

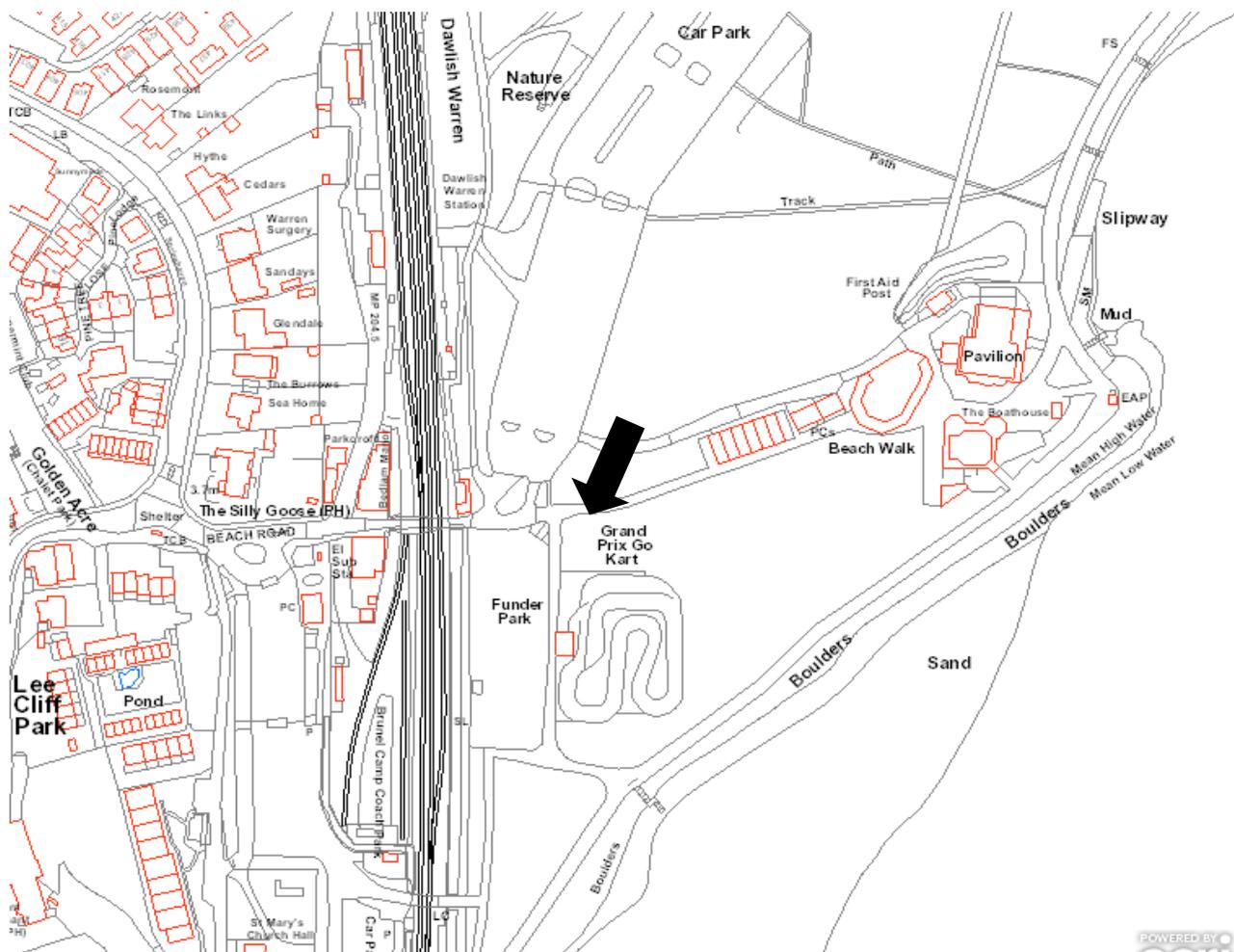
PLANNING COMMITTEE REPORT

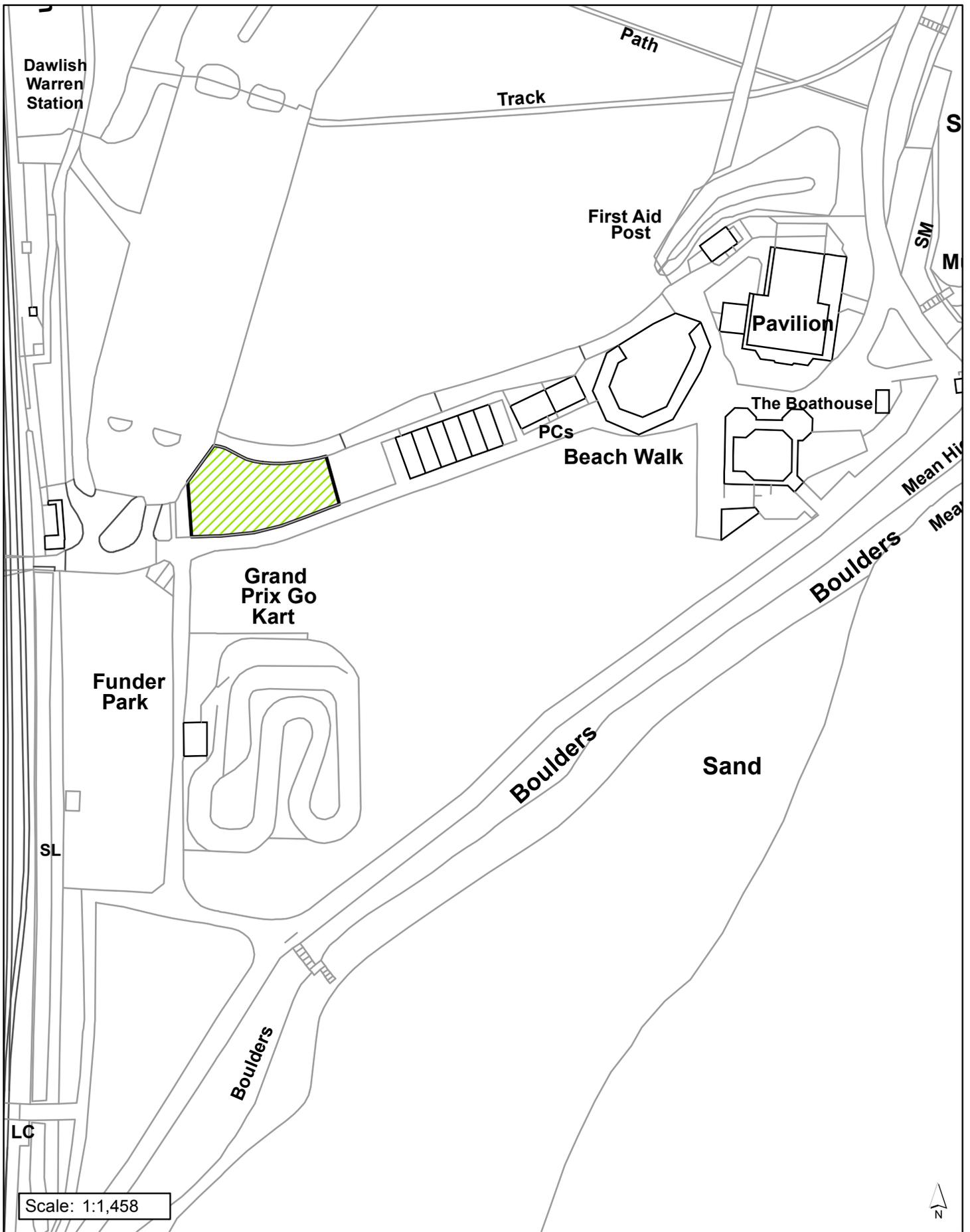
16 April 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	DAWLISH - 18/00950/FUL - Dawlish Warren Main Resort Grassed Area, Dawlish Warren - Installation of 34 metres high observation wheel, loading and unloading platform with guarding and kiosk	
APPLICANT:	Mr Wallis	
CASE OFFICER	Anna Holloway	
WARD MEMBERS:	Councillor Hockin Councillor Wrigley Councillor Mayne	Dawlish Central And North East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00950/FUL&MN	





**18/00950/FUL Dawlish Warren Main Resort Grassed Area,
Dawlish Warren, EX7 0NF**



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1. REASON FOR REPORT

This application has been referred to the Planning Committee as the site is within the ownership of Teignbridge District Council.

2. RECOMMENDATION

SUBJECT TO: the completion of the Appropriate Assessment in consultation with Natural England, the imposition of any additional/amended conditions and or obligations required as part of the Appropriate Assessment, and a Section 106 agreement to fund and facilitate a visitor survey to inform the calculation of a habitat mitigation contribution that will be required for future years' operation and to fund an interim mitigation contribution, PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Temporary permission for one season commencing from the installation of the wheel, to enable quantification of impacts before longer, or permanent, permission is granted;
4. The wheel and any associated structures to be removed and the site restored on or before the expiry of the temporary permission;
5. The wheel may only be erected and operated on or after 1 April and must be dismantled before 4 September in any one year; the wheel shall not be erected or operated within the main Special Protection Area bird season, from September to March inclusive;
6. The hours of operation shall be limited to 10.00–22.00 and all lighting shall be switched off within 15 minutes of the wheel closing or by 22.00, whichever is the earlier; apart from on 10 occasions per season when the wheel may be operated until 23.00;
7. No placement or storage of any materials, vehicles or equipment in the County Wildlife Site (CWS), including vegetation, sand or soil; and to prohibit winning of any materials from the CWS;
8. Prior to first use, a fence shall be installed to help avoid trampling impacts on the CWS, the fence location and style to be submitted and agreed;
9. Any sand dug out for site levelling, footings and base shall be retained within the Warren system in accordance with a plan to be submitted to the Local Planning Authority and agreed;
10. Illuminance levels no greater than shown in lighting reports;
11. Light to have wavelengths of 550nm or more (light temperature 3,000K or less);
12. The wheel to be finished in white.

3. DESCRIPTION

- 3.1 The application is for the installation of a 34 metres high observation wheel, loading and unloading platform with guarding and kiosk at Dawlish Warren. The wheel is to have 108 seats in 18 gondolas. The wheel itself is to be 31.4 metres in diameter which, with ground clearance for gondolas, gives an overall height of 34 metres.
- 3.2 The application site covers 0.08 hectares of recreation grassland between the seaward car park and amusements area at the landward end of Dawlish Warren sand spit.

- 3.3 The site is located in close proximity to Dawlish Warren Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI), which occupies the majority of the sand spit, and the Exe Estuary Special Protection Area (SPA)/Ramsar site/SSSI.
- 3.4 It is separated from The Old Beach Huts CWS, by a 5 metres wide service road. The CWS is designated for 'maritime grassland with plant interest'. The CWS provides 'functionally-linked habitat' for the SAC, increasing the area of fixed dune grassland and the size of the population of rare dune-specialist plants and fauna, so adding resilience to the SAC populations.

Principle of Development

- 3.5 The site is located within the Countryside in an Area of Great Landscape Value (AGLV); however, it forms part of the Dawlish Warren resort area and is adjacent to the car park, existing buildings and Funder Park.
- 3.6 Strategic Policy S12 (Tourism) of the Local Plan sets out that a growing, sustainable tourism sector will be promoted and proposals to lengthen the tourism season and encourage higher spending by visitors will be supported. Policy S22 (Countryside) states that development in the countryside will be strictly managed, and limited to uses (including tourism uses) which are necessary to meet the overall aim to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. This in principle support is subject to any proposal being assessed in terms of any impact on the distinctive characteristics and qualities of the landscape, integrity of green infrastructure and biodiversity networks, and travel patterns.
- 3.7 Policy EC12 (Tourism Attractions) supports the sustainable expansion of the tourism industry and states that tourist attractions will be acceptable in principle where they expand or improve an existing tourist attraction. However, the policy goes on to state that development of tourist attractions will not be permitted unless/until a satisfactory scheme has been submitted to and agreed by the Council to ensure that the development will not have an adverse effect on the integrity of a European Site.
- 3.8 Policies EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features), EN10 (European Wildlife Sites) and EN11 (Legally Protected and Priority Species) seek the protection and enhancement of biodiversity including legally protected and priority species and European Wildlife Sites. Development that is likely to have a significant effect on the integrity of a European Wildlife Site will be subject to assessment under the Habitat Regulations.
- 3.9 The proposed installation of an observation wheel at Dawlish Warren adjacent to the existing tourist attractions would therefore be acceptable in principle subject to assessment in terms of the impact on the landscape, travel patterns, and biodiversity/European Habitats. Given the proximity to and potential impact on Dawlish Warren SAC/SSSI and the Exe Estuary SPA/Ramsar site/SSSI, an Appropriate Assessment for is required.

Economy and Tourism

- 3.10 The proposed development would expand the number of tourist attractions at Dawlish Warren and, therefore, as set out above, Local Plan policy is supportive of the development in principle. The wheel is likely to have a positive impact on the tourism offer at Dawlish Warren and the local economy by potentially boosting visitor numbers and/or length of stay. However, this benefit needs to be carefully considered in terms of the potential impact on biodiversity and in particular the European Wildlife Sites.

Biodiversity

- 3.11 The RSPB, Natural England and the Teignbridge Biodiversity Officer have all raised concerns about the potential for the proposed development to result in significant impacts on the Exe Estuary SPA/Ramsar Site and Dawlish Warren SAC (please see Consultee responses below). However, limited data is available to accurately assess visitor numbers; whether the wheel would attract additional visitors to the area and whether those visitors would also visit the European Wildlife Sites.
- 3.12 The Case Officer and Biodiversity Officer have therefore given careful consideration to the proposal and how planning conditions and obligations could enable permission to be granted for a temporary period of one season to allow for visitor numbers to be fully assessed prior to consideration of granting permission for a longer period. This initial season would provide an opportunity for visitor numbers to be surveyed. Data should be collected at the applicant's expense, but its collection and analysis should be subject to appropriate oversight by the Local Planning Authority. The data can then be used to calculate an appropriate level of mitigation contribution for future years, should the applicant wish to apply to renew the temporary planning permission.
- 3.13 Any permission should also be conditioned for the wheel to be removed for the main SPA bird season, from September to March inclusive, to minimise the potential impact on birds during these months both in terms of disturbance and collision risks. In addition, conditions should also be imposed about lighting (including luminance and wavelength), hours of operation, fencing, no storage or equipment within the CWS, and no loss of sand.
- 3.14 The hours of operation and lighting have been discussed with the Biodiversity Officer. Due to the sensitivity of the site, it is considered appropriate to condition that operational hours (and any associated lighting) finish by 10 p.m. However, it is considered that the condition could allow for later opening to take place on a limited number of days per season.
- 3.15 Subject to the completion of the Appropriate Assessment and provided mitigation measures are secured, Teignbridge District Council could conclude that there would be no Adverse Effect on the Integrity of the Exe Estuary SPA/Ramsar site and/or the Dawlish Warren SAC. Therefore, it is requested that Committee, if minded to grant permission for a temporary trial period, delegate to officers the completion of the Appropriate Assessment in consultation with Natural England and the imposition of any additional/amended conditions/obligations required as a result of the Appropriate Assessment.

Landscape and Visual Impacts

- 3.16 The application site is located within an Area of Great Landscape Value and within the Exe Estuary and Farmlands Landscape Character Area.
- 3.17 The proposed development would have an impact on the landscape; however, the proposed development is within an area that is already developed as a pleasure grounds and the wheel has the potential to appear as a sculptural element within this landscape. Due to its height, the proposed wheel would likely have an impact on a wider area than the existing structures at Dawlish Warren. It is noted that a similar observation wheel has been granted consent for a temporary period of 2 years by East Devon District Council at Beach Gardens, Exmouth (EDDC ref. 17/1668/FUL and 17/02948/FUL) and was visible from Dawlish Warren during the site visit.
- 3.18 The installation of a wheel on a permanent basis would likely raise concerns about the impact on landscape character. In particular there would be a concern about the potential impact that a dilapidated structure would have in future years. It is proposed to condition an initial temporary period of one season on biodiversity grounds. However, if following this initial period a longer period for the wheel is sought it would be appropriate to time limit any further permission and require the structure to be removed, to protect the long term amenity of the area.
- 3.19 To minimise the visual impact of the proposed wheel it is also considered appropriate to condition the colour and lighting. A white finish is preferable (rather than galvanised) to match the Exmouth observation wheel and for the sculptural characteristics to be emphasised.
- 3.20 Subject to the imposition of conditions as set out above, it is considered that the impacts on the landscape could be considered temporary in nature and therefore the benefits of the proposed wheel granted on a temporary basis would outweigh the impact on the landscape.

Highways

- 3.21 The proposed observation wheel would be served by the existing car parks at Dawlish Warren. At the current time it is unclear how many new trips would be generated by the wheel; however, it is considered that given the existing number of visitors to Dawlish Warren the proposed wheel would not result in a significant impact in terms of parking provision and highway safety.
- 3.22 In addition, given the proximity to the railway station and bus route, the wheel would be accessible by public transport.
- 3.23 It is not considered that the proposed development would result in an impact on highway safety which would warrant a refusal of permission.

Flood Risk

- 3.24 The application site is located within flood risk zones 2 and 3; however, given the nature of the proposed development and the existing character of the pleasure grounds where it would be located, it is not considered to give rise to significant concerns in this regards.

Amenity

- 3.25 The proposed wheel is considered to be located a sufficient distance from nearby residential properties and, subject to a condition limiting the hours of operation, is not considered to give rise to significant impacts in terms of noise, disturbance or overlooking.

Conclusion

- 3.26 This is considered to be a finely balanced case; however, subject to the completion of the Appropriate Assessment and provided mitigation measures are secured, it is recommended that permission for the proposed observation wheel be granted for an initial period of one season subject to the imposition of conditions and obligations as set out above.
- 3.27 Furthermore, it is requested that Committee, if minded to grant permission for a temporary trial period, delegate to officers the completion of the Appropriate Assessment in consultation with Natural England and the imposition of any additional/amended conditions/obligations required as a result of the Appropriate Assessment.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S6 (Resilience)

S9 (Sustainable Transport)

S12 (Tourism)

S22 (Countryside)

EC12 (Tourist Attractions)

EN2A (Landscape Protection and Enhancement)

EN4 (Flood Risk)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. CONSULTEES

RSPB - The RSPB has concerns that the wheel may result in adverse impact on Dawlish Warren SAC and Exe Estuary SPA/Ramsar site as a result of increase in visitor numbers (so adding to the existing damaging recreational impacts in combination with other developments). There is potential for adverse impact on the waterbirds including waders and wildfowl that are designated features of the Exe Estuary SSSI, SPA and Ramsar site including disturbance as a result of the light,

noise and movement of the wheel, disruption of flightpaths (displacement) and potentially collision risk for birds moving through including on migration in autumn and spring.

The proposed wheel is within 120 metres of the Dawlish Warren SSSI and SAC and the Exe Estuary SSSI/SPA/Ramsar. The designated sites of the Exe Estuary lie to the north, east and south. Given the proximity, that the proposal is not connected with or necessary for the management of these sites and the lack of ecological assessment, there is potential for this proposal to have a significant effect on a European site. Paragraph 63 of The Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) sets out the process for assessing implications of proposals. If this concludes that there will be a likely significant effect on the SAC and/or SPA, a full Appropriate Assessment is required.

In our view, the application should only be granted if it can be demonstrated the wheel can be constructed and operated to avoid adverse impacts or that it is possible to adequately mitigate for any impacts (e.g. wheel is only erected and operational at times where birds will not be impacted and it can be ensured that any additional visitors to the wheel do not also visit the SAC and/or SPA).

No evidence is presented that the proposal will not result in an increase in visitor numbers to Dawlish Warren SAC and Exe Estuary SPA. In our view, there is potential for the wheel to result in more visits to the designated sites, particularly the Dawlish Warren SAC. It is possible for visitors to arrive by train and outside the summer months when there is likely to be capacity in nearby car parks.

The proposed wheel is large and will sit broadside onto the Exe Estuary. It will be operational year round, in daylight and darkness, and will be lit. In our view, there is the potential to disrupt birds flying across the Warren. We have information that gulls, oystercatchers, cormorants and shelducks fly over the footprint of the proposed wheel. We recommend research into the species and number of birds that fly in the area to inform assessment of the likely impact (disturbance, displacement and potential collision risk). Many species fly at night so diurnal vantage point studies may not be sufficient.

We recommend that information is provided on current light levels at Dawlish Warren and the proposed wheel lighting.

We are aware that a wheel in Portsmouth was dismantled to avoid adverse impacts on brent geese.

Natural England - There is insufficient information to enable Natural England to provide a substantive response.

No assessment has been provided of the potential impacts that the proposal will have on Dawlish Warren SAC and the Exe Estuary SPA/Ramsar Site. There is therefore currently insufficient information to undertake a Habitat Regulation Assessment. We advise you to obtain the following information:

- Survey information of the species and numbers of birds that fly in the area proposed for the observation wheel – to be used to assess potential impacts from increased recreational disturbance, displacement, the potential for collision risk during daylight and dark hours and the potential for increased predation of SPA birds from predators that may use the wheel as a perching place.

- Information on the current artificial light levels and the proposed lighting associated with the wheel to establish whether there will be an increase in artificial light levels on the designated sites.
- Evidence to support assertions that the wheel will not increase visitor pressure on the designated sites.
- An assessment of the potential for increased erosion of the dune habitats resulting from increased recreation pressure.

In terms of the SSSI, providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of Dawlish Warren and the Exe Estuary.

Given the height and prominence of the proposed wheel and its sensitive location, we are concerned at the lack of any assessment of landscape and visual impacts. We appreciate that the East Devon AONB is some 3.3 km away from the site but suggest you consult the AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

TDC Biodiversity Officer - The Biodiversity Officer objected to the proposals (as originally proposed, i.e. for a permanent wheel), which may negatively impact Dawlish Warren SAC and/or the Exe Estuary SPA. An Appropriate Assessment is required to consider the potential impacts and what mitigation measures may be needed.

The proposal is within 200 metres of Dawlish Warren Special Area of Conservation and the Exe Estuary Special Protection Area. The qualifying features of these European wildlife sites are suffering damage and disturbance resulting from recreational use of the sites. A wheel is likely to attract more visitors to the Warren who may then go on to visit parts of the SAC and SPA, adding to in-combination impacts. The structure of the wheel may also present a collision hazard to night-flying SPA birds. There is also a possible issue of loss of fixed dune turf to the footprint of the development. I will survey the application site to ascertain whether this habitat has developed here since the site was cleared some years ago.

The outcome of the Appropriate Assessment will determine whether permission may be granted and what conditions may be needed to make this possible.

The Biodiversity Officer has undertaken a draft Appropriate Assessment. A number of potential impacts have been identified both during the construction and operational phases including noise and activity during construction and operation, lighting, additional visitor numbers and the potential impact of the wheel itself on the habitat and migratory birds.

The SPA birds are present for much of the year. They start to arrive in August and remain until the end of April. They are vulnerable to disturbance when feeding and roosting, as they are on a very tight energy budget (particularly in the colder months) feeding up after migration in autumn, surviving winter weather and preparing to migrate and breed in spring. It is important that the birds can both feed and rest undisturbed. They have to feed for as long as possible and to conserve energy while their intertidal feeding grounds are submerged. If too much time and energy is expended avoiding disturbance (especially by flying) the birds may die here or during migration, or may have insufficient reserves to breed successfully

when they return to their summer breeding grounds. This problem will increase with increased recreation from additional visitors.

There is a possibility of birds colliding with the structure, resulting in death or injury. Various species of wader and wildfowl fly at night so collisions are more likely at night when the structure will be less visible. Predators of SPA birds may use the wheel as a perch, giving potential for increased predation. During daylight hours SPA birds avoid the busy areas of the Warren closer to the proposed site. They do use parts of the golf course on quiet days and it is possible that they use the golf course more, and move further down the beach when human visitors are absent at night. The wheel will attract human activity and noise into the evening (9 p.m. or later). Whilst intervening structures may dampen noise at ground level, noise from users in the upper gondolas may travel as far as places the birds frequent.

The Design and Access Statement says: "The wheel itself will be silent running. The Observation Wheel is more of a leisurely experience rather than a thrill attraction." The noise of the wheel itself is unlikely to be an issue. However, no measures are proposed to mitigate human noise and activity which may disturb birds.

Visitor Numbers, Damage and Disturbance

Studies show that damage is already being caused to SAC features in parts of the Warren by trampling of sensitive habitats and species; dog eutrophication of low-nutrient habitats; and occasionally by barbeques/fires getting out of control. High levels of visitor use and periodic vandalism making the site harder to manage for its wildlife.

The wheel is likely to act as an additional attractor of visitors to the Warren; once at the Warren, people may then explore the SPA and SAC areas, adding to the existing pressures of recreation use. Studies show that recreational activity is already causing significant disturbance to the birds that form the SPA's special interest. At the Warren, walking and dog walking along the beach (at the Neck and beyond), around The Bight, in parts of the mobile dunes (at the Neck and beyond) and in the saltmarsh area are especially likely to disturb SPA birds.

This problem will increase with increased recreation from additional visitors. See the Disturbance Study at <http://www.teignbridge.gov.uk/article/15169/Why-is-Habitat-Regulations-mitigation-needed>

The Design and Access Statement says: "During Pre-Planning Consultations, although agreement in principle was achieved for the proposal, concern was raised that the Observation Wheel would attract more visitors to the SPA. We believe that the wheel will be more beneficial than detrimental to the Warren and SPA as visitors will be encouraged to use this facility rather than walking over the SPA." Therefore no mitigation has been proposed for potential impacts on the SPA, or the SAC. However, no evidence is offered to support the applicant's belief.

In one 6 week season, the Exmouth wheel is reported to have received 12,000 visits. The Warren wheel may attract similar numbers of users. It is likely that a proportion of these will be 'additional visits', i.e. by people who have come specifically to ride on the wheel. It is not unreasonable to suppose that, while in the area, these people may then explore the other attractions of the area, including the

beach (which is within the SPA) and the nature reserve (in the SPA and SAC). Indeed, having viewed these areas from the wheel, visitors may be more likely to want to explore them on the ground.

Loss of Habitat

The footprint of the proposal and its immediate surrounds were surveyed by Teignbridge's Biodiversity Officer. The sward can be characterised as species-poor and semi-improved, with much buck's-horn plantain among common grasses. Buildings occupied this area in the late twentieth century. These were cleared and the area reseeded between 2000 and, probably, 2005. Loss of/damage to this area will not affect functionally linked habitats. No mitigation is needed for loss of the site footprint.

The footprint would be 14 metres x 20 metres, i.e. 280m² of vegetation will be lost. Works may result in harm to the functionally linked CWS habitats, through storage of materials and equipment, tramping or winning of material to level the application site. Placement or storage of equipment or materials (including soil) on habitats, can shade out or smother plants and invertebrates, and it can pollute or enrich sensitive, low-fertility habitats. Trampling, vehicle use and storage can compact soils. Vegetation in the vicinity of the proposed footprint is likely to become trampled by people heading to and from the wheel, watching or awaiting their turn.

The geomorphological processes of the sand spit and dunes are an important feature of the functioning of the SPA and SAC and need to be protected (and enhanced). Loss of any sand from the system, e.g. when digging foundations or levelling the site, must be avoided.

Lighting

Lighting of the structure may help avoid collisions, but may cause disturbance to SPA birds elsewhere nearby, and to other protected species such as bats. Lighting is proposed until 23.59 in summer and 21.00 in winter. Later in the night there will be no lighting to deter collisions.

The Design and Access Statement says: "Any lighting will be less than 3000K and limited to 10.00 to 23.59 during summer months and 10.00 to 21.00 all other times as suggested in the pre-planning consultation." A lighting report has been submitted. The length of the summer period, with lighting until midnight, is not defined. It is possible that lighting until midnight might extend from May through to September, with SPA birds present from August. In August and September, therefore, the SPA birds (and other legally protected wildlife) could be disturbed by the wheel's light for several hours a night, over several weeks.

To minimise negative impacts on biodiversity, ultra-violet light and light at the blue end of the spectrum need to be avoided, while light from the red end of the spectrum is more acceptable. The total amount of light needs to be minimised. Light colour can be expressed in wavelength or temperature. The Bat Conservation Trust recommends light wavelengths of 550 nanometres or more. This equates to light temperatures of around 3,000 Kelvin or less. (Note that longer wavelengths are better, while lower temperatures are better and, confusingly, what we would think of as 'warm' colours actually have lower temperatures.) It should be noted that the light colour issue is based on research relating to mammals and

insects. I do not have information relating to impacts on birds. Unfortunately, on most of the graphs the lighting wavelengths shown are too short to be acceptable for bats and other wildlife, i.e. below 550nm. So whilst the total amount of light (illuminance) measured in lux (as shown on pages 12 to 27 of the Lighting Report) is acceptable, the light colour is not.

Joint Approach Contribution

Recreation impacts during the operational phase could be mitigated via a Joint Approach financial contribution. It will be necessary to calculate the size of the contribution based on the likely number of additional visitors attracted by the wheel. Alternatively, it may be appropriate for the applicant to provide (some) mitigation measures more directly. Initially permission should be granted for one season only, to enable quantification of impacts before longer, or permanent, permission is granted.

The only figure found to inform likely use levels of the wheel, is that of 12,000 visitors (or uses) of the Exmouth wheel in six weeks. Unfortunately there is no information on how many of the visitors came to the area specifically because of the wheel, rather than using the wheel on a trip they were making anyway. Nor is there information on what else people did before and after their ride on the wheel.

It might be possible to make a rough estimate based on people's anticipated use of the wheel. This would require gathering survey data from existing Warren visitors and non-visitors who might be attracted by the wheel when otherwise they would not visit the site. The existing visitors should include summer season tourists as well as winter/spring visitors who would include a high proportion of Teignbridge residents. Answers gathered would reflect what people imagined they might do rather than their actual behaviour.

By contrast, information collected from actual wheel users would better reflect actual user demographics and behaviours. However, this would necessitate the wheel being allowed to operate for a season before the correct level of contribution had been calculated. Visitor information could be collected by a combination of on-line survey and face-to-face interviews. The questionnaire should include asking people if they have come specifically for the wheel, or whether they were visiting anyway; whether the presence of the wheel will make them more likely to visit again; what else they will be doing while at the Warren; and which parts of the Warren they have/will be visiting (face-to-face visitors can be asked to show this on a map). These techniques have been used to collect visitor data on the SAC and SPA before.

Data should be collected at the applicant's expense, but its collection and analysis should be organised by the Local Planning Authority. The data can then be used to calculate an appropriate level of mitigation contribution for future years, should the applicant wish to apply to renew the temporary planning permission.

It will be necessary to require some level of contribution, to cover mitigation for impacts during the first season, and/or to require delivery of identified appropriate mitigation measures. A list of required measures needing funding is contained in the SE Devon European Sites Mitigation Strategy: <https://www.teignbridge.gov.uk/media/4049/south-east-devon-european-site-mitigation-strategy-9th-june-2014.pdf>

One measure which should be secured in advance of the first season (to protect functionally linked-habitat) is fencing of the south east corner of the Buffer Zone County Wildlife Site.

Obligations are needed requiring the applicant to fund and facilitate a visitor survey to inform the calculation of mitigation contribution that will be required for future years' operation. In addition, for an interim mitigation contribution, with agreement that this amount will be adjusted up (a further mitigation contribution by the applicant) or down (repayment by the Local Planning Authority) as is indicated to be necessary by the results of the visitor survey.

List of Proposed Mitigation Measures

A condition that operation, erection and dismantling will occur outside the main SPA bird season (from September to March inclusive) i.e. the wheel may only be erected on or after 1 April and must be dismantled before September in any one year. Initially permission should be granted for one season only, to enable quantification of impacts before longer, or permanent, permission is granted.

A condition is needed prohibiting placement or storage of any materials, vehicles or equipment in the CWS, including vegetation, sand or soil; and to prohibit winning of any materials from the CWS.

A condition or obligation is needed that, prior to first use, a fence shall be installed to help avoid trampling impacts on the CWS, the fence location and style to be agreed with Local Planning Authority and erected at applicant's expense.

A condition is needed that any sand dug out for site levelling, footings and base shall be retained within the Warren system in accordance with a plan agreed with the Local Planning Authority.

Lighting conditions to specify: illuminance levels no greater than shown in lighting reports; and light to have wavelengths of 550nm or more (light temperature 3,000K or less).

A condition/obligation is needed requiring the applicant to fund and facilitate a visitor survey to inform the calculation of mitigation contribution that will be required for future years' operation.

An obligation is needed requiring the applicant to make an interim mitigation contribution; with agreement that this amount will be adjusted up (a further mitigation contribution by the applicant) or down (repayment by the Local Planning Authority) as is indicated to be necessary by the results of the visitor survey. Joint Approach payment to be secured by up-front payment/Unilateral Undertaking/Section 106 Agreement. With a condition to allow and facilitate monitoring, then calculate size of contribution for permanent permission, or subsequent temporary permissions.

In Conclusion

Subject to the listed mitigation measures above, the proposal will not result in an Adverse Effect on the Integrity of the Exe Estuary SPA/Ramsar site and/or the Dawlish Warren SAC.

Devon County Council Highways - Recommend that Standing Advice is used to assess the highway impacts.

Conservation Officer - Having read the heritage assessment, I am satisfied that there will not be harm to the setting of heritage assets provided that the external lighting and the external appearance is controlled by condition. I also suggest you consider whether it would be appropriate to grant a temporary consent with conditions relating to the removal of the structure at the end of the period.

Landscape Officer - The proposed 34 metres high observation wheel will be a conspicuous element in the landscape, easily seen from the immediate locality, particularly Mount Pleasant. It will also be visible from the far end of Dawlish Warren, Exmouth and from the sea.

Whether, in landscape terms, the observation wheel is perceived as adverse or not, is likely to vary amongst public receptors. Dawlish Warren is, in part, a tourist resort and, in part, an area of semi-natural landscape. The site is an area that is already developed for tourism, however because of the size of the observation wheel its impact extends to cover a wider area.

Many will perceive Dawlish Warren as a place where a further development of an urbanising character should be resisted, whereas others will perceive the area as a recognised beach holiday resort where the addition of an observation wheel would not be seen as out of character. Both of these opinions are warranted and of equal merit and I think it would be wrong for me to make judgement of which of these views is right. Judgement of what is right, in landscape terms, may need to need to consider local political opinion.

However I think that the following should be considered in making judgement as to its suitability:

- The proposed development is within an area that is already developed as a pleasure ground.
- The site is not designated as Undeveloped Coast.
- Policy would seem to be supportive of tourist attractions where they have no adverse effect on the integrity of European sites.
- I am content that the settings of Registered Parks and Gardens, in the vicinity of the site, will not be adversely affected.
- The development will have an adverse impact on the wilder part of Dawlish Warren - the far end of the beach and Nature Reserve - however it will provide the opportunity for the public to enjoy the visual amenity of the area.
- The observation wheel will do well to appear as:
 - a) a piece of sculptural art; and,
 - b) have a relationship with the Exmouth observation wheel. Unless it can be demonstrated that there are good practical reasons not to, I am of the opinion that the wheel should have a white finish rather than left as a

galvanised finish, and so match the Exmouth observation wheel and for the sculptural characteristics be emphasised.

- It would help the perception of the development if permission for the structure was time limited, to say 20 years. It would also address concerns that, although at the start of its life the structure would have abstract, sculptural characteristic, over time, with weathering and decay, the structure could begin to look like an unsightly pile of scrap metal.

6. REPRESENTATIONS

Three letters of objection received to the application, raising the following summarised concerns/objections (see case file for full representations):

1. Dawlish Warren is a low key resort;
2. Sits uneasily next to an internationally famous nature reserve;
3. Exmouth observation wheel attracted 12,000 visitors over its 6 week season: the proposed wheel would be larger, the season would be longer and presumably the number of tourists will be substantially greater than Exmouth;
4. Will attract tourists from a wider area who are not staying in Dawlish Warren;
5. Large numbers of new customers will have to be brought in by car to make the wheel profitable;
6. Will have good views of the nature reserve and will encourage many more to walk round the nature reserve and the dunes;
7. The existing fairground attractions are substantially hidden by the large sea wall, so its impact on the coast from the sea perspective is relatively small. The wheel will be very prominent addition to the coastline. It will be an eyesore. Better views can be seen from the cliff path;
8. It will be visible from my property; concerned that people will see into garden;
9. Opening hours to 23.00 hours are excessive and the lighting to 23.59 is unnecessary and anti-environmental;
10. Impact of cement foundations;
11. A fire engine with high reach ladder could not access the site;

One letter of comment received to the application, raising the following summarised comments (see case file for full representations):

1. Will attract more people to a sensitive area.

Seventeen letters of support received to the application, raising the following summarised comments (see case file for full representations):

1. A real asset to the area;
2. An attraction which is suitable for all ages;
3. Will modernise and add to the attractions of the area;
4. Will provide views of the fantastic coast;
5. Will encourage people to explore the region;
6. Will bring in visitors to Dawlish Warren. Most of the hotels and guest houses in neighbouring Dawlish and Teignmouth have closed down in recent years, making Dawlish Warren vital to the local economy;
7. As the nearest residential dwelling, which is above our business, we are very much in favour of it;
8. Will benefit local businesses.

7. TOWN COUNCIL'S COMMENTS

Recommends refusal of this application as the size of the structure is too big, the proposal to have the lights on until midnight is too late causing unnecessary pollution and disruption to local residents and wildlife. Dawlish Warren is a family-based site and therefore is not busy that late.

The proposal is also a direct contradiction to the letter from the Principal Delivery Officer at Teignbridge District Council about Dawlish Warren dated 16 August 2018.

The application also mentions that district councillors were consulted but Councillor Wrigley wished to note that he was not one of them and also abstained from the vote.

Members further suggested that a temporary, seasonal wheel like Exmouth have opted for might be a more appropriate attraction for the location.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place