

East Devon Local Plan & Habitat Regulations Assessment Issues

Durwyn Liley, 24/6/2015

This document has been prepared following a request from East Devon District Council, who have now commissioned Footprint Ecology to undertake further Habitat Regulations Assessment work with respect to their local plan. The request follows objections from Natural England.

There are 3 key issues that further assessment work needs to address:

- Lack of an up to date HRA with the current plan
- Slow delivery/progress with mitigation, particularly SANGs.
- Cross-reference to the Exmouth masterplan (the Exmouth Masterplan HRA raised issues that are not necessarily resolved)

We will undertake an update of the Habitat Regulations Assessment, and this update will be part complete by July 6th, by which time we will envisage that it will contain the screening for likely significant effects, a summary of the progress of mitigation to date, and consideration of the ability of the mitigation strategy to provide mitigation for the proposed additional housing. The Habitat Regulations Assessment would be finalised during the summer, incorporating any further modifications, such that it was ready for consultation alongside the next iteration of the local plan.

Natural England have raised concerns regarding the slow delivery of mitigation. While there is a comprehensive mitigation strategy in place, built on a considerable evidence base and established in partnership with neighbouring local authorities, that mitigation clearly has to be delivered. If current delivery of mitigation is slow or has slipped, then it is not possible to conclude that adequate mitigation is in place for the current level of development, and any ability for additional development to be accommodated is clearly open to question. There are therefore issues regarding both the progress with mitigation and increased levels of development.

The mitigation strategy does recognise the need for the strategy to be both robust and flexible, and the need for review of both the emerging growth and strategy itself is identified (within the mitigation strategy see paras 5.5, 5.21 and 14.35). A number of measures within the strategy can be adjusted, potentially increased to provide further mitigation (for example warden time, patrol boat time). Some measures within the strategy (such as the production of a visitor management plan for the Pebblebeds) will provide detail of further mitigation and a plan for the Pebblebeds is currently being developed. There is therefore some flexibility and ability to accommodate additional growth.

Natural England highlights SANGs delivery as their main area of concern. Alternative greenspace provision including a SANG near Exmouth is a key element within the strategy. At present it seems there has been little progress towards establishing any SANG in this area. As SANGs are a part of the

agreed mitigation, it will be necessary for East Devon District Council to demonstrate how these can be delivered.

A potential solution is for East Devon District Council to establish set review periods for the mitigation strategy, whereby the level of development, level of mitigation funds collected and mitigation measures established are presented alongside monitoring data (ecological and visitor data). Such reviews would provide a check on the contents of the strategy, an early warning of any issues and check that the mitigation is proceeding as planned. The timing of the reviews would ideally need to be agreed with neighbouring authorities and cross-referenced within the East Devon plan to ensure that mitigation is directly linked to, and phased with new development. Additional policy wording within the Plan could also ensure that occupation of new housing would be prevented until the requisite amount of mitigation has been secured/delivered. These reviews would be thorough and contain both ecological and visitor data. It is not possible to include a thorough review in the HRA at this stage, it is too early and the HRA would not be the right location (as the review would ideally relate to multiple authorities). Within the current HRA update we will simply summarise what data is available on revenue collected, mitigation delivered and levels of development.

The Exmouth Masterplan has been subject to a Habitat Regulations Assessment which identified a number of areas where further measures were thought necessary in order to screen out the likelihood of significant effects or in order to ensure that specific mitigation is included in any project design. Given these concerns wording has been added to the Local Plan to recognise that the Masterplan has been the subject of HRA and that recommendations made within that HRA could affect the delivery of some elements of the Masterplan. This new wording needs to be checked in the updated HRA.

We therefore envisage that the HRA work will:

- Summarise current delivery of mitigation alongside levels of growth and funds collected (as far as is available to date)
- Cross-reference to the mitigation strategy to highlight where delivery appears to be missing/slow (particularly SANGs around Exmouth) such that additional wording could be incorporated into the plan
- Recommend set reviews are established, ideally with neighbouring authorities to check on the progress of mitigation, check against the level of development and check direction/emphasis of mitigation. These reviews should link to housing delivery within the East Devon plan and some further wording in the plan ensuring that new dwellings were not occupied prior to the requisite mitigation being delivered.
- Check wording relating to the Exmouth Masterplan and identify any further changes to wording necessary.

This should resolve concerns on the absence of any Habitats Regulations Assessment on the current version of the plan and the final iteration of the plan will be accompanied by a complete Habitats Regulations Assessment. The assessment will summarise information on delivery of mitigation, and if this identifies likely significant effects, these could be resolved by East Devon District Council incorporating additional wording and committing to detailed checks of mitigation linked to housing

delivery and how the Exmouth Masterplan is referenced within the Local Plan. Options for expanding some elements of mitigation or which could be brought forward sooner to 'catch-up' on housing being delivered will also be considered.