



# Habitat Regulations Assessment of the East Devon Local Plan; August 2015



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## Summary

### Context & previous assessment work

This report sets out a Habitats Regulations assessment of the East Devon Local Plan, prepared by East Devon District Council. This most recent version is an update in light of a series of Proposed Changes made following Examination of the plan. Changes were set out in a Proposed Changes consultation in Spring 2015, undertaken by East Devon District Council in response to issues considered at Examination hearing sessions. A further set of changes were then proposed by the Council to answer a number of consultation responses and matters raised by the inspector. These responses included concerns raised by Natural England which are particularly relevant to this Habitats Regulations Assessment.

### Results of previous assessment

The majority of policies proposed are not likely to have a significant effect on any European site. However, the overall quantum of development proposed, and the nature and proximity of European sites, is such that likely significant effects cannot be ruled out.

Detailed assessment work undertaken in previous iterations of the HRA has considered the five key impacts of urbanisation, recreational pressure, water resources, water quality and air quality. Specific recommendations were made with regard to urbanisation. Recreational pressure is considered in depth in a joint mitigation strategy (the South East Devon Mitigation Strategy), prepared in partnership with neighbouring authorities, where a comprehensive suite of mitigation measures are assessed and recommended. These measures form part of the strategy for mitigation delivery in East Devon District. Air quality recommendations were precautionary, mainly relating to putting in place more comprehensive monitoring, to inform future Habitats Regulations Assessment work. Water quality and water resources recommendations suggested that further information and assurance was obtained from the Environment Agency and water utility company, and that the Council and Natural England were closely involved in any consideration of new consents or licences to accommodate growth.

### Responses from Natural England

Natural England has provided comments on the Proposed Changes, and subsequently met with the Council to discuss a number of matters in further detail. Natural England raised concern that there has been a slow rate of progress to date with the delivery of mitigation set out in the South East Devon Mitigation Strategy (particularly relating to Suitable Accessible Natural Greenspace - SANGs) despite planning approvals being given for new growth, and this also led to concerns relating to the additional housing growth recently proposed, and whether existing mitigation could 'accommodate' the additional impacts. Further concerns related to the Exmouth Masterplan, and issues identified in the Habitats Regulations Assessment of that plan, which had not been fully resolved. Natural England held the view that the significant reference in the Local Plan to the Masterplan indicated that the Local Plan was reliant on the delivery of the Masterplan to realise its objectives for growth in Exmouth. There were concerns because the Habitats Regulations Assessment for the Exmouth Masterplan identified some issues in relation to the delivery of some aspects of the Masterplan.

### Current Assessment

Appendix 1 contains the likely significant effects table and considers each policy within the plan. This table has been updated to illustrate where changes have been made to the plan in line with the recommendations/consultation responses, and includes updates for the current Proposed Changes stage of the plan. These have then been taken forward to updates in the appropriate assessment sections of the report where necessary.

Section 9 of this report relates to appropriate assessment of recreation pressure. Consideration of the Proposed Changes has been provided as an update to that section and there is now detailed assessment of the issues raised by Natural England and the revised wording proposed by the Council. We consider in detail the mitigation requirements for the new growth and conclude that the mitigation can be delivered and that suitable mechanisms to secure that mitigation are in place. Wording within the Plan has been strengthened to ensure mitigation is closely linked to development and timely delivery secured. With respect to the Exmouth Masterplan, revised wording in the Plan disassociates the Masterplan from the Local Plan as the Masterplan is now dated. In the revised plan wording the text notes the historical existence of the Masterplan but advises of a future revision of the Masterplan. This revised text should fully alleviate the concerns raised by Natural England as it ensures the higher tier plan is not reliant on, nor gives weight to any proposals, that are potentially damaging to a European site.

With the most recent Proposed Changes now assessed, we conclude that the East Devon Local Plan will not adversely affect any European sites. After considering this updated version of the Habitats Regulations Assessment of the East Devon Local Plan, it is anticipated that the Inspector will review the need for any final changes to the plan before its adoption. Any further amendments will need to be reflected in a final version of this report, prior to adoption.

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## 1. Introduction

### Overview

- 1.1 East Devon District Council is finalising its new Local Plan, ready for adoption. It is currently at 'Proposed Changes' stage, having been through oral hearing sessions of Examination and (in light of the Inspector's recommendations) a number of changes to the plan have been proposed. This Habitats Regulations Assessment is the latest version in a series of iterations and relates to a version of the Plan that was subject to public consultation in April 2015, alongside a series of additional changes proposed in light of consultee comments, with those from Natural England being most pertinent to this assessment. This current assessment was commissioned in August 2015, and includes a check of all Proposed Changes; those provided for public consultation in April 2015 and then those proposed by the Council in light of consultation responses in July 2015 and then modified again in August 2015.

### Background

- 1.2 The East Devon Local Plan will set out strategic policy for spatial planning in East Devon, providing a framework for development up to 2031. The plan preparation has proceeded through a number of stages, influenced by changes to the planning system and the national policy steer coming from Central Government. In accordance with UK European and UK wildlife legislation, as set out in Section 5 of this report, an initial 'Habitats Regulations Assessment' report was prepared in August 2010 and forms part of the local plan evidence base, informing earlier stages of plan preparation. This initial report assessed a relatively early stage in the preparation of the Local Plan; the Issues and Options consultation document, prepared by East Devon District Council at the end of 2008. The screening report was updated and progressed to a full Habitats Regulations Assessment with detailed 'appropriate assessment' undertaken, before submission of the Local Plan to the Planning Inspectorate for Examination. This version of the assessment has now been updated again in light of the Examination and the Proposed Changes made to Inspector's recommendations, and consultee comments.
- 1.3 East Devon District Council has worked closely with neighbouring planning authorities; Exeter City and Teignbridge District, to gather an extensive evidence base to inform future Habitats Regulations Assessment work relating to spatial plans and development management, and to take forward a consistent approach to protecting European wildlife sites whilst securing sustainable growth.
- 1.4 The local planning authorities recognise the importance of the cluster of European wildlife sites within and in close proximity to their administrative areas, and their duties under the European Directives and UK legislation to ensure the protection of European site interest features from any detrimental effects of development, avoiding deterioration of habitats and contributing to furthering their conservation. The legislation and relevant duties for local planning authorities is set out in Section 5 of this report. The research and analysis undertaken and recommendations made provide a strong evidence base for the East Devon Local Plan, to support its adoption, subject to final checks after the Inspector has considered the Proposed Changes. The evidence

that supports the Habitats Regulations assessment undertaken is considered in Section 6.

- 1.5 Early Habitats Regulations Assessment work identified potential issues relating to water quality, air quality and recreation that had the potential to lead to impacts on European wildlife sites. Cross-boundary work with neighbouring authorities enabled the establishment of a robust evidence base to inform the mitigation necessary to prevent adverse effects on the European sites arising from new growth. The appropriate assessment previously considered the full range of potential impacts and possible mitigation measures in detail.
- 1.6 In response to concerns raised by the Inspector a number of changes were made to the plan in the version dated April 2015. These include an extension to the plan to cover the period to 2031 (from a previous end date of 2026) and extra housing growth. The key extra housing sites include: policy provision to take Cranbrook up to/around 7,850 new homes; additional land close to Junction 29 of the M5 motorway for 900 homes; land at Clyst St Mary for 150 homes and a site close to Pinhoe in Exeter City for 350 houses. The Council has then further modified the Proposed Changes in July and August 2015 in response to the consultation on Proposed Changes and hearings with the Inspector.
- 1.7 This version of the report updates the appropriate assessment, adding in additional chapters to assess the post Examination Proposed Changes and their further recent iteration.

## 2. European sites

- 2.1 European wildlife sites are given the highest level of protection in legislation. The original European Birds Directive (Council Directive 79/409/EEC) was introduced into Europe in 1979 to protect rare and threatened birds and their habitats. This Directive includes the requirement for all Member States to classify 'Special Protection Areas' (SPAs) for birds of particular nature conservation concern, where such areas are found to be important for particular bird species or assemblages of species listed within the legislation. This may include areas that are important as stop off points for migratory birds, such as large assemblages of waterfowl. The original Birds Directive has now been updated and replaced by the Birds Directive 2009 (Council Directive 2009/147/EC). Species for which SPAs are classified are listed on Annex 1 of the Directive, and commonly referred to as 'Annex 1 species.'
- 2.2 The Habitats Directive (Council Directive 92/43/EEC) came into force in Europe in 1992, and this Directive sought to ensure the protection of plants, habitats and animals other than birds, through particular controls with regard to the harm and disturbance of species. This Directive requires the creation of 'Special Areas of Conservation' (SACs) for habitats and species listed in Annexes 1 and 2 of the Directive, on account of their rare or vulnerable nature within a European wide context.
- 2.3 As described in Section 5 where the Habitats Regulations Assessment process is set out, the requirements of the Directives are transposed into UK legislation by the Conservation of Habitats and Species Regulations 2010.
- 2.4 Relevant European sites for this plan assessment that lie within or in the vicinity of the East Devon District are described below and their locations shown in Map 1 (which is at the end of the section).

### Exe Estuary SPA/Ramsar

- 2.5 The Exe Estuary extends across a number of authority boundaries, lying between Teignbridge District to the West, East Devon District to the East and Exeter City to the north. It is classified as a Special Protection Area (SPA), Ramsar site and SSSI.
- 2.6 The SPA includes the estuary waters, foreshore, saltmarsh and the sand dunes of Dawlish Warren with the double spit across the estuary mouth, extending to Exeter at the top (northern part) of the estuary. The estuary includes a range of intertidal habitats that support the bird interest of the SPA, including eelgrass *zostera sp.* beds, saltmarsh, mussel (*Mytilus edulis*) beds and saltmarsh. A number of roost sites at the top end of the estuary are freshwater grazing marsh and lagoons at Bowling Green Marsh, Matford Marshes and Exminster Marshes lie within the SPA and are RSPB reserves.
- 2.7 The Exe Estuary qualifies under Article 4.1 of the Birds Directive by supporting overwintering populations of the following species listed on Annex I of the Directive:

- Avocet *Recurvirostra avosetta* (at least 28.3% of the wintering population in Great Britain). The majority of British avocets move from their East Anglian breeding grounds to coastal estuary sites, either East Anglia or the south coast. The Exe Estuary is one of only three SPAs classified for non-breeding avocets, with the majority being on the East Anglian coast.
- Slavonian Grebe *Podiceps auritus* (at least 5.0% of the wintering population in Great Britain) – The Exe Estuary is one of only three sites in the UK classified as an SPA for non-breeding Slavonian Grebe, with the other two sites being in Scotland. The Exe Estuary is therefore a critical overwintering ground for this species in the UK. The Exe Estuary qualifies under Article 4.2 of the Birds Directive for regularly supporting the following migratory species over winter: Dark-bellied Brent Goose *Branta bernicla bernicla*, Dunlin *Calidris alpina alpina*, Oystercatcher *Haematopus ostralegus*, Black-tailed Godwit *Limosa limosa islandica*, and Grey Plover *Pluvialis squatarola*.

- 2.8 The area also qualifies under Article 4.2 of the Directive as it regularly supports an assemblage of at least 20,000 waterfowl, including: Black-tailed Godwit *Limosa limosa islandica*, Dunlin *Calidris alpina alpina*, Lapwing *Vanellus vanellus*, Grey Plover *Pluvialis squatarola*, Oystercatcher *Haematopus ostralegus*, Red-breasted Merganser *Mergus serrator*, Wigeon *Anas penelope*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Cormorant *Phalacrocorax carbo*, Avocet *Recurvirostra avosetta*, Slavonian Grebe *Podiceps auritus* and Whimbrel *Numenius phaeopus*. This list is taken from the site citation where a range of assemblage species is normally quoted, but not the entire assemblage species list. This list is therefore not exhaustive and other species will also form part of the assemblage.
- 2.9 It should be noted that the Article 4.2 migratory species are not listed as qualifying features in the SPA Review of 2001 (i.e. the Review cites wintering Slavonian Grebe, wintering Avocet and the assemblage of at least 20,000 waterfowl). That review is still being progressed, and the Natura 2000 data form is therefore referred to for a current list of qualifying features, which includes the Article 4.2 migratory species. Natural England has recently revised the Conservation Objectives for all European sites. The new 2012 conservation objectives cite all species listed on the Natura 2000 data form.
- 2.10 The Exe Estuary is also listed as a Ramsar site. The Ramsar listing is based on the waterfowl assemblage present in the winter and brent goose numbers present on the site over the winter. The Ramsar information sheet<sup>1</sup> also recognises black-tailed godwit where the winter peak count warrants possible future consideration as an interest feature.
- 2.11 Whilst not the subject of this assessment, it is worth noting the wider ecology of the site, with the SSSI designation including the flora and invertebrates of the surrounding marshes, the saltmarsh, the invertebrate communities within the estuary, the eelgrass beds (*Zostera* spp.) and the geological interest, in addition to the waterbirds that also

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<sup>1</sup> <http://jncc.defra.gov.uk/pdf/RIS/UK11025.pdf>

form the European level interest. Part of the site is also identified as a Local Nature Reserve.

### Dawlish Warren SAC

- 2.12 Whilst this site is just outside the East Devon District administrative boundary, it is an integral part of the wider estuary, and a visitor hotspot. Dawlish Warren is an unusual double sandspit located at the mouth of the Exe Estuary opposite Exmouth. Dawlish Warren SAC includes the vegetated part of the sandspit only, excluding the unvegetated beach together with the improved vegetation adjacent to the leisure complex and car park situated at the foot of the spit.
- 2.13 Dawlish Warren is designated as a Special Area of Conservation (SAC) for its habitats and non-avian species of European importance. Qualifying features are its dune habitats and a population of the liverwort petalwort *Petalopyllum ralfsii*. Embryonic dunes are listed on Annex 1 of the Habitats Directive and are therefore a habitat type that could be a qualifying feature of an SAC. While Embryonic dunes are identified in the Natura 2000 standard data form for the site<sup>2</sup> as being present, the representivity of this habitat at Dawlish is classed as D, which means “non-significant presence” (see explanatory notes on the data form). Embryonic dunes are therefore not listed as a qualifying interest feature for the SAC. However, at Dawlish, the mobile dunes, which do form a qualifying feature, are likely to be affected if the ecological functioning of the embryonic dunes is compromised. Therefore we have included them in our assessment of recreational impacts on the SAC features at Dawlish, because indirect effects upon shifting dunes could constitute an adverse effect on the integrity of the SAC.
- 2.14 Large populations of petalwort occur in two dune slacks at Dawlish Warren. One of the slacks is on a natural, sandy substrate which is probably affected by the concrete materials used to build the visitor centre foundations. In the other slack, petalwort grows on sand overlying an artificial masonry/stone substrate, which receives run-off from an adjacent limestone gravel track (Holyoak 2003). Both slacks are closely grazed by rabbits *Oryctolagus cuniculus*. The qualifying species sand lizard *Lacerta agilis* is also present on the site following reintroduction in 1994 under English Nature’s Species Protection Programme, but is not a reason for designation.

### East Devon Pebblebed Heaths SAC / East Devon Heaths SPA

- 2.15 The East Devon Pebblebed Heaths is designated as a Special Area of Conservation (SAC), covering 1119.94 ha. The primary reason for selection is the north Atlantic wet heaths with cross-leaved heath *Erica tetralix*, European dry heaths and the populations of southern damselfly *Coenagrion mercuriale*, for which the Pebblebed Heaths are considered one of the best areas in the UK.

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<sup>2</sup> <http://www.jncc.gov.uk/ProtectedSites/SACselection/n2kforms/UK0030130.pdf>

- 2.16 The Pebblebed Heaths make up the largest block of lowland heath in Devon. It is considered to be a nationally important representative of the inland Atlantic-climate lowland heathlands of Britain and north-west Europe. A significant feature of the site is the diversity of heathland associated communities, related to its large area and the range of substrates and topography. The higher and drier areas are covered with heath dominated by heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent-grass *Agrostis curtisii* and purple moor-grass *Molinia caerulea*. *Agrostis* grasses and bracken *Pteridium aquilinum* are prevalent in places as are bramble *Rubus fruticosus* agg., and scrub with scattered pines *Pinus* spp. and birches *Betula* spp.
- 2.17 A series of shallow valleys gives rise to distinct changes of vegetation. The dry heath gives way to wet heath with flushes on the valley sides, and to valley mire with patches of willow *Salix* spp. scrub mainly on the valley floors. Bell heather *Erica cinerea* is replaced by cross-leaved heath *Erica tetralix* and characteristic species are common sedge *Carex nigra*, meadow thistle *Cirsium dissectum*, lousewort *Pedicularis sylvatica*, bogbean *Menyanthes trifoliata*, heath spotted orchid *Dactylorhiza maculata*, lesser butterfly orchid *Platanthera bifolia* and sharp-flowered rush *Juncus acutiflorus*. Other species associated with the wetter areas are bog asphodel *Narthecium ossifragum*, sundews *Drosera* spp., pale butterwort *Pinguicula lusitanica*, bog pimpernel *Anagallis tenella*, common cottongrass *Eriophorum angustifolium* and the club-moss *Lycopodiella inundata* (although this last species has not been recorded for many years).
- 2.18 The southern damselfly is found at the mineral-rich flushes, which support tawny sedge *C. hostiana*, carnation sedge *C. panicea*, black bog rush *Schoenus nigricans* and devil's-bit scabious *Succisa pratensis* together with the brown mosses *Scorpidium scorpioides*, *Campylium stellatum* and *Drepanocladus revolvens*.
- 2.19 The East Devon Heaths are also classified as a Special Protection Area (SPA), qualifying under Article 4.1 as the heathland habitats described above regularly support 2.4% of the UK population of breeding nightjar *Caprimulgus europaeus* (as at 1992), and 8% of the UK population of breeding Dartford warbler *Sylvia undata* as at 1994.

### Sidmouth to West Bay SAC

- 2.20 Annex I habitats that are the primary reason for site selection of this coastal site are vegetated sea cliffs of the Atlantic and Baltic coasts, and *Tilio-Acerion* forests of slopes, screes and ravines (this is also a priority feature). Annual vegetation of drift lines is also an Annex I feature present.
- 2.21 The SAC is comprised of a highly unstable soft cliff coastline subject to mudslides and landslips. The principal rock types are soft mudstones, clays and silty limestones, with a small chalk outlier in the west. The central part comprises the extensive Axmouth to Lyme Regis landslip, where chalk overlies unstable rocks, resulting in landslips ranging from frequent minor events to occasional mass movements. The eastern part has no chalk capping and is subject to frequent mudslides in the waterlogged soft limestones and clays. Vegetation is very varied and includes pioneer communities on recent slips,

calcareous grassland and scrub on detached chalk blocks and extensive self-sown woodland dominated by ash *Fraxinus excelsior* or sycamore *Acer pseudoplatanus*.

- 2.22 This site includes an area of active landslipping between Axmouth and Lyme Regis. These landslips have created, and will continue to shape, the mosaic of *Tilio-Acerion*, sycamore *Acer pseudoplatanus* woodland, mixed scrub, grassland and pioneer communities. This mosaic of habitats makes this site rich in invertebrates, especially bees and wasps, such as *Ectemnius ruficornis*, *Andrena simillima* and *Nomada fulvicornis*. The woodland has a hazel *Corylus avellana* understorey and a ground-flora dominated by ivy *Hedera helix* (with numerous ivy broomrape *Orobanche hederae*) and hart's-tongue *Phyllitis scolopendrium*, with abundant dog's mercury *Mercurialis perennis* and tutsan *Hypericum androsaemum*. The Red Data Book lichen *Parmelia quercina* occurs on ash *Fraxinus excelsior* trees.

### River Axe SAC

- 2.23 The lower reaches of the River Axe are designated as an SAC, supporting the Annex I habitat of watercourses of plain to montane levels with the *Ranunculus fluviantis* and *Callitriche-Batrachion* vegetation. Annex II species also present are sea lamprey *Petromyzon marinus*, brook lamprey *Lampetra planeri* and bullhead *Cottus gobio*. The special interest of this river arises from the mixed geology of the catchment, which includes both sandstone and limestone, creating calcareous conditions in the lower reaches of the river, where the *Ranunculus* and *Callitriche* communities are found.
- 2.24 Land management practices and agricultural runoff appear to be the main issues preventing the site meeting its conservation objectives at present. The river does run alongside the town of Axminster and is followed and crossed by the railway line and main roads at a number of points, indicating that development and transport infrastructure impacts may also be contributing to habitat deterioration.

### Beer Quarry and Caves SAC

- 2.25 The Annex II species that forms the primary reason for site designation is Bechstein's bat *Myotis bechsteinii*. Lesser horseshoe *Rhinolophus hipposideros* and greater horseshoe bats *Rhinolophus ferrumequinum* are also present as qualifying Annex II features. The SAC designation covers the important known roosting sites for these rare bat species. Critically however, the interest features are wholly reliant upon the continuation of commuting and foraging habitat outside the designated site boundaries, and it is quite possible that the bats commute to other roost sites that are currently unknown. The wider habitat around the designated site is therefore essential to their survival and viability.

### Lyme Bay to Torbay Marine SAC

- 2.26 This SAC is a new marine site, currently candidate marine SAC, bordering the East Devon coastline, starting at Beer Head to the south west of Seaton and progressing westwards. The site interest features are reefs and submerged or partially submerged sea caves, with this site noted as being one of the best areas in the UK for both Annex I habitat types. The reefs occur as outcropping bedrock, slightly offshore. It is concluded that

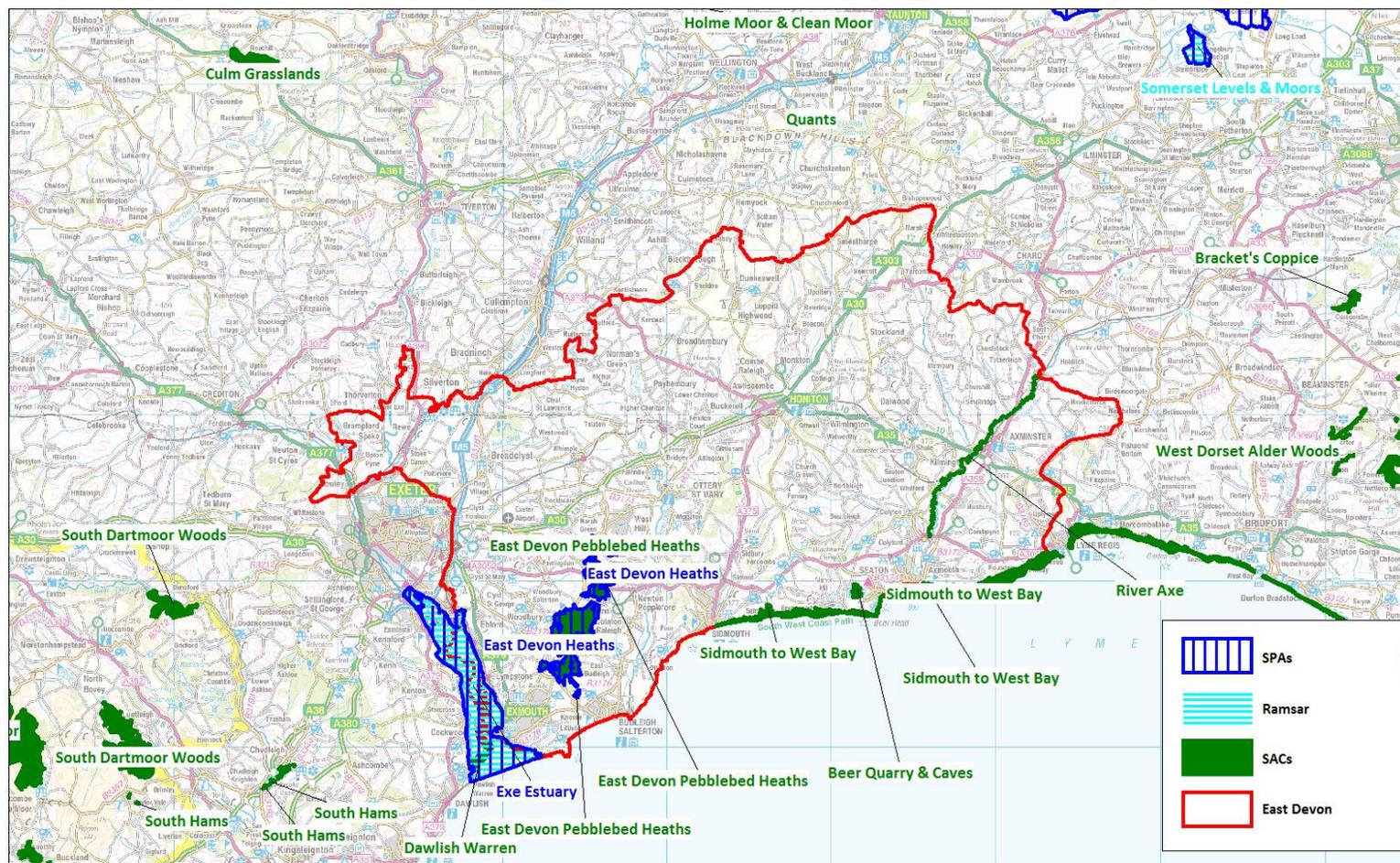
this site can be ruled out from further assessment because development in the East Devon District set out within the Local Plan is not likely to result in any potential impacts on either the offshore reefs or the series of caves around the coast. The Council will however need to continue to be mindful of the presence of this marine site, and potential impacts should be re-evaluated at any plan review or subsequent plans or programmes, within the associated Habitats Regulations Assessment work.

### European site conservation objectives

- 2.27 As required by the Directives, 'Conservation Objectives' have been established that explain the objectives for each European site designation. These were renewed by Natural England in 2012 in order to give clarity and consistency across all sites. European site Conservation Objectives now consist of a set of generic objectives, which should be applied to each interest feature of each European site. The list of Conservation Objectives for each European site now sits under an overarching objective, and whilst the objectives are now standardised, they are applied to each interest feature of each European site. Natural England is now preparing supporting information that is specific to each European site, to be read in conjunction with the generic text. The supporting information is not yet available, and in the interim, decision makers are advised that the application of the generic objectives should be site specific and dependant on the nature of the site and its features.
- 2.28 For SPA's the overarching objective is to:
- 2.29 *'Avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.'*
- 2.30 This is achieved by, subject to natural change, maintaining and restoring:
- The extent and distribution of the habitats of the qualifying features.
  - The structure and function of the habitats of the qualifying features.
  - The supporting processes on which the habitats of the qualifying features rely.
  - The populations of the qualifying features.
  - The distribution of the qualifying features within the site.
- 2.31 For SAC's the overarching objective is to:
- 2.32 *'Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable conservation Status of each of the qualifying features.'*
- 2.33 This is achieved by, subject to natural change, maintaining and restoring:
- The extent and distribution of the qualifying natural habitats and habitats of qualifying species.
  - The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species.

- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely.
- The populations of qualifying species.
- The distribution of qualifying species within the site.

2.34 In light of these objectives, this assessment considers whether the Local Plan could affect the achievement of these conservation objectives, and makes that consideration for each interest feature of each site.



**Map 1: East Devon Boundary and SPA, SAC and Ramsar sites**  
 Contains Ordnance Survey Data. © Crown copyright and database right 2012.

### **3. The East Devon Local Plan**

- 3.1 The East Devon Local Plan is the subject of this Habitats Regulations Assessment report, and this assessment has now progressed to the Proposed Changes stage of the plan, after its oral hearing sessions of Examination.
- 3.2 In the early stages of plan preparation, a screening assessment was undertaken to identify the key issues for European sites and highlight where further information needed to be gathered. A full appropriate assessment was undertaken of a near final draft of the Local Plan for public consultation, prior to its submission for Examination. This report now updates that assessment with consideration of post Examination hearing session 'Proposed Changes.' These include changes made for public consultation in April 2015 and also those subsequently prepared by the Council in response to that consultation in July 2015, and then updated in August 2015. The Habitats Regulations Assessment team will need to undertake a final check prior to plan adoption if further changes are made.
- 3.3 The plan is set in the context of Exeter City and East Devon's 'West End' being identified as a New Growth Point in 2007 by the then Labour Government. This is the most influential development related factor driving the content and focus of the plan, and has resulted in co-operative joint working between East Devon, Exeter City and Teignbridge District. The New Growth Point status makes the West End of the District, near to/abutting the eastern outskirts of Exeter City, the priority for housing and employment allocations, with substantial public sector funding having been secured for the Growth Point related projects. Some growth is also directed to other towns in the District, on a smaller scale.
- 3.4 A significant proportion of the Local Plan policies are dedicated to the West End development, and the Proposed Changes add further housing to that area. Additional policies relating to non-residential growth also relate to this area of focussed sustainable development, providing a notable number of new jobs for the District. A number of proposals already have planning permission and are underway, including a new town called 'Cranbrook,' which will accommodate much of the new housing being directed to the West End.
- 3.5 However, as highlighted in the East Devon District Council Corporate Strategy 2010, the economic down turn had delayed the delivery of housing at Cranbrook (though development is now proceeding rapidly). Housing completions across the District have been lower than in recent years and an increase in completions (with Cranbrook as a key component) is expected. As the economic situation begins to improve, the delivery of the West End growth point will now pick up pace again and the plan proposes its highest delivery of new homes over the early part of the plan period up to around 2020. A Development Plan Document specifically for Cranbrook is proposed by the District Council.

- 3.6 A key aspect of the Proposed Changes is an increase in housing for the area, and an extension of the time period for the plan, now up to 2031. The total number of new homes objectively assessed for the revised plan period of 2013 to 2031 is now 17,100 (previously 15,000).
- 3.7 The seven existing towns within the East Devon District also have specific policies and allocations for housing numbers and employment land. Each also has a detailed 'inset map' spatially identifying key proposed uses for the towns. Development levels at smaller towns and villages are also included and sites are to be allocated in a separate 'Villages Development Plan Document'. The plan also recognises that windfall development, including garden development, will also add to the overall housing provision. The villages are the subject of saved policies from the previous plan, to be used until the production of a specific Development Plan Document for the smaller villages.
- 3.8 Regeneration of Exmouth and Seaton is a key objective for the District Council in this plan period. Exmouth is the largest town in the district, home to 36,000 of the total 132,700 people living in the District, averaging at 2.17 people per household<sup>3</sup>. The Council has prepared a vision for Exmouth regeneration with the production of an 'Exmouth Masterplan.' The recent Proposed Changes have considered the weight that should be given to the Masterplan within the Local Plan. The Masterplan has been the subject of its own Habitats Regulations Assessment, and a number of recommendations were made. In light of concerns from Natural England in relation to the findings of the Habitats Regulations assessment for the Masterplan, the Council has confirmed that the Masterplan is not critical for the delivery of the Local Plan, and that the Masterplan may indeed be revisited in future, and this position has been reflected in the Proposed Changes. Schemes implemented under the Masterplan, whether updated or not, will also need to be the subject of their own Habitats Regulations Assessment
- 3.9 The key aspirations within the Masterplan include reconnection of the town with the estuary, improved access for water users (including a new water sports hub providing facilities) and other recreational pursuits and redevelopment of waterfront areas which currently host low quality development and car parks. A new foot and cycle path will link the harbour and the estuary, known as the 'Blue Ribbon.' Increased disturbance to the estuary is considered in the Habitats Regulations Assessment of the Masterplan, and the Proposed Changes to the Local Plan now make links across to the assessment findings and highlight that the delivery of the Masterplan is subject to those findings and recommendations.
- 3.10 Overarching policies relating to the environment, communities, tourism and energy are included within the strategic approach section of the Local Plan, which then proceed to development management policies and finally the approach to neighbourhood planning for the District.

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<sup>3</sup> Population statistics taken from the emerging Local Plan 2012 and are based on the 2009 mid year estimate.

- 3.11 In total, the Local Plan at its Proposed Changes stage contains nearly 50 spatial strategy policies and nearly 70 policies that provide the development management element of the plan. As noted above, further relevant policies are village policies saved from the previous plan until a new Development Plan Document is produced.
- 3.12 The East Devon Local Plan sets out a trajectory of housing provision from 2013 to 2031, and it is clear that house building in the District is not anticipated to follow a linear pattern. As noted above, the bulk of housing proposed for the 'West End' will be built over the early part of the plan period.

### **Cranbrook new community**

- 3.13 In response to the identification of the West End of the East Devon District as a New Growth Point, outline planning permission for an entire new community was given by East Devon District Council in 2010. The new community partners outline planning permission allows for 2,900 dwellings (subsequently amended to around 3,500), a town centre and local centre, retail, leisure, employment, schools, railway station and all necessary infrastructure. The vision for this new community to the east of Exeter was however fostered some years earlier, and the Council has been working closely with the 'East Devon New Community Partners' for some years to realise this project. Well over half of the East Devon housing provision is being delivered within the West End of the District within this new community and at sites next to Pinhoe and north of Blackhorse.
- 3.14 As already noted, a significant level of employment growth will also support the new community, and new infrastructure will include a train station. The outline permission for Cranbrook also includes open space provision for the new community in the form of a country park that will come forward in three phases, in line with the main phases of development (i.e. part 1 prior to the occupation of 250 houses, part 2 prior to the occupation of 750 houses and part 3 prior to the occupation of 1700 houses).
- 3.15 Reserved matters applications are being progressed, with the first phase of the new community being given reserved matters approval in 2011, for an initial 1120 dwellings. An estimated completion rate is 450 plus dwellings per year.
- 3.16 The new town of Cranbrook has been a priority for the District for some time, with significant input from the Council over a number of years to enable the project to be realised. It is understood that project level Habitats Regulations Assessment work for this scheme focussed on the impact of recreational pressure, and the scheme therefore includes green infrastructure provision, with a country park providing an expansive natural greenspace to deflect recreation pressure from the European sites further afield. Potential impacts relating to urbanisation, water and air are picked up as part of the appropriate assessment sections of this report. It should be noted that any existing project level assessments have not been considered by the authors of this report.
- 3.17 The Proposed Changes to the Local Plan after Examination now allow for a further 2,100 new homes over the plan period and the majority of these are to be delivered at the West End. The appropriate assessment sections of this report consider the implications

of this additional growth for European sites, particularly in relation to recreation pressure, as discussed in Section 9.

### The wider planning context

#### Local level spatial plans

- 3.18 The previous Labour Government put in place legislation and policy that established the 'Local Development Framework' concept for local spatial planning. This provided a suite of documents that together would form the framework to direct development in a district or borough, including an overarching Core Strategy, and a number of additional development plan documents that would be brought forward as required for the specific local area, normally at least including a development management policy and land allocation plan document. Plans adopted during the labour Government administration are therefore referred to as Core Strategies and Development Plan Documents.
- 3.19 The Coalition Government brought in further legislative and policy changes during its term of office from 2010 to 2015, which set in place a local spatial planning system that uses the term 'local plan' with expectations of ultimately there being a single local plan for each borough or district. As there is now a steer towards reducing the number of documents relating to local level spatial planning, Local Plans are now incorporating a wider range of policy requirements, which would have previously formed separate development plan documents within a Local Development Framework. Plans coming forward for Examination are now normally referred to as Local Plans. It remains to be seen what additional changes the new Conservative Government of 2015 might make to the planning system.
- 3.20 As a consequence, there is currently a mixture of adopted and emerging plans across the country that either relate to the previous Local Development Framework System, or the new Local Plan system, with some that have attempted to encompass both due to their recent finalisation during the transition.
- 3.21 The requirement for Habitats Regulations Assessment remains the same with both systems. As noted above, East Devon District Council are working closely with their neighbouring local planning authorities, both with regard to their strategic proposals for their districts, and with regard to the protection of their European site assets within and around the three administrative areas. Whilst East Devon and Teignbridge are bringing forward new Local Plans, Exeter has an adopted Core Strategy.

#### Neighbouring local planning authorities

- 3.22 Development across the three authorities is all influenced by the identification of Exeter City and East Devon's 'West End' as a New Growth Point, as part of the growth agenda set by the previous Government. Exeter City Council adopted its Core Strategy in February 2012. The adopted plan provides for 'at least' 12,000 houses and 60 ha of employment land.

- 3.23 Teignbridge District Council borders the western shore of the Exe Estuary. The Teignbridge Local Plan was adopted by Teignbridge Council on 6<sup>th</sup> May 2014. The plan takes forward an overall housing figure of 12,400 new homes, with a focus of new residential growth being at Newton Abbot, but also at the other towns across the District including Teignmouth and Dawlish. Employment land across the whole District amounts to 80.2 ha.
- 3.24 In total therefore, the three planning authorities have adopted or are close to adopting plans that propose a total housing growth of approximately 40,000 new homes (Exeter's Plan run from 2006 to 2026, Teignbridge from 2013 to 2033 and East Devon will be over the period 2013 to 2031).

#### Current changes in Planning

- 3.25 The previous Coalition Government made, and it is anticipated that the new Conservative Government will continue to make, changes to the planning system. In addition to the Local Plan system, there has been significant emphasis on the return of decision making powers to the local level, and empowerment of local communities to make decisions about the place in which they live. A series of initiatives such as Local Enterprise Partnerships (LEPs) have been given significant funding to drive economic growth at the local level.
- 3.26 Additionally, Government has also put in place, or is currently progressing, a number of measures to reduce the 'red tape' of planning applications, proposing a number of changes that enable more developments to proceed without permission, under permitted development rights, or other through new initiatives that streamline the approval process.
- 3.27 As these new changes come forward, it is essential that local planning authorities put measures in place to ensure that relaxed planning requirements do not lead to development that is not adequately mitigated for in terms of European site impacts. Local Planning Authorities need to be aware, for example, of their duty to undertake an appropriate assessment for a development proposal normally permitted under permitted development rights where such a proposal is likely to have a significant effect on a European site.
- 3.28 At the other end of the spectrum, the Government is also recognising and prioritising development projects of national significance, especially where their implementation can contribute to bringing economic prosperity. Nationally Significant Infrastructure Projects (NSIPs) are being examined by the Planning Inspectorate, informing a Secretary of State decision. This is taking a number of planning decisions away from the local planning authority, and the Government has recently announced further plans to make it easier for developers to opt for Planning Inspectorate consideration of large scale development proposals rather than the local planning authority.
- 3.29 In undertaking Habitats Regulations Assessments and maintaining a commitment to avoiding deterioration of European wildlife sites, local planning authorities will need to

have regard to decisions made on NSIPs in their local area, and the mitigation, and where necessary any compensatory provisions being made.

**National Planning Policy Framework**

- 3.30 In March 2012 the then Coalition Government issued the new National Planning Policy Framework (NPPF), which provides a full set of national policy within one document, replacing the series of Planning Policy Statements and Minerals policy Statements. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, directing local planning authorities to meet the development needs of an area and approve development that accords with the local plan in place. The presumption in favour of sustainable development does not apply however, where an appropriate assessment, in accordance with the Habitats Regulations, is required.
- 3.31 Where there is a likelihood of significant effects arising from a plan or project, full adherence to the step by step approach set out within the Regulations is therefore required, and overriding reasons for which a development should succeed are only considered in the exceptional circumstances where adverse effects on site integrity cannot be prevented, and there are no alternative solutions to the plan or project.
- 3.32 The NPPF provides strict policy protection for European sites, Ramsar sites, sites proceeding through the European site designation process and areas of habitat that have been formally identified as compensatory provision for harm to European sites.
- 3.33 The NPPF is accompanied by National Planning Practice Guidance (NPPG), with both the NPPF and NPPG being available on the internet within the Government webpages<sup>4</sup>.

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<sup>4</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

## 4. Habitats Regulations Assessment

### Overview

4.1 The Conservation of Habitats and Species Regulations came into force in 2010, consolidating the previous Conservation (Natural Habitats & c.) Regulations 1994 and all their subsequent amendments. The Regulations are generally referred to as the Habitats Regulations. Whilst not directly affecting the key elements of Habitats Regulations Assessment, it should be noted that there has been an amendment to the 2010 Regulations in 2012. See Section 5 for further details.

4.2 As noted in the description of relevant European sites at Section 3 above, the Habitats Regulations are in place to transpose European legislation set out within the Habitats Directive (Council Directive 92/43/EEC) and the Birds Directive (Council Directive 2009/147/EC). These are the key pieces of European legislation that seek to protect, conserve and restore habitats and species that are of upmost conservation importance and concern across Europe.

4.3 Within the Habitats Regulations, local planning authorities, as public bodies, are given specific duties as 'competent authorities' with regard to the protection of sites designated or classified for their species and habitats of European importance. In particular, when a competent authority is giving permission or consent for a project activity, or when undertaking projects themselves, there are particular steps to be undertaken before any permission can be given. Likewise, a competent authority giving effect to a plan is also tasked with undertaking the same stepwise approach. This step by step approach considers the potential for the plan or project to affect any European site and its habitat and species interest features. This process is commonly referred to as 'Habitats Regulations Assessment' and this report sets out the Habitats Regulations Assessment of the East Devon District Local Plan.

4.4 Regulation 61 of the Habitats Regulations sets out the Habitats Regulations Assessment process for plans and projects, which would include development proposals for which planning permission is sought, and Regulation 102 specifically sets out the process for land use plans.

4.5 Regulation 102 of the Habitats Regulations states the following:

*Where a Land Use plan is likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, the plan making authority for that plan must, before the plan is given effect, make the appropriate assessment of the implications for the site in view of that site's conservation objectives. In light of the conclusions of the assessment, the plan making authority must give effect to the plan only after having ascertained that it will not adversely affect the integrity of the European site or European offshore marine site.*

4.6 Regulation 103 of the Habitats Regulations states that:

*If the plan making authority is satisfied that, there being no alternative solutions, the land use plan must be given effect for imperative reasons of overriding public interest, they may give effect to the land use plan notwithstanding a negative assessment of the implications for the European site or the European offshore marine site.*

- 4.7 These Regulations set out the step by step approach to Habitats Regulations Assessment, and can be broken down into the following stages, to be undertaken in sequence:
- Check that the plan is not directly connected with or necessary for the management of the site
  - Check whether the plan is likely to have a significant effect alone
  - Check whether the plan is likely to have a significant effect in-combination
  - Appropriate Assessment
  - Ascertaining whether there will be an adverse effect
- 4.8 Throughout all stages, there is a continued consideration of the options available to avoid and mitigate any identified potential impacts.
- 4.9 The exceptional tests set out in Regulation 103 (plans taken forward for imperative reasons of overriding public interest where adverse effects cannot be ruled out and there are no alternative solutions) are not normally reached for local level spatial plans. It is expected that local plans can and should be developed in a manner that is compliant with Regulation 102, with any potentially damaging options ruled out from inclusion in the final plan, only taking forward policies and allocations that can be implemented without adverse effects on European site interest features. For this reason, Habitats Regulations Assessment, and evidence gathering and analysis to inform such assessment, should be a continual and integral part of plan development.

### Step by step approach

- 4.10 This report documents each of the stages, providing a complete record of Habitats Regulations assessment. A local plan is not directly connected to or necessary for the management of European site interest features and therefore the following sections of this report proceed through the subsequent stages of Habitats Regulations Assessment.

#### Context and evidence base

- 4.11 Before embarking on the assessment, it is worth putting the process into the wider context of the current strategies and drivers for nature conservation. Section 6 provides a summary of this current context.
- 4.12 Up to date, relevant and comprehensive information on the European sites is critical for Habitats Regulations Assessment. Each site is described in Section 3 above, and as noted in the introductory section of this report, East Devon District Council has worked collaboratively with the neighbouring authorities of Exeter City and Teignbridge District to review existing and gather new evidence relating to the European sites and the potential impact of development. The primary purpose of this evidence base is to

inform local plan making and development management decisions. It therefore clearly plays a critical part in this report. A summary and review of the European site evidence base is included in Section 6, which includes considerable work to date undertaken jointly with neighbouring authorities.

- 4.13 Section 6 also advises that the evidence informing this Habitats Regulations assessment includes wider sources of information, in relation to the potential impacts identified. The assessment team has drawn upon its own specialist expertise and extensive library of research material, and also on a number of plans and reports currently in place that set out actions being taken by other competent authorities in the areas. These include plans relating to water resources and water treatment, such as the current Water Resources Plan for 2012 to 2035 produced by South West Water, the Environment Agency's Catchment Abstraction Management Strategies and the Exeter and Devon Water Cycle Study undertaken by Halcrow in 2010 and commissioned by the relevant Local Planning Authorities to inform their forward planning and policy work. This information is examined in detail in the appropriate assessment sections of this report.

#### **Screening for Likely Significant Effects**

- 4.14 Appendix 1 sets out a full plan screening process, in accordance with the requirements of the legislation. Each policy within the plan is considered to determine whether it could lead to, or contribute to, a likelihood of significant effects on any European site. Screening assessment is precautionary. Where there is uncertainty, it is assumed that there would be a likelihood of significant effects. Likelihood of effects is considered for the policy within the plan alone, and where necessary in combination with other policies in the plan, and where necessary the plan as a whole with other plans or projects. This process is set out in Appendix 1 and summarised at Section 7. The screening assessment was most recently updated to reflect consideration of the Proposed Changes.

#### **Appropriate Assessment and measures to mitigate for any potential impacts**

- 4.15 Following initial screening, the legislation requires an appropriate (i.e. fit for purpose) assessment of the implications of the plan for the European sites, in view of their conservation objectives. This stage is taken forward in Sections 8 to 12 of this report, and is a more detailed consideration of potential impacts, possible measures to mitigate any identified impacts, and finally seeks to ascertain whether there is certainty that implementation of the plan will not lead to adverse effects on the integrity of any European site. The appropriate assessment was most recently updated to reflect consideration of the Proposed Changes. Final conclusions are then provided in Section 13.

## 5. Current context of Habitats Regulations Assessment in UK Nature Conservation

### Designated site vulnerability

- 5.1 Nature conservation in England is in some regards the best it has ever been, and yet at the same time appears to be under more pressure than it has ever been. European wildlife sites, and the blockages they are perceived to create in the planning system, have been the focus of Government and media attention in recent years. Defra was asked by the Government to undertake a review of the implementation of the Habitats Directive, and its findings were produced in 2012 (Defra 2012a). The evidence clearly demonstrated that the European legislation precluded development in only a very small percentage of cases, the review made it clear that a number of improvements needed to be made, most notably with regard to available evidence for assessment, and more positive and close working between Government, Local Planning Authorities, developers and nature conservation bodies to collectively seek solutions that enabled growth and protected European site interests at the same time, wherever possible.
- 5.2 This report seeks to provide the necessary information to East Devon District Council to enable them to take their Local Plan forward in a way that follows the principles set out in the Habitats Regulations Review document; seeking solutions wherever possible, but not compromising the integrity of European wildlife sites, maintaining an appropriate precautionary approach and striving to continually refine the approach in light of new monitoring information, research and evidence.
- 5.3 Recent Government led or commissioned publications, such as the Natural Environment White Paper (HM Government 2011), England Biodiversity Strategy (Defra 2012b) and Lawton's Review of England's Wildlife Sites and Ecological Networks (Lawton *et al.* 2010) draw together a clear picture of the current state of our biodiversity resource, and an overwhelming message of co-ordinated, landscape scale action. Lawton's report in particular emphasises that wildlife site designation is not enough, that designated sites represent the last remnants rather than an adequate mechanism to protect biodiversity into the future. Designated sites are vulnerable to 'death by a thousand cuts' from a multitude of small scale impacts, are under pressure from the effects of climate change and coastal change, and are isolated due to a lack of a robust wider ecological network outside the designated sites system. Addressing the latter is the key objective of the England Biodiversity Strategy, and some of the key actions in the Natural Environment White Paper, although Lawton's report advises that a step change in our approach to nature conservation is required.
- 5.4 It is within this context that Habitats Regulations Assessment should be considered. Member states have a duty under Article 6(2) of the Habitats Directive to avoid the deterioration of natural habitats and the habitats of species for which sites have been designated and local planning authorities should be putting measure in place to meet this duty, irrespective of the specific need to prevent adverse effects from development. However, the current state and vulnerability of a site will influence the

decisions made with regard to whether a plan or project will adversely affect site interest features. Features already sensitive to other influences are likely to suffer a greater impact than those in an ecologically robust state. This report has had full regard for the current condition of site interest features, and the wider influences currently affecting site sensitivity.

### **Amendments to the Habitats Regulations 2012**

- 5.5 In August 2012, amendments to the Habitats Regulations came into force. Whilst the Habitats Directive and Birds Directive directly apply to European Member States, these amendments were made to ensure that a number of elements of the Birds Directive are properly transposed into the domestic Habitats Regulations. Most importantly, the new amendments relate to the need to avoid deterioration or pollution of habitats supporting Annex 1 bird species (i.e. those species for which SPAs are classified) that lie outside SPA boundaries, and also wider duties with regard to the preservation and restoration of wild bird habitat generally.
- 5.6 Habitats Regulations Assessments should already, as a matter of course, consider impacts on habitats outside SPA boundaries where plans or projects may affect SPA interest features that may move to and from the SPA. The new additional duty gives weight to the nature conservation needs of habitat supporting Annex 1 features that may be some distance from any classified SPA, and local planning authorities should therefore be seeking to avoid the deterioration of such habitat in order to meet the new duty. This and the general duty with regard to wild bird habitat should form part of a local planning authority's spatial planning evidence base in future, and should now start to inform development management decisions, as well as being taken forward in any local biodiversity initiatives.
- 5.7 There are a relatively small number of sites in the wider vicinity of the Exe Estuary SPA and East Devon Heaths SPA that support Annex 1 bird species. These sites are already known to the assessment team, and have been given full regard under the detailed Habitats Regulations Assessment work within this report and in the joint South East Devon Mitigation Strategy. It is considered that these sites support the same populations of birds using the Estuary, and it is therefore necessary to consider these sites as supporting habitat for the SPA in the Habitats Regulations Assessment.

## 6. HRA Evidence Base and Work Undertaken to Date

6.1 In this section we summarise evidence that we draw on to inform the HRA.

### Exe Disturbance Study

6.2 The Exe Disturbance Study (Liley *et al.* 2011) was commissioned by the Exe Estuary Management Partnership to consider the impacts of disturbance and implications for management of the estuary, with a particular emphasis on water sports. The report summarises the range of activities taking place around the estuary and includes the use of GPS tracks handed out to people undertaking water sports to consider how people use the estuary and where they go.

6.3 The study contains analysis of count data and flight distances collected around the estuary. Taking an overview of access, the estuary is clearly very busy and it is only a small proportion of the perimeter of the estuary where access is limited or difficult. The highest levels of access occur around the lower stretches of the estuary, at Exmouth and also at the very top of the estuary, around Topsham. At nine survey locations within the estuary where detailed repeat counts were undertaken (relating to pre-defined areas of mudflat and intertidal habitat):

- Shore based activities accounted for 55% of observed recreation events, mostly involving walkers without a dog (32%) and dog-walkers (9%).
- Activities on the intertidal accounted for 36% of observed recreation events and included dog-walkers (17%), bait diggers/crab tilers etc (7%) and walkers without dogs (7%).
- Water-based activities accounted 8% of observed recreation events and included a wide variety of different types of activity such as RIBs/small motor boats (3%); kitesurfers (1%) and windsurfers (1%).

6.4 There was evidence that bird distributions were related to access. In general terms the numbers of birds appear low at the Duck Pond and at Topsham in relation to adjacent count sectors. The parts of the estuary with the lowest levels of access (such as Shutterton Creek) are also the parts of the estuary with the highest bird counts. At the Duck Pond, Lympstone, Starcross South and Powderham there was evidence that the number of birds varied in response to the levels of access over the previous 45 minutes: i.e. when more people had been present, fewer birds were recorded.

6.5 Around 14% of groups/recreational events observed across the survey locations flushed birds and caused a major flight event (birds flying more than 50m). Just under two-thirds (62%) of events evoked no response at all from the birds. The disturbance study contains detailed analysis of the factors most likely to result in major flight.

### Exe Visitor Survey

6.6 A face-to-face visitor survey was undertaken by Teignbridge District Council on the Exe Estuary in 2010, with the survey designed and analysed by Footprint Ecology (Liley, Fearnley & Cruickshanks 2010). The work is important as it provides information on where visitors to the Exe come from and how they behave. Visitor fieldwork (involving

interviews and counts of people) took place at eight sites on both sides of the estuary, including parts of East Devon. Additional 'boost' surveys focused on particular times of day and weather conditions so as to interview certain users such as kite surfers. In total 586 interviews were undertaken. Interviews asked questions relating to choice of site, route taken, home postcode and some simple visitor profile information.

- 6.7 Local residents (i.e. East Devon, Exeter or Teignbridge Districts) accounted for over two thirds (69%) of visitors interviewed, with roughly one third of all interviews (31%) involving East Devon residents. Dog walking was the most popular activity (39% of all people interviewed), and walking was also popular (38% of interviews). Other activities included boating, birdwatching, cycling, kite surfing, family outings, windsurfing, fishing and jogging. A significantly higher proportion of Teignbridge and East Devon residents were visiting to walk their dog compared to Exeter residents (for which the most commonly recorded activity was cycling). Exmouth Sea Front, the Duck Pond and Dawlish Warren were particularly popular with dog walkers.
- 6.8 Across all interviewees, about one-third (34%) visited most days. Dog walkers in particular tended to visit on a daily basis, but those visiting for activities such as walking, cycling, kite surfing and boating also tended to visit most days or at least multiple visits per week. Birdwatchers and those undertaking family outings were more likely to visit much more sporadically.
- 6.9 There was relatively little variation in the time of day people tended to visit, and visitor numbers were relatively even throughout the day. Weekends were busier than weekdays, with count data indicating that there are roughly three times as many people visiting on weekend days compared to weekdays.
- 6.10 Most (57%) interviewees stated that they visited all year round. Of those that did tend to visit more at a particular time of year 17% of interviewees stated that they tended to visit more in the summer. Over a fifth of dog walkers (21%) visited more in the winter.
- 6.11 The main factor underlying people's choice of site was the attractiveness of the scenery (cited by 33% of interviewees). Proximity to home was also important for many (27%). Proximity to home was a factor for East Devon residents and dog walking issues were also particularly important for East Devon residents.
- 6.12 Interviewees originated mostly from Exmouth, Exeter, Topsham and Dawlish. The highest number of dog walkers was from Exmouth. The kite surfers interviewed lived in Axminster, Exmouth, Exeter, Topsham and Teignmouth. Cyclists predominantly came from Exeter, walkers from Exmouth, Exeter and Topsham.
- 6.13 Across all interviews, 60% of interviewees had travelled by car to the Exe. Lympstone was the site with the highest number of foot visitors, and the Exmouth sites (the Duck Pond and the Sea Front) also had relatively high numbers of foot visitors compared to other sites.
- 6.14 Nearly two thirds (67%) of people travelling on foot had come from postcodes within 1km of the estuary. By contrast for people arriving by car just over half (51%) lived

within 10km (linear distance) from the estuary. People visiting to undertaking boating, cycling, dog walking or jogging were relatively local, whereas those visiting to birdwatch, kite surf, on an outing with family lived at greater distances from the survey location.

- 6.15 Visitors' routes on site were recorded using paper maps. Across all interviewees, 439 (75%) were within 10m of Mean High Water, indicating that around three-quarters of visitors go on the beach, seawall or out onto the intertidal area. Activities such as windsurfing, kite surfing and boating in virtually all instances involved people on the sub/intertidal, but perhaps surprisingly over half of all the dog walkers interviewed (56%) had also ventured at least 10m from mean high water mark (i.e. walking on the sandflats/mudflats).

### Devon Household Survey

- 6.16 A postal survey was conducted in the autumn 2010 with the aim of gathering information on use of green infrastructure and recreational use of the countryside by residents in East Devon, Exeter and Teignbridge. The work was commissioned jointly by the three local authorities, and done partly in-house. The analysis of the data were conducted by Footprint Ecology, with an initial report produced in 2011 and this subsequently added to and extended in 2012 (Cruickshanks & Liley 2012).
- 6.17 The survey was sent to 5100 randomly selected addresses in south Devon, equally divided (1700 recipients each) between the Teignbridge District Council (TDC) area, the Exeter City Council (ECC) area and the East Devon District Council (EDDC) area. A total of 1296 households responded to the survey, a return rate of just over a quarter of households.
- 6.18 Virtually all (94%) of respondents stated that they had visited the seaside, woods, moors, country parks or other similar places for recreation in the previous year. Coast and Estuaries were the most popular location for recent visits compared to Dartmoor and Other Countryside sites. Excluding Exeter, the settlements generating the most visits to European sites were Exmouth followed by Dawlish, Newton Abbot, Sidmouth and Teignmouth.
- 6.19 The Exe was the busiest of the three European site groups, with 67,662 annual visits from the responding households. Visits to Dartmoor amounted to less than half the number of visits made to the Exe (26,840 per year) and the Pebblebeds received a third of the level of visitors to the Exe (at 20,724 per year). Dawlish Warren and beach received 10,436 visits per year.
- 6.20 Across all sites, the activity undertaken by the most respondents was walking, within a few miles of home. However, the activity undertaken most frequently was dog walking. The Pebblebeds were notable in that a higher frequency of visits by a smaller number of respondents made dog walking the activity generating the highest number of visits to the site. Dog walking generated the second highest number of visits on the Exe and Dartmoor.

- 6.21 Besides walking and dog walking there were a range of other activities recorded, and as may be expected these varied according to the sites. While dog walking and walking tended to be undertaken nearer to home, activities such as watersports and wildlife watching were popular activities undertaken further from home.
- 6.22 Only about 6% of respondents never visited the coast/countryside. The proportion was slightly lower for Exeter (5.2%) than for Teignbridge and East Devon (both with about 6.7%). The most common house type of respondents was either detached or semi-detached housing, as would be expected from the housing stock. There was a significant association between those households that never visited the countryside and presence of retired or reduced-mobility household members. On average, 21% of households that visit the countryside had a dog. But there was much variation, with dog ownership in East Devon households significantly higher than in Exeter.
- 6.23 Looking at specific sites we can draw the following information regarding visits to key sites from East Devon residents:

#### Exe and Dawlish Warren

- 6.24 For the Exe and Warren as a whole, 53% of visits were made by East Devon residents, 28% by Exeter residents and 19% by Teignbridge residents. East Devon residents not surprisingly tended to visit sites on the east of the estuary, especially around Exmouth. About 13% of the visits (made by respondents) to Dawlish Warren were by residents in East Devon, indicating that East Devon residents do still visit the western side of the Exe.
- 6.25 Residents living within 5km of the Exe estuary tend to visit disproportionately more than those living greater distances away. This trend was particularly notable for watersports visits. For all activities and all modes of transport combined, visitor rates to the Exe tend to 'flatten off' at around 12km, although this distance is reduced to 5km for foot visitors.

#### Dartmoor

- 6.26 Respondents reported that they made 26,840 visits per year to Dartmoor. Most visits to the Moor were made by Teignbridge residents and around one fifth (19%) of visits were from residents in East Devon.
- 6.27 Most visits were made by car. Respondents living within 2-3km of Dartmoor visit the site around 150 times per year. Visit rates 'flatten off' at around 8-10km from the National Park boundary. Note that East Devon District is outside this distance, being over 10km from the National Park boundary and at a greater distance from the European sites within the park.

#### Pebblebeds

- 6.28 20,724 annual visits were reported for the Pebblebed Heaths, with most visits (83%) from East Devon residents. For residents of all three districts, the most visited sub-site was Woodbury (35% of visits), followed by Lymphstone Common (16%) and Colaton Raleigh (15%).

- 6.29 80% of visits to the Pebblebeds were made by car and 10% were made on foot. Visit rates 'flatten off' at around 10km from the Pebblebeds. Most visits were for dog walking (53%) and 90% of the dog walkers were East Devon residents.

### **Pebblebeds Visitor Survey**

- 6.30 A face-face visitor survey of the Pebblebeds was conducted by Ecology Solutions in 2011. The survey commissioned by the Cranbrook New Community Partners in order to fulfil the legal obligations associated with the outline planning consent for the Cranbrook new town. At the time of writing this report only a draft copy of the visitor survey report was available to the assessment team. It does provide further useful information regarding access to the Pebblebeds European Site and the results fit well with the results from the household survey.
- 6.31 A total of 558 interviews were conducted and they reveal a pattern of frequent (67% visiting at least once a week) local use, primarily by East Devon residents, undertaking short visits, with a high proportion (67%) coming to dog walk. The attraction of the site for many visitors was the convenience/close to home(58%) and also the variety of natural habitats (56%). The questionnaire included one question regarding changes to the site that may affect visit patterns and the introduction of parking charges (61%) and requirement to keep dog on a lead (61) would lead to respondents visiting the site less.
- 6.32 A relatively small proportion (47%) of visitors divulged their full postcode. Of the visitors who did the report indicates that 34% from Exmouth, 7% came from Budleigh Salterton, 3% from Newton Poppleford and 4% from Ottery St. Mary.
- 6.33 Counts of parked cars were also undertaken. The survey identified 13 formal and 55 informal parking locations around the Pebblebed Heaths. A complete count ('snapshot') of all parked cars was conducted on 20 occasions, spread between early June and mid July. A total of 1052 vehicles were counted over the 20 visits.
- 6.34 The survey report attempts to predict total visitor numbers, to estimate the likely changes in numbers as a result of development and also tries to consider the impact of the level of recreation recorded on the distribution of Annex I birds. At the time of writing the report is not finalised and these elements of the report are lacking detail and have not been undertaken in sufficient detail or accuracy to warrant cross reference within this HRA.

### **South East Devon Mitigation Strategy**

- 6.35 With the three planning authorities of Teignbridge, Exeter and East Devon recognising the need to work together to secure a mitigation strategy to protect their European sites from the potential effects of new growth, particularly with the concentration of growth at the West End growth point, Footprint Ecology was commissioned to provide interim guidance for three local planning authorities, with respect to the implications of new development for the Exe Estuary Special Protection Area (SPA) and Ramsar Site, and Dawlish Warren Special Area of Conservation (SAC). The initial report produced in 2011 (Liley & Hoskin 2011) summarised the evidence base in the various reports described above. This earlier report was prepared to inform emerging local planning

documents. This interim report was then developed into a detailed and comprehensive South East Devon Mitigation Strategy for the three authorities in 2013; this was then further updated in 2014 (Liley *et al.* 2014).

- 6.36 The South East Devon Mitigation Strategy provides an in-depth strategy for mitigating for the combined effects of new residential development throughout the plan periods of the three authorities, in order to protect the Exe Estuary SPA and Ramsar site, Dawlish Warren SAC and the East Devon Pebblebed heaths SPA and SAC. The report recognises that the Exe Estuary is (in comparison to other estuaries in the UK) is a particularly small site and taking into account the length of shoreline the estuary has a comparatively high level of existing development surrounding it. The existing evidence indicates that recreation is having a negative impact on the European Sites, however the research is complex and it is not possible to provide particular thresholds of visitor numbers that should not be exceeded. It identifies that, in the case of development in close proximity to the estuary, it may be particularly difficult to deliver effective mitigation and a joint approach between the authorities is necessary.
- 6.37 New development will increase the number of people in the vicinity and therefore clearly potentially exacerbate existing problems and increase visitor pressure. In response to predicted visitor numbers, the strategy sets out a range of measures that should be put in place to mitigate impacts, including zones of influence, on and off European site measures to manage access and dedicated staff to fulfil roles that manage access and oversee and monitor the mitigation measures.
- 6.38 As part of the Habitats Regulations Assessment update in light of the Proposed Changes, consideration has been given to the robustness and flexibility of the strategy to accommodate the additional housing numbers proposed, as the strategy was initially prepared with a lower housing figure for East Devon in accordance with earlier iterations of the plan.

### Recreational Impacts at Dawlish Warren SAC

- 6.39 A report was commissioned by Teignbridge District Council in 2010 to consider the impacts of recreation on Dawlish Warren SAC. The aim of the report was to identify the extent to which access was having an impact on the site and the extent to which additional visitor numbers may exacerbate any problems.
- 6.40 The work, undertaken by Footprint Ecology (Lake 2010), indicates that the impact of recreational pressure on Dawlish Warren is closely intertwined with other factors operating on the site, most notable coastal erosion, the presence of sea defences, the naturally dynamic state of the sand dune habitats present and management practices. The role of trampling in particular is ambiguous, as in some places it contributes to maintaining the preferred habitat conditions, whereas in other places it is leading to significant erosion problems.
- 6.41 Lake's work identified that, while over-stabilisation of the dunes was a problem in some areas, trampling was causing severe localised erosion in the mobile dunes in several places in the western section of the site and trampling was also impacting the

embryonic shifting dunes. Other impacts of recreation included nutrient enrichment from dog fouling and increased fire risk.

#### **Other Sources of Information to Inform the Assessment**

- 6.42 The assessment team specialises in the assessment of impacts on European sites, particularly relating to the impacts of recreation and urbanisation on birds. This report therefore draws on the extensive research library available to the team, along with their longstanding expertise in this field of work.
- 6.43 Additionally, this assessment draws upon particular documents from the Local Plan evidence base, including water cycle study work, and Council in-house knowledge and work to date relating to air quality. Water resources plans and catchment area management plans from water utility companies and the Environment Agency were also researched. The web based Air Pollution Information system (APIS) enabled detailed consideration of the potential impact of nitrogen and sulphur deposition on specific habitat types.

## 7. Likely Significant Effects

- 7.1 The East Devon Local Plan has been screened to check for the likelihood of significant effects on any European site. Checking or screening a land use plan for the likelihood of significant effects is a stage in Habitats Regulations Assessment undertaken to inform the scope of the next stage, which is more detailed appropriate assessment. Screening involves a careful check of each policy proposed, and its' supporting text, to identify whether there is the potential for effects on European wildlife sites arising from each part of the plan. Any potential effects are then considered in further detail at appropriate assessment. Anything that is screened out from further stages is explained and justified. A record is made of the check for the likelihood of significant effects, recording the check on a policy by policy basis, thus demonstrating that the plan in its entirety, and each individual policy, has been fully considered.
- 7.2 The screening assessment set out in this report at Appendix 1 is based on the various iterations of the Local Plan. The screening assessment has been updated alongside the plan. This current version of screening the plan, incorporates a check of all Proposed Changes following Inspector recommendations, made for public consultation in April 2015 and then in response to consultation and hearings, further changes were prepared. The final Local Plan should be informed by the findings and recommendations of this report, which has been updated to assess the Proposed Changes made.
- 7.3 The record of the check for the likelihood of significant effects is set out in the table in Appendix 1. This table identifies that the majority of the policies can be screened out. A number of policies are identified as having the potential to result in, or contribute to significant effects. When considering the European sites, their interest features and current sensitivities, the overall quantum of residential development proposed is considered likely to result in additional recreational pressure on European site interest features. Urbanisation and air quality impacts are identified, again when considering the overall levels of residential and non-residential development rather than specific proposals. Water quality and water resources are noted as potential issues, for which further consideration is required before potential impacts can be ruled out.
- 7.4 A number of minor suggestions have been made during the various iterations of the HRA. These are not issues that require further consideration or information gathering, but rather are recommendations for minor text changes in the Local Plan, and these are shaded grey in the table in Appendix 1.
- 7.5 This report proceeds to a more detailed level of assessment for the key areas of concern identified; urbanisation, recreational pressure, water quality, water resources and air quality. The possibility of significant effects cannot be ruled out, and therefore the District Council, as competent authority, must gather further information to assess the potential impacts, and any mitigation measures required. This is the 'Appropriate Assessment' stage.

- 7.6 An Appropriate Assessment is, as it is entitled, an assessment that is appropriate for the purpose. As each plan or project is different, each Appropriate Assessment will be different in terms of the information gathered, and the breadth and depth of the assessment undertaken. The purpose is to determine the nature of the potential impacts in more detail, and establish whether impacts can be mitigated for, with the objective of ensuring that adverse effects on the integrity of each European site are prevented. The following sections of this report now focus on further information gathering, and mitigation recommendations where necessary, i.e. the Appropriate Assessment.
- 7.7 The following sections of this report set out more detailed assessment in light of the findings of the initial screening for likely significant effects. Chapters are topic specific, and explore in greater detail the potential impacts that may arise from new growth set out within the Local Plan in terms of
- Urbanisation
  - Recreation
  - Water resources
  - Water quality
  - Air quality
- 7.8 Each of the following chapters sets out the appropriate assessment and recommendations are made. At the current stage of plan making, the 'Proposed Changes' have led to a revisit of previous recommendations made by the appropriate assessment, in order to be certain that the increased levels of growth now proposed (an additional 2,100 houses in addition to the previously proposed 15,000 new homes) can still be adequately mitigated for in terms of potential impacts on European sites. Where a re-evaluation has been necessary, the chapter will include additional sections to document these most recent checks and the extra recommendations now made.
- 7.9 After the public consultation on Proposed Changes in April 2015 this assessment was updated. The April 2015 changes led to further consideration in the screening table, and this is highlighted by **green text**. This version of the assessment now also incorporates further proposed changes, which have been made by the Council in response to the public consultation. Importantly these additional changes, made in July and August 2015 include changes relevant to the protection of European sites because they have had regard for the recommendations made in the green text, and also for the specific comments made by Natural England in relation to protecting European sites. This second screening of Proposed Changes within the screening table has introduced an additional column, which records any new issues and whether previous recommendations have now been fully incorporated.
- 7.10 Natural England raised concern over the slow rate of progress with the delivery of mitigation set out in the South East Devon Mitigation Strategy to date, despite planning approvals being given for new growth, and that issues relating to the Exmouth Masterplan, identified in the Habitats Regulations Assessment of that plan, have not

been fully resolved, yet the Local Plan places significant emphasis on the delivery of the Masterplan to realise its objectives for growth in Exmouth. These two issues are discussed in further detail in Section 9 relating to the appropriate assessment of recreation pressure, where consideration of the various Proposed Changes has been provided as an update to that section.

## 8. Appropriate Assessment - Urbanisation

- 8.1 Increased development can have a range of associated impacts that fall under a general heading of urban effects. Such impacts that are relevant to the East Devon Plan include:
- Increased numbers of pet cats and increased predation of ground nesting birds (East Devon Heaths SPA)
  - Loss of supporting habitat, fragmentation and isolation (East Devon Heaths SPA, East Devon Pebblebed Heaths SAC, Beer Quarry and Caves SAC, Exe Estuary SPA/Ramsar)
  - Increased fire risk (East Devon Heaths SPA, East Devon Pebblebed Heaths SAC)
  - Anti-social behaviour and contamination through vandalism, fly tipping, littering and the introduction of alien plants and animals (East Devon Heaths SPA, East Devon Pebblebed Heaths SAC).
- 8.2 These effects are well documented. A number of studies have estimated the number of cats in Britain and these suggest a figure of about 8 million domestic cats and over 800,000 feral cats (Harris *et al.* 1995). An analysis of the Target Group Index survey of 25,000 adults from across GB in 2000, suggested that 13% of British households own one cat and 10% own two or more cats (Saul 2000). Although cats differ widely in the amount of hunting they do and the distances they will travel to hunt, studies have shown that some cats will travel at least a kilometre from home; that they hunt both during the day and at night; and that they catch a wide range of mammals, birds and reptiles. A study in Dorset by Murison (2007) recorded that, out of a marked population of young Dartford warblers, 16% had been predated by cats within 2-4 weeks of leaving the nest.
- 8.3 Development around the periphery of nature conservation sites can result in the sites becoming isolated and more fragmented. In some cases species may use additional sites and habitat outside the designated boundaries, for radio-tracking of nightjars breeding on some heaths has shown that they will fly up to 8km from the heaths to feed in gardens, orchards and other habitats at night (Alexander & Cresswell 1990; Cresswell 1996). Similarly many bat species will move within the landscape, utilising corridors and patches of habitat in the wider landscape where impacts such as lighting can have consequences (Stone, Jones & Harris 2009).
- 8.4 The main source of information linking fire occurrence with development is a report commissioned by DETR (Kirby and Tantrum, 1999) which analysed 3333 separate fires in Dorset and evaluated these in relation to the extent of urban development surrounding the sites. This report noted that of the 26 lowland heathland SSSIs in Dorset with the highest number of fires, 1990-1998, 70% were located in or adjacent to urban areas, including the top nine. Similar clustering around the urban fringe was noted by Liley based on earlier work by Hall on Yateley Common, one of the Thames Basin Heaths in Surrey (Liley, 2004). In a later study, Murison found that there was a strong causative relationship between measures of human recreational disturbance and the incidence of wildfires on heaths (Murison, 2007). Kirby & Tantrum also noted that fires were more likely to occur at weekends than weekdays, during school holidays than term time, and

during the afternoon and early evening than at other times of day (at times when children have been let out of school but working parents may not have arrived home) (Kirby and Tantrum, 1999). They reported that there was a widespread belief amongst professional heathland managers that most fires were deliberate and that children were often responsible.

- 8.5 Heathland fires can kill mature heather plants, and, where it is hot enough to penetrate the top layers of the soil, can damage seed banks (Hobbs & Gimingham 1987). On organic soils the soil itself can be damaged by fire delaying the re-establishment of vegetation, sometimes for many years, and causing soil erosion (Legg, Maltby & Proctor 1992).
- 8.6 The effects of wild fires on invertebrates is variable, with invertebrates with restricted niches, e.g. on old heather the most susceptible to uncontrolled burning (Bell, Wheeler & Cullen 2001). Old heather stands are also valuable for reptiles and wild fires not only kill many reptiles and leave survivors vulnerable to increased predation, but it can take between 5-25 years before the vegetation has recovered sufficiently to allow re-colonisation (Nature Conservancy Council 1983; Braithwaite 1995). No studies have been carried out on nightjars, but it has been found that on a number of wild fire sites on urban heaths in Dorset, after a year 20% of Dartford warbler territories remained unoccupied (Murison, 2007).
- 8.7 There is considerable evidence from the records of a number of heathland managers of a range of undesirable activities by members of the public including use of vehicles off paths and tracks, dumping of chemicals, setting fire to abandoned vehicles, collecting wildlife and indirect effects of barbecues and camping (De Molinaar 1998; Haskins 2000; Munns 2001; Underhill-Day 2005).
- 8.8 No systematic studies have been attempted on the introduction of alien plants and animals to heathland, but one study recorded over 40 non-native plants and another the introduction of alien plants and fish into heathland ponds (Liley, 2004, Munns, 2001).
- 8.9 It is clear that urban development adjacent to, and around designated sites has the potential to impact the site itself through a range of 'urban' effects. It is not possible to conclude that there will be no adverse effect on integrity as a result of increased development surrounding sites.

#### **Mitigation recommendations for urbanisation**

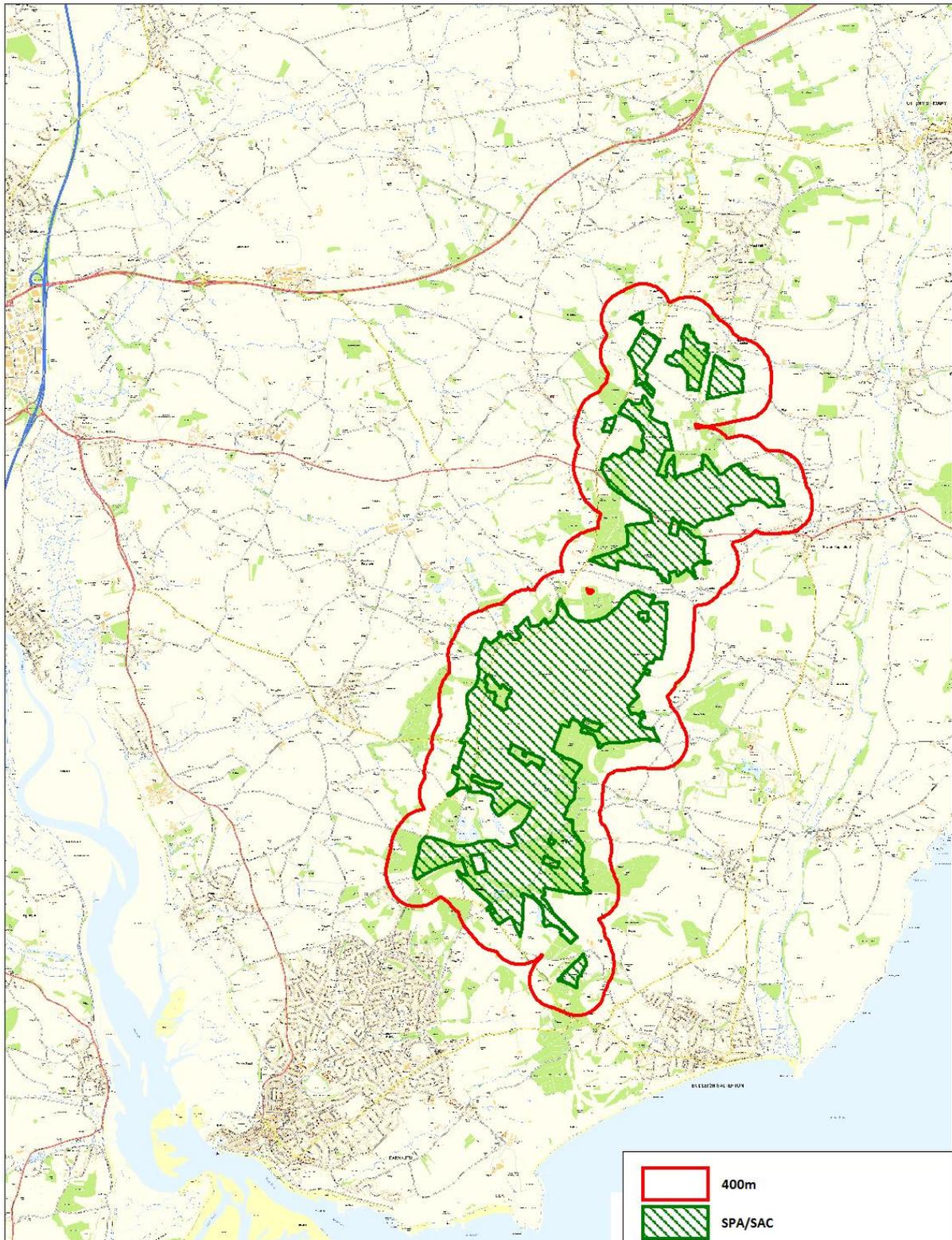
- 8.10 In order to avoid any impacts arising the East Devon Local Plan needs to ensure that there is no development directly abutting or adjacent to the key European sites.
- 8.11 At other heathland sites in southern England a 400m development exclusion zone is included as policy in relevant plans and has been widely adopted (e.g. surrounding the Thames Basin Heaths, Dorset Heaths, Breckland and Ashdown Forest). The choice of 400m is a pragmatic one, but is likely to be effective in ensuring impacts such as loss of supporting habitat and cat predation do not increase. It would seem that such a zone is

necessary around the Pebblebed Heaths and should be clearly established and defined within the East Devon Local Plan. Such a zone is shown in Map 2.

- 8.12 For the Exe Estuary, new development adjacent to the estuary should be subject to a project level assessment (400m could be used again) to ensure that the development would have no impacts on roost sites or key areas for birds outside the SPA boundary. In addition project level assessment would be required to ensure no impacts to the flight lines of birds or possible impacts due to the provision of additional perches for raptors such as peregrines (potentially resulting in birds avoiding areas directly around buildings etc.).
- 8.13 Similarly, it is advised that in the areas surrounding Beer Quarry and Caves SAC it will be necessary to ensure that development does not result in a loss of foraging habitat or disruption of flight lines for bats using the countryside surrounding the caves. Whilst project level Habitats Regulations Assessment will be required, in order to ensure a consistent approach to protecting the SAC and provide potential developers with guidance on any potential restrictions, it is advised that the Council should work with Natural England to develop a 'consultation zone' that encompasses the important commuting and foraging habitats for the bat species outside the SAC. This approach has already been taken forward for the South Hams SAC in South Devon, which is also designated for its bat interest. Planning guidance has been produced which identifies important habitats and bat survey requirements for development proposals within the identified zones, and it is suggested that such an approach should be taken forward in East Devon for the Beer Quarry and Caves SAC.

#### **Re-check of urbanisation assessment and measures at 'Proposed changes' stage**

- 8.14 The recommendations made in relation to preventing urbanisation impacts arising from new growth remain applicable in light of the Proposed Changes, which increase the housing level for the plan period to 17,100. The measures for urbanisation are not constrained by a housing level and are applicable to any level of growth.
- 8.15 The Plan sets out that new dwellings will not be allowed within 400m of the Pebblebed Heaths SAC/SPA. The Plan also includes wording setting out the requirement for development within 400m of the Exe Estuary SPA to need a project level assessment to check for potential impacts on roost sites or key areas for birds outside the SPA boundary. The Plan also commits the Council to seek to work with Natural England to develop a 'consultation zone' and planning guidance that encompasses the important commuting and foraging habitats of bats associated with the Beer Quarry and Caves SAC.



**Map 2: 400m zone around Pebblebed Heaths**

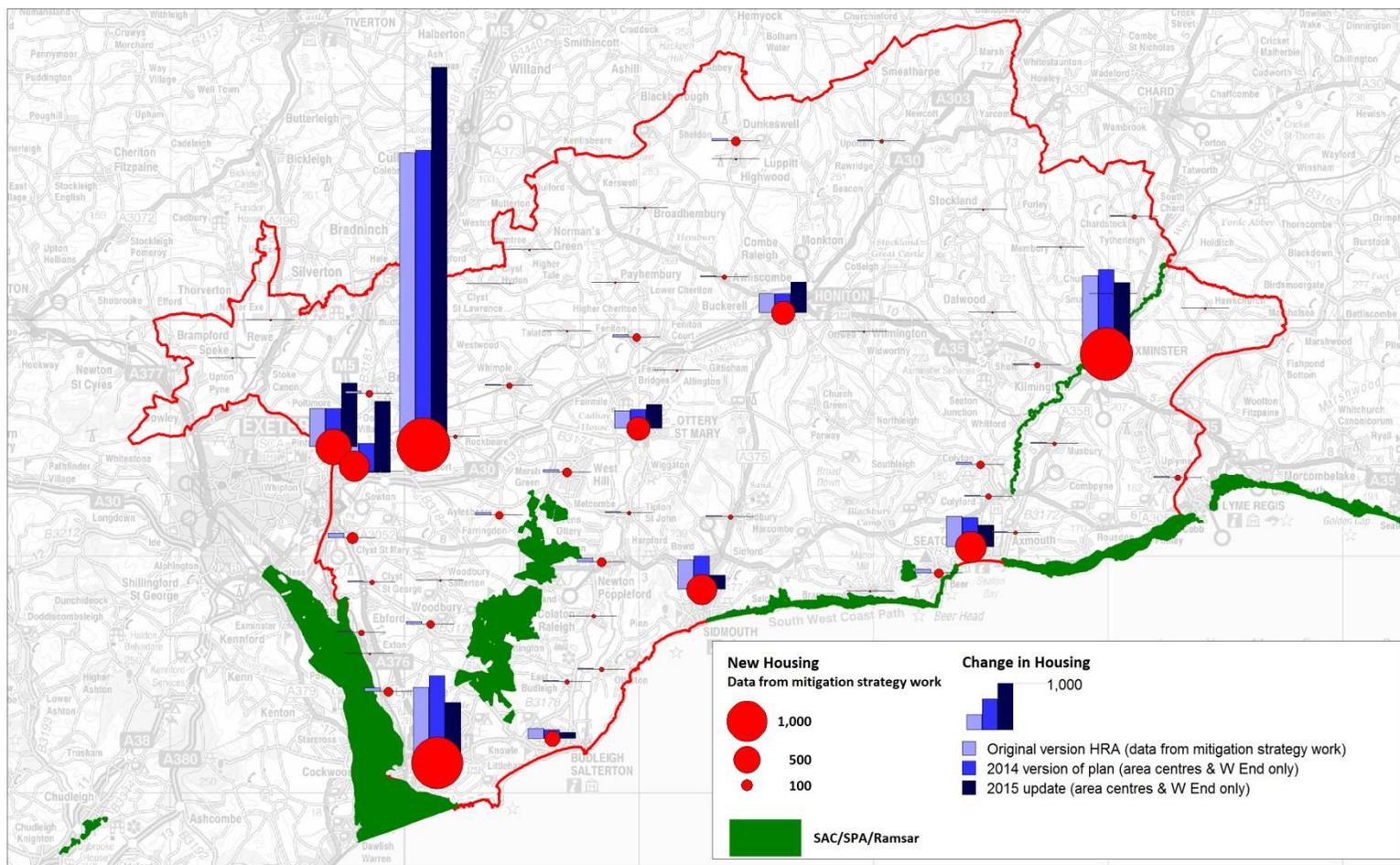
Contains Ordnance Survey Data. ©Crown copyright and database right 2012.

## 9. Appropriate Assessment - Increased Levels of Recreational Pressure

- 9.1 Any increases in the local population or tourists could potentially result in increased levels of recreation to European sites. Policies relating to housing and tourism are therefore considered to have likely significant effects on the European sites. New development will result in an increase in the number of houses and will change the distribution of housing, potentially leading to an increase in the number of people living near, and visiting the European sites. In order to consider the implications in detail it is necessary to understand therefore how housing may change around the European sites, cross-referencing to the visitor data (see summaries in section 6). It is then necessary to consider these changes in visitor levels in relation to the interest features of the sites, the conservation objectives and our understanding of the ecological impacts of recreation.

### Changes in housing distribution in relation to European Sites.

- 9.2 As part of the early HRA work, data showing the phased projected development, by settlement, were provided by East Devon District Council for the period through to 2026. These data totalled 14,316 estimated new dwellings and the GIS data was that used in the South-east Devon Mitigation Strategy. We summarise these data geographically in Map 3, showing where new development is expected to come forward in relation to the European sites. In previous versions of the HRA this map simply showed a series of red dots, the size of which reflected the level of development. This map has been updated for this 2015 HRA to show subsequent changes to housing levels within the plan. The original red dots are shown, but bar charts have been added for the West End locations and area centres. On these bar charts the first, pale blue bars show the same data as the red circles. The subsequent bars show the subsequent changes, with the dark blue bar showing the levels in the totals column of Strategy 2 in the current version of the Plan. The map is simplistic and provides a strategic overview. The size of each red dot/bars is directly in proportion to the amount of development expected to occur within and around each settlement. The map does capture the scale of development in different locations and how that scale has changed through different iterations of the Plan. The current scale and distribution of new growth is very much focussed at Cranbrook. This will have particular implications for the assessment and European site mitigation.



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### Map 3: New Housing in Relation to European Sites

Red dots as in previous version of HRA.

Bar chart shows same data as red dots (palest bar) & subsequent changes in different versions of the plan

- 9.3 Whilst policies in the East Devon Local Plan relating to tourism do not promote specific levels of tourism development, it is recognised that increases in Tourism will primarily be focused around the coastal sites, with Exmouth (located adjacent to the Exe Estuary SPA) the location of primary concern. Of note is the close proximity of the train station to the Estuary, the focus of water based activities from Exmouth, the Exmouth cycleway around the estuary and the boat trips between Exmouth and Dawlish Warren, providing direct access for tourists in Exmouth to Dawlish Warren SAC and the main roost site within the Exe Estuary SPA .
- 9.4 East Devon District Council have commissioned a study of tourist use of European sites and that study is on-going in 2015.

### Impacts of recreation and European site interest features

- 9.5 Increased recreational pressure is unlikely to have any impacts on the Sidmouth to West Bay SAC as the interest features relate to the vegetation communities on the unstable soft cliffs and landslips, where access is very difficult and given the dynamic nature of the habitats, additional trampling/footfall is irrelevant. The River Axe SAC is designated for the floating mats of water-crowfoot and again there would seem to be little or no link between increased housing leading to increased access and damage to the interest features. Beer Quarry and Caves are abandoned mine shafts, which support important bat roosts. The mines are a tourist attraction which would possibly attract some local visitors but tourists are likely to be their primary source of visitors. Most of the site is secure, ensuring controlled access only. Increased recreational pressure as a result of new development would therefore seem tenuous. Dartmoor is designated for heathland, bog and woodland habitats, and the presence of Southern Damselfly. While there are potential impacts of recreation for some of these interest features, the household survey results suggest that visit rates per household are very low beyond 10km, with the 10km boundary falling west of the Exe, and therefore not even clipping East Devon (see Map 6 in Cruickshanks & Liley 2012).
- 9.6 This means that for this appropriate assessment, the impacts from increased recreation relate to three European sites and are as follows, with each being considered in turn below:
- Disturbance to ground nesting birds (East Devon Heaths SPA)
  - Disturbance to wintering birds (Exe Estuary SPA)
  - Trampling and damage to vegetation (East Devon Pebblebed Heaths SAC/ East Devon Heaths SPA/Dawlish Warren SAC)
  - Nutrient Enrichment (East Devon Pebblebed Heaths SAC/ East Devon Heaths SPA/Dawlish Warren SAC)

#### Disturbance to Ground nesting birds

- 9.7 The East Devon Heaths SPA is designated for two ground (or very low) nesting species: nightjar and Dartford warbler. There is a strong evidence-base showing impacts of new housing and recreational access for both these species. This material has been rigorously tested at various public inquiries and underpins much of the recent policy

and planning initiatives at other heathland sites (such as the Thames Basin Heaths and the Dorset Heaths).

- 9.8 For nightjars, several studies have demonstrated clear links between human disturbance and both density and breeding success (Murison 2002; Liley & Clarke 2003; Liley *et al.* 2006; Langston *et al.* 2007a; Clarke, Liley & Sharp 2008). Modelling using data from the last national survey (in 2004) suggests that the nightjar population on the combined Dorset Heaths and Thames Basin Heaths SPAs would be 14% higher were there no nearby housing or visitor pressure (Clarke, Liley & Sharp 2008). On the Thames Basin Heaths (where visitor pressure is higher than Dorset), nightjars demonstrate a general preference for areas away from access points and site edges. There is a clear trend for nightjar density to decline with increasing visitor pressure, with nightjars appearing to avoid highly disturbed areas within sites. This decline is gradual, and there is not a clear cut-off point at which a marked change in nightjar density occurs. The trend is similar but less clear on the Dorset Heaths (Liley *et al.* 2006). However, on the Dorset Heaths a negative correlation was shown for urban development or people density and nightjar density, regardless of the size of heathland studied (Liley & Clarke 2003); urban development density could be considered a rough proxy for recreational access levels.
- 9.9 Studies on 10 Dorset heaths revealed that nightjars had significantly higher breeding success at sites with no public access than those with open access. Nests had a greater chance of failure on open access sites with more surrounding urban development and increasing proximity to a greater density of footpaths (Murison 2002). Nightjar nests that failed were significantly closer to paths (45 m compared to 150m for successful nests) and tended to be closer to the main access points. Nightjar territories had fewer paths within 100m than did random points. No significant differences in levels of path usage and nest failure were detected. Incubating nightjars sit tight unless disturbed; in 2,000 hours of camera observations of eight nests, nightjars never left the nest unattended during the day unless disturbed (Langston *et al.* 2007a).
- 9.10 Humans and dogs flush nightjars from their nest, the flushing rate being positively associated with height of the vegetation around the nest (presumably because nightjars cannot see the cause of the disturbance); and negatively correlated with the extent of nest cover (Murison 2002; Langston, Drewitt & Liley 2007; Langston *et al.* 2007b). Flushing during daylight leaves nightjar eggs or chicks vulnerable to predation, the proximate cause of nest failure (Murison 2002). Use of remote cameras fixed on nests documented a single instance of predation: The predator was a carrion crow *Corvus corone* (Woodfield & Langston 2004a), but this species may be responsible for 60% of nest failures (Murison 2002).
- 9.11 As most nightjar breeding failures happen during incubation (Murison, 2002, Woodfield and Langston, 2004), a single dog running off-path into the heather could disturb large areas of nightjar breeding habitat. Disturbance may be of greater significance during breeding seasons that, for other reasons (e.g. weather), are less favourable.

- 9.12 With Dartford warblers, analysis based on data from the Dorset heaths suggested no statistically significant difference in the number of Dartford warbler territories on sites with open access compared to those with restricted access (Liley & Clarke 2002). Subsequent studies, however, have refined this view. Clear impacts on breeding ecology have been demonstrated: Disturbance at territories was higher where these were located close to car parks (Murison 2007). Dartford warblers are particularly susceptible to disturbance when nest-building, halting or even abandoning activities when interrupted (Murison 2007; Murison *et al.* 2007). The nearer the centre of the warbler territory is to an access point (e.g. car park), the later the first brood is likely to be raised. Disturbance appears to delay hatching dates and so prevent chick growth from coinciding with periods of optimal invertebrate prey density, and also to interrupt adult foraging and chick feeding (Murison, 2007, Murison *et al.*, 2007). Dog-walkers accounted for 60–72% of all disturbance events, with dogs off-lead and off-path likely to have the greatest adverse impact on Dartford warbler breeding productivity (Murison, 2007, Murison *et al.*, 2007). Moreover, for such a short-lived species in which there is also low over-winter survival of young birds, increased disturbance could limit population recovery by reducing annual breeding productivity and hence the numbers of potential recruits to new areas (Langston *et al.* 2007a).
- 9.13 Research in Dorset on Dartford warblers shows that disturbance impacts may vary to different extents in different habitats (Murison, 2007, Murison *et al.*, 2007). Dartford warblers occupy territories dominated by heather *Calluna vulgaris*, heather territories with significant areas of European gorse *Ulex europaeus* and territories containing western gorse *Ulex gallii*. However, only in the first habitat type did Murison find that disturbance had a significant impact on breeding productivity, delaying breeding by up to six weeks which, in turn significantly reduced the number of broods raised and the average number of chicks raised per pair. In heather territories, an average of 13–16 people passing through per hour each day delayed pairs sufficiently to prevent them raising multiple broods; most heather territories fell below this threshold. The lower impact of disturbance in territories with gorse may be due to this impenetrable habitat offering some protection from disturbance, as it is known to provide from harsh weather and predators. Dogs were seen to move up to 45 m off-path in heather, but never into gorse-dominated vegetation (Murison, 2007, Murison *et al.*, 2007).

#### Disturbance to wintering birds

- 9.14 During the non-breeding season, the main impacts of human disturbance on birds is interruption to foraging and, to a lesser extent, roosting (Woodfield & Langston 2004b). The extent to which disturbance affects the actual distribution of birds within a site will vary according to the species involved, the availability of other resources and the birds' own state. If birds are under stress, for example during cold winter weather when food resources are scarce, they may be less easily disturbed than at other times (Stillman & Goss-Custard 2002; Burton 2007), they may simply not be able to afford to stop feeding. There may also be seasonal variation within a species' responsiveness to disturbance, as individuals alter their threshold in response to shifts in the basic trade-off between increased perceived predation risk (tolerating disturbance) and the increased starvation risk of not feeding, i.e. avoiding disturbance (Stillman & Goss-Custard 2002).

- 9.15 Shorebirds are often considered highly susceptible to disturbance because of their very obvious flight responses to humans and because they use areas that are generally subject to high levels of human recreational use, such as coastlines. Many species may appear to avoid human presence (Ravenscroft *et al.* 2008) but this avoidance may not reduce the number of animals supported in an area. Assessing the influence of disturbance on the relationship between animal distribution and resource distribution can provide a means of assessing whether numbers are constrained by disturbance (Gill, Norris, & Sutherland 2001), but is potentially difficult as it involves determining prey distribution etc. A variety of studies have examined the impacts of disturbance on the behaviour of estuary waders in particular and some studies have sought to extrapolate findings to make inferences about population effects (Sutherland 2006; Stillman *et al.* 2007a; b; Stillman & Goss-Custard 2010). There is good evidence that shorebird survival on non-breeding grounds is a factor in population limitation (Sutherland 1996; Yalden & Pearce-Higgins 1997; Newton 2004; Gunnarsson *et al.* 2005).
- 9.16 Disturbance from people walking and cycling along estuary footpaths / sea walls appears to have an adverse impact on the distribution of estuary birds. For example numbers of four species (brent goose *Branta bernicla*, shelduck *Tadorna tadorna*, dunlin *Calidris alpina* and redshank *Tringa totanus*) decreased with increased proximity to a footpath access point on weekends, when use was likely to have been greatest (Burton *et al.* 2002). Similarly, recreational use (particularly dogs running off the lead) of shorebird foraging areas reduced foraging time of sanderlings *Calidris alba*, according to a study in the United States (Thomas, Hay & Newton 2003). Walkers were the most common potential disturbance event recorded in a study on two Suffolk estuaries (Ravenscroft *et al.* 2008).
- 9.17 In contrast, another study on the Suffolk estuaries, that looked at the effects of disturbance on wintering black-tailed godwits *Limosa limosa*, found that the presence of footpaths had no effect on the numbers of birds supported by adjacent intertidal areas once bivalve food supply had been taken into account (Gill, Norris & Sutherland 2001). However, caution was suggested in extrapolating these findings to other species or other life-cycle stages, particularly because fieldwork was only conducted on weekdays, when recreational disturbance can be assumed to have been lower (Woodfield & Langston 2004b).
- 9.18 The Exe has been the subject of intensive research on the impacts of disturbance to birds, mainly focused on the mussel beds and oystercatchers. Goss-Custard and Verboven (1993) review disturbance and feeding shorebirds, focusing particularly on oystercatchers feeding on mussel-beds. While now dated, they identified that disturbance levels had increased over the previous 10-15 years, yet while there may have been some redistribution of the birds, there was no detectable change in bird populations, with oystercatcher numbers over the same period increasing in line with the national population.
- 9.19 A sequence of individual-based models predicts the consequences of environmental change for shorebird and wildfowl populations. The first two shorebird models (Goss-

Custard et al. 1995a; Goss-Custard et al. 1995b) described in increasing detail the oystercatcher–shellfish system. The third shorebird model was also primarily developed for oystercatchers on the Exe estuary (Stillman *et al.* 2000, 2001; West *et al.* 2002), but was subsequently parameterized for Oystercatchers and other shorebirds and applied to a range of other sites. These models provide useful context for this contract, yet were clearly developed at a time when access levels were likely to be very different to the current use. The modelling by West *et al.* in 2002 predicts the impact of human disturbance on oystercatchers on using the Exe Estuary in winter. The modelling showed that disturbance had the potential to be more damaging than actual habitat loss, but that at the levels of access then occurring on the Exe, disturbance was not predicted to result in increased mortality. The work also suggested that preventing disturbance during late winter, when feeding conditions were harder, would practically eliminate any predicted population consequences.

- 9.20 The national cycle trail around the Exe was subject to a detailed appropriate assessment (Goss-Custard 2007) which summarises disturbance data for the Exe, including flight distances. Based on the author’s considerable data set and experience, the work suggests distances at which activities on the shoreline are considered to have no impact on birds present on the Exe. These distances are 200m for sections of shoreline where the people are not on the skyline and people are simply cycling/walking along a path. For sections on the skyline and for activities that are more irregular a distance of 400m is suggested.

#### Trampling and damage to vegetation

- 9.21 Trampling and damage to vegetation is a potential issue for the Pebblebed Heaths and the sand dune habitats at Dawlish Warren.
- 9.22 With respect to heaths, bare ground and early successional habitats are a very important for a suite of plants, invertebrates and reptiles (Byfield & Pearman 1996; Lake & Underhill-Day 1999; Moulton & Corbett 1999; Key 2000; Kirby 2001). It is bare ground habitats, rather than heather-dominated ones, that tend to support the most rare species (Key, 2000) and of the 90 Biodiversity Action Plan species associated with lowland heathland, 39% depend on bare ground and early successional habitats (Alonso pers. comm.). Many plants are only associated with such habitats.
- 9.23 Some kind of physical disturbance is usually required to create these bare ground habitats, and hence a certain level of physical disturbance can be beneficial. Localised erosion, the creation of new routes and ground disturbance may all contribute to the maintenance of habitat diversity within sites. However, the level of disturbance required is difficult to define and is likely to vary between sites (Lake et al., 2001). There are likely to be optimum levels of use that maintain the bare ground habitats but do not continually disturb the substrate. Unfortunately such levels of use have never been quantified, nor is it known whether sporadic use is likely to be better at maintaining bare ground habitats than low level, continuous use.
- 9.24 Heavy use of sandy tracks on heaths, particularly by horses or mountain bikes, causes the sand to be loose and continually disturbed, rendering the habitat of low value to

many invertebrates (Symes & Day 2003). Species which burrow into flat surfaces (i.e. the centres of paths) are likely to be particularly vulnerable, as loose sand may not support their burrows and the churning may make it impossible for them to relocate their burrows once dug. The friable nature of heathland soils makes them particularly vulnerable to these impacts.

- 9.25 Path surfacing to divert people along particular routes or contain access problems such as erosion can often be detrimental to invertebrates (S. Miles pers. comm.). Surfacing with gravel, hoggins, chips or similar material can entomb invertebrates within their burrows and can render the path useless in the future as the invertebrates can no longer burrow through the capping.
- 9.26 With respect to sand dune habitats, embryonic shifting dunes are particularly vulnerable to trampling, and there is evidence that the current level of visitor use is negatively impacting on this community at Dawlish Warren (Lake 2010). Should changes to coastal erosion and coastal management in the future create the potential for the recovery of this habitat, current levels of visitor pressure could have a significant effect in preventing the establishment of functional embryo dunes. Any increase in visitor pressure is expected to increase the damage to this habitat.
- 9.27 The impact of trampling on the mobile dunes is exacerbating the effect of coastal erosion on the dune face. Coastal erosion is also changing visitor behaviour, and concentrating visitor pressure on the dune ridge. An increase in visitor pressure is likely to result in an increase in erosion damage in vulnerable areas. However, over-stabilisation of the mobile dunes is also a problem in places, leading to loss of diversity and to scrub colonisation. Trampling on the path along the top of the dune ridge, and small subsidiary paths, may be beneficially increasing the mobility of sand in the system.
- 9.28 In the absence of significant rabbit grazing, trampling is currently playing a positive role in maintaining the short, open sward required by many of the characteristic plants of the fixed dune grassland at Dawlish Warren. However, the diffuse trampling required to do this is difficult to achieve and the level of visitor pressure which is creating a suitable sward in some places is also leading to significant wear and erosion in other places.
- 9.29 Trampling plays a similar role in the humid dune slacks, where diffuse trampling is thought to create suitable conditions for petalwort. It is understood that petalwort may be declining at one of its two locations at Dawlish Warren. Insufficient data are available to establish whether this is the case, or any possible role of changes in visitor pressure.

#### **Nutrient Enrichment**

- 9.30 A number of reviews have addressed the impacts of dog fouling (Taylor *et al.* 2005, 2006). Dogs will typically defecate within 10 minutes of a walk starting, and as a consequence most deposition tends to occur within 400m of a site entrance (Taylor *et al.*, 2005) though this is not invariably the case. Similarly, dogs will typically urinate at the start of a walk, but they will also urinate at frequent intervals during the walk too.

The total volume deposited on sites may be surprisingly large. At Burnham Beeches NNR over one year, Barnard (Barnard 2003) estimated the total amounts of urine as 30,000 litres and 60 tonnes of faeces from dogs. Limited information on the chemical composition of dog faeces indicates that they are particularly rich in nitrogen (see work cited in Taylor et al., 2006).

- 9.31 Nutrient levels in soil are important factors determining plant species composition and on heathland sites the typical effect will be equivalent to applying a high level of fertilizer, resulting in a reduction in species richness and the presence of species typically associated with more improved habitats. A lush green strip is often evident alongside paths as nutrient enrichment can also lead to more vigorous growth and flowering (Taylor et al., 2006).
- 9.32 The interface between heather and open bare ground is important for many species, especially invertebrates. The rich grassy strips alongside paths result in a direct loss of an important micro-habitat and the effect is therefore often disproportionate to the amount of land affected.
- 9.33 Sand dune habitats are naturally very nutrient poor, and any increase in nutrients due to dog fouling is undesirable. Nutrient enrichment, presumably from dog faeces, is evident near access points in the fixed dune grassland at Dawlish Warren SAC (Lake 2010), where the characteristic dune grassland flora is replaced by coarser vegetation in places. Any increase in visitor pressure is likely to mean an increase in dog-related eutrophication and its negative impacts on the vegetation.

#### Level of change around the European sites

- 9.34 From Map 3 we can extract the amount of new housing that is expected around each of the European sites where recreational pressure is likely to be an issue. We can compare this to current levels of housing. These data are summarised in Table 1. We have used 10km distance bands around the Exe Estuary and East Devon Heaths to reflect the zones used in the mitigation strategy. We have not included Dawlish Warren SAC in the table as the local geography means access to Dawlish Warren is rather different (the main link will be tourists in Exmouth using boat taxis to access the Warren).
- 9.35 Current housing in Table 1 is based on postcode data from February 2015. The new housing figure is drawn from Map 3 and specifically relates to the level of housing in the table within the Plan (version April 2015) headed "Strategy 2 Scale and Distribution of Residential Development". As the table does not include the smaller settlements, for the villages and rural areas we have used data in the original GIS file. The totals also exclude windfall. The table therefore gives an approximate and strategic overview of the level of change around each European site.

**Table 1: European sites and the amount of housing within different distance bands. 'Current' housing is drawn from national postcode data (December 2011); new housing data provided by East Devon District Council (and are shown on Map 3). See text for explanation of distance bands used.**

European Site	Distance (km)	Current Housing (all authorities)	New Housing in East Devon	% change
Exe Estuary SPA	0-10km	82,227	12,402	15
East Devon Heaths SPA	0-10km	57,459	13,459	23

- 9.36 The approach of looking at the level of new housing (as set out above) is simple but gives an indication of the scale of change. It is clear that there will be a very marked increase in the level of housing – and this is solely considering the increase in housing that will take place in East Devon. The level of change for the Pebblebed Heaths is particularly high at 23%.
- 9.37 The transport network and accessibility of the sites will influence the extent to which the percentage changes set out above will equate to changes in access. Taking into account the local geography:
- The 23% increase in housing within 10km of the Pebblebeds includes Cranbrook, which is north of the A30 and Exeter Airport, these may (to some extent) act as barriers to car visitors. Cranbrook does however only account for a proportion of the local housing, with locations such as Exmouth lying close to the SPA/SAC and with easy access.
  - The 15% change within 10km of the Exe is as a result of new housing in Exmouth and other locations that are particularly close to the estuary and with good access to the estuary.
- 9.38 It is therefore clear that there will be a marked increase in new housing around the two European sites – within the distance ranges people would be expected to travel to visit the sites. A marked increase in recreation is therefore likely. Looking at the evidence from other sites and the existing studies relating to the Exe and East Devon Pebblebed Heaths, adverse effects on the integrity of either site cannot be ruled out, as a result of the level of development proposed within the East Devon Plan alone. The impacts of increased recreation result from the cumulative impacts of new housing over a wide geographic area within East Devon.

### Avoidance and mitigation relating to recreation impacts

- 9.39 Avoidance measures and strategic mitigation plans have been put in place in other parts of the UK to ensure development can proceed without adverse effects on the integrity of the European Sites. Notable and well publicised examples include the Thames Basin Heaths and the Dorset Heaths. Such plans include measures such as alternative green space to divert recreation pressure and a range of on-site measures targeted at reducing the impacts of visitors. These examples provide a precedent for the

Pebblebed Heaths, but the Exe Estuary is different in that it is a coastal site, where much of the access is very specific to the site – rather than the more local greenspace type use (dominated by dog walkers), that occurs on heaths (Liley, Jackson & Underhill-Day 2006; Liley, Sharp & Clarke 2008; Cruickshanks, Liley & Hoskin 2010).

- 9.40 As described earlier, an interim strategy for mitigating impacts was produced (Liley & Hoskin 2011), which identified the range of mitigation measures and potential approaches that East Devon, Teignbridge and Exeter Districts should consider in their emerging plans. This was later developed into a detailed mitigation strategy for the three authorities in 2013 (Liley *et al.* 2014).
- 9.41 Mitigation strategies for other coastal sites are also in place or being developed, for example there is a strategy for the Solent (Liley & Tyldesley 2013; Solent Recreation Mitigation Partnership 2014). On the Solent, local authorities have been working with each other and Natural England to develop the mitigation measures necessary.
- 9.42 The range of possible options for mitigation at coastal sites is clearly established and the South East Devon Mitigation Strategy sets out measures to resolve impacts in light of an extensive knowledge of research and analysis of ecological responses to recreational disturbance and visitor access patterns. The Strategy has also been developed with site specific evidence relating to the sites themselves, visitor access patterns and behaviour. There is a combination of measures that are site specific, and those with some cross-over in the measures applicable for the Exe Estuary, Dawlish Warren and the Pebblebed Heaths. For example the provision of alternative natural greenspace ('SANGs') form a key part of measures for other heathland sites, and is therefore considered likely to be effective with the Pebblebed Heaths. SANGs may be less successful in terms of the Exe, given the specific attractions of the estuary. However, drawing on the information from the Exe Visitor Survey (Liley, Fearnley & Cruickshanks 2010), 38% of the East Devon residents interviewed in the survey were visiting because the location where interviewed was 'close to home'. Carefully designed greenspace, in the right location, may well therefore draw a proportion of visitors who would otherwise visit the Exe.
- 9.43 The South East Devon Mitigation Strategy is a programme of mitigation delivery that is critical for the level of development proposed within the East Devon Plan to take place without adverse effect on the integrity of the European Sites. Recreational and tourism impacts are particularly concerning around the Exe Estuary, Pebblebed Heaths and Dawlish Warren, and increased growth at Exmouth is therefore particularly reliant upon mitigation to be brought forward with the joint approach.
- 9.44 With the implementation of the strategy, collaboratively with Exeter and Teignbridge Councils, it is advised that East Devon should have certainty that growth can proceed in accordance with the Habitats Regulations, with timely delivery of the mitigation set out within the strategy. Development should not be taken forward out of step with the progression of mitigation as mitigation should be in place prior to occupation of new homes.

### Re-check of recreation assessment and measures at 'Proposed Changes' stage

9.45 The mitigation measures for impacts arising from new growth are detailed in the South East Devon Mitigation Strategy, which provides a comprehensive package of measures to mitigate for growth in Teignbridge, Exeter and East Devon, over their plan periods. With an increase the housing level for the East Devon Local Plan to 17,100 as a result of the Proposed Changes to the plan, it is necessary to check whether mitigation measures remain capable of accommodating this additional growth. It is important to consider the quantum and location of the additional growth (Map 3), and part of that consideration also includes checking the progress of mitigation to date since the preparation of the South East Devon Mitigation Strategy, in order to have certainty that mitigation is being delivered in an effective and timely manner. These points are also issues of concern raised by Natural England.

9.46 East Devon District Council has been working with the assessment team and Natural England to resolve outstanding matters. The Council has provided an update on the progress of recommended measures for recreation, as set out in the South East Devon Mitigation Strategy, a summary of which is provided at Appendix 2. Recommendations are made in light of Footprint Ecology's analysis of the current situation in East Devon after being commissioned to update the Habitats Regulations Assessment for the Proposed Changes, and in light of the consultation responses to those changes made by Natural England.

#### Potential for the existing mitigation strategy to accommodate the additional growth

9.47 As Map 3 clearly shows, additional growth (an additional 2,100 houses) is focussed around the West End. Here we consider the existing mitigation strategy and its ability to accommodate additional development around the West End.

9.48 The sixth bullet of paragraph 5.21 in the mitigation strategy sets out that the strategy needs to be flexible, robust enough to give certainty that the European site interest will be protected but at the same time flexible enough to be reviewed and modified over time. Paragraph 14.23 of the mitigation strategy highlights the need for monitoring and possible modification in light of monitoring findings, stressing the need for some flexibility to respond to circumstances and changes. It suggests that monitoring must factor in the need for continued input from Natural England to inform any refinements. Flexibility is therefore inherent within the mitigation strategy and this is essential as over time change is inevitable; the scale and distribution of development is likely to shift, new patterns of access may develop (such as new activities becoming popular), habitat change (such as changes in prey abundance within the Exe Estuary) may influence the vulnerability of interest features and climate change may result in changes in the ecology and access.

9.49 Within the mitigation strategy the following elements have some degree of flexibility, in that there is scope to increase or reduce or change the mitigation as required, for example by changing the focus, extent or level of provision:

- Delivery Officer post (flexibility in where time directed)
- Wardens (level of wardening, which sites are covered)

- Dog walking project
- SANGs
- Screening around the Exe Estuary
- Patrol boat on the Exe Estuary
- Rationalisation of path network at Dawlish Warren
- Parking charges at Dawlish Warren
- Closure of lay-bys on the Pebblebed Heaths and other changes to parking around the Pebblebed Heaths
- Contact with user groups around the Pebblebed Heaths.

9.50 Assuming that new development continues to contribute to the mitigation, it should be possible for the mitigation to therefore respond and develop to match the housing growth, with monitoring providing the information necessary to refine and adapt. In addition the Strategy includes a visitor management plan for the Pebblebed Heaths and a visitor management plan for Dawlish Warren. Both of these documents will be more detailed assessments of management measures necessary and be dovetailed with the need for mitigation.

#### SANGs provision

- 9.51 One advantage of the focus of development in a particular location is that it provides opportunity for enhanced SANGs provision. SANGs are a part of the overall mitigation strategy and work with local authorities to develop the mitigation strategy identified four key areas for SANGs, with locations to the east of Exeter and around Exmouth relevant to East Devon..
- 9.52 Within the East Devon Plan there is a commitment for a Cranbrook DPD which will have a Habitats Regulations Assessment. This DPD provides the opportunity for a further check and reassessment of mitigation, adding an additional safeguard and opportunity to ensure measures are secured. The DPD will need to ensure on-site greenspace provision is carefully set out and targeted to provide a realistic alternative to the Exe Estuary and Pebblebed Heaths. The DPD can be informed in this regard by survey work on the Pebblebed Heaths (currently on-going as part of the work to produce the visitor management plan for the site) and work undertaken by Exeter City Council to develop SANGs in Exeter (it is important that SANGs develop to provide a range of greenspace opportunities and ideally complement each other). It is essential that the greenspace elements are set out within the Local Plan so that at this stage so that it is clear the level of development at Cranbrook is accompanied by alternative greenspace of sufficient size, quality and appeal to provide the necessary mitigation.
- 9.53 Using visitor data, occupancy rates and the levels of growth proposed in the plan it is possible to make some approximate calculations for the overall increases in recreation and mitigation that would be necessary to absorb any impacts.

- 9.54 Total housing provision within the plan is a minimum of 17,100 dwellings. Assuming an occupancy rate of 2.08 per dwelling<sup>5</sup>, then 17,100 dwellings would equate to approximately 35,568 new residents within East Devon.
- 9.55 Some of the settlements are too far from the respective European sites for new development to have links in terms of recreation pressure to the relevant European sites. Within the mitigation strategy, distance bands of 10 km are suggested for the Pebblebed Heaths and the Exe Estuary. Development in Axminster, Seaton and Honiton would fall beyond the 10km for the Pebblebed Heaths and the Exe Estuary and in addition Ottery St Mary is beyond the 10 km zone of the Exe Estuary. Approximate totals are therefore 14,544 dwellings within 10km of the Pebblebed Heaths and 14,047 dwellings within 10km of the Exe Estuary.
- 9.56 These totals are equivalent to 30,252 new residents within 10km of the Pebblebed Heaths and around 29,218 residents within 10km of the Exe Estuary.
- 9.57 The best source of recent data on visit levels to the countryside is the MENE survey (TNS 2015), run by Natural England. The survey is a door-to-door survey designed to monitor trends in access to the countryside and engagement with the natural environment. The survey asks interviewees about occasions in the last week where they spent time out of doors. "Out of doors" excludes shopping trips and gardening, but encompasses visits to open spaces in and around towns and cities, including parks, canals and nature areas; the coast and beaches; and the countryside including farmland, woodland, hills and rivers. Data are made publicly available on the Natural England website<sup>6</sup>, where the data are split into respondent data and visit data. We filtered those data to extract information on residents of East Devon District.
- 9.58 The respondent data for the East Devon includes data from 893 interviews. Of these interviews 393 (44%) interviewees had not made a visit in the past week and in total 1857 visits were made by the remaining 66% of interviewees. This gives a level of access of 2.07 (i.e. 1857/893) outdoor visits per interviewee per week.
- 9.59 The MENE visit data provides information on the types of locations visited. The visit data categorises sites according to the type of site (see Table 2) and it can be seen that East Devon residents tend to visit the countryside (including areas around towns and cities) and seaside resorts and towns. It is difficult to place the European sites into the MENE categories, as – for example – parts of the Exe Estuary SPA could be seaside resort (e.g. Exmouth), in a town or city (Topsham), countryside (Bowling Green Marsh, Exminster Marshes) or other seaside coastline (more open shoreline areas). The Pebblebed Heaths would potentially fit within the countryside heading. We also note that the residents of the West End may well behave differently to those people living in other parts of East Devon, as the West End is close to Exeter and will be relatively urban compared to the more rural, small settlements.

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<sup>5</sup> Figure drawn from East Devon Local Plan draft for consultation

<sup>6</sup> <http://publications.naturalengland.org.uk/publication/2248731?category=47018>

**Table 2: MENE Visit data (years 1-5 combined) for East Devon and Exeter City residents, showing the volume (%) of visits to different kinds of sites (q2). Mid-point column gives the middle value in the range of percentages given in the two other columns.**

	<b>East Devon</b>
In a seaside resort or town	603 (35)
In a town or city	334 (20)
In the countryside (including areas around towns and cities)	640 (37)
Other seaside coastline (including beaches and cliffs)	134 (8)
<b>Total</b>	<b>1711 (100)</b>

9.60 From the above we could derive the following approximate figures relating to increased recreation and scale of impact:

- The Plan sets out a level of growth that potentially would bring 30,252 new residents within 10km of the Pebblebed Heaths, and of these 29,218 residents would also be within 10km of the Exe Estuary
- The 29,218 residents within 10km of both the Exe and Pebblebed Heaths would be expected to make around 60,481 visits to the outdoors per week (i.e. 29,218 \* 2.07), equivalent to around 8,640 visits to the outdoors per day.
- A proportion of these visits (1/5<sup>th</sup>: 20%) would be in a town or city and could therefore perhaps be discounted, suggesting that perhaps a maximum of around 6900 additional person visits per day could occur on the Exe Estuary, the Pebblebed Heaths and other greenspaces.
- In addition there would be 497 dwellings (in Ottery St Mary) that are within 10km of the Pebblebed Heaths but not the Exe Estuary. This equates to 1034 additional residents. If we assume 37% of those residents' outdoor visits could be to the Pebblebed Heaths then this would give around 113 additional person visits per day to the Pebblebed Heaths.

9.61 From the above we would suggest that countryside access (that could include the Pebblebed Heaths and the Exe Estuary) could be in the region of around 7000 person visits per day as a result of the quantum of development proposed in the East Devon Plan.

9.62 Counts of visitors on the Pebblebed Heaths have been conducted as part of recent visitor work (Footprint Ecology in prep). A range of different access points have been surveyed, and of those surveyed (during May-June 2015), Woodbury Castle was the busiest, with 201 people counted entering the site over 16 hours<sup>7</sup>. The weekend counts were busier, with 131 of the visitors counted over the weekend sessions, and the busiest two-hour survey window was between 1300 and 1500 on the weekend when 56 people were counted entering the site. This is equivalent to 28 people per hour. Interviews with visitors at Woodbury Common recorded the routes taken and these

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<sup>7</sup> The 16 hours were split evenly between weekend days and week days and covered a range of times during daylight.

were concentrated around the fort but extended across Colaton Raleigh Common, an area of around 300ha. It is therefore clear that, even in a relatively busy part of the Pebblebed Heaths, visitor densities are low. While there are a range of other car-parks that provide access to Colaton Raleigh Common, the overall visitor density, even at busy times is well under 0.5 people per ha per hour.

- 9.63 Given the relative low densities of visitors to the Pebblebed Heaths, SANGs provision as an alternative needs to be large enough to provide a similar 'feel', and relatively low densities of visitors are likely to be important.
- 9.64 There are various approaches that can be used to estimate the overall quantum of land necessary for effective SANGs provision. In the Thames Basin Heaths, a standard rate of 8ha per 1000 new residents is applied (Joint Strategic Partnership Board 2008). This per ha standard applies to land without any existing access. The figure of 8ha has been subject to some debate (see discussion in Burley 2007; 16ha and 12ha have also been proposed), but more recent analysis would suggest it is about right for the Thames Basin Heaths area (Liley, Panter & Rawlings 2015). It is not applied in all parts of the country. It provides a useful guide however: 30,252 new residents suggest a level of SANGs provision of 242ha.
- 9.65 If we assume that the SANGs must not be too busy, a target maximum visitor density might be 1 person per ha per hour, equivalent to a level of access above the Pebblebed Heaths but still relatively low in comparison to an urban park (see Liley, Panter & Rawlings 2015 for discussion). In paragraph 9.61 we give the total number of outdoor visits that might be expected from the new development: a total of around 7000 person visits. In order to absorb all these outdoor visits (at an average density of 1 person per ha per hour over a 12 hour day), some 583ha additional greenspace would be required. This figure is high as it assumes the greenspace would absorb all seaside/resort/coast and countryside visits.
- 9.66 These figures would suggest an overall quantum of new greenspace (SANGs) of 242ha minimum and potentially more would provide the necessary level of mitigation. This is a guide and might need to be larger were SANGs sites to already have some access or contain sensitive features (e.g. nature conservation interest) that might be vulnerable to high levels of access. These would not necessarily need to be in a single location, but could comprise a range of sites, with minimum sizes of around 40ha (which is the area necessary to accommodate a reasonable walk-length).
- 9.67 Drawing from other work on SANGs (Liley, Underhill-Day & Sharp 2009; Panter & Liley 2015; Liley, Panter & Rawlings 2015; and on going work in the East Devon area) we would suggest that, in order to have confidence in their effectiveness, SANGs would need to have the following characteristics:
- They should be quiet countryside locations, away from traffic noise, industrial sites, the airport etc.
  - In total around 200 car-parking spaces, with free parking
  - They should contain a variety of habitats and be scenic, ideally with views.

- They should provide attractive, informal areas for dog walking: a range of walk lengths on relatively dry terrain, including some of at least 3km where dogs can be safely off the lead during the whole walk.
- They should provide routes that attract walkers, potentially including families. Walks are likely to need to be circuits with some interest (such as viewpoints, heritage features etc.)
- The site(s) should provide access all year round, without areas becoming waterlogged or inaccessible due to wet or muddy terrain
- They should provide routes that work for cycling, potentially accommodating family cycling groups and mountain bikes as a low-key destination
- Access points to the SANG(s) should be primarily within a 5km radius or 10 minute drive and easily accessible by road from the development. Some direct foot access and good access routes for cyclists would be ideal. Direct access on foot would mean some SANG provision within around 500m radius of proposed housing locations.
- New SANGs should be recognisable as a 'destination' such that sporadic visitors are drawn from a wide area and such that the site also attracts more regular (at least weekly) visitors
- On-site infrastructure should be relatively low key, and could include the following as appropriate:
  - Small scale visitor centre/shelter (not necessarily staffed);
  - Interpretation (providing information about the area)
  - Wayfinding infrastructure to direct people around the site
  - Some surfaced paths/boardwalks
  - Wildlife viewing facilities (such as screens)
  - Range of paths (some waymarked) that provide a range of different routes and circuits, potentially including some longer routes for cycling (perhaps family groups and relatively low-key mountain bike circuits) but not such that other access (e.g. appeal to dog walkers) is compromised
  - Access to water for dogs to drink, bathe and splash in
  - Benches/informal seating
  - Viewpoints
- SANGs will need to be promoted through a range of different ways, including signage, so that they are easy to find and local residents (both new and existing) are well aware of the site.
- SANGs will need to provide access in perpetuity, and therefore require some legal mechanism to ensure this

9.68 At this stage it is simply necessary to check that mitigation can be delivered and is feasible. We have described the scale, kind of site and necessary attributes and finally need to check that such sites are available and can be delivered. It is clear that a range of options for SANGs delivery do exist and are being pursued as part of the implementation of the strategic mitigation package. We highlight:

- The Clyst Regional Valley Park, including land owned by the National Trust in and around the Killerton Estate
- Land in the vicinity of Exmouth including the Valley Parks

- 9.69 These areas have been identified within the strategic mitigation strategy and work is on-going to secure SANGs in these areas. Details regarding the Clyst Valley Regional Park and National Trust land are set out in the Local Plan and areas of potential SANGs mapped.
- 9.70 We are aware that discussions are on-going between the National Trust and relevant parties and that the National Trust has commissioned detailed assessment of the potential for their land to provide SANGs. This assessment work has highlighted that various options are available within the estate. The Killerton Estate is some 2,590ha and there is existing public access to parts of the estate. The house and gardens (73ha) are an existing, well known destination, with café, shop and range of events. Away from the main house and gardens, there is informal access at Ashclyst Forest (272ha), with free parking and a range of paths. The forest is an extensive block of mixed woodland with some open areas, located on high ground directly to the north of the West End. Other parts of the estate include tenanted farmland (predominantly managed as pasture) with no public access and Broadclyst Community Farm. Visitor numbers to Killerton are around 200,000 visitors per year<sup>8</sup> and numbers have been increasing (11% increase in 2014<sup>9</sup>). In total there are around 26km of permissive footpaths and 22km of bridleways within the estate.
- 9.71 Drawing from the Devon Household Survey<sup>10</sup> (Cruickshanks & Liley 2012), the Killerton Estate was listed as a destination visited by 293 (23%) respondents, who made around 2,658 annual visits to the estate. In addition, Ashclyst Forest was named by 64 (5%) respondents, who made around 328 annual visits. The café is a clear draw for local residents that visit Killerton and dog walkers constitute a relatively small proportion of the people who currently visit both Killerton and Ashclyst.
- 9.72 These data would suggest that most access is currently focussed on the house and gardens, and that there is the potential to enhance Ashclyst Forest (potentially through opening up areas, creating more surfaced paths and visitor interest) and/or provide new access areas on farmland that currently has no access. There is such farmland directly adjacent to the development area.
- 9.73 Land in the vicinity of Exmouth is of particular importance in relation to development in Exmouth town. SANGs potential here requires discussion with local landowners such as the Clinton Devon Estates and work here to develop SANGs options needs to progress with some urgency.

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<sup>8</sup> <http://alva.org.uk/details.cfm?p=423>

<sup>9</sup> <http://alva.org.uk/details.cfm?p=423>

<sup>10</sup> The survey was a postal survey sent to random addresses; responses were received from 1296 households

**Resolving issues between the Local Plan and the Exmouth Masterplan**

- 9.74 The various Proposed Changes for the East Devon Local Plan sought to include the addition of text to tie together the Local Plan's promotion of the Exmouth Masterplan with the recent Habitats Regulations Assessment work undertaken for that Masterplan in 2014, and the recommendations made within that assessment. This assessment advised that the delivery of projects within the Masterplan is reliant upon adequate mitigation supported by comprehensive and up to date evidence, and some projects may not be able to proceed in locations currently identified if adequate mitigation cannot be incorporated. Early evidence gathering ahead of detailed consideration of location and design of project proposals and in advance of any planning application being made.
- 9.75 Natural England identified that the Habitat Regulations Assessment work undertaken for the original Exmouth Masterplan (Liley & King 2014) highlighted particular issues to resolve. It was clear from the assessment work that certain elements needed to be dropped from the Exmouth Masterplan or further evidence gathering and revisions undertaken to ensure no adverse effects on integrity for the Exe Estuary SPA.
- 9.76 Natural England has continued to hold the view that the Local Plan still appeared to be reliant on the delivery of the Masterplan. Following these concerns raised by Natural England, revised wording for the Local Plan, set out in the Council's August 2015 Proposed Changes, has removed much of the references to the Exmouth Masterplan and clarifies that the Local Plan is not reliant on the Exmouth Masterplan, nor that any elements within the Exmouth Masterplan are supported within the Plan. Instead the Plan commits the Council to revisiting and where necessary updating the Masterplan in due course.
- 9.77 Correspondence from Natural England has also highlighted the Exmouth Rugby Club as a potential roost and feeding area used by Oystercatchers, as referenced in a report for the Environment Agency (Halcrow Group Ltd. 2012). Redevelopment of the Rugby Club is one of the elements identified within the Masterplan. New wording for the plan now ensures that development such as at the Rugby Club site is not fundamental or endorsed within the Plan.
- 9.78 In the long term, a new or refreshed Masterplan will need to consider the use of the Rugby Club by oystercatchers. There is a lack of any data (the site is merely referred to within Halcrow Group Ltd. 2012), but it would appear that the pitch could provide supporting habitat that is functionally linked to the SPA. Given the site is a sports pitch it will be subject to some disturbance and the suitable mitigation (in the form of a secure, undisturbed roost/grassy sward) could probably be relatively straightforward to secure given the current characteristics of the site. Clearly further evidence gathering and consideration of the use of the site is required, but in light of text changes to remove inference that the Local Plan is reliant on the Masterplan for its delivery, is not considered necessary to pursue this additional evidence gathering prior to adoption of the Local Plan.

**Checking mitigation delivery for recreation pressure to date**

- 9.79 We have identified that the mitigation strategy has inherent flexibility and – with good monitoring data – it will be possible for mitigation measures to respond to emerging pressures and occur in parallel with growth. The key issue is therefore how to ensure that mitigation will keep pace with development. In Appendix 2 the amount of monies collected towards the mitigation strategy and the current expenditure/committed funds are set out. The document has been provided for this Habitats Regulations Assessment by East Devon District Council.
- 9.80 Natural England have raised concerns regarding the slow delivery of mitigation and in particular have highlighted the need to ensure SANGs delivery, which is a key thread within the mitigation strategy. 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.
- 9.81 From Appendix 2 it can be seen that over £300,000 has so far been collected and just over £8,000 spent. A further £1,500,000 is committed, i.e. is likely to be collected assuming development is actually built in accordance with permissions granted and agreements signed. A total of £144,000 is also committed to be spent by the local authorities through signed contracts of expenditure. Around half the money collected so far has therefore been spent or is in the process of being spent, and there is a large amount of additional money likely to be collected soon. While some lag is inevitable between collection of funds and spending, it would seem that delivery is not keeping pace with development. Such issues have come about through complications in the recruitment of a delivery officer and through the use of CIL/S106 to collect the developer contributions.
- 9.82 East Devon District Council has, however, advised that the Habitat Regulations Delivery Officer will be setting out recommendations for mitigation expenditure to the first Joint Committee of East Devon, Exeter and Teignbridge Councils to be held in October 2015. The recommended first year of expenditure will seek to match commitment to spend to projected income and will draw on money already collected. The initial priority for expenditure is likely to be focused around on-site measures and additional staff resources to ensure that effective delivery of mitigation measures can be managed and early provision of monitoring systems can be established.
- 9.83 The South East Devon Mitigation Strategy is reliant on developer funding. Developer funding can be obtained by two mechanisms; Section 106 agreements and the Community Infrastructure Levy.
- 9.84 Section 106 agreements are a legal agreement between the planning authority and developer, and allow for very detailed agreement on a range of issues that are necessary to make a specific development acceptable. This can include funding for ecological mitigation, and Section 106 agreements have been the usual funding

mechanism for mitigation measures that are to be implemented on or near to the European site for which mitigation is required.

- 9.85 The Community Infrastructure Levy (CIL), introduced with the Community Infrastructure Levy Regulations 2010, as amended, allows for planning authorities to secure a 'levy' from new development to fund local infrastructure requirements. Provision of SANGs can be funded by CIL because open spaces provided for recreation can be classed as infrastructure, in accordance with Government advice. The recent pooling restrictions on Section 106 mean that it may be most appropriate for SANGs to be provided by CIL funding.
- 9.86 However, before putting a levy in place, the Regulations require planning authorities to submit their CIL charging schedules for Examination, and part of the Examination involves consideration of the charging schedule alongside the proposed growth for the area within the Local Plan. For East Devon, CIL adoption is therefore reliant on the Local Plan, which is yet to be finalised.
- 9.87 The CIL charging schedule will hopefully be agreed once the East Devon Local Plan is finalised, but in the interim, the lack of progression with the charging schedule has caused significant problems for East Devon District Council in terms of their ability to progress with infrastructure related mitigation measures such as SANGs. Whilst any non-infrastructure mitigation measures can be funded through an unrestricted pooling of Section 106 money, in the absence of a CIL charging schedule, all infrastructure related mitigation could only be taken forward with Section 106 funding and could therefore only be funded from a pool of five or less developments. This had led to a delay in the delivery of some key mitigation measures in time with growth coming forward.
- 9.88 The area of particular concern is SANGs provision. Alternative greenspace provision including a SANG near Exmouth is a key element within the mitigation 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.

**Recommendations to secure timely delivery of mitigation**

- 9.89 A delivery officer has now been appointed and the Pebblebed Heaths Visitor Management Plan work is underway. It is clearly imperative that mitigation measures develop momentum and that the wardening posts are established, the dog project is commenced and an increased focus placed on SANGs delivery.
- 9.90 It would seem sensible that East Devon District Council refresh housing projections and tabulate potential mitigation monies coming in on a year by year basis and these data are presented against projected levels of house building. In addition, East Devon District Council should 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.

- 9.91 Reviews would need to 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 Habitats Regulations Assessment would not be the right location (as the review would ideally relate to multiple authorities).

## 10. Appropriate Assessment – Water Resources

### Consideration of current plans and programmes relating to water resources

- 10.1 The Appropriate Assessment work for water resources involved researching the relevant plans and programmes in place with the relevant water utility for the area, South West Water, and also with the Environment Agency, with regard to catchment management.
- 10.2 Water supply is the responsibility of South West Water (SWW) who have published their Water Resources Plan (WRP) for 2010-2035 (South West Water 2009). They have indicated in this plan that they are promoting the efficient use of water before seeking to take more from the environment and that when new abstractions are required, they will fully evaluate the social and environmental impacts in addition to the costs.
- 10.3 Water abstraction is controlled by the Environment Agency through a licensing system. For each defined catchment this operates within a Catchment Abstraction Management Strategy (CAMS) whereby the Environment Agency manage the pressures on water resources to protect and enhance the water environment and ensure the sustainable use of water resources for economic and social development and contribute to implementing the Water Framework Directive.
- 10.4 CAMS provides an assessment of the water resource within rivers, lakes, reservoirs, estuaries and groundwater within each local catchment, identifies water bodies that fail flow conditions expected to support good ecological status and prevents deterioration of water body status due to new abstractions. Within each catchment the Environment Agency defines Water Resources Management Units (WRMU) by reference to the catchment size, availability of hydrometric data, distributions of abstractions and discharges, major tributaries and ecological characteristics.
- 10.5 In East Devon, there are two relevant CAMS, the Otter, Sid, Axe and Lim CAMS (Otter CAMS) published in 2005 with an annual update in October 2007, and the Exe Cams published in 2004 and with an annual update in December 2007 (Environment Agency 2004, 2005, 2007a; b). The review and update of the CAMS was due to be completed in June 2011, but is not yet available.
- 10.6 The Otter CAMS covers the substantial catchments of the Axe and Otter rivers and the much smaller catchments of the Lin and Sid, rivers which are divided into seven WRMUs. Of these, only the central section of the Axe has a European designation. The CAMS also covers a single Groundwater Management Unit (GMU) which underlies the Rivers Sid and Otter and the East Devon Pebblebed Heaths SAC/SPA, where the aquifers have been extensively exploited for both public and private water supplies.
- 10.7 There are some 1200 abstraction licenses within the Otter CAMS area, with about 66% of these being surface water abstractions and the remainder groundwater. About 80% of water licensed for consumptive purposes is for the public water supply with most of these licenses held by SWW, a small number by Wessex Water and less than 1% by

volume of water by private licensees. The CAMS notes that the ecology of the Axe and its main tributaries rivers has a high or very high sensitivity to flow variations.

- 10.8 The underlying Otter sandstone has been developed for public water supply within the Otter Valley, but there are also deep boreholes into the Budleigh Salterton Pebblebeds which underlie the heaths and which almost certainly supply recharge to the sandstone beds.
- 10.9 The WRP considered and rejected a number of supply options which would have had environmental impacts, mainly on the Exe. However, SWW do not currently fully utilise the licensed groundwater abstractions in the Otter Valley and their strategy is to optimise East Devon Ground water abstractions.
- 10.10 The availability of water in rivers is classified by the Environment Agency:
- **Water Available (WA)** - Water is likely to be available at all flows including low flows. Restrictions may apply.
  - **No Water Available (NWA)** - No water is available for further licensing at low flows. Water may be available at higher flows with appropriate restrictions.
  - **Over Licensed (O-L)** - Current actual abstraction is such that no water is available at low flows. If existing licences were used to their full allocation they could cause unacceptable environmental damage at low flows. Water may be available at high flows, with appropriate restrictions.
  - **Over Abstracted (A-A)** - Existing abstraction is causing unacceptable damage to the environment at low flows. Water may still be available at high flows, with appropriate restrictions
- 10.11 The classification in the CAMS for the Axe (WRMU 6) is WA for the main river and tributaries to the north and east, and for the western tributaries, notably the Umborne Brook and River Coly (WRMU 5), as NWA. These classifications have been confirmed in the 2007 annual update (SWW 2007).
- 10.12 There are 418 abstraction licenses in WRMU 6, mostly for agricultural purposes and private water supply but also a number of public water supply licences. In WRMU 5 there are 117 active licenses including a large non-consumptive hydro-electric power generator.
- 10.13 The groundwater abstraction WRMU 8 lies beneath the middle and lower reaches of the River Otter and part of this underlies the East Devon Pebblebed Heaths SAC/SPA. It is classed a major aquifer and there are a number of public water supply abstraction licences.
- 10.14 The licensing system for abstractions of surface water in the CAMS is operated by the Environment Agency in accordance with statutory requirements and the Environment Agency's own licensing systems and policies. These seek to ensure sustainable management of water resources. Within the Otter CAMS all new abstraction licence

applications are screened and assessed for their impact on legally protected conservation sites including those designated under the Birds and Habitats Directives.

- 10.15 The CAMS also notes that: “The ‘*Groundwater Management Strategy (GMS) for the Otter Valley Triassic Aquifer*’ (Environment Agency, 1999) is in operation in the Sherwood Sandstone area, known locally as the Otter Sandstone. The strategy largely serves to protect the public water supply boreholes within the area but also allows particular consideration of the Habitats Directive site; the strategy specifically covers groundwater abstractions. The area of the Sandstone and land extending for 3km to the east is divided into three zones, as described below.
- 10.16 Red zones recognise that to replenish the groundwater resources supporting existing groundwater abstractions, water must filter into the ground over a certain area around each borehole. Within these zones new licences are limited to no more than 20m<sup>3</sup>/d and 7300m<sup>3</sup>/yr. Abstractions for short term high consumption uses such as spray irrigation are usually refused.
- 10.17 Outside the red zones are green zones within which abstraction licences are limited to 100m<sup>3</sup>/d. There are no constraints on the purposes for which licences will be issued in the green zones.
- 10.18 The first two zones are mutually exclusive; the third overlies them and is the Habitats Directive consultation zone. This zone is associated with the East Devon Pebblebed Heaths SAC and SPA. Within this area an applicant may be required to produce an environmental report as part of their application to allow the possible impacts on designated habitats and species to be properly assessed. The Environment Agency will consult with Natural England on any proposal within this zone. If doubt exists as to the likely significance of the impact the Environment Agency may exercise the precautionary principle and restrict or refuse licences.
- 10.19 The Environment Agency has indicated that it wishes to confirm that there will be no adverse environmental impacts should SWW increase their level of groundwater abstraction from the Otter Valley Aquifer. Therefore a joint modelling study is proposed by the Environment Agency to investigate the effect of different patterns of abstraction and abstractions above the current level.
- 10.20 The Exe Cams covers the substantial catchment of the river and its tributaries stretching to the edge of Exmoor and the Brendon Hills to the north, Haldon Ridge to the west and the Blackdown Hills to the east. The catchment includes substantial urban areas in central and west Devon including Exeter, and Exmouth in East Devon.
- 10.21 There are over 1600 abstraction licences within the Exe CAMS area with groundwater abstractions accounting for some 10% of consumptive use. Ninety per cent of all consumptive abstraction is for the public water supply with major abstractions on the River Exe near Tiverton and Exeter where, at times of low flows, water is released into the Exe from Wimbleball Reservoir to allow maintenance of abstraction. There is a

scheme to pump water from the Exe back up into the reservoir in winter to maintain levels for use the following summer.

- 10.22      The Exe CAMS includes a small part of the East Devon Pebblebed Heaths SAC/SPA, and the Exe Estuary SPA and RAMSAR site in East Devon. Although the Exe SPA /Ramsar covers only a small part of the river where it broadens into an estuary, this area is influenced by the quantity of fresh water coming down the river, and this can in turn be influenced by levels of abstraction upstream from both the main river and its tributaries. This assessment therefore takes into account the potential effects of both abstractions and discharges from outside the designated European site. Currently, the rivers within the CAMS have good biological water quality and a good diversity of aquatic macrophytes and macro-invertebrates.
- 10.23      There are 18 groundwater Management units (GMU) in the catchment and 6 Water Resource Management Units (WRMUs), none of which include or affect the Pebblebed Heaths (although the small streams to the east of the Exe Estuary which are outside the RMUs drain into the estuary and any licence application in this area will be individually assessed). The lower reaches of the Exe are generally classified as having a high sensitivity to low flows but with a lower sensitivity at Trews Weir near the tidal limits at St James Weir, and with a high sensitivity on the River Clyst.
- 10.24      Using the classification of water availability described above, for surface water RMUs the lowest RMU on the Exe (No 1) has been classified as NWA at low flows due to the need to maintain adequate flows at St James Weir to facilitate the passage of migratory fish. To facilitate this, a similar classification has been given to two upstream RMUs (Nos. 2 & 4). However, remedial works to the weir were completed in 2007 and all three units have returned to WA. WRMU 3 has been classified as NWA due to the need to operate Wimbleball reservoir just to the north. The WRMU incorporating the River Clyst has been classified as WA. Both groundwater RMUs, one the western side of the Estuary mouth (No 7) and the other under Exeter City (No 6) have been classified as 'over licensed'.
- 10.25      The CAMS states that; "All new abstraction licence applications within the Exe CAMS are screened and assessed for their impact on conservation sites under the Birds and Habitats Directives".

#### **Summary of water abstraction and European Sites**

- 10.26      The European sites within EDDC area which might be impacted by water abstraction are summarised in Table 3 below.

**Table 3: European Sites within/around East Devon District and summary of water abstraction impacts**

European Site	Factors	European Site
Exe Estuary SPA/Ramsar	Ground water Abstraction	Both WRMUs will remain classified as over licensed. WRMU 6 status is unlikely to impact the CAMS surface waters due to the large upstream catchment. EA are unlikely to issue further licenses for groundwater extraction in WRMU 7
Exe Estuary SPA/Ramsar	Surface water extraction	All WRMUs except No 3 (linked to Wimbleball Reservoir) have now been classified as WA. EA have stated that they will screen all new extraction licences for their impact on The European site.
East Devon Heaths SAC/SPA	Groundwater Abstraction	Currently subject to a modelling study by EA/SWW to investigate the effect of different patterns of abstraction and abstractions above the current level. Also included in a Groundwater Management Strategy which requires an environmental report as part of applications to allow the possible impacts on designated habitats and species to be properly assessed and consultation with NE
East Devon Heaths SAC/SPA	Surface water extraction	On the western edge (Exe CAMS), all licence applications will be individually assessed. No such provision seems to have been included in the Otter CAMS
River Axe SAC	Surface & ground water abstraction	Licenses issued for surface water abstraction will be subject to specific investigation of each licence to protect the river during low flows. Groundwater licences may be issued with constraints.
Sidmouth to West Bay SAC		There are no WRMUs for small coastal streams which could flow through the SAC
Dawlish Warren SAC	Surface & ground water abstraction	The surface water abstractions are generally small and the watercourses can be supported by ground water abstraction releases. There are no caveats entered for the possible effects of groundwater abstraction on the SAC but the sustainability of this WRMU is due to be investigated. The unit is, however, assessed as over licensed.

### Mitigation and monitoring recommendations for water resources

10.27 Water resources and water quality are the subject of licences, consents and controls under the authority of the Environment Agency. The Environment Agency is itself a competent authority when issuing permission, and when undertaking any plans or projects themselves. Whilst the permissions relating to water quality and resources are the responsibility of the Environment Agency, the local planning authority acting as competent authority for any plans or projects being taken forward should make sure

that development is not being promoted in a plan, or given planning permission, where future provision of water supply or waste water treatment would become a requirement, but could not be accommodated without adverse effects on European sites. Close working with the Environment Agency and relevant water utility is therefore necessary, along with seeking the specialist advice of Natural England. With this in mind, the following recommendations are made:

- The current monitoring of the River Exe is concerned with maintaining adequate flows during low flow periods in the freshwaters of the river, and no assessment has been made or is planned on the effects of low flows of freshwater entering the Estuary. Currently most of the catchment has been classified as WA and the proposals for the largest increases in new housing and employment will be within the Exe catchment. Changes in salinities could affect the invertebrate populations on which featured SPA birds feed. It is recommended that the Environment Agency and Natural England be asked to consider setting up a monitoring strategy linking freshwater inputs into the Exe Estuary SPA/Ramsar site and benthic invertebrate populations.
- It is suggested in the Exe CAMS area that abstraction licence applications for surface water abstraction linked to any development proposals or windfalls likely to affect the Pebblebed Heaths SAC are individually assessed and Natural England consulted. It is therefore recommended that a similar condition should apply within the Otter Cams Area. This needs to be highlighted to the Environment Agency.
- The Council and Environment Agency should work together on project level Habitats Regulations assessment where development proposals or windfalls for extractions also require a licence relating to any small coastal streams flowing through the Sidmouth to West Bay SAC. Natural England should be consulted on all such planning application and/or licence applications.
- The investigation of WRMU 7 should include any potential effects of ground water abstraction due to new development on the Dawlish Warren SAC. The Council need to liaise with the Environment Agency on this matter.
- It is advised that the above recommendations should be pursued at the earliest opportunity, to seek assurances with regard to the development proposed in the plan, and inform future project level Habitats Regulations Assessments. The additional information gathered will be relevant for the implementation and further updating of the joint detailed mitigation strategy for the three local planning authorities around the Exe Estuary.

#### **Re-check of water resources assessment and measures at 'Proposed Changes' stage**

10.28 The recommendations made in relation to impacts on water resources arising from new growth remain applicable in light of the Proposed Changes, which increase the housing level for the plan period to 17,100. The measures relating to water resources are not constrained by a housing level and are predominantly related to evidence gathering and continued liaison with the Environment Agency and water utilities.

## 11. Appropriate Assessment – Water Quality

- 11.1 As with Water resources, the Appropriate Assessment work for water quality involved researching the relevant plans and programmes in place. Much of the information available for this assessment was obtained from the Exeter and East Devon Water Cycle study (EEDWC), (Halcrow 2010). However, it is important to note that this study was not able to consider actual hydraulic or process capacity due to a lack of available data.
- 11.2 The waste water treatment works (WWTW) which will receive the additional sewage associated with the proposed new housing (excluding windfalls) and which discharge directly or indirectly into rivers which enter the Exe SPA/Ramsar or the River Axe SAC are the Countess Wear WWTW (discharging into the River Exe), the proposed WWTW for Cranbrook (discharging into the Clyst) and the Axminster-Kilmington WWTW discharging into the Axe within the SAC.
- 11.3 The Exe CAMS notes that “The largest current discharges are associated with the urban Sewage Treatment works at Exeter, Crediton, Tiverton and Cullompton, the fish farms along the River Exe and industry located at Tiverton and in the Culm Valley, Over two thirds of the consented discharges from sewage treatment works in the Exe Valley occur in the tidal zone of the Exe Estuary”. The CAMS also states that the chemical General Quality Assessment (GQA) classifies the surface waters in the Exe catchment as fair to very good on most river reaches with a similar pattern for the biological GQA.
- 11.4 However the report by Halcrow (2010) notes that the River Clyst (which discharges into the Exe Estuary SPA/Ramsar site) has poor biological and ecological status and that to meet the Water Framework Directive good status the BOD and ammonia consents for the Cranbrook WWTW (which discharges into the Clyst) may require tightening, but that for ammonia such tightening may be beyond the best available technology. They consider this requirement to be unlikely.
- 11.5 Based on the Environment Agency’s discharge consent data, both the Countess Wear and Kilmington WWTW have sufficient consented capacity to meet the proposed allocations of additional dwellings, and the Cranbrook WWTW will have sufficient capacity to meet the forecasted rate of development until 2012. The Cranbrook WWTW will be of modular construction to allow incremental additions for development at Cranbrook after this date. The development will generate its own sewerage and drainage network as it is built. The calculations are based on calculated dry weather flows based on a per capita consumption of 120 litres/head/day for new properties, an average occupancy rate of 2.2 and an infiltration rate of 40% of dry weather flows.
- 11.6 However, the Exe Estuary is considered to have elevated nutrient levels due to point source WWTW discharges and diffuse agricultural inputs and the EEDWC notes that the estuary may therefore be vulnerable to biological instability if a nutrient concentration ‘tipping point’ is reached in the future. A number of south coast estuaries are already experiencing high levels of summer macro-algal mats due to high nutrient levels. This is causing concerns as to the smothering effect of these mats on benthic vertebrate

populations and distribution and the implications for wintering waders and wildfowl food availability.

- 11.7 The Environment Agency stated in their response to the Draft Regional Spatial Strategy (RSS) that “with monitoring in place to detect early signs of stress in the estuary ecosystem, and scope for action on nutrient loads in the Exe into the future from both point and diffuse sources across the catchment, we consider this provides sufficient safeguards for development to move forward at Exeter”.
- 11.8 The Environment Agency began marine invertebrate monitoring work at 15 sites within the estuary in 2010 under the Water Framework Directive. The report on this work is not yet available, but should be pursued.
- 11.9 The Halcrow (2010) report notes that the River Axe which is at poor biological and ecological status and that the BOD and ammonia consents for the Kilmington WWTW consents may need tightening. It is also noted that the EA response to the draft RSS indicated that the river was already failing its phosphate standard.
- 11.10 South West Water have carried out an assessment of the wastewater network capacity and have not identified any specific areas as causing concern and believe they can provide or requisition sewage network capacity within the normal planning timetable both for residential and commercial development.

#### **Mitigation and monitoring recommendations for water quality**

11.11 As stated above, water resources and water quality are the subject of licenses, consents and controls under the authority of the Environment Agency. The Environment Agency is itself a competent authority when issuing permission, and when undertaking any plans or projects themselves. Whilst the permissions relating to water quality and resources are the responsibility of the Environment Agency, the local planning authority acting as competent authority for any plans or projects being taken forward should make sure that development is not being promoted in a plan, or given planning permission, where future provision of water supply or waste water treatment would become a requirement, but could not be accommodated without adverse effects on European sites. Close working with the Environment Agency and relevant water utility is therefore necessary, along with seeking the specialist advice of Natural England. With this in mind, the following recommendations are made. Additionally, bearing in mind the development coming forward, it is suggested that as a matter of urgency, before the future housing developments at Cranbrook and Axminster are permitted and occupied, and before any future phases are considered, assurances need to be sought from the Environment Agency and Natural England.

- The Council should ascertain whether the Environment Agency and Natural England are satisfied that the current arrangement for monitoring water quality in the Exe Estuary are appropriate and sufficient to detect rises in nutrients and consequent effects on marine invertebrates and birds.
- That the Environment Agency and Natural England are satisfied that in the event of unacceptable levels of nutrients or their effects being detected in the Exe Estuary,

that appropriate and timely steps are available to abate the situation effectively and promptly.

- That the Environment Agency and Natural England are satisfied that the proposed new developments will not result in an unacceptable increase in the nutrient status of the River Axe SAC. Where discharge new discharge consents will need to be issued, the Environment Agency will be responsible as competent authority for assessing the potential impacts of a new consent on European site interest features. Natural England will provide statutory advice on the Habitats Regulations Assessment. It is recommended that East Devon District Council seek assurances from the Environment Agency and Natural England that adequate measures are planned to accommodate the new developments whilst ensuring no deterioration in water quality for the relevant European sites.
- For any proposed development within the catchment of the Exe Estuary SPA/Ramsar or within the catchment above the River Axe SAC, South West Water should be asked to confirm that they can provide adequate sewerage network to accommodate the development, and to confirm that measures are in place to prevent overflows containing untreated sewage or other damaging pollutants entering watercourses connecting to the European Sites during storm surges.
- The recommendations above should be pursued at the earliest opportunity and it may be beneficial for the Council to arrange a meeting with the Environment Agency to discuss these matters. The additional information gathered then used to inform the joint working on the forthcoming detailed mitigation and delivery strategy for the three local planning authorities around the Exe Estuary.

### Re-check of water quality assessment and measures at 'Proposed Changes' stage

- 11.12 An update on the progress of recommended measures for water quality has been provided by the Council to Footprint Ecology, which is now be included in the conclusions of this report at Section 13. East Devon District Council has been progressing the potential risk of increased phosphate loading to the River Axe SAC in discussions with the Environment Agency.
- 11.13 As noted above, the River Axe SAC is sensitive to changes in water quality and there is a risk that increased nutrients, arising from new growth and continuing agricultural activities could lead to further deterioration of the SAC interest. Addressing nutrient enrichment issues for riverine SACs usually requires a joined up approach between the Environment Agency, Natural England and planning authorities and this is normally with a combination of actions for point source pollution from waste water treatment discharges, and for diffuse pollution from agricultural land. The Environment Agency has recently prepared a diffuse water pollution action plan and the East Devon Local Plan now highlights that a nutrient management plan for the River Axe may be necessary, in light of new growth proposed for Axminster, which would add to point source phosphate inputs.
- 11.14 New text added to the Axminster growth policy (Strategy 20) as part of the April 2015 Proposed Changes suggested that there may be a need for a nutrient management plan and that any future modification of existing consents in place for waste water discharge

would be the subject of Habitats Regulations Assessment. It also refers to close working between the Environment Agency, Natural England and East Devon District Council and possible review of housing numbers where such new growth would lead to increased discharges into the Axe SAC.

- 11.15 The addition of this text to the policy provides better protection for the SAC from the impact of new growth, and indicates progression of mitigation actions recommended in earlier iterations of this Habitats Regulations Assessment. In considering the new text added to the plan, this assessment recommended that the wording was altered as it left uncertainty with regard to the action being taken. Suggested wording amendments were made as follows:
- 11.16 *Prior to the progression of any further residential development at Axminster, the Council will agree, with the Environment Agency and Natural England, a timetable for the development of a Nutrient Management Plan for the River Axe. This plan will set out detailed actions that allow for new growth at Axminster to progress with adequate mitigation in place to negate the additional phosphate load that would be caused. The Nutrient Management Plan will work in collaboration with the diffuse Water Pollution Plan, and will seek to restore water quality for the River Axe SAC to enable it to meet its conservation objectives within a specified timescale, and in accordance with commitments to European Directives. Depending on the findings of the plan, growth will only proceed in accordance with the mitigation delivery set out within that plan. Growth at Axminster will also be informed by the current status of the relevant discharge consents for waste water treatment works, and any upgrade required to support new growth will be the subject of Habitats Regulations Assessment prior to planning permission being given. The determination of such development applications will be informed by Habitat Regulations Assessment that takes account of the consent requirements.*
- 11.17 As can be seen in the latest Proposed Changes, this wording is now being incorporated into the plan.

## 12. Appropriate Assessment – Air Quality

- 12.1 As there is currently relatively little information on air quality in comparison with other potential impacts, the detailed assessment of the potential effects of increased air pollution arising from increased growth is based upon research into the vulnerability of the relevant European site interest features to air borne pollution, and an understanding of the current environmental baseline for those features potentially affected, i.e. the current situation with regard to air borne pollutants and whether thresholds of tolerance are being exceeded, or are close to being exceeded. Estimations of critical loads for particular habitats and species are derived from APIS, the web based Air Pollution Information System. It is important to note that for some interest features, APIS information is derived from a comprehensive base of research, whilst for others, particularly for species interest features, the critical loads are estimates based on information available.
- 12.2 Heathland habitats are vulnerable to atmospheric pollution, and in particular the addition of nitrogen (Barker et al., 2004), (Bobbink, Hornung & Roelofs 1998), (Britton & Fisher 2007), (Power *et al.* 1998), (Power *et al.* 1995), (Terry *et al.* 2004). The severity of these impacts depends on abiotic conditions. The most important effects are the accumulation of nitrogenous compounds resulting in enhanced availability of nitrate or ammonium, soil-mediated effects of acidification and increased susceptibility to secondary stress factors. Long-term nitrogen enrichment results in increased availability of nitrogen leading to competitive exclusion of characteristic species by more nitrophilic plants. Increased aerial inputs of nitrogen are chiefly responsible for the sward closure (Gilbert 2002)(Gilbert, 2002). Increased acidification to the River Axe is also a matter for concern as the water crowfoot and their associated communities of plants invertebrates and fish could be vulnerable.
- 12.3 The scale of proposed development within East Devon District is such that there may be increases in traffic volumes. The scale of this is not currently known but based on the precautionary principle further information should be sought. Projected increases in traffic flows on the A3052 and B3180 where they cross the Pebblebed Heaths and the A3052 and A358 where they cross or run alongside the River Axe SAC are likely to be particularly important.
- 12.4 Table 4 sets out a summary of the key European site interest features, their sensitivity to Nitrogen and Sulphur deposition, and consideration of critical loads, with minimum and maximum critical loads for the habitat or species in question taken from APIS.

**Table 4: The European sites and features which could be affected by atmospheric Nitrogen (N-expressed as KG/ha/yr) and acidity (Sulphur (S) and N -expressed as kg/ha/yr) deposition with Critical loads (CL) where estimated for N and acidity**

European Site & features	N deposition*	S deposition*
<b>Exe Estuary SPA/Ramsar</b>		
Littoral sediment & associated birds, Pied avocet, black-tailed godwit, black-bellied Brent goose	CL 20-30. Actual loading 15.96. Potentially decreases area of early successional saltmarsh and foraging area for birds.	Not sensitive to acidity levels
Standing open water and wintering wildfowl assemblage	No critical load estimate. Broad habitat sensitive to N as increase in eutrophication could potentially reduce bird numbers if algal blooms cause fish numbers to decline.	No critical load estimate. Impact of acidification on invertebrate populations, toxicity to fish in freshwater element.
<b>Dawlish Warren SAC</b>		
Fixed dunes	CL 10-15 Actual loading 13.44 exceeds minimum CL. Increases tall grasses decreases prostrate plants, acidifies soils, loss of lichens	Does not exceed critical load
Humid dune slacks with petalwort	CL 10-20 Actual loading 13.44 Exceeds minimum CL. Acidifies soils, and increased AI may be toxic to plants, direct effects on lower plants.	Does not exceed critical load
Shifting coastal dunes with marram grass	CL 10-20 Actual loading 13.44 Exceeds minimum CL. Biomass increase, increase N leaching.	Not sensitive to acidity levels
<b>River Axe SAC</b>		
Water courses with Ranunculus fluvialis-Callitriche-Batrachion vegetation	No critical load estimated but sensitive to N. Actual loading 13.72	No critical load estimate for freshwater but sensitive to acidification which impacts invertebrate populations
Featured fish species, brook and sea lamprey, bullhead	All three species sensitive to N levels	All three species sensitive to acidity levels which can be toxic to fish. Environment for bullhead with often little buffering capacity against acidification
<b>East Devon Pebblebed Heaths SAC</b>		
European dry heaths	CL 10-20 Actual loading 20.2 exceeds critical load. Transition from heather to grass dominance, decline in lichens, changes in plant biochemistry, increased sensitivity to abiotic stress.	Sensitive to acidification with actual loading just above minimum CL but well below maximum CL
Northern Atlantic wet heaths with Erica tetralix	CL 10-20 Actual loading 20.2 exceeds critical load. Transition heather to grass. Ericaceous species susceptible to frost and drought	
Southern damselfly	Sensitive to N levels but no estimates for critical levels	Sensitive to acidification in basic flushes within a mostly acidic heathland.
<b>East Devon Heaths SPA</b>		
Dartford warbler	CL 10-20 Actual loading 20.0 exceeds maximum critical load. Potential negative impact on species due to	No expected negative impact on the species due to impacts on the species' broad habitat

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European Site & features	N deposition*	S deposition*
	impacts on the species' broad habitat i.e. transition from heather to grass dominance, decline in lichens, changes in plant biochemistry, increased sensitivity to abiotic stress	
European Nightjar	CL 10-20 Actual loading 20.0 exceeds maximum critical load. Potential negative impact on species due to impacts on the species' broad habitat i.e. transition from heather to grass dominance, decline in lichens, changes in plant biochemistry, increased sensitivity to abiotic stress	No expected negative impact on the species due to impacts on the species' broad habitat
<b>Sidmouth to West Bay SAC</b>		
Tilia-Acerion forests of slopes, screes and ravines	CL 10-15 Actual loading 25.34 exceeds maximum critical load. Changes in ground vegetation.	Sensitive to acidification with actual loading above minimum CL but below maximum CL. May cause toxicity to plants and mycorrhiza; may cause a decline in tree vitality and changes in ground flora species composition; may have direct effect on lower plants (bryophytes and lichens); may cause increased susceptibility to pathogens and pests
Vegetated sea cliffs	No critical loads estimated. Actual critical load 13.3. Sensitive to N levels. No information on impacts	Not sensitive to acidification
Annual vegetation of drift lines	Not sensitive to N levels	Not sensitive to acidification
<b>Bere Quarry and Caves SAC</b>		
Greater and lesser horseshoe and Bechstein's bats	No information on sensitivity to N levels	No Information on sensitivity to acidification
<b>Lyme Bay to Torbay Marine SAC</b>	No information available	No information available

\*Actual deposition rates as at 2005. Most rates are expected to decline over the next ten years

12.5 In summary, there are a number of European site interest features that could potentially be affected by increased levels of nitrogen and sulphur deposition, as a result in increased growth and the resultant traffic generated.

12.6 The relevant designated features on European Sites which could be affected by air pollution are as follows:

12.7 Existing N depositions above maximum critical loads

- Northern Atlantic wet heaths with Erica tetralix (East Devon Pebblebed Heaths SAC)
- European dry heaths (East Devon Pebblebed Heaths SAC)
- Dartford warbler (East Devon Heaths SPA)
- European nightjar (East Devon Heaths SPA)
- Tilia-Acerion forests of slopes, screes and ravines (Sidmouth to West Bay SAC)

12.8 Existing N depositions above minimum critical loads

- Fixed dunes (Dawlish Warren SAC)
- Humid dune slacks with petalwort (Dawlish Warren SAC)
- Shifting coastal dunes with marram grass

12.9 Species/habitats sensitive to N depositions

- Water courses with Ranunculus fluvialis-Callitriche-Batrachion vegetation (River Axe SAC)
- Featured fish species, brook and sea lamprey, bullhead (River Axe SAC)
- Southern damselfly (East Devon Pebblebed Heaths SAC)
- Vegetated sea cliffs (Sidmouth to West Bay SAC)

12.10 Existing acidification above minimum critical loads

- Tilia-Acerion forests of slopes, screes and ravines (Sidmouth to West Bay SAC)

12.11 Species/habitats sensitive to acidification

- Water courses with Ranunculus fluvialis-Callitriche-Batrachion vegetation (River Axe SAC)
- European dry heaths (East Devon Pebblebed Heaths SAC)
- Southern damselfly (East Devon Pebblebed Heaths SAC)

12.12 There are no issues with the either Nitrogen deposition or acidification in relation to Beer Quarry and Caves SAC, although there is the potential for both to potentially affect the vegetation over which bats hunt, neither is believed to have any effect on the tunnels within which the bats roost.

12.13 No information is available on the effects of either Nitrogen deposition or acidification on the Lyme Bay to Torbay SAC, and although it is known that N deposition can make a significant contribution to the productivity of phytoplankton blooms in the surface waters of the Atlantic, these effects are so widespread and derive from nitrogen emissions over such wide continental areas that no sensible assessment is possible of any contribution made from the East Devon area and no specific mitigation is possible other than to continue downward pressure on emissions generally.

12.14 The APIS also gives a critical level for all natural habitats of  $30\mu\text{g}/\text{m}^3$ . On heathland, the main source of air pollution in East Devon District is from road traffic emissions, with notable main roads being the M5, A30, A35, A379 and A3052. The M5, A30, A35, main commercial centres, the airport and the railway are all some distance from the European sites which are all on or near the coast.

12.15 However the A376 is close to Dawlish Warren SAC and the A3052, not only crosses the River Axe just south of the SAC, but also runs close to the coastal SAC between Sidmouth and West Bay, and between Newton Poppleford and Exeter, it crosses the Pebblebed Heaths at Aylesbeare. The other road crossing the Pebblebed Heaths from north to south is the B 3180, a busy commuter road, while the A 358 runs to the east of the River Axe SAC. The roads crossing the Pebblebed Heaths are of particular relevance

as it is known that there are direct effects on the low nutrient status heaths from adjoining road traffic (Angold 1997).

- 12.16 Nitrogen deposition rates on Dawlish Warren SAC are above the minimum but below the maximum critical loads. This suggests that there is no immediate cause for concern but that the situation should be monitored if traffic levels increase. Traffic on the A 379 and in Exmouth would be relevant.
- 12.17 A series of reports and assessments of air quality have been conducted by East Devon District Council during the period 1998 and 2009, with the latest Update and Screening Assessment of Air Quality in that year (East Devon District Council 2011). This monitoring was conducted to measure air pollutants with respect to human health, so both the standards applied and the monitoring locations have been set with that objective.
- 12.18 There are three non-automatic nitrogen dioxide tubes monitoring points close to the Pebblebed Heaths on the A3052, at Newton Poppleford (1) and Sidford (2) and a further monitoring point at Seaton close to the coast. The Annual results for all four of these monitoring points for nitrogen dioxide suggests that levels are currently below  $30\mu\text{g}/\text{m}^3$ .
- 12.19 It is noted that nitrogen dioxide levels from a number of monitoring points in Exmouth have been above the annual threshold of  $30\mu\text{g}/\text{m}^3$  at two sites on two occasions during the ten years to 2010 and very close on a number of others although the general trend seems to be down. However all these monitoring points have been sites in places where human health is the main consideration and only the two Exmouth sites are close to a European site.

#### Mitigation and monitoring recommendations for air quality

- 12.20 The following recommendations are made to increase local data on air pollution with the need for specific monitoring points in close proximity to or within the European sites. The suggested recommendations should be put in place as soon as practically possible, to set baselines and monitor any changes. This information will be necessary to feed into any future plan review or future plans or programmes for the District, and associated Habitats Regulations Assessments, and also the joint working with neighbouring authorities on Habitats Regulations Assessment work.
- Ask Devon County Council for up-to-date traffic data and projections for the A3052, A379, A358, and B3180.
  - Set up Traffic emission monitoring points on the A3052 where it crosses the River Axe and the Pebblebed Heaths and on the B3180 where it crosses the Pebblebed Heaths.
  - Liaise with Teignbridge District Council with respect to monitoring traffic emissions around the Exe Estuary/Dawlish Warren. Whilst the Exe Estuary is not currently at critical loads, it is recommended that monitoring should be put in place to ensure that adequate measures are taken forward if loads continue to increase.

### Re-check of air quality assessment and measures at 'Proposed Changes' stage

- 12.21 The recommendations made in relation to preventing air quality impacts arising from new growth remain applicable in light of the Proposed Changes, which increase the housing level for the plan period to 17,100. The measures set out above in relation to air quality are not constrained by a housing level and relate to monitoring in order to inform future Habitats Regulations Assessment work.

## 13. Conclusions and Recommendations

- 13.1 In conclusion, the Habitats Regulations assessment of the East Devon Local Plan has identified that the majority of policies proposed are not likely to have a significant effect on any European site. However, the overall quantum of development proposed, and the nature and proximity of European sites is such that the likelihood of significant effects cannot be ruled out. The screening for likely significant effects has been re-run with every assessment update, and the appropriate assessment has similarly been re-visited and updated accordingly.
- 13.2 Detailed assessment work has considered the five key impacts of urbanisation, recreational pressure, water resources, water quality and air quality. Specific recommendations are made with regard to urbanisation. Air quality recommendations are precautionary, mainly relating to putting in place more comprehensive monitoring, to inform future Habitats Regulations Assessment work. Water quality and water resources recommendations relate to information and assurance from the Environment Agency, and highlight that Council and Natural England are closely involved in any consideration of new consents or licences to accommodate growth.
- 13.3 Recreational pressure is considered in depth in the joint South East Mitigation and Strategy, where a comprehensive suite of mitigation measures are assessed and recommended. This includes some elements of alternative greenspace provision, but it is important to note that a suite of other measures will be required, particularly given that some of the European site areas that are subjected to recreational use are coastal. This presents difficulties in providing alternative sites that are attractive enough to deter recreational use when they don't provide the unique experience of the coast, and also alternative sites without extensive water cannot provide specific facilities for water based activities. In addition to the provision of alternative greenspace, the South East Mitigation and Strategy includes a package of additional measures, including the management of visitors within the European sites.
- 13.4 Natural England is the statutory consultee for Appropriate Assessment. Natural England has been closely involved in the joint assessment work to date and coming forward. The Council and the assessment team have liaised with Natural England with specific regard to the production of this report. Natural England's concerns have driven the Council's most recent Proposed Changes in order to secure adequate protection of European sites within the Local Plan. Natural England will continue to be involved in the final stages of plan preparation and are a statutory consultee for the assessment.

### Summary of recommendations up to and including April 2015 Proposed Changes

- 13.5 A summary of recommendations is provided below, but the relevant appropriate assessment sections of this report should be referred to for full details.
- 13.6 Where additional measures were subsequently recommended as part of the revisit of the appropriate assessment in light of the April 2015 Proposed Changes stage of the Local Plan, those have been added to the lists below and can be identified with green text.

#### Summary of urbanisation recommendations

- A 400m development exclusion around the Pebblebed Heaths should be clearly stated within the East Devon Local Plan.
- For the Exe Estuary, new development within 400m of the Exe Estuary should be subject to a project level assessment to check for potential impacts on roost sites or key areas for birds outside the SPA boundary.
- The Council should work with Natural England to develop a 'consultation zone' and planning guidance that encompasses the important commuting and foraging habitats for the Beer Quarry and Caves SAC

#### Summary of recreational impact recommendations

- The joint mitigation and delivery strategy is the fundamental mitigation necessary to enable the growth set out in the East Devon Local Plan to proceed, to prevent recreational and tourism related impacts. After adoption, strategic allocations within the plan that are reliant upon that mitigation (particularly around Exmouth) should not be taken forward in the absence of a finalised mitigation and delivery strategy that is ready for implementation.
- It is recommended that the text relating to the Exmouth Masterplan is amended slightly, to specifically state that delivery of projects within the Masterplan is reliant upon adequate mitigation supported by comprehensive and up to date evidence, and that some projects may not be able to proceed in locations currently identified if adequate mitigation cannot be incorporated. Reference is also made to further evidence needs for projects coming forward, and this could be improved to require early evidence gathering ahead of detailed consideration of location and design of project proposals and in advance of any planning application being made.
- East Devon District Council should refresh housing projections and tabulate potential mitigation monies coming in on a year by year basis and these data presented against projected levels of house building.
- East Devon District Council should 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.

#### Summary of water resources recommendations

- The Environment Agency and Natural England be asked to consider setting up an Exe Estuary monitoring strategy linking freshwater inputs and benthic invertebrate populations.
- The requirement for Natural England consultation and individual assessment of Exe CAMS area abstraction licence applications for surface water abstraction likely to affect the Pebblebed Heaths SAC is similarly applied within the Otter Cams Area. This needs to be highlighted to the Environment Agency.
- The Council and Environment Agency should work together, in consultation with Natural England, on project level Habitats Regulations Assessment where development proposals or windfalls for extractions also require a licence relating to any small coastal streams flowing through the Sidmouth to West Bay SAC.
- The investigation of WRMU 7 should include any potential effects of ground water abstraction due to new development on the Dawlish Warren SAC. The Council needs to liaise with the Environment Agency on this matter.
- It is advised that it would be beneficial for the Council to arrange a meeting with the Environment Agency to discuss matters relating to water resources and water quality, and the urgent need for additional information to have confidence that growth can be accommodated, and that measures are secured or in place to mitigate for any impacts.

#### Summary of water quality recommendations

- The Council should ascertain whether the Environment Agency and Natural England are satisfied that the current arrangement for monitoring water quality in the Exe Estuary are appropriate and sufficient.
- Ascertain that the Environment Agency and Natural England are satisfied that in the event of unacceptable levels of nutrients or their effects being detected in the Exe Estuary that appropriate and timely steps are available for implementation.
- Ascertain that the Environment Agency and Natural England are satisfied that the proposed new developments will not result in an unacceptable increase in the nutrient status of the River Axe SAC. Where discharge new discharge consents will need to be issued, it is recommended that East Devon District Council seek assurances from the Environment Agency and Natural England that adequate measures are planned to accommodate the new developments whilst ensuring no deterioration in water quality for the relevant European sites.
- For any proposed development within the catchment of the Exe Estuary SPA/RAMSAR or within the catchment above the River Axe SAC, South West

Water should be asked to confirm that they can provide adequate sewerage network to accommodate the development, and prevent overflows entering watercourses connecting to the European Sites during storm surges.

- It is advised that it would be beneficial for the Council to arrange a meeting with the Environment Agency to discuss matters relating to water resources and water quality, and the urgent need for additional information to have confidence that growth can be accommodated, and that measures are secured or in place to mitigate for any impacts.
- It is further recommended that text within Strategy 20 for Axminster is made stronger and clearer as suggested in Section 11 of this report.

#### Summary of air quality recommendations

- Ask Devon County Council for up-to-date traffic data and projections for the A3052, A379, A358, and B3180.
- Set up Traffic emission monitoring points on the A3052 where it crosses the River Axe and the Pebblebed Heaths and on the B3180 where it crosses the Pebblebed Heaths.
- Liaise with Teignbridge District Council with respect to monitoring traffic emissions around the Exe Estuary/Dawlish Warren. Whilst the Exe Estuary is not currently at critical loads, it is recommended that monitoring should be put in place to ensure that adequate measures are taken forward if loads continue to increase.

#### Summary of actions undertaken up to August 2015 light of recommendations

- 13.7 Following the update to this Habitats Regulations Assessment report made in light of the Proposed Changes at public consultation, the Council considered the outstanding actions and recommendations summarised above. All iterations of Proposed Changes have been checked and none are of relevance in terms of raising new impacts, other than reference to gypsy and traveller pitch provision, for which the Council must apply the joint mitigation strategy and treat such development as additional residential development, and secure appropriate funding for mitigation. If this is not possible via the developer, project level assessment should consider how adequate mitigation has been secured by other means.
- 13.8 Many of the Proposed Changes seek to set the previous Habitats Regulations Assessment recommendations into the plan. It is concluded that the Council's further Proposed Changes now incorporate a response to all outstanding Habitats Regulations Assessment related matters. A final screening of the plan is documented in an additional column added to Appendix 1.
- 13.9 The following table, Table 5, draws from the Council's documents that will be submitted back to the Inspector to demonstrate resolution of outstanding issues and provides a detailed commentary/check that all relevant issues raised in previous assessment work has been addressed.

**Table 5: Summary of actions undertaken in response to assessment recommendations**

Habitat Regulation Assessment Recommendation	Update and Check
<b>Summary of urbanisation recommendations</b>	
A 400m development exclusion around the Pebblebed Heaths should be clearly stated within the East Devon Local Plan.	Strategy 47 of the plan includes explicit policy that resists development within 400 metres of the sites. Recommendation incorporated and action therefore complete.
For the Exe Estuary, new development within 400m of the Exe Estuary should be subject to a project level assessment to check for potential impacts on roost sites or key areas for birds outside the SPA boundary.	Paragraph 18.79 specially refers to this 400 metre buffer and need for project level assessment. Recommendation incorporated and action therefore complete
The Council should work with Natural England to develop a ‘consultation zone’ and planning guidance that encompasses the important commuting and foraging habitats for the Beer Quarry and Caves SAC	Paragraph 18.80 refers to proposals for work at Beer Quarry and Caves SAC. The Council is supporting work currently underway by the East Devon AONB team that is specifically assessing bat activity with a final report output to include consultation zone definition and planning guidance. Recommendation incorporated and action therefore complete.
<b>Summary or recreational impact recommendations</b>	
The joint mitigation and delivery strategy is the fundamental mitigation necessary to enable the growth set out in the East Devon Local Plan to proceed, to prevent recreational and tourism related impacts. After adoption, strategic allocations within the plan that are reliant upon that mitigation (particularly around Exmouth) should not be taken forward in the absence of a finalised mitigation and delivery strategy that is ready for implementation.	The mitigation strategy is finalised, however, with additional development proposed in the amended local plan further consideration is necessary and additional mitigation. Current mitigation proposals can be increased to ‘accommodate’ the proposed local plan development. Section 9 of this assessment report sets out levels of mitigation required and gives confidence that these can be delivered
It is recommended that the text relating to the Exmouth Masterplan is amended slightly, to specifically state that delivery of projects within the Masterplan is reliant upon adequate mitigation supported by comprehensive and up to date evidence, and that some projects may not be able to proceed in locations currently identified if adequate mitigation cannot be incorporated. Reference is also made to further evidence needs for projects coming forward, and this could be improved to require early evidence gathering ahead of detailed consideration of location and design of project proposals and in advance of any planning application being made.	The decision was ultimately taken to disassociate the Masterplan from the Local Plan as it is now dated and in many respects overtaken by events. In proposed revised plan wording the text notes the historical existence of the Masterplan but advises of a full revamp. Revised text should fully alleviate NE concerns.
East Devon District Council should refresh housing projections and tabulate potential mitigation monies coming in on a year by year basis and these data presented against projected levels of house building.	EDDC has assessed the projected monies that could be secured from application of the tariff to all houses predicted to be built between 1 October 2014 and 31 March 2031 on sites that do not currently have a planning permission. Assuming all new dwellings pay the full tariff, as opposed to full/partial alternative provision, the projected future receipt will be around £5.52 million (this averages out at £335,500

Habitat Regulation Assessment Recommendation	Update and Check
	<p>per year over 16.5 years). As some alternative provision will be made this, by its nature, is a projected over-estimate. But the alternative provision should be of at least equal worth in respect of mitigation delivery. A table below (in appendix 2) this table shows the breakdown of figures.</p>
<p>East Devon District Council should 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.</p>	<p>Changes proposed to Strategy 47 (see table/text below table of proposed plan changes in this report) commit to this course of action with first review scheduled for April 2018</p>
<p>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.</p>	<p>Changes proposed to Strategy 47 (see table/text below table of proposed plan changes in this report) commit to this course of action and ensures mitigation and development are linked.</p>
<p><b>Summary of water resources recommendations</b></p>	
<p>The Environment Agency and Natural England be asked to consider setting up an Exe Estuary monitoring strategy linking freshwater inputs and benthic invertebrate populations.</p>	<p>EDDC has noted this as an appropriate action but it is considered to be outside of the scope of the local plan. Progress should be made in order to inform the next plan review and HRA</p>
<p>The requirement for Natural England consultation and individual assessment of Exe CAMS area abstraction licence applications for surface water abstraction likely to affect the Pebblebed Heaths SAC is similarly applied within the Otter Cams Area. This needs to be highlighted to the Environment Agency.</p>	<p>The Environment Agency will be notified, however this is not seen as warranting local plan changes.</p>
<p>The Council and Environment Agency should work together, in consultation with Natural England, on project level Habitats Regulations Assessment where development proposals or windfalls for extractions also require a licence relating to any small coastal streams flowing through the Sidmouth to West Bay SAC.</p>	<p>EDDC has noted this as an appropriate action but it is considered to be outside of the scope of the local plan. Progress should be made in order to inform the next plan review and HRA</p>
<p>The investigation of WRMU 7 should include any potential effects of ground water abstraction due to new development on the Dawlish Warren SAC. The Council needs to liaise with the Environment Agency on this matter.</p>	<p>Capacity for water availability is confirmed through the water cycle study and consultation responses from Natural England and Environment Agency.</p>
<p>It is advised that it would be beneficial for the Council to arrange a meeting with the Environment Agency to discuss matters relating to water resources and water quality, and the urgent need for additional information to have confidence that growth can be accommodated, and that measures are secured or in place to</p>	<p>Capacity for water availability is confirmed through the water cycle study and consultation responses from Natural England and Environment Agency.</p>

Habitat Regulation Assessment Recommendation	Update and Check
mitigate for any impacts.	
<b>Summary of water quality recommendations</b>	
<p>The Council should ascertain whether the Environment Agency and Natural England are satisfied that the current arrangement for monitoring water quality in the Exe Estuary are appropriate and sufficient.</p>	<p>EDDC understands, based on plan representations received, that there are no outstanding issues or concerns and that this issue does not impact on plan content/production - see Environment Agency representation at: <a href="http://eastdevon.gov.uk/planning-libraries/consultation-proposed-changes2015/3712-environmentagency.pdf">http://eastdevon.gov.uk/planning-libraries/consultation-proposed-changes2015/3712-environmentagency.pdf</a>.</p> <p>Progress should be made in order to inform the next plan review and HRA.</p> <p>The Council should be working in partnership with EA and NE to progress water quality improvements</p>
<p>Ascertain that the Environment Agency and Natural England are satisfied that in the event of unacceptable levels of nutrients or their effects being detected in the Exe Estuary that appropriate and timely steps are available for implementation.</p>	<p>EDDC understands, based on plan representations received, that there are no outstanding issues or concerns and that this issue does not impact on plan content/production</p> <p>Progress should be made in order to inform the next plan review and HRA.</p> <p>The Council should be working in partnership with EA and NE to progress water quality improvements</p>
<p>Ascertain that the Environment Agency and Natural England are satisfied that the proposed new developments will not result in an unacceptable increase in the nutrient status of the River Axe SAC. Where discharge new discharge consents will need to be issued, it is recommended that East Devon District Council seek assurances from the Environment Agency and Natural England that adequate measures are planned to accommodate the new developments whilst ensuring no deterioration in water quality for the relevant European sites.</p>	<p>Text in the plan now significantly strengthened EDDC understands, based on plan representations received, that there are no outstanding issues or concerns and that this issue does not impact on plan content/production</p>
<p>For any proposed development within the catchment of the Exe Estuary SPA/RAMSAR or within the catchment above the River Axe SAC, South West Water should be asked to confirm that they can provide adequate sewerage network to accommodate the development, and prevent overflows entering watercourses</p>	<p>It is understood that capacity will be provided and therefore that this issue does not impact on plan content/production. Confirmation that SWW have undertaken necessary assessment for European sites would give greater confidence than only being advised that there is capacity.</p>

Habitat Regulation Assessment Recommendation	Update and Check
connecting to the European Sites during storm surges.	
It is advised that it would be beneficial for the Council to arrange a meeting with the Environment Agency to discuss matters relating to water resources and water quality, and the urgent need for additional information to have confidence that growth can be accommodated, and that measures are secured or in place to mitigate for any impacts.	It is understood, based on plan representations received, that there are no outstanding issues or concerns and that this issue does not impact on plan content/production. Progress should be made in order to inform the next plan review and HRA.
It is further recommended that text within Strategy 20 for Axminster is made stronger and clearer as suggested in Section 11 of this report.	The text in Section 11, though with minor amendments to note applicability to new permissions granted and development associated with the new permissions, is incorporated into Strategy 20 of the plan.
<b>Summary of air quality recommendations</b>	
Ask Devon County Council for up-to-date traffic data and projections for the A3052, A379, A358, and B3180.	This is regarded by EDDC as an appropriate action but is considered to be outside of the scope of the local plan. It is a matter that may be specifically relevant for future plan review.
Set up Traffic emission monitoring points on the A3052 where it crosses the River Axe and the Pebblebed Heaths and on the B3180 where it crosses the Pebblebed Heaths.	This is regarded by EDDC as an appropriate action but is considered to be outside of the scope of the local plan. It is a matter that may be specifically relevant for future plan review.
Liaise with Teignbridge District Council with respect to monitoring traffic emissions around the Exe Estuary/Dawlish Warren. Whilst the Exe Estuary is not currently at critical loads, it is recommended that monitoring should be put in place to ensure that adequate measures are taken forward if loads continue to increase.	This is regarded by EDDC as an appropriate action but is considered to be outside of the scope of the local plan. It is a matter that may be specifically relevant for future plan review.

### Next steps

- 13.10 The East Devon Local Plan has been informed by this Habitats Regulations Assessment report throughout the development and refinement of the plan. This has culminated in a series of Proposed Changes prepared by the Council in July and August 2015 that particularly respond to Habitats Regulations assessment recommendations and the advice of Natural England.
- 13.11 This report has been updated in light of the various iterations of Proposed Changes after Examination. All of the Proposed Changes have now been re-screened, as documented in the screening table at Appendix 1. A summary of all actions to answer all outstanding queries is provided in Table 5 above. With the above measures in place, it is advised that the East Devon Local Plan in its current form with all Proposed Changes can be concluded to be in accordance the requirements of the Habitats Regulations, and parent European Directives.
- 13.12 The Inspector will now be able to consider the additional changes undertaken in relation to Habitats Regulations Assessment recommendations and concerns raised by Natural England, which principally centre on securing timely delivery of mitigation measures, and the focus given in the Local Plan to the Exmouth Masterplan, given that there are outstanding Habitats Regulations Assessment concerns for that Masterplan. These issues are considered in detail in Section 9 as well as in Table 5 above.
- 13.13 After being provided with this updated version of the Habitats Regulations Assessment of the East Devon Local Plan, it is anticipated that the Inspector will consider the need for final changes to the plan before its adoption. If further amendments are to be made, these will be reflected in a final version of this report.

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## Appendix 1

Screening of the East Devon Local Plan for the Likelihood of Significant Effects. Grey highlights within the table reflect where previous iterations of the HRA have made recommendations, and those have been resolved with measures added to or amended within the plan. Green text identifies screening undertaken on the April 2015 Proposed Changes, where further assessment and/or amendments to the plan are required. An additional final column has been added to the table to check that all previous recommendations have been met with the most recent Proposed Changes at July/August 2015.

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
OVERARCHING VISION AND OBJECTIVES						
Setting the context	Additions to text made referring to the future production of a Village Development Plan Document and Cranbrook Development Plan document	No LSE, but flagging here to identify the need for lower tier plan HRA, which will need to conform with this Local Plan HRA, and should also be prepared in light of the progression and monitoring of mitigation, to inform any necessary changes.	All	N/A	N/A	No further action at plan level required
Setting the context	New housing needs evidence introduced for 2015 – Edge Analytics Demographic Scenarios	New evidence informs a housing need of 950 homes per year. This equates to an overall rise over the plan period of 2,100 homes.	All	Need to ensure that the higher housing figure can still be accommodated within mitigation strategy. Amendments to the strategy may be required	AA to be revised to check that mitigation strategy can accommodate additional housing, or recommend amendments to accommodate.	Assessment undertaken and recommendations made in AA. Strategy can be adapted to accommodate additional residential growth.
Vision for 2026	An overarching vision that provides	LSE High level, sets out all	All	Further consideration of	Plan needs to make clear that it is reliant	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	an East Devon District context for sustainable development	three strands of sustainable development, but does refer to new town at Cranbrook, airport expansion etc. as part of the vision.		potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge. Addition of 2,100 homes as part of Proposed Changes is referred to as part of the Vision. AA to be revised to check that mitigation strategy can accommodate additional housing, or recommend amendments to accommodate.	Assessment undertaken and recommendations made in AA. Strategy can be adapted to accommodate additional residential growth.
Key Objectives	14 objectives to address the issues that are of greatest importance and relevance for East Devon. Includes 15,000 homes focused on Cranbrook, Exmouth and Axminster, transport improvements, water-borne transport and leisure. Includes positive	LSE Level of residential development set for the District has potential for LSE in terms of recreational pressure on all European sites within and in the vicinity of the District	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	policies relating to biodiversity and green infrastructure.					
<b>Part 1 - SPATIAL STRATEGY</b> (50 policies setting out the 'big picture' for development in the District)						
Strategy 1 - Overall Spatial Strategy for Development in East Devon	<del>15,000</del> 17,100 new homes 150 ha of employment land	LSE Level of residential development set for the District has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge. Addition of 2,100 homes as part of Proposed Changes is referred to as part of the Vision. AA to be revised to check that mitigation strategy can accommodate additional housing, or recommend amendments to accommodate.	Assessment undertaken and recommendations made in AA. Strategy can be adapted to accommodate additional residential growth.
Strategy 2 - Scale and Distribution of Residential Development in East Devon	<del>7,400</del> 10,563 houses allocated to West End (Cranbrook, Pinhoe, north of Blackhorse) <del>5,781</del> 4,707 houses allocated to the 7 area centres (, Budleigh Salterton,	LSE Level and locations of residential development set for the District has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge. The allocations of housing have increased overall, and most of the	

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	Exmouth, Honiton, Ottery St Mary, Seaton, Sidmouth) <del>1,514</del> 1,123 houses allocated to villages and rural areas.	quality on European sites within and in the vicinity of the District.			additional 2,100 houses are to be accommodated at East Devon's West End. AA to be revised to check that mitigation strategy can accommodate additional housing, or recommend amendments to accommodate.	Assessment undertaken and recommendations made in AA. Strategy can be adapted to accommodate additional residential growth.
Strategy 3 - Sustainable Development	Overarching strategy of sustainable principles	No LSE A qualitative policy that does not promote a quantum or location of development.	N/A	N/A	N/A	No LSE
Strategy 4 - Balanced Communities	Community facilities, employment and homes matching community needs.	No LSE A qualitative policy that does not promote a quantum or location of development.	N/A	N/A	N/A	No LSE
Strategy 5 – Environment	Positive policy protecting the natural environment	No LSE However, it is suggested that the policy should include reference to European site protection and mitigation.	N/A	N/A	Suggest that the policy is amended to include reference to “ <i>working in partnership with neighbouring authorities to implement a consistent and strategic approach to the protection and enhancement to European wildlife sites.</i> ”	Resolved prior to Proposed Changes
Strategy 6 -	Quantitative policy	No LSE	N/A	N/A	N/A	No LSE

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Development within Built-Up Area Boundaries	with criteria for acceptable development in built up areas	Includes reference to protection of wildlife. No LSE, does not promote a quantum or location of development.				
Strategy 7 – Development in the Countryside	Quantitative policy with criteria for acceptable development in the wider countryside	No LSE Includes reference to protection of environmental qualities. No LSE, does not promote a quantum or location of development.	N/A	N/A	N/A	No LSE
Strategy 8 - Development in Green Wedges	Protective policy specifically protecting the green belt purpose	No LSE Does not support or promote development	N/A	N/A	N/A	No LSE
<b>DEVELOPMENT OF EAST DEVON'S WEST END (Realising the Exeter and East Devon Growth Point)</b>						
West End Vision	Sets a requirement for high quality, sustainable design and construction, new homes, jobs and facilities and improved transport, across the new West End development.	LSE Does not set specific levels for growth, but focuses on the West End providing 'unprecedented levels of growth.'	West End development has the potential to increase recreational and urbanisation pressure, particularly on the Pebblebed Heaths and Estuary. Water resources and water quality are also a concern	Recreational pressure considered at project level HRA – Cranbrook country park in place as alternative greenspace. Urbanisation and pressure on water resources, water and air quality were not considered in	It should be noted that project level HRAs for Cranbrook have not formed part of the research for this report. It suggested that the joint mitigation and delivery strategy should have regard to any Habitats Regulations Assessment gaps, if any, relating to the Cranbrook and West End	Considered at earlier iterations – consideration given as recommended, for final joint mitigation strategy.

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
			for the Estuary, River Axe and Pebblebed Heaths	detail.	developments. Urbanisation, water and air issues are considered at this individual plan level AA.	
Strategy 9 - Major Development at East Devon's West End	Policy lists the key aspects of the West End development, including residential, business park, airport related employment, science and technology employment etc. Provision of Clyst Valley Regional Park	LSE Does not set specific levels for growth, but focuses on the key large scale development proposals for the West End.	Water quality and water resources are a particular concern for Pebblebed Heaths, Exe Estuary and River Axe.	Recreational pressure can be ruled out (assumption regarding project level assessment), but specific consideration of water quality and resources is required.		Considered at earlier iterations – Assessment undertaken and recommendations made in AA.  Note that specific reference to commissioning the Pebblebed Heaths Management Plan is now incorporated.
Strategy 10 - Green Infrastructure in East Devon's West End	Policy recognises the need for significant new green infrastructure provision, in light of significant new development at West End. Positive GI policy.	LSE Although a positive policy, it provides fundamental mitigation with provision of GI to meet new growth demands for open space, and over and above that, contribute to the mitigation package to prevent European site impacts. Refers to GI role in European site protection, but	Pebblebed Heaths, Exe Estuary	No requirements for the Local Plan AA, but the site needs to be considered as part of the join detailed mitigation and delivery work. Additional policy text has been added to strengthen the links to the South East Devon Mitigation Strategy	Additional strengthened wording is recommended to emphasise <i>continued checks and monitoring to ensure the mitigation is fit for purpose. Measures to be in place to check full implementation at each development phase.</i>  Whilst the addition of housing to the West End is being revisited and	Resolved prior to Proposed Changes  Assessment undertaken and recommendations

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		message needs clarity and strengthening, therefore LSE.		and wider Green Infrastructure policies and provision as part of the development of the West End.	part of the AA, the additional text provides a clear policy message that development at the West End requires adherence to the South East Devon Mitigation Strategy and functionality of mitigation proposed must be demonstrated.	made in AA. Strategy can be adapted to accommodate additional residential growth.  Additional point is of support for text added.
Strategy 11 - Integrated Transport and Infrastructure Provision at East Devon's West End	General policy setting out transport and infrastructure requirements for West End	No LSE Potential air quality impacts from infrastructure provision are too far away from sensitive receptors	N/A	N/A Additional text has been added to support this policy, committing to the production of a Cranbrook DPD. The DPD will be the formal policy document that provides the allocation detail for the area, to take housing up to 8,000 over the plan period. This DPD will therefore need to be the subject of HRA.	N/A AA needs to recognise the role of the forthcoming Cranbrook DPD in securing necessary mitigation measures, and will itself need HRA	Recognised, and LPA will commence HRA early in the development of the DPD
Strategy 12 - Development at Cranbrook	New market town with eco-town standards (6,000	LSE Delivery of significant level of growth in one	Water quality and water resources are a particular	Recreational pressure can be ruled out	As above, the AA to be revised to check that mitigation strategy can	Assessment undertaken and recommendations made in AA. Strategy

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	homes)	location over relatively short timescale.	concern for Pebblebed Heaths, Exe Estuary and River Axe.	(assumption regarding project level assessment), but specific consideration of water quality and resources is required. Additional text added refers to a phased and co-ordinated development of Cranbrook alongside infrastructure provision.	accommodate additional housing, or recommend amendments to accommodate. AA needs to recognise the role of the forthcoming Cranbrook DPD in securing necessary mitigation measures, and will itself need HRA. AA should also recognise and make recommendations for phasing to secure adequate European site mitigation.	can be adapted to accommodate additional residential growth. Recognised, and LPA will commence HRA early in the development of the DPD. Proposed changes now include reference to Gypsy and Traveller provision at Cranbrook. This development will need to adhere to the joint mitigation strategy for residential development. Project level assessment must ensure appropriate contribution to the mitigation funding.
Strategy 13 - Major Development of Land North of Blackhorse/Redhayes	Additional area at West End to add to Cranbrook ( <del>600</del> 1500 homes)	LSE Delivery of significant level of growth in one location over relatively short timescale.	Water quality and water resources are a particular concern for Pebblebed Heaths, Exe Estuary and River Axe.	Recreational pressure can be ruled out (assumption regarding project level assessment), but specific consideration of water quality and resources is required.	As part of the West End area, land North of Blackhorse has an increased housing allocation to absorb an additional 900 of the 2,100 new homes increase for the plan. AA to be revised to check that mitigation strategy can	Assessment undertaken and recommendations made in AA. Strategy can be adapted to accommodate additional residential growth, including at specific locations referred to.

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
					accommodate additional housing, or recommend amendments to accommodate.	
Strategy 14 - Development of an Urban Extension at Pinhoe	Additional area at West End to add to Cranbrook (800 homes)	LSE Delivery of significant level of growth in one location over relatively short timescale.	Water quality and water resources are a particular concern for Pebblebed Heaths, Exe Estuary and River Axe.	Recreational pressure can be ruled out (assumption regarding project level assessment), but specific consideration of water quality and resources is required.		Considered at earlier iterations – Assessment undertaken and recommendations made in AA
Strategy 15 - Intermodal Interchange	New intermodal exchange facility alongside railway line	No LSE Location unlikely to result in any direct or indirect impacts, will not increase recreational pressure/urbanisation. Location should not result in any water/air quality issues Additional text added to give more detail of proposals, but still conclude no LSE	N/A	N/A	N/A	No LSE
Strategy 16 – Exeter Science Park It appears that this policy is to be	Technology and research employment, hotel, conference facilities	No LSE Location unlikely to result in any direct or indirect impacts, will	N/A	N/A	N/A	N/A

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
removed from the plan	(outline planning permission in place)	not increase recreational pressure/urbanisation. Location should not result in any water/air quality issues				
Strategy 17 - Future Development of Exeter International Airport	Policy promotes and supports airport expansion and airport related growth. Specific reference in supporting text to supporting increased passenger numbers.	No LSE At this stage, no impacts identified, but specific or more detailed proposals may need project level assessment. Note that any development that normally has the benefit of permitted development rights (referred to in the policy) needs to seek approval of the LPA if the proposal is likely to have a significant effect on a European site Additional text supporting this policy refers to the publication of the Airports Commission Report on additional UK airport capacity. This report has now been published and it is	N/A	The LPA may need to undertake a project level assessment and ensure no adverse effects on European site integrity before giving written approval.  Also, passenger growth is likely to be the subject of National aviation policy and strategy, which should include Habitats Regulations Assessment, which the Council will need to have regard to.  Revisit following any policy and	Add the following to end of policy wording ... <i>“Where the likelihood of significant effects on European wildlife sites cannot be ruled out from any such developments, the Council will undertake an appropriate assessment of impacts and will only support and approve proposals where it can be demonstrated that adverse effects on site integrity can be prevented.”</i> Add the following to supporting text... <i>The Habitats Regulations require the Appropriate Assessment of any project where the likelihood of significant effects on European wildlife sites cannot be</i>	Considered and resolved at earlier iterations

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		therefore anticipated that this policy and supporting text will be amended as a consequence.		supporting text amendments in light of publication of the Airports Commission Report	<i>ruled out. The definition of a project should be taken in its widest sense, including any development that would normally have the benefit of planning permission, and could include projects where planning permission is not required."</i>	
Strategy 18 – Future Development of Exeter International Airport Business Park	5ha expansion of existing business park, necessitating highway improvements	No LSE Potential air quality impacts from infrastructure provision are likely to be too far away from sensitive receptors, but there may be traffic increases in the wider area. Potential need for project level assessment	N/A	N/A	No requirements, but note that project level HRA could be required	No LSE, advice for project level
Strategy 19 – Skypark Business Park It appears that this policy is to be removed from the plan	40 ha new business park (outline planning permission in place).	No LSE Potential need for project level assessment	N/A	N/A	No requirements, but note that project level HRA could be required	N/A
Strategy 20 - Development at	650 houses (400 of which at Cloakham	LSE Level and locations of	All	Further consideration of	Plan needs to make clear that it is reliant	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Axminster	Lawns, 8ha employment land, north south relief road Proposals for Axminster will be the subject of a masterplan	residential development set for the District has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.		potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality. Recognising potential water quality impacts, additional policy text has been added to highlight the possible need for a nutrient management plan for the River Axe, and collaborative working between the DC, NE and EA	upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge. Nutrient management plan and collaborative working between NE, EA and the DC needs to be captured in the AA	Assessment undertaken and recommendations made in AA for April Proposed Changes. Recommended text now incorporated for July/August Proposed Changes.
Strategy 21 – Budleigh Salterton	<del>110</del> -homes Reference to housing numbers removed from policy, but Strategy 2 provides all housing numbers, and allocates 133 to Budleigh Salterton	LSE Level and locations of residential development set for the District has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		vicinity of the District.				
Strategy 22 - Development at Exmouth	<p><del>837</del> homes, town centre employment provision</p> <p>Reference to housing numbers removed from policy, but Strategy 2 provides all housing numbers, and allocates 1,229 new homes to Exmouth over the plan period</p>	<p>LSE</p> <p>Level and locations of residential development set for the District has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District. Subsequent to the initial HRA screening, it became apparent that a Masterplan drawn up for Exmouth was not supported by a HRA, and so the Council commissioned a HRA to tie in with the Local Plan HRA and wider mitigation strategy. The Masterplan and its HRA findings and recommendations are now referred to within supporting text. And policy</p>	All	<p>Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality. The additional text added makes very clear that the Masterplan HRA recommendations must be followed at the project level, and additional ecological information will be required. This needs to be planned for in advance to prevent delays to development.</p>	<p>Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge. For Exmouth, there is a particular need for the detailed strategy to consider the Valley Parks and their expansion and enhancement as part of the mitigation package. Additional text added significantly strengthens protection for European sites by making links between the local plan, the master plan and their HRAs, and the South East Devon Mitigation Strategy. The added text and further possible text changes are considered in amendments to the AA</p>	<p>Considered and resolved at earlier iterations</p> <p>Additional text now added in relation to SANGs delivery for Exmouth in line with or before development completes. Also see AA for recommendations for timely delivery of mitigation</p> <p>Proposed Changes now remove emphasis on the Exmouth Masterplan as part of the delivery of the Local Plan, and the LPA have made clear that the Masterplan will be revisited. Text changes now considered adequate to alleviate NE concerns, subject to their final approval.</p>
Strategy 23 - Development at	450 homes (town centre focus), 15 ha	LSE Level and locations of	All	Further consideration of	Plan needs to make clear that it is reliant	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Honiton	employment land Reference to housing numbers removed from policy, but Strategy 2 provides all housing numbers, and allocates 630 new homes to Honiton	residential development set for the District has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.		potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	
Strategy 24 - Development at Ottery St Mary	<del>300</del> homes, including a strategic allocation to the west of the town (to be the subject of a masterplan), 2 ha employment land Reference to housing numbers removed from policy, but Strategy 2 provides all housing numbers, and allocates 497 new homes	LSE Level and locations of residential development set for the District has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Resolved prior to Proposed Changes
Strategy 25 - Development at Seaton	<del>150</del> homes (reference in the plan to some potential site allocations), 3 ha employment land Tourism promotion	LSE Level and locations of residential development set for the District has potential for LSE in terms of recreational	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	(including watersports) and 'year round holiday destination' Reference to housing numbers removed from policy, but Strategy 2 provides all housing numbers, and allocates 445 new homes to Seaton	pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.		pressure on water resources, water and air quality. Tourism impacts may need particular attention in the detailed joint strategy.		
Strategy 26 - Development at Sidmouth	<del>150</del> homes Proposal for a 'coastal change management area' 5ha employment land Reference to housing numbers removed from policy, but Strategy 2 provides all housing numbers, and allocates 292 new homes	LSE Level and locations of residential development set for the District has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Resolved prior to Proposed Changes
Strategy 27 - Development at the Small Towns, Villages and Countryside	Relatively low level of housing allocated to each small town or village, totalling approx <del>1,500</del> homes	LSE Although relatively low levels, additional growth adds to the level and locations of residential	All	Further consideration of potential impacts arising from recreational pressure,	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	Reference to housing numbers in specific locations has been removed from policy, but Strategy 2 provides all housing numbers, and allocates 1,123 new homes to smaller towns and villages. Additional text added to give further detail on opportunities within a number of towns/villages and adds additional new policy with specific allocations for Winslade Park and land adjoining Clyst St Mary and for evidence gathering to support future growth at Uplyme	development set for the District, which has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.		urbanisation and pressure on water resources, water and air quality.	Exeter and Teignbridge.	
Strategy 28 - Sustaining and Diversifying Rural Enterprises	General encouragement of rural diversification and reuse of rural buildings to promote enterprise	No LSE General support for rural enterprise, no quantum or locations referred to. Project level HRA may be required	N/A	N/A	No requirements, but note that project level HRA could be required	No LSE, advice for project level

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Strategy 29 - Promoting Opportunities for Young People	Council commitment to enhanced job opportunities for young people	No LSE Commitment to support rather than specific development	N/A	N/A	N/A	No LSE
Strategy 30 – Inward Investment, Communication Links and Local Procurement	Council commitment to local benefits from major developments proposed	No LSE Commitment rather than specific development. Major developments referred to are covered elsewhere in policy assessment.	N/A	N/A	N/A	No LSE
Strategy 31 - Future Job and Employment Land Provision	Council commitment to securing links between new homes and employment. Requirement for one job for each new home built. 1ha of employment land for each 250 homes.	No LSE Linking housing and employment provision – general sustainable approach. However, requirement for employment land with large housing sites may require project level HRA	N/A	N/A	No requirements, but note that project level HRA could be required	No LSE, advice for project level
Strategy 32 - Resisting Loss of Employment, Retail and Community Uses	Protecting community facilities such as shops and post offices	No LSE Protecting existing facilities only	N/A	N/A	N/A	No LSE
Strategy 33 - Promotion of Tourism in East Devon	Tourism makes a major contribution to the East Devon economy. Policy	LSE Day and staying visitors contribute to recreational pressure,	All	Further consideration of potential impacts arising from	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	promotes high quality tourism (reference made in policy to ensuring natural assets are not damaged).	water and air impacts		recreational pressure, urbanisation and pressure on water resources, water and air quality. Tourism impacts may need particular attention in the detailed joint strategy..	delivery strategy that is a joint initiative with Exeter and Teignbridge.	
Strategy 34 - District Wide Affordable Housing Provision Targets	Affordable housing target of 25% of housing in specific locations	No LSE Specific requirements relate to housing numbers covered in other policies	N/A	N/A	N/A	No LSE
Strategy 35 - Mixed Market and Affordable Housing Outside Built-up Area Boundaries	Affordable housing target of 66% of housing in specific locations outside built up areas	No LSE Specific requirements relate to housing numbers covered in other policies	N/A	N/A	N/A	No LSE
Strategy 36 - Life time Homes and Care/Extra Care Homes	Requirements for lifetime homes standard and adequate care home provision	No LSE Lifetime homes standard is qualitative Care home requirement is additional 200 spaces – not likely to result in LSE, but project level HRA could be required	N/A	N/A	No requirements, but note that project level HRA could be required	No LSE, advice for project level
Strategy 37 - Community Safety	Crime reduction measures in new development	No LSE Qualitative policy	N/A	N/A	N/A	No LSE
Strategy 38 -	Requirement for	No LSE	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Sustainable Design and Construction	sustainable design and construction methods in new development	Qualitative policy				
Strategy 39 - Renewable and Low Carbon Energy Projects	Renewable/low carbon supporting in principle	No LSE Policy has caveat that support dependent upon no impacts on environmental features),therefore measures already built into policy wording	N/A	N/A	N/A	No LSE
Strategy 40 - Decentralised Energy Networks	Sustainable energy provision for large new development	No LSE If additional infrastructure is required project level HRA should be undertaken. Slight strengthening of supporting text required on this point	All	N/A	Suggest that supporting text should refer to <i>project level HRA and need to ensure that any new infrastructure needs are met without adverse impacts on European sites.</i>	Resolved prior to Proposed Changes
Strategy 41 - Allowable Solutions	Commitment to community energy fund where renewables cannot be taken forward on a particular site	No LSE Seeks commitment to a fund only	N/A	N/A	N/A	No LSE
Strategy 42 - Green Infrastructure Provision and Strategy It appears that this policy is to be	Commitment to producing a Green Infrastructure Strategy, with separate sections for each town.	No LSE This is a policy where European site mitigation measures should be referred to.	N/A	N/A	Add to policy and supporting text to state that <i>the green Infrastructure strategy will be consistent with the joint detailed</i>	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
removed from the plan, but all supporting text remains and includes reference to the mitigation strategy					<i>mitigation and delivery strategy, which will include alternative greenspace measures over and above that which needs to be provided purely to meet open space requirements.</i>	
Strategy 43 - Open Space Standards	Commitment to establishing standards for open space and an open space strategy	L SE No LSE from policy itself, but this policy needs to set itself apart from additional greenspace requirement for European site mitigation	All	N/A But worth noting that the policy provides recommended standards for open space, which provide a useful reference for checking whether provision of greenspace for European site mitigation is identifiable as over and above open space recommendations when the two requirements are combined in one greenspace.	Add additional text to advise that <i>open space standards are specifically to meet open space needs and do not meet European site mitigation needs, which is a requirement over and above open space provision.</i>	Resolved prior to Proposed Changes  Additional recommendations made later are now covered in latest Proposed Changes where reference is made to green infrastructure provision (e.g. Clyst Valley Regional Park text 7.13 and Green Infrastructure Strategy 10).
Strategy 44 -	Commitment to	No LSE	N/A	N/A	N/A	No LSE

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Undeveloped Coast and Coastal Preservation Area	Coastal Preservation Area	Positive policy protecting the natural environment				
Strategy 45 - Coastal Erosion	Support for sustainable coastal change	No LSE Positive policy protecting the natural environment	N/A	N/A	N/A	No LSE
Strategy 46 - Landscape Conservation and Enhancement and AONBs	Preservation of landscape and AONB	No LSE Positive policy protecting the natural environment	N/A	N/A	N/A	No LSE
Strategy 47 - Nature Conservation and Geology	Conservation of biodiversity	LSE No LSE from policy itself, but this is a policy where mitigation measures need to be explained and committed to. Supporting text added to commit to South East Devon Mitigation Strategy, including prioritisation of the production of the visitor management plan for the Pebblebed Heaths.	All	N/A Additional text added to policy to commit to delivering mitigation alongside or ahead of growth. This commitment is discussed further in updates to the AA sections.	The policy and supporting text needs to be significantly strengthened in its reference to <i>the joint detailed mitigation and delivery strategy, describing a broad suite of mitigation measures to be taken forward to prevent adverse effects arising from recreational pressure</i> . Suggest that references to 5km are taken out of the supporting text.	Resolved prior to Proposed Changes  Additional recommendations made later are now covered in AA recommendations for timely mitigation delivery and latest Proposed Changes.  Policy significantly strengthened by August Proposed Changes in relation to links to the joint mitigation strategy and clarity on developer requirements.
Strategy 48 - Local Distinctiveness in the	Emphasising the importance of local	No LSE Qualitative policy	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Built Environment	design standards					
Strategy 49 - The Built Heritage and Building Conservation	Conservation of built heritage	No LSE Protective policy	N/A	N/A	N/A	No LSE
Strategy 50 - Infrastructure Delivery	Infrastructure delivery through new development and use of CIL	LSE No LSE from policy itself, but this is a policy where mitigation measures should be referenced as developer contributions are likely to be required, and some mitigation measures could be classed as infrastructure provision. Additional supporting text added that now makes clear that where mitigation is to be funded via CIL, the delivery of that mitigation will be prioritised from the CIL funding obtained, over and above other infrastructure requirements.	All	N/A Additional text provides certainty that any money required from CIL for mitigation will be priorities above other infrastructure provision. This provides the certainty necessary for the Council as competent authority, that mitigation delivery will not be impeded by funding, if reliant on CIL.	The policy and supporting text needs to be added to, to include reference to <i>the joint detailed mitigation and delivery strategy, describing a broad suite of mitigation measures to be taken forward to prevent adverse effects arising from recreational pressure, which may need to be delivered via developer contributions.</i>	Resolved prior to Proposed Changes
Monitoring	Explanation of monitoring proposals for the	The inclusion of biodiversity monitoring, both wider biodiversity	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	Local Plan	and protected sites is noted, which will link in with monitoring of the south East Devon Mitigation Strategy.				
<b>PART 2 - DEVELOPMENT MANAGEMENT</b>						
<b>DESIGN</b>						
D1 - Design and Local Distinctiveness	Standards for design quality	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE
D2 – Landscape Requirements	Standards for landscaping in new development	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE
D3 – Trees and Development Sites	Protective policy for existing trees, hedges and hedgebanks	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
D4 – Applications for Display of Advertisements	Criteria and restrictions for the display of advertisements	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE
D5 - Advertisements within Areas of Special Control of Advertisements and Advance Advertisement Signs	Further criteria and restrictions for the display of advertisements	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE
D6 – Locations without Access to Natural Gas	Promotion of low carbon options for non mains gas locations	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
D7 - Agricultural Development	Criteria and restrictions for the erection of agricultural buildings	No LSE A qualitative policy only, does not promote development. However, it would be beneficial to include biodiversity as an additional factor that should inform location and scale of the building.	N/A	N/A	It is suggested that point 1 of the policy is expanded to include the biodiversity as well as landscape. Policy wording suggestion is "...being of appropriate location, scale, design and materials so as not to harm the character, <b>biodiversity</b> and landscape of the rural area..."	Resolved prior to Proposed Changes
D8 – Re-use of Rural Buildings Outside of Settlements	Criteria and restrictions for the conversion of agricultural buildings	LSE Conversions for use as residential or holiday let will contribute to the overall recreational and urbanisation pressure on European sites, water and air impacts, identified as significant through consideration of the housing policies	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Considered and resolved at earlier iterations
<b>NATURAL AND BUILT ENVIRONMENT</b>						
EN1 - Land of Local Amenity Importance	Protection of formally identified local amenity land	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN2 - The Valley Parks in Exmouth	Protection of the formally identified Valley Parks in	No LSE Protective policy only, does not promote	N/A	N/A	N/A Note that expansion and enhancement of the	Resolved prior to Proposed Changes

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
	Exmouth	development			Valley Parks will need to be considered as part of the detailed joint mitigation and delivery strategy. This may therefore need to feed into the recent work the Council has undertaken on the future management of the Valley Parks.	
EN3 – Land at the Byes in Sidmouth	Protection of an existing greenspace of high wildlife and amenity importance	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites	Protection of local wildlife sites	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN5 - Wildlife Habitats and Features	Protection of wider biodiversity	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN6 - Nationally and Locally Important Archaeological Sites	Protection of archaeological remains	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN7 - Proposals Affecting Sites which may potentially be of	Requirement for full assessment of archaeological	No LSE Protective policy only, does not promote	N/A	N/A	N/A	No LSE

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Archaeological Importance	value prior to determination	development				
EN8 - Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest	Protection of Listed Building assets	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN9 - Demolition of a Listed Building	Protection of, and criteria based policy for the demolition of Listed Buildings	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN10 - Preservation and Enhancement of Conservation Areas	Criteria for development in Conservation Areas	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE
EN11 - Demolition of Unlisted Buildings in Conservation Areas	Criteria for allowing demolition in conservation areas	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE
EN12 - Development Affecting Parks and Gardens of Special Historic Interest	Protection of parks and gardens	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN13 - Development on High Quality Agricultural Land	Protection of soil resources	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN14 - Control of Pollution	Prevention of polluting activities	No LSE Protective policy only, does not promote development. However it is suggested that the policy should	N/A	N/A	Add "Pollution of European designated sites or species" to the criteria in the policy for permission will not be granted.	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		make specific reference to European sites.				
EN15 - Environmental Impacts, Nuisance and Detriment to Health It appears that this policy is to be removed from the plan	Further prevention of polluting activities	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	N/A
EN16 – Contaminated Land	Remediation of contamination prior to development	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE
EN17 - Notifiable Installations	Restrictions for health and safety	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN18 - Maintenance of Water Quality and Quantity	Protection of the water environment	No LSE Protective policy only, does not promote development However, appropriate assessment findings may strengthen policy	N/A	N/A Appropriate Assessment findings may be relevant	Suggest that supporting text makes reference to <i>sensitivity of European sites to water quality and quantity issues, and the close working with the Environment Agency and Natural England on this matter</i>	Resolved prior to Proposed Changes
EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment System	Ensuring long term adequacy of sewage infrastructure	No LSE Protective policy only, does not promote development However, appropriate	N/A	N/A Appropriate Assessment findings may be relevant	Suggest that supporting text makes reference to <i>sensitivity of European sites to water quality and quantity issues, and</i>	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		assessment findings may strengthen policy			<i>the close working with the Environment Agency and Natural England on this matter</i>	
EN20 - Private Sewage Treatment Works	Protection of the water and soil environment	No LSE Protective policy only, does not promote development. However, appropriate assessment findings may strengthen policy	N/A	N/A Appropriate Assessment findings may be relevant	Suggest that supporting text makes reference to <i>sensitivity of European sites to water quality and quantity issues, and the close working with the Environment Agency and Natural England on this matter</i>	Considered and resolved at earlier iterations
EN21 - River and Coastal Flooding	Criteria to prevent flood risk	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN22 Surface Run-Off Implications of New Development	Protection of the water and soil environment	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
EN23 - Coastal erosion and surface water run-off It appears that this policy is to be removed from the plan	Preventing coastal erosion	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	N/A
EN24 - Coastal Defence Schemes It appears that this policy is to be removed from the	Promotion of sustainable coastal change management	No LSE Supports proposals that are in accordance with the SMP2, which should have been the subject	N/A	N/A	Suggest policy wording is amended to read <i>"including a detrimental visual impact on a protected landscape or</i>	N/A

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
plan		of Habitats Regulations Assessment			<i>wildlife site"</i>	
EN25 – Development Affected by Coastal Change	Replacement of properties affected by coastal change	No LSE Does not lead to a net increase in development, but provides opportunities for like for like replacement	N/A	N/A	N/A	No LSE
RESIDENTIAL						
H1 - Residential Land Allocation It appears that this policy is to be removed from the plan	Specific smaller scale allocations in the towns of Budleigh Salterton, Ottery St Mary and Sidmouth	LSE Although relatively low levels, additional growth adds to the level and locations of residential development set for the District, which has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	N/A
H2 - Range and Mix of New Housing Development	Securing a variety of house types in development, and ensuring adherence to local character	No LSE Qualitative policy only, does not promote development	N/A	N/A	N/A	No LSE
H3 - Conversion of Existing Dwellings	Criteria for the conversion of	No LSE Although potentially	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
and Other Buildings to Flats	dwelling to flats	increasing dwelling numbers, the policy itself is criteria based only and does not promote new development				
H4 - Dwellings for Persons Employed in Agriculture or Forestry	Criteria for allowing agricultural/forestry occupancy dwellings	No LSE Although potentially increasing dwelling numbers, the policy itself is criteria based only and does not promote new development	N/A	N/A	N/A	No LSE
H5 - Occupancy Conditions on Agricultural/Forestry Dwellings	Criteria for relaxing agricultural/forestry occupancy conditions	No LSE Although potentially increasing dwelling numbers, the policy itself is criteria based only and does not promote new development	N/A	N/A	N/A	No LSE
H6 - Replacement of Existing Dwellings in the Countryside	Criteria for allowing replacement dwellings in the countryside	No LSE Does not lead to a net increase in development, but provides opportunities for one for one replacement	N/A	N/A	N/A	No LSE
<b>EMPLOYMENT, ECONOMIC, RETAIL, TOURISM</b>						
E1 - Provision of Employment Land It appears that this	Specific smaller scale employment allocations in the	LSE Whilst not related to recreation, impacts	All	Further consideration of potential impacts	Plan needs to make clear that it is reliant upon the forthcoming	N/A

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
policy is to be removed from the plan	towns of Axminster, Budleigh Salterton, Exmouth, Honiton, Ottery St Mary, Seaton and Sidmouth	from urbanisation, water and air deterioration needs to be considered		arising from urbanisation and pressure on water resources, water and air quality.	detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	
E2 - Employment Generating Development in Built-Up Areas	Criteria for the determination of employment development proposals outside specified allocations	No LSE Criteria based policy therefore not promoting development, and also includes specific reference to ensuring that proposals must not result in harm to nature conservation sites.	N/A	N/A	N/A	No LSE
E3 - Safeguarding Employment Land and Premises It appears that this policy is to be removed from the plan	Criteria to safeguard employment sites from change of use	No LSE Criteria based policy ensuring retention of existing employment uses, therefore not promoting development	N/A	N/A	N/A	N/A
E4 - Rural Diversification	Requirements for agricultural diversification proposals	No LSE Criteria based policy therefore not promoting development, and also includes specific reference to ensuring that proposals must not result in harm to nature conservation interest.	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
E5 - Small Scale Economic Development in Rural Areas	Policy promoting small scale economic development in rural areas	No LSE Although not specifically promoting new growth, such development could potentially affect European site interest, and there may therefore be a need for project level HRA. Policy identified that such proposals should not have a detrimental impact on wildlife.	N/A	N/A	No requirements, but note that project level HRA could be required.	No LSE, advice for the project level
E6 - New Employment Provision in Association with residential development	Requirement for employment provision on any major residential development (10 units or more)	No LSE as not specifically promoting new growth, but individual proposals could trigger the need for project level HRA	N/A	N/A	No requirements, but note that project level HRA could be required.	No LSE, advice for the project level
E7 - Extensions to Existing Employment Sites	Criteria for allowing employment site expansion	No LSE as not specifically promoting new growth, but individual proposals could trigger the need for project level HRA	N/A	N/A	No requirements, but note that project level HRA could be required.	No LSE, advice for the project level
E8 - Agricultural Development and Succession Housing It appears that this policy is to be removed from the plan	Presumption in favour of second agricultural dwelling on farm holdings	LSE Although relatively low levels, additional growth adds to the level and locations of residential development set for	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	N/A

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		the District, which has potential for LSE in terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.		pressure on water resources, water and air quality.		
E9 - Town Centre Shopping Areas	Promoting town centre business and vitality	No LSE Policy seeks to promote town centre business and retain town centre vitality, but not considered likely to increase tourism.	N/A	N/A	N/A	No LSE
E10 - Primary Shopping Frontages	Protection of shopping areas and retail use of town centre buildings	No LSE Promotes protection of existing retail uses in towns, does not promote any increased growth	N/A	N/A	N/A	No LSE
E11 - Large Stores and Retail Related Uses in Area Centres	New and extended retail in town centres	No LSE Policy seeks to promote town centre business and retail expansion, but not considered likely to increase tourism. .	N/A	N/A	N/A	No LSE
E12 - Neighbourhood Centres and Shops	Provision of local retail facilities	No LSE Small scale local needs shops are promoted, but unlikely to increase	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		traffic or direct impacts to European sites				
E13 - Use of Upper Floors in Shopping Developments	Promoting full use of retail buildings in town centres	LSE Upper floor use could lead to additional residential. Although relatively minor, this will need to be mitigated for, as per conclusions on all residential in the District	all	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Resolved prior to Proposed Changes
E14 - Change of Use of Village Shops or Services	Protection of local community facilities	No LSE Protective policy retaining existing local retail	N/A	N/A	N/A	No LSE
E15 - Retail Development in Rural Areas outside Built-up Area Boundaries	Strict criteria for retail outside town centres, requiring linkages to rural business	No LSE Criteria based rather than promoting development, but there may be a need for project level HRA.	N/A	N/A	No requirements, but note that project level HRA could be required.	No LSE, advice for the project level
E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities	Criteria for allowing new or conversion to holiday accommodation	LSE Tourism promotion and new holiday accommodation contributing to recreational pressure	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality. Tourism impacts	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Resolved prior to Proposed Changes

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
				may need particular attention in the detailed joint strategy.		
E17 - Principal Holiday Accommodation Areas	Protection of existing holiday accommodation from conversion to other uses	No LSE Protecting existing uses. Policy does suggest that could be permitted if environmental benefits outweigh the loss.	N/A	N/A	N/A	No LSE
E18 - Loss of Holiday Accommodation	Protection of existing holiday accommodation from conversion to other uses in key tourist towns	No LSE Protecting existing uses. Policy does suggest that could be permitted if environmental benefits outweigh the loss.	N/A	N/A	N/A	No LSE
E19 - Holiday Accommodation Parks	Promotes new holiday accommodation parks	LSE Tourism promotion and new holiday accommodation contributing to recreational pressure. Policy does refer to protecting habitats and species, but mitigation needs to be considered at a strategic level with all other development	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality. Tourism impacts may need particular attention in the detailed joint strategy.	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	Resolved prior to Proposed Changes
E20 - Provision of Visitor Attractions	Promotes new tourist attractions	LSE Tourism promotion can	All	Further consideration of	Plan needs to make clear that it is reliant	Resolved prior to Proposed Changes

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		contribute to recreational pressure. Policy does refer to protecting areas of natural interest, but mitigation needs to be considered at a strategic level with all other development. Project level assessment may also be required, depending on nature of proposal and location.		potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water and air quality. Tourism impacts may need particular attention in the detailed joint strategy.	upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.  Project level assessment may also be required, depending on nature of proposal and location.	
<b>RECREATION AND COMMUNITY</b>						
RC1 - Retention of Land for Sport and Recreation	Protection of existing open space	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
RC2 - Open Space, Sports Facilities and Parks	Promotion of new open space	No LSE An area targeted for additional recreation could lead to LSE. Policy does not promote specific locations, and refers to ensuring that facilities should not be detrimental to nature conservation interest. Specific sites may need project level HRA prior to determination.	N/A	N/A	No requirements, but note that project level HRA may be required.	No LSE, advice for the project level

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
RC3 – Allotments	Protection of existing allotment areas	No LSE Protective policy only, does not promote development	N/A	N/A	N/A	No LSE
RC4 - Recreation Facilities in the Countryside and on the Coast	Criteria for recreation facilities in the countryside	No LSE Criteria based, but could place development in close proximity to European sites. Policy does require no conflict with natural environment policies. There may be a need for project level HRA.	N/A	N/A	No requirements, but note that project level HRA could be required.	No LSE, advice for the project level
RC5 - Community Buildings	Promoting the siting of community facilities in built up areas and requiring developer contributions where new development creates a need for additional facilities	No LSE Directs development to built-up areas, nature of development unlikely to result in impacts.	N/A	N/A	N/A	No LSE
RC6 - Local Community Facilities	Further criteria for community facilities	No LSE Directs development to built-up areas, nature of development unlikely to result in impacts.	N/A	N/A	N/A	No LSE
RC7 - Shared Community Facilities	Promoting dual use for community facilities	No LSE Nature of development unlikely to result in	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		impacts.				
TRANSPORT AND COMMUNICATIONS						
TC1 – Telecommunications	Criteria for the siting of masts	No LSE Nature of development unlikely to result in impacts and policy includes wording to ensure that any proposal does not affect designated wildlife sites.	N/A	N/A	Suggest that the word 'serious' is removed from clause 4 of the policy wording. Habitats Regulations wording refers to 'adverse impacts' on European sites, and the addition of 'serious adverse impacts' is therefore not necessary and would require quantifying.	Resolved prior to Proposed Changes
TC2 - Accessibility of New Development	Promoting sustainable transport and access	No LSE Does not lead to any increase in development, provides opportunities for sustainable transport in development	N/A	N/A	N/A	No LSE
TC3 - Traffic Management Schemes	Traffic safety and traffic reduction measures	No LSE Sets out traffic reduction objectives, therefore an environmentally positive policy	N/A	N/A	N/A	No LSE
TC4 - Footpaths, Bridleways and Cycleways	Promoting footpaths and cycle ways as part of new development	No LSE Does not lead to any increase in development	N/A	N/A	N/A	No LSE
TC5 - Safeguarding	Protecting disused	No LSE	N/A	N/A	N/A	No LSE

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Disused Railway Lines	railways from development, to enable future use as footpaths and cycle ways	Protecting land from development, does not lead to any increase in development				
TC6 - Park and Ride and Park and Share/Change	Promoting park and ride facilities in the right locations (not location specific).	No LSE Could place development in close proximity to European sites, but policy itself does not promote specific locations. There may be a need for project level HRA.	N/A	N/A	No requirements, but note that project level HRA could be required.	No LSE, advice for the project level
TC7 - Adequacy of Road Network and Site Access	Requires adequate highway infrastructure for new development	No LSE New road development could potentially be located in close proximity to European sites, but policy itself does not promote specific locations. There may be a need for project level HRA.	N/A	N/A	No requirements, but note that project level HRA could be required.	No LSE, advice for the project level
TC8 - Safeguarding of Land Required for Highway and Access Improvements	Protecting specific areas of land for access improvements	No LSE All schemes listed are footpaths and cycle ways with the exception of the Dinian Way at Exmouth. This project is currently being considered by the Council and will	N/A	N/A	The Council should be certain that the Dinian Way proposal can be screened out (should have had a project level check undertaken), before including in the policy.	Resolved prior to Proposed Changes

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		therefore have project level assessment underway.				
TC9 - Parking Provision in New Development	Sets out quantity of parking required in new development	No LSE Specific parking provision requirements for any development that comes forward. Policy itself does not promote development.	N/A	N/A	N/A	No LSE
TC10 - Rear Servicing of Shopping/ Commercial Development	Requirement for rear access in new shopping or commercial development	No LSE Specific access provision requirements for any development that comes forward. Policy itself does not promote development.	N/A	N/A	N/A	No LSE
TC11 - Roadside Service Facilities	Criteria for road service facility proposals	No LSE Could place development in close proximity to European sites, but policy itself does not promote specific locations. There may be a need for project level HRA.	N/A	N/A	No requirements, but note that project level HRA could be required.	No LSE, advice for the project level
TC12 – Aerodrome Safeguarded Areas and Public Safety Zones	Protecting public safety zones around the airport from inappropriate development	No LSE Protecting identified land for safety reasons.	N/A	N/A	N/A	No LSE
<b>NEIGHBOURHOOD PLANNING</b>						
NP1 -	Supports	LSE	All	No requirements	The supporting text for	Resolved prior to

Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
Neighbourhood Planning Policy	neighbourhood plan production and advises that such plans could replace the development control element of the local plan for communities taking forward a neighbourhood level plan.	A neighbourhood plan could replace policies in the Local Plan, for which appropriate avoidance and mitigation measures will be in place to ensure that the plan does not adversely affect any European site. A neighbourhood level plan would constitute a plan or project for which a Habitats Regulations Assessment process should be followed. Points already in supporting text re seeking advice from EDDC and that assessment can be very straightforward.		for AA at this stage, but any Neighbourhood Plan would need to ensure compliance with the Habitats Regulations and may therefore require AA.	the policy (27.52 to 27.56) could be expanded to advise that <i>all neighbourhood plans need to screen for the likelihood of significant effects, and that the Local Plan level HRA work should be used to inform any lower tier AA where required. Natural England should be referred to as a statutory consultee and source of advice.</i>	Proposed Changes
LOCAL PLAN SAVED POLICIES FOR VILLAGES OF EAST DEVON						
Appendix 1 – Villages saved policies and inset maps <i>It appears that this appendix is to be removed from the plan</i>	Policies saved from the old plan, relating to development in smaller villages	LSE Although relatively low levels, additional growth adds to the level and locations of residential development set for the District, which has potential for LSE in	All	Further consideration of potential impacts arising from recreational pressure, urbanisation and pressure on water resources, water	Plan needs to make clear that it is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge.	N/A

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Policy	Description	Initial LSE screening	Relevant European Sites	Requirements for AA	Recommendations for the plan	Further check of July/August 2015 Proposed Changes
		terms of recreational pressure urbanisation and pressure on water resources, water and air quality on European sites within and in the vicinity of the District.		and air quality.		

## Appendix 2 – Provided by EDDC

### Update on developer contributions collected, committed and future projections

This Appendix is entirely formed of information provided by East Devon District Council

#### Monies Collected and Committed in respect of residential schemes impacting on – Exe Estuary, Pebblebed Heaths and Dawlish Warren – Draft at 1 July 2015

In respect of meeting mitigation under Habitat Regulation requirements the table below summarises the monies that have been received or are commitments to be received and also the monies spent or that are a commitment to spend. In respect of column headings in the table that follows the following observations are made:

**Money Received** – this is money that has been received and has been banked to date by the three authorities.

**Money Committed** – this is money that will come in assuming that development is actually built in accordance with permissions granted and agreements signed. For Exeter and Teignbridge it is assumed that it is a combination of monies detailed in both 106 agreements and commitments to CIL expenditure.

**Expenditure Made** – this is actual money that has been spent on listed mitigation projects.

**Expenditure Committed** – this is money that is committed to be spent through signed contracts of expenditure. Over and above signed contracts there are also commitments to spend developer contributions but expenditure will only happen when monies have been collected and this will only happen once development has started and developers are, therefore, obliged to pay. There will be significant sums of money that are in signed 106 agreements but obviously not yet collected but which will have specific identified projects for expenditure.

What is not included is mitigation that is being provided non-contribution measures. For example the Old Park Farm development site in East Devon has a Section 106 agreement that provides for on-site mitigation together with a financial contribution.

	Money Received and Notes		Money Committed and Notes		Expenditure Made and Notes		Expenditure Committed and Notes	
East Devon	£131,829	Money received as at late spring 2015.	£18,300	Money committed from schemes of 10 dwellings or less up to early 2015.			£40,000	Contribution for three years to mitigation officer post, a small part of this at August 2015 has actually been paid in wages/costs.
			£670,642	Money committed from schemes over 10 dwelling up to end March 2015.			£24,000	Pebblebed Heaths Management Plan
Exeter	£98,640	Pre CIL receipts.	£716,626	Money committed in 106 agreements.			£40,000	Contribution for three years to mitigation officer post, a small part of this at August 2015 has actually been paid in wages/costs.
	£18,560	Money earmarked from CIL receipts (of a total CIL 'income' of £232,000).						
Teignbridge	£68,067	£4,580 of the total received since 1 April 2015.	£327,043	Figure correct at Dec 2014 – some may have been paid in 2015 and is presumed to be CIL and S106 combined.	£8,000	Money spent on a Mitigation Officer	£40,000	Contribution for three years to mitigation officer post, a small part of this at August 2015 has actually been paid in wages/costs.
					£458	Money spent on Dog signs on the Warren		
<b>Totals</b>	<b>£317,096</b>		<b>£1,732,611</b>		<b>£8,458</b>		<b>£144,000</b>	

**Table of Habitat Regulations Projected Funding**

The table below provides details of projected payments for habitat Regulation contributions from dwellings projected to gain planning permission and be built between 1 October 2014 and 31 March 2031. The table assumes all schemes will pay the defined tariff at the amount specified and for the dwelling numbers noted. In reality, however, some will mitigate through other means and in some case actual end dwelling numbers gaining permission or built may differ. In future years tariff levels can be expected to change, windfall projections are lower end estimates and other factors are liable to change. Figure should be regarded as a reasoned best estimate of potential income. See map at the end.

Site	Settlement	Status at 30 Sept 2014	Status to date (30 Mar 2015)	Total dwellings	Zone	Cont per dwg	Total cont
Cranbrook extra 587	Cranbrook	Resolution to grant permission	Extant permission	587	Both	£749	£439,663
Cranbrook expansion areas	Cranbrook	Allocation - application being considered	Allocation - application being considered	4370	Both	£749	£3,273,130
Cranbrook care/extra care	Cranbrook	Acknowledged Devt Potential	Acknowledged Devt Potential	25	Both	£749	£18,725
Mosshayne	Blackhorse	Allocation	Resolution to grant permission	900	Both	£749	£674,100
Old Park Farm 2	Pinhoe	Resolution to grant permission	Resolution to grant permission	350	Both	£749	£262,150
Pinn Court Farm	Pinhoe	Resolution to grant permission	Extant permission	490	Both	£749	£367,010
Former Rolle College Campus	Exmouth	Acknowledged Devt Potential	Acknowledged Devt Potential	100	Both	£749	£74,900
Goodmores Farm	Exmouth	Allocation - application being considered	Allocation - application being considered	350	Both	£749	£262,150
Land adjoining Withycombe Brook	Exmouth	Resolution to grant permission	Resolution to grant permission	52	Both	£749	£38,948
Pankhurst Close Trading Estate	Exmouth	Resolution to grant permission	Resolution to grant permission	50	Both	£749	£37,450

Site	Settlement	Status at 30 Sept 2014	Status to date (30 Mar 2015)	Total dwellings	Zone	Cont per dwg	Total cont
Former Gerway Nurseries	Ottery St Mary	Resolution to grant permission	Extant permission	45	Pebblebed Heaths	£626	£28,170
The Knowle	Sidmouth	Allocation	Allocation	75	Pebblebed Heaths	£626	£46,950
Manstone Depot	Sidmouth	Allocation	Allocation	20	Pebblebed Heaths	£626	£12,520
Port Royal	Sidmouth	Allocation	Allocation	30	Pebblebed Heaths	£626	£18,780
Land adjacent the Fountain Head	Branscombe	Not expected to sign S106	Resolution to grant subject to S106	10	Both	£749	£7,490
Winslade Park	Clyst St Mary	Allocation - application being considered	Allocation - application being considered	150	Both	£749	£112,350
Lympstone Nurseries	Lympstone	Allocation in Lympstone Neighbourhood Plan	Allocation in Lympstone Neighbourhood Plan	6	Both	£749	£4,494
Salston Manor Hotel	Nr. Ottery St Mary	Resolution to grant permission	Resolution to grant permission	25	Both	£749	£18,725
Windfalls estimate 60% of 955	Parishes in Pbed Heaths and Exe	Windfalls	Windfalls	573	Both	£749	£429,177
Windfalls estimate 38% of 955	Parishes in Pbed Heaths Only	Windfalls	Windfalls	363	Pebblebed Heaths	£626	£227,238
Windfalls estimate 2% of 955	Parishes in Exe Only	Windfalls	Windfalls	19	Exe Estuary	£600	£11,400
<b>TOTAL</b>							<b>£6,365,520</b>

It should be noted that sites that benefitted from a planning permission at 30 September 2015 are not included in the above table. In the updated Habitat Regulations Assessment, August 2015, it is noted that there is reference to a figure estimated at around £700,000 committed in legal agreements from permissions granted on or prior to 30 September 2015. Of this £700,000 total, there was, at late Spring 2015 total receipts (money banked by the Council) of £131,829. It is not proposed to include a map in the Local plan of the 10 kilometre catchment boundary further information can be viewed on the Council web site at:

<http://eastdevon.gov.uk/planning/planning-services/planning-development-management/unilateral-undertakings-section-106-agreements-and-habitat-mitigation/habitat-mitigation/>

with a map at

[http://eastdevon.gov.uk/media/500504/plg\\_eeph10kzones.pdf](http://eastdevon.gov.uk/media/500504/plg_eeph10kzones.pdf)

The map showing the extent of the 10km catchment boundary is reproduced below and it should be noted that contributions sought will be subject to periodic review in line with inflation and revised cost estimates.

