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Your ref: East Devon Local Plan Regulation 19 Consultation



Hornbeam House

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BY EMAIL ONLY

Dear Sir / Madam

East Devon Local Plan Regulation 19 Consultation

Thank you for your consultation on the above, dated 13 February 2025. 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 welcomes the opportunity to comment on the Publication Draft of the East Devon Plan. Our comments are set out below.

Policy DS04: Green and blue Infrastructure

Natural England welcomes the embedding of the Natural England Green Infrastructure Framework and Principles within the policy. This gives a good sense of clarity to developers around the design and integration of Green Infrastructure into their projects.

Habitat Regulation Assessment

Natural England notes that this is an interim HRA which will continue to evolve and be finalised closer to the adoption of the plan. Natural England looks forward to commenting on further iterations. The HRA identifies that issues around water quality at the River Axe and air quality at East Devon Heaths require further specialised work throughout 2025 to support the Local Plan. Natural England offers its ongoing help in resolving these issues. Please contact Neil.Butler@naturalengland.org.uk who can help East Devon District Council access expertise and advice from within the organisation.

Water Quality at River Axe SAC:

The HRA states that there is insufficient evidence at present to demonstrate that mitigation measures will not use up the available restoration measures, as per Principle 4 of Natural England's 7 principles for Nutrient Neutrality. Natural England agrees that this detail is not yet present and offers its ongoing support to the Council on this issue. Natural England suggests that the ongoing delivery of this evidence is included in Chapter 17 Implementation and Monitoring.

Air Quality at East Devon Heaths SAC / SPA:

The HRA states that EDDC need to progress through a strategy for mitigation of the potential adverse

impact of rising vehicle emissions on the East Devon Heaths SAC / SPA. This is so that their policy does not undermine the ability to deliver the high volume of development in the west end of East Devon. Natural England agrees that such a strategy is required to avoid conflict between East Devon Heaths SAC / SPA air quality policy PBO4 and the high volume of development on the west end of East Devon. Natural England has already helped in early conversations around this and offers its ongoing support. Natural England suggests that the delivery of this strategy is added to Chapter 17 Implementation and Monitoring.

Strategic Policy OL02: National Landscapes (Areas of Outstanding Natural Beauty)

It should be noted that Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions which affect land in National Landscapes. It requires that authorities must now 'seek to further' the statutory purposes of protected landscapes. Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK It is not clear that the LPA have sought to further this duty in terms of the overall plan and some individual site allocations.

Strategic Policy WS010 Development next to the M5 and north of Topsham

This site is adjacent to a large portion of Priority Habitat Coastal and floodplain grazing marshes along the eastern edge of the site, across the Clyst Road. This area is also a County Wildlife Site. Given the large extent of this adjacent habitat and the size of the proposed development, the policy could be improved by requiring the delivery of onsite habitats that reflect and link into this priority habitat.

Strategic Policy SD01: Exmouth and its development allocations (p76)

Exmo_04a and Lymp_14

These sites contain and are surrounded by priority deciduous woodland habitats. The strategic policy does require that particular attention is paid to the onsite and surrounding biodiversity. However, Natural England recommends that the strategic policy could be improved by encouraging opportunities to establish connectivity between existing biodiversity assets.

Exmo_17

The Site Selection Report states that "Development of the site could have significant adverse impacts if poorly undertaken. Any development would need to be of high quality and would need to be very carefully planned and sensitively implemented. "

Natural England agrees with this and reiterates that Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) now requires that authorities must now 'seek to further the purpose' (conserving and enhancing natural beauty) of protected landscapes.

Exmo_20

The St John's site (Exmo_20) was rejected as GH/ED/76 (same boundaries) at the Regulation 18 stage of the Local Plan, and it was not included in the May / June 2024 EDDC additional sites consultation. Therefore, even though this is a Regulation 19 consultation, this is the first time that Natural England has had opportunity to comment on this site.

It is noted that the accompanying HRA suggests that the strategic policy contains sufficient mitigation to avoid an adverse effect from urban effects and residential impacts on the East Devon Heaths SAC/ SPA. The HRA also makes further recommendations for project level mitigation.

Natural England agrees with the mitigation suggestions in the HRA. However, Natural England recommends that these measures should, as far as possible, be integrated into the strategic policy so that there is greater certainty that the mitigation will be delivered. We would also like to make the following points.

The principle for keeping residential development outside of a 400m exclusion zone is established within the Local Plan. Natural England welcomes the stipulation within the strategic policy SD01 that “built development will need to be concentrated in the southern parts of the site” with a 400m exclusion for residential and any development that has adverse impact. While this gives some degree of protection to the SAC / SPA the policy is not yet clear where employment uses would be located and understandably offers developers some latitude.

Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road. This would perform multiple functions. It would conserve foraging areas for nightjars that inhabit the heaths, provide opportunity for BNG habitats and also maintain visual amenity adjacent to the East Devon National Landscape. Authorities must now ‘seek to further the purpose’ of protected landscapes as per LURA Act 2023. This is a clear opportunity to create permeable sites for nature networks and is in line with a wider green infrastructure approach. As such any access road from the northeast should be sensitively implemented.

We would also recommend that any employment parking outside of the 400m zone should be restricted to users of the facilities (employees / customers) so that it does not become parking access for the SAC/SPA.

The policy is not currently clear on whether the required SANG will be delivered on or offsite. If delivered onsite it is recommended that it should be as tightly integrated as possible to residential development in terms of location and access. Any onsite SANG should be buffered, fenced and have restricted onwards access towards the SAC / SPA.

The current EDDC SANG ratio provision policy of 8ha per 1000 residents is unlikely to translate to a site with sufficient space for a good-sized circular walk. Natural England would suggest adopting a higher ratio of 16ha per 1000 on this site, which would be in keeping with the HRA mitigation recommendation for ‘extensive’ SANGS provision.

This, in tandem with high quality recreational features will help focus recreational pressure away from the East Devon Heaths SAC / SPA. If the above recommendations were applied to the site, with development in the south-west and a green buffer in the north-east, there may be opportunity to pull the settlement boundary away from the SAC / SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC / SPA.

Strategic Policy SD05 Seaton (87)

Seat_02 / Seat_03 / Seat_05

Policy PB04 on the Beer Quarry and Caves SAC requires that adverse effect on all pinch points is avoided. The site selection reports for the above sites state, however, that they are within pinch points and that a significant adverse impact is likely. The HRA rules out an adverse effect on integrity. Beer Quarry and Caves SAC Guidance says this: “Pinch point has been identified in the landscape between Seaton and Colyford and Colyford and Colyton.

Further urban growth in this area could significantly impact on the movement of LHBs and potentially have a likely significant effect on the SAC population. Dark flight lines need to be maintained through these Pinch Points to ensure uninhibited movement into their LCZ and between other key roosts in the region. GHBs that have been ringed at BQ& C have been found at a roost at Charmouth (Vincent Wildlife Trust Pers Comms 2011)” [beer-quarry-and-caves-sac-hra-guidance.pdf](#).

In view of this, the HRA is far from clear how the principle of major development within the Seaton / Colyford pinch point will avoid a significant adverse impact on a European protected species. Mitigation wording in the policy is of course useful, but not sufficient if the fundamental principle of development in a pinch point would have an adverse impact. The HRA should therefore revisit this

issue and provide an assessment of how the sites interact with the pinch points.

Seaton 13a Land west of Axeview Road

Site 13a is within the bat sustenance zone for Beer Quarry and Caves SAC. In line with all other sites in the Local Plan in this area the policy should also contain text which requires a wide buffer to the western boundary with tree planting /landscaping boundary and the standard wording used through the plan 'In order to ensure no adverse effect on the integrity of the Beer Quarry and Caves SAC and bat activities, suitable avoidance or mitigation measures will need to be identified and implemented.'

Strategic Policy SD21Musbury (p100)

Musb_01a is located in the connectivity zone for Beer Quarry and Caves Bat SAC. In line with other sites within this area the policy should also contain text which says: "In order to ensure no adverse effect on the integrity of the Beer Quarry and Caves SAC and bat activities, suitable avoidance or mitigation measures will need to be identified and implemented."

Policy PB01: Protection of internationally and nationally important wildlife sites.

Please note that the Lower Otter Restoration Project (LORP) is an area secured as compensation for coastal defences to the Exe Estuary SPA/Ramsar site and needs to be mapped as such for the final version of the policies map.

Policy PB02: Protection of regionally and locally important wildlife sites (p 216)

We recommend that "Habitats of Principal Importance, as listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (identified through site survey work or as identified through existing mapped resources)" is added back to the list of included sites.

Strategic Policy PB04: Habitats Regulations Assessment (p220)

Please see comments above on the HRA regarding vehicles emissions on designated sites and Nutrient Neutrality in the River Axe SAC catchment.

Paragraph 13.16.

Natural England advises that the paragraph wording should be consistent with the PB04 policy wording. Policy PB04 references 'other developments that may result in unacceptable impacts' but this paragraph does not. It would be helpful if the paragraph wording reflected policy wording.
Strategic Policy PB05: Biodiversity Net Gain (p225)

Paragraph 13.24

It states. "Recent evidence suggests that a 10% BNG target without species management provides negligible gains." However, there is no link to the evidence. Local Plans should be evidence led according to paragraph 32 of the NPPF 2024.

PB05 Policy Biodiversity Net Gain

In our Regulation 18 consultation response Natural England recommended 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.

While it is noted that paragraph 13.5 requires the application of the mitigation hierarchy as a foundation for the entire chapter on Biodiversity and Geodiversity, Natural England still reiterates that an inclusion of the mitigation hierarchy approach within Policy PB05 would be beneficial in terms of mainstreaming

avoidance and retention. Though this is not likely a soundness issue.

PB05 Policy: BNG & Self-build exemptions

This section of the policy may leave a self-builder questioning why they must use the Statutory Biodiversity Metric instead of the Small Sites Metric. Self-build and minor development are similar in their size and scale (0-9 dwellings or <0.5 ha) and the Small Sites Metric was specifically designed for minor development. Natural England did contact East Devon District Council as to the reasons for this but received no response. It may be helpful if the policy or supporting text clarified this.

For any queries relating to the specific advice in this letter only please contact Neil Butler at Neil.Butler@naturalengland.org.uk . For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Neil Butler and Jemma Short

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