



Devon
Wildlife Trust

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Dear Local Plan Team,

Consultation on Regulation 19 Publication Draft of the East Devon Local Plan 2020-2042

Thank you for the opportunity to comment on the Regulation 19 Publication Draft of the East Devon Local Plan. We confine our comments to those relating to nature and environment.

General comments

We applaud East Devon District Council for its commitment to exceed minimum national levels with regard to Biodiversity Net Gain, however we are disappointed to note that this policy has been weakened since the Draft Local Plan was published. We strongly advise the Council to reinstate the original text, ensuring delivery of substantial net gains for the biodiversity of East Devon and the associated benefits for its population.

We are extremely disappointed to note that policies 89. Policy – Ecological Impact Assessment and 90. Policy – Due consideration of protected and notable species have been removed following publication of the Draft Local Plan. Robust ecological survey is the cornerstone for delivery of the best outcome for wildlife during development. Unfortunately, we commonly review Ecological Impact Assessments that have been submitted as part of a planning application which are well below acceptable standards, resulting in significant negative impacts for biodiversity. If the Council wishes to see the delivery of an '*outstanding natural environment*' throughout East Devon, thorough assessment of the existing ecological value of a site followed by detailed measures for enhancement and compensation are required. We strongly urge East Devon District Council to reinstate these two policies.

Whilst we recognise and welcome the inclusion of reference to the environment in discrete sections within the draft Local Plan, we also urge the need for environment, nature, nature recovery and climate to be embedded throughout the plan and given the weight and level of resource needed to deliver this. Throughout the document it is apparent that policies have been

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written without ecological input, which is often to the detriment of the environment. It is essential that the County Ecologist, or person with similar knowledge and skills, comment on the entirety of this document to ensure that the importance of nature is woven into each and every section. This is required in order to ensure that the vision for an '*outstanding natural environment*' becomes a reality. A 'nature everywhere' approach should be reflected within every policy.

The Local Plan should include a specific strategic policy on environment. An outstanding natural environment is one of the stated objectives of the Local Plan and the omission of a strategic policy on this theme is therefore at odds with the stated aims of EDDC.

The accreditation scheme Building with Nature is given a single reference in a policy relating to Clyst Valley Regional Park. Schemes such as Building with Nature can be utilised to demonstrate best practice and should be referenced throughout the document to incentivise use.

Native Species

We would welcome a commitment to use only native and locally appropriate species for landscape planting, which are locally sourced – from Devon and preferably East Devon - and, to enable this, a commitment to developing local tree nurseries and seed hubs. These are critical elements of a resilience strategy to climate change and are essential for biodiversity. The Devon Nature Recovery Network Habitat Suitability Mapping describes habitats to a high level of detail which can be used to create suitable species mixes.

Photographs

Photos which are utilised throughout the document are an opportunity to demonstrate good practice. Relatively few pictures are utilised in the document and a number of these do not send the right message. In particular, the picture associated with 'Development in the Towns and Villages' does not show a single green feature, providing an extremely poor example of the use of green space within towns and villages. Photographs should aim to show good integration of semi-natural habitats into developments, with a diversity of habitats included. Habitats such as woodland, wetlands and heathlands are part of the wider East Devon landscape and should be fully integrated within developments, providing space for wildlife, adding interest and place-making to developments, providing engagement and wellbeing opportunities with local communities and providing other ecosystems services. It would be good to start this process by including the right messaging within this document.

Chapter 2. The Vision

Para 2.10 Table I Plan Objectives

Objective 2 '*...moves the district towards delivering net-zero carbon emissions by 2040*' should be strengthened to state that net-zero carbon emissions **will** be achieved by 2040. We would also urge the council to revise their targets to 'net-zero/positive'.

Objective 3 '*To provide high quality new homes to meet people's needs*' should be reworded to state 'sustainable, high quality new homes'.

Objective 5 '*To promote the vitality of our town centres, encourage investment, greater flexibility and a wider range of activities to increase footfall and spend.*' Reference to the need for 'green' town centres should be included here.

Objective 6 '*To promote high quality beautiful development that is designed and constructed to meet 21st century needs*' should be reworded to 'sustainable, high quality'.

Objective 8 We welcome the inclusion of an objective which seeks to achieve an outstanding natural environment. However, we believe the language used for the objective should be stronger

to ensure that an outstanding natural environment is delivered. *'and support an increase in biodiversity'* should be replaced with *'and deliver an increase in biodiversity'*.

Chapter 3. The Spatial Strategy

Policies throughout this chapter are missing reference to the environment. The benefits that nature brings to health and wellbeing are well recognised and specific targets should be included within these policies to ensure that these benefits are realised within every development. Targets should detail a minimum size of green space which should be provided, which ensures accessible nature-rich greenspace that is inviting to all who live and work in the area. Reference to the inclusion of green corridors is also required.

Chapter 4. Development at the West End

Strategic Policy WS01– Development of a second new community east of Exeter

We welcome the commitment to deliver a minimum of 254 hectares of land for green infrastructure provision as part of the new town. However, a greater level of detail is required within this policy to ensure that high quality nature-rich infrastructure is delivered. We would like to see reference to the creation of local natural habitats (not just 'green space') including a wide range of semi-natural habitats and features. These bring biodiversity, carbon, water-environment and wellbeing benefits and can be integrated to help define neighbourhoods. The Nature Recovery Network should be utilised to inform the creation of green infrastructure. Buildings should also incorporate homes for wildlife, and lighting must be carefully planned to be sensitive to wildlife and provide dark areas/corridors for nocturnal wildlife.

Strategic policy WS02 – Development within the Enterprise Zone

We would welcome the inclusion of reference to the requirement for protection and enhancement of our natural environment within this section.

Strategic Policy WS03: Exeter Science Park

Strategic Policy WS04: Land north of the Science Park (Brcl_23)

Both of these policies include the phrase *'supporting green and grey infrastructure'*. This terminology should be strengthened to state *'delivery of high quality green infrastructure'*.

Strategic Policy WS06: Employment land east of airport

'Protection of the County Wildlife Site' should be strengthened to *'Protection and enhancement of the County Wildlife Site (in line with Environment Act 2021 requirements), including sufficient buffering from development'*.

Strategic Policy WS10: Development next to the M5 and north of Topsham

Whilst we appreciate that a masterplan is yet to be produced for this site, we would like to see the inclusion of targets for the creation of local natural habitats included within this policy, in line with the figures provided for new homes and employment land.

'Supporting infrastructure, green spaces...' should be replaced with *'delivery of high quality green infrastructure'*.

Strategic Policy WS13: Employment land at Lodge Trading Estate, Broadclyst

'Onsite verification of the extent of the Coastal and Floodplain grazing marsh priority habitat and a design and layout which avoids this area' should be replaced with *'and a design and layout which protects and enhances this area, including sufficient buffering from development'*.

Strategic Policy WS15: Employment land at Darts Farm

'If the development will affect trees or hedges along the north of the site, then further assessment of impact on the Exe Estuary SPA will be required'. Potential impacts to the SPA from adjacent development are not limited to the removal of trees or hedgerows. This text should be replaced

with 'consideration of the potential impacts of the scheme on the Exe Estuary SPA by an appropriately qualified ecologist in line with Habitats Regulations requirements'.

Chapter 5. Development in the Towns and Villages

Strategic Policy SD01: Exmouth and its development allocations

Proposed Allocation of Site Exmo_20

Devon Wildlife Trust considers the inclusion of this site for development is unacceptable and we object in the strongest possible terms.

We consider that the proposed allocation is unsuitable for development both due to the location of the area within the wider ecological landscape and the habitat composition of the site itself. We note that the site was originally scoped out of being allocated in the Site Selection Report (August 2024) for a number of reasons, most significantly '*there are significant local levels of biodiversity interest at the site that could be adversely affected by development. The site promoter for a southern part of the site shows highway access to the south of the site coming through a length of Unconfirmed County Wildlife Site, which would clearly cause damage.*'

Proximity to Designated Sites

The proposed allocation lies directly adjacent to the southern extent of a number of sites which have been designated at the highest level. Exmo_20 lies within 10 metres of Pebblebed Heaths National Nature Reserve (NNR), East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Devon Wildlife Trust Bystock Nature Reserve also lies within these designations. These sites include a strong element of public access.

The proposed allocation lies within East Devon Pebblebed Heaths SSSI Impact Risk Zone (IRZ). Development of land situated within IRZs has potential to have a harmful effect on terrestrial SSSIs and the SACs that they underpin. Natural England consider residential development of 50 units or more likely to have an impact on the East Devon Pebblebed Heaths SSSI. It is understood the proposed allocation is for up to 1,000 dwellings.

Natural England SSSI condition assessments have undertaken to determine the condition of East Devon Pebblebed Heaths SSSI, with several parcels which are considered 'unfavourable recovering' and 'unfavourable declining'. Habitats are therefore clearly in a vulnerable condition, and this is likely to be significantly exacerbated by the development of Exmo_20.

The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area (SNA). This area has been identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land at scale for development.

The proximity of the European sites (SPA and SAC) to the proposed allocation raises considerations under the requirements of the Habitats Directive 1992 for these sites to be maintained or, where necessary, restored at a favourable conservation status (Article 3 (1)). Natural England has a clear presumption against any net increase in residential development within 400m of a heathland SAC. There is a substantial evidence base which demonstrates that urban development in the area around lowland heathland has an adverse effect on the quality of heathland interest features which underly the designation of the European sites and SSSIs. Key references can be found at:

https://webarchive.nationalarchives.gov.uk/ukgwa/20140605111944/http://www.naturalengland.org.uk/regions/south_west/ourwork/heathlands/default.aspx

The current East Devon Local Plan states '*To help preserve the integrity of the East Devon Pebblebed Heaths, specifically on account of the impacts of domestic cats through bird predation, new dwellings will not be allowed on or within 400 meters of the Pebblebed Heaths.*'

It is beyond the scope of this letter to detail the range and diversity of sensitive habitats and species which are supported by the NNR/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development. These include, but are not limited to:

- Disruption to the hydrology of heathland wetland through both drainage interception and enriched urban water discharges.
- Increased air pollution.
- Increased likelihood of arson/accidental fire.
- Damage to habitat and disturbance to wildlife caused by increased use of heathland for off road cycle and motorcycling.
- Increased recreational use, especially by dog walkers, leading to disturbance of ground nesting birds and habitat damage.
- Habitat change from heath to grassland through enrichment by dog faeces.
- Predation by domestic cats on reptiles and ground nesting birds.
- Presence of higher numbers of people and greater recreational use leading to more difficulties in managing the heaths effectively for their designated interests.
- Increased fly tipping of garden and other waste.

It is important to note that many of these urban effects can operate synergistically to exacerbate the adverse impacts on designated interest features.

Due to the proximity of the proposed allocation to the SAC, it is incumbent on the local planning authority to undertake an Appropriate Assessment (AA) prior to adopting the Local Plan. It is unlikely that given the scale and proximity of the proposed Exmo_20 allocation to the SAC, that an AA could conclude that there would be no adverse effects on the integrity of the SAC, regardless of the over-arching strategic approach of the South-East Devon European Sites Mitigation Strategy (SEDESMS). Therefore, the authority would need to progress through the derogation process and seek permission from the Secretary of State demonstrating no suitable alternatives and proposing suitable compensatory measures. Devon Wildlife Trust would urge East Devon District Council to remove this allocation from the plan to avoid such impacts altogether.

Habitats/species within the Exmo_20 allocation boundary

The proposed allocation includes a number of areas of high ecological value. Several blocks of woodland are present, a number of which have been highlighted as Unconfirmed Wildlife Sites. These are areas which have been identified as potentially high value habitats, but for which access has not yet been obtained to allow detailed survey. These areas are identified by comprehensive assessment of aerial photography and are therefore likely to support habitat of high value for wildlife.

A number of areas within Exmo_20 are listed in the Priority Habitat Inventory, which includes designated areas of ancient and deciduous woodland and other assigned habitats of importance.

The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site boundaries. For example, nightjar travel away from heaths to feed and therefore development of habitat directly adjacent to heathland has the potential to negatively impact this species associated with primary designation habitats of the European sites.

It is deeply concerning to hear that enabling works appear to have commenced on site, with tree felling to create access underway. We urge the LPA to ensure that such works are halted, with compensation measures undertaken to address any biodiversity loss which has occurred.

We hope that the information presented above explains why the area encompassed within proposed allocation Exmo_20 is wholly unsuitable for development. We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan.

Chapter 6. Mitigating Climate Change

Strategic Policy CC01: Climate emergency

We would urge the council to revise their targets to 'net-zero/positive'.

Strategic Policy CC04: Energy storage

Strategic Policy CC05: Heat networks

These policies should be reworded to include reference to the requirement for enhancement of our natural environment.

Chapter 7. Adapting to Climate Change

Strategic Policy AR01: Flooding

'Preference will be given to systems that reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure where practicable.' Should be rephrased to remove 'where practicable'. This phrase is superfluous and undermines the point which is being made.

'Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised'. Again, 'where appropriate' is superfluous and should be removed.

Policy AR03: Coastal Change Management Areas (CCMAs)

Policy AR05: Development affecting coastal erosion

These policies should be reworded to include reference to the requirement for enhancement of our natural environment.

Chapter 8. Meeting Housing Needs

Strategic Policy HN01: Housing to address needs

Reference is needed here to the requirement for enhancement of the natural environment, and for building to achieve net-zero carbon.

Policy HN03: Housing to meet the needs of older people

Access to nature is important for people at all stages of their life. Reference is needed to the requirement for provision of areas where older people are able to access the natural environment.

Chapter 9. Supporting the Economy and Town Centres

Policy SE01: Employment development within settlement boundaries

Natural context is missing from this policy. Reference should be made to the inclusion of the natural environment within employment areas in order to ensure that people are able to work in areas where they are connected with nature.

Policy SE02: Employment development in the countryside

Policy SE03: Farm diversification

These policies should be reworded to include reference to the requirement for protection and enhancement of our natural environment.

Policy SE07: Town centre development, sequential approach and impact assessment

'and enhance the natural environment wherever possible'. 'wherever possible' is superfluous and should be removed as it undermines the point which is being made. It is always possible to enhance the natural environment. Even small enhancements such as hanging baskets or planters on the corners of streets can provide enhancements for nature. The provision of well designed, connected, diverse natural corridors through town centres can act as important flagship projects showcasing the benefits of the natural environment.

Policy SE10: Sustainable tourism

'Positively contribute to the natural beauty, wildlife and cultural heritage of the District'. We welcome the inclusion of this requirement within this policy, but it is unclear why this is included here and not elsewhere within the Local Plan. This statement will result in enhancement of the natural environment, working towards the council's objective of 'an outstanding natural environment'. This type of phraseology should be included within the majority of policies.

Policy SE11: Holiday accommodation parks in designated landscapes

This policy needs reference to the requirement for protection and enhancement of the natural environment.

In areas where existing nature value is high, where land forms important nature corridors/buffers and where land has high potential for nature recovery alongside other uses, then DWT would urge higher BNG expectations such as 25%.

Chapter 10. High Quality Design

Strategic Policy DS01: Design and local distinctiveness

Reference to protection of biodiversity is required as a point under *'Proposals will only be permitted where they: C. Do not adversely affect'*. The point should read 'the existing ecological value of the site'. All development must follow the mitigation hierarchy of avoid, minimise, mitigate. It is critical to be clear at all points that the first and preferable option is to avoid damage. Only where this cannot be wholly achieved should minimising, mitigating and replacing the damage be considered. The mitigation hierarchy should be referred to within this policy.

'Appropriate soft landscape (greening) measures and open space provision to enhance amenity and biodiversity value'. This statement is a missed opportunity for a much greater benefit to wildlife. The text should be replaced with wording which states that the landscaping must be designed to form ecological networks throughout the built environment, which are of benefit to both nature and the establishing community of residents. Native species should be utilised and the text should state that 'development must deliver a minimum 20% biodiversity net gain'.

An additional statement is required within this policy relating to lighting. Lighting should be minimised, designed to be sensitive to wildlife and to provide dark areas/corridors for nocturnal wildlife. Permanent physical barriers should be utilised as robust, enforceable and effective barriers to lighting, e.g. using walls, hedges and shrubs/trees to create dark areas/corridors - rather than relying mainly on lighting strategies which are difficult to enforce post development and are of limited effectiveness. Reference should be made to DCC guidance note 'Maintaining dark corridors through the landscape for bats'.

Policy DS02: Housing density and efficient use of land

Reference is required to ensuring that the existing biodiversity value of the site is retained and enhanced.

Policy DS03: Display of advertisements

'Designed with consideration of the existing biodiversity value of the site' should be included as an additional point.

Chapter 11. Sustainable Transport and Communications**Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport**

Reference should be made to designing linear transport links which consider and provide enhancements to biodiversity.

Policy TR07: Wireless connectivity and telecoms infrastructure

'...avoiding harm to landscape character, heritage, environment, and bio-diversity' should be reworded to read 'protecting and enhancing biodiversity'.

Chapter 12. Our Outstanding Landscape**Strategic Policy OL01: Landscape features**

Fragmentation of hedgerow habitats is also an important consideration that needs to be addressed by this policy. Whilst the removal of 5m of hedgerow habitat may appear of little consequence, if removal severs a bat flightline, for example, the results of habitat removal would be the functional loss of a much larger area of habitat to bat species.

Policy OL05: Green wedges**Policy OL06: Land of Local Amenity Importance and Local Green Space**

In areas where existing nature value is high, where land forms important nature corridors/buffers and where land has high potential for nature recovery alongside other uses, then DWT would urge higher BNG expectations such as 25%.

Chapter 13. Our Outstanding Biodiversity and Geodiversity**Policy PB02: Protection of regionally and locally important wildlife sites**

The phrase '*providing like-for-like habitat restoration*' is ambiguous in this context and should be rephrased. 'Like-for-like' is often taken to mean replacement of the same area of habitat which is lost with new habitat, however this does not constitute a like-for-like replacement. The replacement of 1ha of Wood-pasture and parkland Priority Habitat with a new 1ha of this habitat type would not provide a direct replacement of the habitat type due to the time taken for the habitat to meet maturity, and loss of associated ecological components such as soil fauna and fungi. Reference to enhancement of biodiversity is needed in this policy (in line with Environment Act 2021 requirements).

We would like to see a requirement for habitat replacement to be in line with the most recent DEFRA biodiversity metric in order to compensate for the time taken for these habitats to establish.

Policy PB03: Protection of irreplaceable habitats and important features

'*Hedgerow translocation should always be considered first, as a preferential option to hedgerow destruction followed by compensation*'. 'Robust evidence for lack of hedgerow translocation will be required' should be added to this sentence.

'*EclAs should be informed by recent survey information undertaken at suitable time of year following best practice guidelines and BS 42020:2013*'. If an acceptable standard of EclA is to be achieved, far more detail is required here as per Policy 89 of the consultation draft dated November 2022. As a minimum, the following should be included:

- The Chartered Institute of Ecology and Environmental Management (CIEEM) EclA guidelines should be referenced.

- A specified time period for recent survey information is required. For example, Teignbridge District Council require all surveys to have been completed within two and a half years of submission.
- Requirement for assessment to have been completed by a suitably qualified ecologist, preferably a member of CIEEM.
- All surveys to be complete prior to submission of an application.
- Reference to the precautionary principle.

Whilst this information is relevant within this policy, it also applies to several other policies provided within the plan. In order to reduce repetition, it is logical to have a single, stand-alone policy defining what constitutes an acceptable standard of EclA.

We would like to see a requirement for habitat replacement to be in line with the most recent DEFRA biodiversity metric in order to compensate for the time taken for these habitats to establish.

Strategic Policy PB05: Biodiversity Net Gain

As previously discussed, we are delighted to see the Council include the requirement to exceed minimum national levels with regard to biodiversity net gain. However, we are disappointed to note that the policy has been watered down since the Draft Local Plan was published. *'Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full'*. It is considered highly unlikely that any major development would have a demonstrable viability problem with achieving a 20% net gain. The ability to purchase off-site credits/units means that delivery of BNG by financial means is always a viable option. If the cost of off-site credits/units was prohibitive to development, it is likely that the existing ecological value of the site would be too high to allow development to proceed. The inclusion of text which suggests that delivery of less than 20% BNG is an option is misleading and undermines the aspiration for high levels of nature recovery and should be removed from the Local Plan.

In areas where existing nature value is high, where land forms important nature corridors/buffers and where land has high potential for nature recovery alongside other uses, then DWT would urge higher BNG expectations such as 25%.

Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network

It is disappointing to note that this policy has been substantially weakened following review of the draft Local Plan. We urge the council to reinstate the text within the policy which states that development within the NRN will not be supported. The Nature Recovery Network is central to the government's 'apex goal' of improving nature; development within this area will not advance this goal and should be heavily discouraged.

Policy PB07: Ecological enhancement and biodiversity in the built environment

We welcome the inclusion of the requirement for a minimum of one bird box per dwelling, but would like to see this extended to cover both bat and invertebrate boxes/bricks in addition to bird boxes. Interventions that support key local species (e.g. swifts, horseshoe bats) should be supported by preference rather than simplest, most generic or cheapest options.

This policy should include reference to the Building with Nature accreditation.

Policy PB08: Tree, hedges and woodland on development sites

The policy refers to the presentation of the minimum compensation requirements for trees within a table, however no table is present and the link provided does not link to a specific document. A table detailing the compensation requirements for trees should be included.

No minimum compensation requirements are provided for either hedgerows or woodland. Given the time taken for these habitats to mature, it is important that detailed compensation requirements are provided within the local plan to ensure no net loss of habitat.

We would like to see the requirement for native species referred to here – please see General Comments above.

Chapter 14. Open Space and Sports and Recreation

Strategic Policy OS01: Access to open space and recreation facilities

Policy OS02: Sport, recreation and open space provision in association with development

We would welcome the inclusion of reference to the requirement for enhancement of our natural environment within these policies.

Policy OS03: Location of facilities for sport and recreation and open

'...provided that unacceptable adverse amenity or environmental impacts do not arise from development'. This should be reworded to state the requirement to protect and enhance the existing biodiversity of the site.

Policy OS04: New allotments and avoiding the loss of existing ones

'...and will avoid adverse environmental or amenity impacts.' Comments as above.

Policy OS05: Leisure and recreation developments in the countryside

'Development should not result in net adverse natural environmental impacts and ideally should generate improvements'. Should be rephrased to remove 'ideally' and rephrased to 'should deliver biodiversity enhancements' (in line with Environment Act 2021 requirements).

Yours sincerely,

Devon Wildlife Trust

