

15 January 2023

Our ref: 412443

Your ref: Consultation on the emerging new East Devon Local Plan 2020 to 2040



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BY EMAIL ONLY

Dear Sir/Madam

Planning consultation: East Devon Local Plan 2020-2040 – Regulation 18

Thank you for your consultation on the above dated 08 November 2022'

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcome the opportunity to comment on the emerging new East Devon Local Plan 2020-2040 at this stage. Our comments are set out below.

Strategic Policy 8 The infrastructure provision for a second new town (point 6. Infrastructure) should specifically require the identification of Suitable Alternative Natural Greenspace (SANGs) based on a minimum of 8ha per 1000 population. All options drain via Grindle Brook to the River Clyst and then reaching the Exe Estuary posing a pathway for impacts on water quality. Measures to manage flood risk will be needed and SuDs should be required by policy. Options for allocations should avoid loss of "best and most versatile agricultural land" as advised in the NPPF paragraph 174. Higher quality land is present in all options. Your evidence base should include all available soil data to appraise options for a new settlement.

Strategic Policy 16 We support the policy objectives for the Clyst Valley Regional Park. Natural England would welcome the addition of biodiversity net gain to policy objective d). The scale of new development in the west of the district may require off-site net gain opportunities to be in the greater Exeter area. Achievement of the Regional Park's potential will require a bespoke monitoring plan.

East Devon's Green Infrastructure Strategy was published in 2009 and only covers the west of

the District including the Clyst Valley Regional Park. This policy should be expanded to cover the whole of the District in order to connect people with nature throughout the area. Natural England, in consultation with Defra and others, have developed a new GI Framework for England. The GI Framework provides evidence-based advice on how to design, deliver and manage GI consistently across England. This fulfils a commitment in the 25 Year Environment Plan and is a key contribution to the Levelling Up agenda. Following the launch of the Framework on 31st January 2023, Natural England will work to support Local Planning Authorities in assessing their GI provision against the new GI Standards. We want to see strategically planned GI provision for all the benefits it brings for nature, climate, health, and prosperity and to address inequalities in access to greenspaces. Some GI Framework products, the 15 [GI Principles](#) and [Mapping and Display System v1.1](#), are already live. Cross-references to Policies 96-98

Strategic Policy 35 The policy should include reference to the importance of [SuDS](#) in managing the flood and pollution risks resulting from urban runoff.

Policy 36 Natural England supports and welcomes the CCMA policy and the designation of Coastal Change Management Areas as a key coastal planning tool. Sea level rise and coastal change are inevitable and bring both challenges and opportunities for people and nature. Sustainable coastal management embraces long-term change and achieves positive outcomes for both. It's important that CCMA's are not only defined, but also have the mechanisms in place (via a management plan) to enable effective adaptation planning to support their implementation.

We consider the approach used and the methodology produced (policy justification 7.37) as clear, concise, and scientifically robust and would also highlight it as best practice for an evidence base for Local Planning Authorities to demarcate and designate their CCMA's.

Policy 37 In addition to built assets, this policy should also provide for the relocation of valued environmental assets away from areas of risk, with the provision of rollback of European protected sites and SSSIs, where the effects of sea level rise and coastal squeeze will cause condition to decline.

7.45 Links to marine planning could reference that developments impacting the intertidal environment may require a licence from the Marine Management Organisation (MMO). Natural England would recommend that East Devon District Council adopts the [Coastal Concordat for England](#) to streamline decision-making in the coastal environment.

Policy 82 We recommend that this pollution policy is strengthened to recognise the importance of environmental assets such as clean water and air to the natural environment and local communities. River Basin Management Plans (available [here](#)) implement the EU Water Framework Directive and outline the main issues for the water environment and the actions needed to tackle them. Local Planning Authorities must in exercising their functions, have regard to these plans. The policy should seek to protect habitats from water-related impacts and where appropriate seek enhancement.

We would expect this policy to address the impacts of air quality on the natural environment. In particular, it should address the traffic impacts associated with new development, particularly where this impacts on European sites and SSSIs. One of the main issues which should be considered in the plan are proposals which are likely to generate additional nitrogen emissions as a result of increased traffic generation or from agricultural development which can be damaging to the natural environment.

Policy 83 Soils should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. This policy could be made more robust by requiring relevant development to incorporate a soil handling plan and sustainable soil management strategy based on detailed soil surveys.

Policy 84 Internationally and Nationally Important Sites Point 3 – suitable measures should be secured

rather than proposed. Point 4 - 20% BNG is not appropriate in this context as any mitigation or compensation requirements required for statutory designated sites should be dealt with separately from BNG provision. Ecological relevance and connection to the affected site would be better added to Point 4 for Regionally and Locally important sites. The policy should refer to Habitats of Principal (not Principle) Importance.

Policy 86 Natural England support the aims of this policy. It should be noted that some intertidal land being created as part of the River Otter Restoration Project (LORP) will be designated as “6. Areas secured as sites compensating for damage to a European site” within the lifetime of this plan. It is suggested that much of the policy wording around the **South-East Devon European Sites Mitigation Strategy** (SEDESMS) could be moved to the justification. Natural England considers the policy restricting development within the pinch points protecting **Beer Quarry and Caves SAC** to be overly restrictive. Only development which would restrict bat commuting e.g. by removal of hedgerows or trees, or by artificial lighting or wind energy development could cause an adverse impact on bats. We recommend removal of the words “planning permission will not be supported for any development proposals within the pinch points, and” but retaining the rest of the policy. It is important that the reasoning behind the 400m zone around the **East Devon Pebblebed Heaths SPA** is fully explained – it is not and never has been solely about predation of ground-nesting birds by cats, but the restriction is also necessary to reduce direct recreational pressure and dog related impacts. For this reason, tourist accommodation should also be restricted within 400m. This revised wording is required to be consistent with SEDESMS.

In addition to mention of pinch points affecting Beer Quarry and Caves SAC, policy justification para 13.34 should also refer to the published [Beer Quarry and Caves SAC Guidance](#) and this document should be added to the Plan’s evidence base.

Policy 87 Natural England welcomes and supports the policy on Biodiversity Net Gain. We recommend that the policy is expanded to make it clear that by following the mitigation hierarchy, impacts on biodiversity should be avoided. If this is not possible, then impacts should be mitigated and finally if there is no alternative, fully compensated. Only after that process is completed should BNG requirements be applied. Whilst recognising that the Devon Local Nature Recovery Strategy is still in an early development stage, it should still be possible through the current NRN mapping to identify key and priority areas for off-site BNG to be used for connecting and enhancing habitats. A suite of ‘[good practice principles](#)’ for biodiversity net gain have been developed and published. This information may be useful in gathering evidence and developing policy. These same principles also form the basis of the [BS8683:2021 Process for designing and implementing biodiversity net gain](#) which is also available and may be of use.

Sustainability Appraisal report

Natural England has no comments on the Appraisal matrices within the report, but we do recommend that the key environmental baseline data is updated to take account (page 55) of designated Marine Conservation Zones (MCZs) which in East Devon District comprise the Axe Estuary and the Otter Estuary. These should be mapped on page 54. The Lyme Bay and Torbay SAC was designated in 2017 and is no longer a candidate SAC but fully protected under legislation.

Evidence Base

Additional documentation which could be added to the evidence base for the Local Plan include the [Beer Quarry and Caves SAC Guidance](#), the Shoreline Management Plan, the Management Plans for East Devon and the Blackdowns AONBs and the South West [River basin management plans: updated 2022 - GOV.UK \(www.gov.uk\)](#)

We would be happy to comment further should the need arise but if in the meantime you have any queries, please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Denise Ramsay at [REDACTED]. For any new consultations, or to provide further information on this

consultation please send your correspondences to [REDACTED].

Yours sincerely

Denise Ramsay
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