefits as well as working towards a low carbon future;
- The works to the quay wall will increase its height providing flood mitigation measures for the future.

Having reviewed the submitted information in the context of national and local policies, the likely impact on all habitats and protected species are considered to be adequately mitigated and compensated for within the submitted information and recommended conditions, in accordance with the requirements of national and local policies, with the exception of the loss of the inter tidal mud flats.

Specifically in relation to this habitat, the applicant has provided photographs of the structural state of the existing quay wall, and it is agreed that works will need to be undertaken to this structure irrespective of the current application. The photographs also demonstrate the angle of the current quay wall which would preclude its use as an active quayside to some degree without alteration or extension. The proposed development would bring the site back into an active use with significant economic benefits and could form a catalyst for the surrounding green economy.

The provisions of the first section of paragraph 186 of the NPPF are clear, that where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for then planning permission should be refused. The loss of the inter tidal mudflat habitat would result in harm to biodiversity and the loss of Priority Habitat identified in Natural England's consultation response. Intertidal mudflats (Littoral Sediments) are identified on the list of Priority Habitats for England.

This loss cannot be avoided due to the works required to the quay wall. The proposals do include the inclusion of artificial features to the quay wall to provide mudflat and rockpool ecological niches. There are no details of the amount of this feature which could be included within the scheme, however the new quay wall would have a length of 99 metres where these could be included. Extensive efforts have been made to find alternative locations for the formation of compensatory intertidal mudflats within the surrounding area and no alternatives have been identified to which any financial contributions could be directed.

In relation to the second part of paragraph 186 of the NPPF, the proposals will result in an adverse impact on the SSSI and therefore should not normally be permitted. The exception to this is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the SSSI and any broader impacts on the national network of SSSIs.

The proposed development would result in significant economic benefits, specifically in relation to green energy and technologies which would have a wider benefit on climate change and renewable energy.

These need to be weighed against the adverse impacts on the Taw-Torridge Estuary SSSI and it is your officers view that the unique economic opportunities and benefits together with the support towards tackling climate change are of such significance as to outweigh the harm to the SSSI.

A condition in relation to a Construction Environmental Management Plan (CEMP) has also been recommended by other consultees from an amenity and highway safety point of view. This has been altered to include mitigation measures for ecological receptors as recommended.

One key element of mitigation noted within the comments received from Natural England relates to external lighting proposed as part of the development. A condition to secure the submission of these details has been included as part of this recommendation.

8. Biodiversity Net Gain

In relation to Biodiversity Net Gain (BNG), it is noted that reference to this is included in the updated Ecological Method Statement and the submitted Biodiversity Net Gain Assessment Report. Notwithstanding this, the application was submitted prior to the introduction of the BNG Regulations in February 2024. On this basis, a formal BNG metric assessment is not required.

Policy DM08 of the Local Plan does however note at section (8) that development should avoid adverse impact on existing features as a first principle and enable net gains by designing in biodiversity features and enhancements alongside new development. The existing site includes a hard surfaced area which has previously been used for the parking of vehicles as well as the footprints of the former industrial buildings. The proposed development would include landscaped areas around the new buildings which would result in a biodiversity net gain being achieved from the development, in accordance with the provisions of Policy DM08 of the Local Plan.

9. Infrastructure

Policy ST23 of the Local Plan relates to infrastructure and notes that developments will be expected to provide, or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific and/or cumulative impact of those developments. Policy NOR which sets out the spatial strategy for Northam, Appledore and Westward Ho! specifically notes at section (j): *'new development will meet their own infrastructure requirements and will contribute to sustainable movement, including improved routes and facilities for cycling and walking'*.

Policy DM10 of the Local Plan relates specifically to green infrastructure provision noting that development will provide new accessible green infrastructure, including public open space and built facilities, to meet at least the green infrastructure quantitative and accessibility standards.

The proposed development would increase the quantum of commercial space on the site and therefore would result in an increased demand for green infrastructure. The applicant has acknowledged within their updated Green Infrastructure Statement that the proposed development would not result in the loss of any existing green infrastructure provision and the site, now cleared, is characterised by hard surfacing.

The Statement outlines the proposed green infrastructure and community benefits which would be provided as part of the proposed development. These include the provision of a widening of New Quay Street around the site with the provision of a footpath adjacent to the highway which would improve the existing provision for pedestrians as well as this part of the South West Coast Path. In addition, work would be undertaken to upgrade and improve the existing quay wall along with the resurfacing the existing public slipway to the southern end of the site (outside of the red line). This would facilitate the ongoing use of the slipway for local residents and visitors for recreational purposes. Within the site itself, a number of open spaces and seating areas of around 100m² would be provided to be used by those working at the site.

The provision of these elements of the scheme, with the majority for public benefit, would seek to offset the provision of a financial contribution towards community facilities more generally within the Appledore area. It is considered that, on balance, the proposed infrastructure provisions would meet the requirements of Policies ST23 and DM10 of the Local Plan in this regard with the inclusion of

appropriate green infrastructure and would assist in the wider strategic aim of improving sustainable movement with improved routes and facilities for cycling and walking as highlighted in Policy NOR. A condition can be included within this recommendation to ensure that these works are all completed in parallel with the development of the site.

10. Other Matters

In relation to concerns raised in representations received previously, the applicant has confirmed that they have no intention to use the application site for the production or generation of hydrogen.

Conclusion

The proposed development is supported in principle in this location and is considered to be in keeping with the character and appearance of the surrounding context. Subject to the recommended conditions, a harmful impact on the amenities of neighbouring occupiers would not result. The proposed works to the access and parking arrangements would include improvements to the adjacent highway and pedestrian facilities. Subject to the recommended conditions, suitable drainage provision has been made as well as suitable biodiversity and infrastructure provision. On balance, when considering the development as a whole, the less than substantial harm to heritage assets and adverse impacts of the quay wall extension on the adjacent SSSI, which involve the loss of Priority Habitat, are considered to be outweighed by the economic benefits of the development, along with the wider benefits of facilitating further investment in green technologies seeking to tackle the impacts of climate change.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to the following conditions:

1. The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

3. Prior to the commencement of development hereby permitted, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a more detailed Construction Environmental Management Plan (CEMP) to manage the outstanding impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the additional CEMP shall include:
 - a) details of the importation, disposal and removal of spoil and soil on site, including vegetation;
 - b) the location and covering of stockpiles;
 - c) further details relating to the control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
 - d) any road closures required;
 - e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for

loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- h) the means of enclosure of the site during construction works; and
- i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- j) The proposed route of all construction traffic exceeding 7.5 tonnes;
- k) Details of the amount and location of construction worker parking;
- l) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- m) details of any site construction office, compound and ancillary facility buildings;

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: To ensure that a harmful impact on the amenities of neighbouring occupiers as well as protected species and their habitats. This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of the construction management plan prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to the risk of an adverse impact on the amenities of surrounding occupiers and pollution of the environment as well as a detrimental impact on protected species and habitats.

4. Prior to the commencement of development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved Middle Dock, Appledore Flood Risk Assessment and Drainage Strategy (Report Ref. E05856/001_FRA, Rev. V1, dated 27th September 2023) with consideration of green roofs and living walls, re-using rainfall and SuDS planters or rain gardens
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
 - (e) Detailed proposals for the management of pollution from the surface water drainage of the parking areas to ensure water quality.
 - (f) Details of surface water drainage provision in the event of tidal locking.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

5. Prior to the commencement of development hereby permitted, an updated waste audit statement shall be submitted to, and approved in writing by, the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
 - The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.

- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site.
- Identify measures taken to avoid all waste occurring.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

6. Prior to the commencement of development hereby permitted, the four following issues need to be resolved, by either detailed design, legal/planning agreement or product of reports/drawings, which will need to be approved by the LPA:-

The proposed lower ground floor level of 7mAOD, is only acceptable with four main mitigation measures:-

1. Flood resistant and resilience up to 8mAOD (1m above FFL) on all developments at quay level.
2. Flood evacuation plan – using the EA flood warning system (which offers a generalised flood alert for the area)
3. A future wave return wall to be added to the quay – an adaptive measure for climate change.
4. The lower ground floor can only be used for water compatible usage. The above four measures need to be conditioned/legally agreed in any planning permission or S106 agreement.

1. Flood Resistant and Resilience Measures We are unable to find these (apart from the drainage channel) on any of the submitted planning drawings but are discussed in the section 7.4 of Design & Access statement (page 61), and section 5.3 of the FRA and appendix 3 drawing. The individual flood mitigation measures need to be clearly shown on each buildings on a drawings that is part of the approved planning drawings. This needs to be at least 8mAOD, not 750mm above LGFL.

2. Flood Evacuation Plan This needs to be produced before any of the site is occupied and should be based on the latest ADEPT guidance. The proposed Safe Access and Egress route to New Quay street is acceptable, but the action that need to be taken on the lower ground floor and quay should be considered.

3. Adaptive Wave Return Wall The design of the quay wall includes structural measures that permit the future construction of a wave return wall on edge of the quay. However, there is little explanation on when or what triggers the need to construct this flood mitigation measure. This measure and trigger point is essential in permitting the site to be safe in the future, otherwise the risk from wave overtopping is significant/extreme hazard - Danger to Some or Risk to Life. Please note, the expensive of this wave wall will fall entirely on the land owner, as contribution from government grant is not permit under current funding guidance rules.

4. Lower Ground Floor Usage There needs to be some planning mechanism to ensure that only water compatible usage are permitted on the lower ground floor. Water compatible usage, and the types of fittings/equipment will need to be defined in any rental agreement.

Reason: To protect future occupiers of the site from flood risk. This is a pre-commencement condition which is imposed to ensure that the Local Planning Authority is satisfied of the flood mitigation measures prior to works commencing on site. Failure to provide this information prior to works commencing on site could lead to increased flood risk to the site and surroundings.

7. Notwithstanding the details shown in the application hereby permitted, prior to the works proceeding above DPC level, details (and/or representative samples) of the colour and texture of the facing and roofing materials to be used in the construction of the proposed development shall

be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented before the development hereby permitted is brought into use and shall thereafter be retained as such.

Reason: To enable the Local Planning Authority to consider the suitability of the materials to be used for the development. To ensure the development is in appropriate in the setting of the Appledore Conservation Area.

8. Notwithstanding the details shown in the application hereby permitted, prior to the commencement of the works hereby approved, details of the proposed materials, design and height of the boundary wall to the western boundary of the site (including representative samples) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented before the development hereby permitted is brought into use and shall thereafter be retained as such.

Reason: To enable the Local Planning Authority to consider the suitability of the materials to be used for the development. To ensure the development is in appropriate in the setting of the Appledore Conservation Area.

9. Prior to their installation, full details of the proposed gates to the entrance to the development (including design, siting and materials) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with such approved details and retained as such thereafter.

Reason: To ensure the development does not result in a harmful impact on the character and appearance of the surrounding area and setting of Appledore Conservation Area or nearby listed buildings.

10. Prior to the occupation of any building on the site, the footpath link across the site frontage shall be provided on Hubbastone Road/New Quay Street to the satisfaction of the Local Planning Authority in accordance with diagram 32522-HYD-XX-XX-DR-C-0011 Rev P03.

Reason: To provide safe and suitable pedestrian access.

11. The development shall proceed in accordance with the Written Scheme of Investigation prepared by Oakford Archaeology (OA Project No. 2119, V1.1 dated 8 October 2023) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.

12. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 211 of the NPPF (2023), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

13. The development hereby approved shall be carried out in accordance with the 'Construction Mitigation Measures' outlined in Appendix C of the Air Quality Assessment (Revision 1.1).

Reason: To ensure that the approved development does not result in a harmful impact on the amenities of neighbouring occupiers.

14. The rating level of noise from external plant and equipment shall not exceed 30dB LAr, Tr (as defined in BS4142:2014+A1:2019) at any time when evaluated at the boundary of any noise sensitive receptors. Noise levels shall be measured and rated in accordance with British Standard BS4142:2014+A1:2019.

Reason: To protect residential amenity.

15. Notwithstanding the outstanding details required by Condition 3, the development hereby permitted shall be undertaken in accordance with the submitted Construction Environmental Management Plan prepared by BAM dated 7th July 2024.

Reason: To ensure a harmful impact on the amenities of neighbouring occupiers and the safety of highway users does not result.

16. Notwithstanding the details contained in the submitted Construction Environmental Management Plan, construction works (including associated deliveries) shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

17. Deliveries made to the site by Heavy Goods Vehicles shall not take place other than between 0800hrs and 1800hrs on any day.

Reason: To protect the amenities of neighbouring properties.

18. Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that phase or subphase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that phase or sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To protect human health and the environment

19. The works to upgrade and resurface the public slipway to the south of the application site, the provision of the new footway to the western boundary of the site and the break-out areas for staff within the site shall be undertaken and completed within 3 months of the first occupation of the new development.

Reason: To meet the requirements of green infrastructure provision, in accordance with Policies ST23 and DM10 of the Local Plan.

20. The proposed development shall be undertaken in accordance with the recommendations set out in the recommendations and mitigation measures outlined in the *Extended Phase 1 Intertidal Habitat & Sediment Surveys* (dated 4th February 2024), *ACMIC and Environmental Implications for Fish Species Data and Literature Review* (dated 31st January 2024), *Ecological Impact Assessment* (dated 29th November 2023) and *Preliminary Ecological Appraisal* (dated January 2022).

Reason: To ensure that the proposed development does not result in a detrimental impact on protected species.

21. The use of the site shall be restricted to Class E(g) uses of the Town and Country Planning (Use Classes) Order 1987 (as amended), specifically limited to businesses and activities directly

associated with marine-related industries, including but not limited to renewable and low carbon technologies, shipbuilding, repair, marine engineering, marine research, and related support services.

No other uses, including those permitted under the remainder of Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall take place unless otherwise agreed in writing by the Local Planning Authority.

Reason: To restrict the use of the premises to one which is compatible with the surrounding area and to comply with the provisions of Policies ST09, DM01 and DM13 of the Local Plan.

22. Prior to the first occupation of any part of the development, full details of the proposed external lighting to the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be operated and retained in accordance with such details. For the avoidance of doubt, such details should include the siting of lighting, its specification and any baffling proposed along with hours of usage.

Reason: To ensure that the proposed development does not result in a harmful impact on protected species or designated sites within close proximity to the application site.

23. The first floor windows to the western elevation of Workshop 6 shall be glazed with obscure glazing prior to the building being brought into use and retained as such thereafter. For the avoidance of doubt, the use of obscure film will not be sufficient.

Reason: To ensure that a harmful impact in terms of overlooking to neighbouring residential properties to the west would not result.

24. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 32522-HYD-XX-XX-DR-C-0011 Rev P03 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 40 metres in both directions.

Reason: To provide adequate visibility from and of emerging vehicles.

25. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

Reason: In the interest of public safety and to prevent damage to the highway

Plans Schedule

Reference	Received
0700 P04	05.12.2023
0701 P04	05.12.2023
0702 P04	05.12.2023
0703 P02	05.12.2023
0710 P02	05.12.2023
0711 P02	05.12.2023
0712 P02	05.12.2023
32522-HYD-XX-XX-DR-C-0124 P01	14.08.2024
PL09001 PL_PL04	02.01.2024
2398-KTA-XX-XX-D-A (01)00 10	29.08.2024

2398-KTA-XX-XX-D-A-(02)00 10	16.08.2024
32522-HYD-XX-XX-DR-C-0123 P01	14.08.2024
32522-HYD-XX-XX-DR-C-0125 P01	14.08.2024
2398-KTA-XX-XX-D-A-(01)02 3	29.07.2024
2398-KTA-XX-XX-D-A-(02)02 6	29.07.2024
2398-KTA-XX-XX-D-A-(02)03 8	29.07.2024
2398-KTA-XX-XX-D-A-(03)00 6	29.07.2024
2398-KTA-XX-XX-D-A-(04)00 6	29.07.2024
2398-KTA-XX-XX-D-A-(04)01 7	29.07.2024
2398-KTA-XX-XX-D-A-(04)03 2	29.07.2024
2398-KTA-XX-XX-D-A-(03)12	03.09.2024
32522-HYD-XX-XX-DR-C-0011 - (P02)	20.09.2024

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.