

Filtered Data Export

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal:

1. Introduction

1. To which part of the Introduction chapter does your representation relate?:

Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

1.1

3(c). Please set out the modification(s) you consider necessary to make this part of the Introduction chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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 Second Regulation 19 Publication Draft of the East Devon Local Plan. We recognise the ambition shown by the Council in planning for significant strategic growth, particularly at the "West End" (Marlcombe), while seeking to enhance the district's outstanding natural environment.

Please see uploaded attachment for NE comments in full as submitted (also entered into Commonplace).

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Organisation (where relevant): Natural England

Proposal: 10. High Quality Design

1. To which part of the High Quality Design chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: DS04

3. Do you consider that this part of the High Quality Design chapter is sound?: No

3(b). If no, please give details of why you consider this part of the High Quality Design chapter is not sound. Please be as precise as possible.: Strategic Policy DS04: Green and Blue Infrastructure & Natural England Green Infrastructure Standards:

Natural England welcomes the commitment that development should accord with the Natural England Green Infrastructure (GI) Framework. The GI Framework comprises several key components, including the Design Guide, GI Principles, and a suite of dedicated GI Standards. The standards include the Green Infrastructure Strategy, Accessible Greenspace Standards, Urban Nature Recovery Standard, Urban Greening Factor, and the Urban Canopy Cover Standard.

Requiring development to align with the Framework implies that all these standards within it should also be applied. However, these standards are not explicitly recognised within Policy DS04, nor are they clearly signposted elsewhere in the plan.

The Standards are intended to be used flexibly by councils and to adapt to local circumstances. They can be adapted to mirror or improve on the existing approach within East Devon.

3(c). Please set out the modification(s) you consider necessary to make this part of the High Quality Design chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the High Quality Design chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: It would therefore be helpful for the local plan to confirm how the [Natural England Green Infrastructure] Standards will apply in East Devon. For example, does the council intend to use the recommended Urban Greening Factor of 0.5 for greenfield development? Or will it provide its own figure? Please note that

Natural England has published guidance for Local Planning Authorities on preparing an area wide Green Infrastructure Strategy:

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Green%20Infrastructure%20Framework%20Process%20Guide%20for%20Local%20Planning%20Authorities.pdf>

It is also noted that Policy DS04 also references 5 NE GI Framework Principles. It is noted that the GI Framework has 15 principles.

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Proposal: 12. Our Outstanding Landscape

1. To which part of the Our Outstanding Landscape chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: OL02

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Landscape chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Landscape chapter, please use this box to set out your comments.:
Strategic Policy OL02: National Landscapes (formerly AONBs):

We welcome the policy reflecting the strengthened duty under the Levelling Up and Regeneration Act 2023 to "seek to further" the purposes of the National Landscape.

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB06: Local Nature Recovery Strategy (LNRS) and Nature Recovery Network (NRN):

It is noted that the Draft Devon LNRS has now been finalised and therefore presumably close to adoption by East Devon District Council.

Natural England fully supports the expectation that off-site BNG should be delivered within identified NRN areas. This represents a strong and positive application of the Lawton Principles within plan-making.

We welcome the requirement for biodiversity improvements to align with the opportunities identified within the LNRS. However the phrase "...required to provide mitigation in the form of biodiversity improvements..." is a little confusing. Mitigation is usually associated with avoiding or reducing harm, and therefore not necessarily achieved directly through "biodiversity improvements". Again we have written possible wording below to demonstrate our point.

"Development proposals within NRN areas must, after applying the mitigation hierarchy, deliver biodiversity enhancements that contribute to net improvements within, or directly relevant to, the NRN."

Please note that with an established NRN, the Local Plan is now able to safeguard any High Opportunity Areas of the NRN (Areas that could become of importance to biodiversity) through policy and policy mapping. This could be areas with high strategic value in terms of future functional links to existing green infrastructure, active travel routes, transport corridors, or other nearby components of the NRN.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: we have written possible wording below to demonstrate our point:

“Development proposals within NRN areas must, after applying the mitigation hierarchy, deliver biodiversity enhancements that contribute to net improvements within, or directly relevant to, the NRN.”

Please note that with an established NRN, the Local Plan is now able to safeguard any High Opportunity Areas of the NRN (Areas that could become of importance to biodiversity) through policy and policy mapping. This could be areas with high strategic value in terms of future functional links to existing green infrastructure, active travel routes, transport corridors, or other nearby components of the NRN.

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Strategic Policy PB03: Irreplaceable Habitats:

We welcome the explicit protection of ancient woodland and veteran trees.

We advise that the buffer zones for ancient woodland (typically 15m minimum) should be strictly enforced, and larger buffers encouraged where significant development intensity (such as at Marlcombe) abuts these habitats.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: We advise that the buffer zones for ancient woodland (typically 15m minimum) should be strictly enforced, and larger buffers encouraged where significant development intensity (such as at Marlcombe) abuts these habitats.

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1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Strategic Policy PB05: Biodiversity Net Gain (BNG):

Natural England currently supports the Council's ambition to require 20% BNG for major developments. Given East Devon's high environmental value and the scale of proposed loss of greenfield land, aiming above the statutory 10% of the Environment Act 2021 will help to embed Lawton principles into plan making.

It is worth noting however that Policy N1:2 of the draft NPPF December 2025 (out for consultation on the date of this response) states that "development plans should only set local biodiversity net gain standards above the statutory requirement where these relate to specific site allocations and are fully justified and deliverable." Link to: National Planning Policy Framework: draft text for consultation.

We welcome the policy requirement that off-site BNG should prioritise the Nature Recovery Network (NRN) and Local Nature Recovery Strategy (LNRS) priorities (Policy PB06).

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB09: Long-term Management Security and Financial Assurance:

Natural England observes that the previously proposed, innovative method for securing onsite biodiversity gains through a financial assurance mechanism has been removed from the current version of the plan. Typically, habitat planting occurs toward the end of the construction phase, with the first five years of monitoring and maintenance being especially critical as habitats establish, or in some cases fail and need to be re-established.

Introducing financial guarantees to support this establishment period seems a valuable tool. It can help developers meet their mandatory Biodiversity Net Gain (BNG) obligations while ensuring that residents benefit from well-managed onsite biodiversity. It remains possible, however, that this mechanism could reappear through supplementary council guidance or requirements for Biodiversity Gain Plans, even if it is not reinstated as formal policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: It remains possible, however, that this [financial assurance] mechanism could reappear through supplementary council guidance or requirements for Biodiversity Gain Plans, even if it is not reinstated as formal policy.

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1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: PB08: Trees, hedges and Woodland on Development Sites:

Policy PB08 sets out a tree-replacement approach based on existing tree girth, which is a useful method for reducing impact on existing trees within proposed development. However, as mentioned above [see NE representation for Policy DS04], the Plan also includes Policy DS04, which requires development to accord with the Natural England Green Infrastructure (GI) Framework. And this includes an Urban Canopy Cover Standard.

Until recently this Natural England GI Standard has been in development. But the Standard is now in its final stages of testing. We do not have a final publication date, but it will include a recommended canopy cover standard % and canopy-cover calculator, like those already in use in High Wycombe and Cornwall councils.

This means that soon East Devon Local Plan will have both a tree-replacement policy PB08 and a GI Policy DS04 which refers out to the NE Urban Canopy Cover Standard via the GI Framework. If it is indeed the intention of the council to use the NE GI Standards / Urban Canopy Standard, it may be useful if this is incorporated into policy PB08.

The PB04 tree replacement approach is likely in alignment with a canopy cover approach. But it may be helpful to consider how situations will be handled where tree-replacement ratios exceed canopy-cover requirements. Though this is likely to be rare.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: If it is indeed the intention of the council to use the NE GI Standards / Urban Canopy Standard, it may be useful if this is incorporated into policy PB08.

The PB04 tree replacement approach is likely in alignment with a canopy cover approach. But it may be helpful to consider how situations will be handled where tree-replacement ratios exceed canopy-cover requirements. Though this is likely to be rare.

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1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.:

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3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Nutrient neutrality is a set of tools and advice to enable residential developments to progress through the Habitat Regulations Assessment process by ensuring there is no net increase in nutrients reaching a specific habitat site. Development proposals can be considered 'nutrient neutral' where they can demonstrate that they will cause no overall increase in nutrient pollution affecting specified habitats sites. With respect to this Local Plan, the catchment where a development must demonstrate nutrient neutrality is the River Axe SAC, due to phosphate levels.

Natural England note that the Council has included policy wording within PB04 that requires development proposals within the River Axe SAC catchment to demonstrate how nutrient neutrality will be achieved in accordance with the latest advice and guidance from Natural England, and we welcome this policy. However, we advise that not all development types would be subject to nutrient neutrality, and therefore the Council may [wish] to be more specific in the wording of this policy as to which types of development would be required to demonstrate nutrient neutrality.

The wording at PB04 should ensure that any new relevant development in the catchment of the River Axe SAC does not add to the nutrient loading. This wording, requiring nutrient neutrality for all development within the River Axe catchment, should

also allow for a conclusion of no adverse effects on integrity from the Local Plan HRA alone for this pressure, and as there should be no net increase in nutrients entering the catchment, there would be no in combination assessment required.

Natural England understands that the strategic mitigation strategy is currently being developed and that we are supporting the development of this strategy. We will continue to support your authority and understand that we will be consulted for comment and approval as required. However, as the strategic mitigation strategy is still in development, it may not be fully complete and approved when this Local Plan is adopted, and therefore there may be a period of time when nutrient neutrality mitigation will continue to be provided by the developer when making a planning permission application.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: PB04 / PB01: Nutrient Neutrality:

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

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3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: PB04/PB01 Nutrient Neutrality:

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PB01 Water Quality and Water Cycle Study:

Natural England has concerns that the current Water Cycle Study (WCS) does not demonstrate a sufficiently robust evidence base to rule out adverse effects on the integrity of international sites. The HRA (November 2025) identifies Water Pollution and Hydrological Changes as priority threats to the Exe Estuary. However, the HRA's conclusion that there will be no "Adverse Effect on Integrity" (AEOI) relies on the assumption that the WCS is fully complete.

The WCS does not, by its own admission, contain all available data on water quality. Consequently, the conclusions of the Habitats Regulations Assessment (HRA) regarding water quality may be premature. Appendix D, Page 158 of the WCS states:

“SWW has carried out SAGIS modelling, which provides a broader view of water quality across catchments and allows for assessment of multiple treatment works in close vicinity on the same watercourse. SWW has neither shared the inputs of their model nor any clear outputs, which does not allow for comparison with the RQP modelling. RQP focuses on the impact of specific discharges, while SAGIS provides a broader, integrated view of water quality across entire catchments. RQP is used for detailed discharge assessments, whereas SAGIS supports strategic catchment planning and

regulatory compliance. The data provided by SWW did not provide clarity on the comments initially raised. As such, the additional data provided by SWW following consultation on the WCS report was not incorporated into a revised version of the WCS”

The Environment Agency will be able to better advise on the implications of this. But the lack of certainty around water quality alongside the high levels of proposed development could lead to direct risks for protected habitats. Natural England advises that where there is uncertainty the precautionary principle required under the Habitat Regulations should be applied.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Nutrient Neutrality:

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Water Quality and Water Cycle Study: Natural England advises that where there is uncertainty the precautionary principle required under the Habitat Regulations should be applied.

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB04 / PB01: Air Quality and the East Devon Heaths SAC/SPA:

Natural England informed East Devon District Council in October 2025 that we were changing how we respond to consultations that might affect air quality in protected sites. This advice is based on our best scientific understanding of how to assess development impacts on air quality. This standard advice is Natural England's formal statutory advice. It provides decision-makers with the information needed to fulfil their statutory duties when making decisions on Local Plans with potential air pollution impacts.

We have provided standard advice, which includes our guidance on all relevant air pollution matters, at Appendix A [see within attachment]. This advice relates to the protection of designated sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981, and should also be taken as Natural England's formal representation under the Town & Country Planning (Local Planning) Regulations 2012.

This standard advice is applicable to all stages of the Local Plan process. It includes advice on the information required to assess air quality and guidance on interpreting the results of air quality modelling, enabling your LPA to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI.

In addition to this standing advice, which addresses all relevant considerations, we have provided specific advice for your authority on air pollution issues and associated policies as set out below:

Natural England understands that an assessment has been carried out on vehicle emissions resulting from development under local plan policy, which indicates an adverse impact on the East Devon Pebblebed Heaths SAC/SPA in the absence of mitigation.

We also understand that a mitigation strategy approach has been established to address the increase in emissions. However, Natural England notes from the East Devon Local Plan HRA Appropriate Assessment (by DTA) that the current mitigation strategy does not set out clear, specific measures that can be secured and relied upon to rule out adverse effects on site integrity.

The SAC is in exceedance of the critical load for nitrogen deposition and the critical level for ammonia. Due to these exceedances, any further emissions of nitrogen and ammonia are necessarily limited. This limitation must be considered alongside the site's Conservation Objectives within the appropriate assessment. Supplementary Advice to the Conservation Objectives presents attributes which are ecological characteristics of the designated species and habitats within a site. These attributes are considered to best describe the site's ecological integrity and, if safeguarded, will enable achievement of the Conservation Objectives. For air quality, the target is to restore, as necessary, the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values.

We understand that there are currently no practicable options to fully mitigate the impacts of increased emissions at this site resulting from the East Devon Local Plan. While the proposed strategy proposes some potential mitigation measures for emissions, there is insufficient certainty that these measures will be effective and thus avoid adverse effects.

At present, without a secured mitigation strategy, specific and quantified measures, and monitoring protocols, adverse effects on site integrity from the Plan cannot be ruled out. The Appropriate Assessment also identifies an inherent conflict, as proposed

growth exceeds threshold levels with no current robust and certain mechanism to address these risks.

The Appropriate Assessment concludes that it is not possible to rule out adverse effects on integrity for air quality for the SAC/SPA. The Conservation of Habitats and Species Regulations 2017 (as amended), Part 6, Chapter 1, Section 63(5), requires that plans should not “adversely affect the integrity of the European site.”

The strategic large-scale allocation of homes, while knowing that the mitigation required for their legal delivery is not yet secured, risks making the Plan potentially undeliverable and unsound. The HRA should be able to conclude ‘no adverse effects on integrity’ without relying on the conditional policy wording of PB04.

Natural England agrees with the conclusions made within the Appropriate Assessment and the need for additional evidence and mitigation before the Plan can be adopted in its current form.

While we recognise that progress is being made on the Air Quality Strategy for the SAC, we recommend that this strategy should be secured and detailed before the Plan is presented for examination, providing the certainty required by the Habitats Regulations. We understand that this is the intention of East Devon District Council from the policy text and that Natural England is advising on the development of this strategy, and we will continue our support.

We note that, in part, the strategy relies on monitoring and an assessment of site condition to check for any deterioration, and provide the following advice on this matter:

When assessing road traffic emissions under the HRA process, your authority must be certain that the Plan will not adversely affect the integrity of the SAC/SPA. A high level of certainty is required, and uncertainty cannot simply be deferred to monitoring.

Monitoring is not an acceptable substitute for resolving uncertainty at the screening or appropriate assessment stage. It cannot be used as a mitigation measure where there is

a risk of adverse effects. Monitoring should only be applied to validate conclusions already reached and to provide early warning of unforeseen risks.

If monitoring is used, it must:

- Address residual uncertainties and confirm that mitigation measures are effective.
- Include clear trigger points and adaptive actions to prevent adverse effects before they occur.
- Ensure measures can be implemented promptly, are adequately funded, and proportionate to the level of risk and the conservation status of the sites features.

Monitoring should not allow emissions to exceed a level that causes an adverse effect on site integrity and then assess impacts retrospectively, as long-term deterioration (e.g., from ammonia or nitrogen deposition) occurs gradually and may not be detected by short-term habitat assessments. When the strategy is complete, the monitoring indicators that trigger implementation of the break clause (if still included in the mitigation strategy), should be incorporated into Chapter 17: Implementation and Monitoring.

Natural England agrees with the conclusion of the Council's HRA that the necessary strategic mitigation is currently uncertain. The Plan remains unsound until this uncertainty is resolved, the mitigation is secured, and the policy wording is updated accordingly.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Natural England agrees with the conclusions made within the Appropriate Assessment and the need for additional evidence and mitigation before the Plan can be adopted in its current form.

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1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy “PB04 / PB01: Air Quality and the East Devon Heaths SAC/SPA:

Natural England informed East Devon District Council in October 2025 that we were changing how we respond to consultations that might affect air quality in protected sites. This advice is based on our best scientific understanding of how to assess development impacts on air quality. This standard advice is Natural England’s formal statutory advice. It provides decision-makers with the information needed to fulfil their statutory duties when making decisions on Local Plans with potential air pollution impacts.

We have provided standard advice, which includes our guidance on all relevant air pollution matters, at Appendix A [see within attachment]. This advice relates to the protection of designated sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981, and should also be taken as Natural England’s formal representation under the Town & Country Planning (Local Planning) Regulations 2012.

This standard advice is applicable to all stages of the Local Plan process. It includes advice on the information required to assess air quality and guidance on interpreting the results of air quality modelling, enabling your LPA to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI.

In addition to this standing advice, which addresses all relevant considerations, we have provided specific advice for your authority on air pollution issues and associated policies as set out below:

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We also understand that a mitigation strategy approach has been established to address the increase in emissions. However, Natural England notes from the East Devon Local Plan HRA Appropriate Assessment (by DTA) that the current mitigation strategy does not set out clear, specific measures that can be secured and relied upon to rule out adverse effects on site integrity.

The SAC is in exceedance of the critical load for nitrogen deposition and the critical level for ammonia. Due to these exceedances, any further emissions of nitrogen and ammonia are necessarily limited. This limitation must be considered alongside the site's Conservation Objectives within the appropriate assessment. Supplementary Advice to the Conservation Objectives presents attributes which are ecological characteristics of the designated species and habitats within a site. These attributes are considered to best describe the site's ecological integrity and, if safeguarded, will enable achievement of the Conservation Objectives. For air quality, the target is to restore, as necessary, the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values.

We understand that there are currently no practicable options to fully mitigate the impacts of increased emissions at this site resulting from the East Devon Local Plan. While the proposed strategy proposes some potential mitigation measures for emissions, there is insufficient certainty that these measures will be effective and thus avoid adverse effects. At present, without a secured mitigation strategy, specific and quantified measures, and monitoring protocols, adverse effects on site integrity from the Plan cannot be ruled out. The Appropriate Assessment also identifies an inherent conflict, as proposed growth exceeds threshold levels with no current robust and certain mechanism to address these risks.

The Appropriate Assessment concludes that it is not possible to rule out adverse effects on integrity for air quality for the SAC/SPA. The Conservation of Habitats and Species Regulations 2017 (as amended), Part 6, Chapter 1, Section 63(5), requires that plans should not “adversely affect the integrity of the European site.”

The strategic large-scale allocation of homes, while knowing that the mitigation required for their legal delivery is not yet secured, risks making the Plan potentially undeliverable and unsound. The HRA should be able to conclude ‘no adverse effects on integrity’ without relying on the conditional policy wording of PB04.

Natural England agrees with the conclusions made within the Appropriate Assessment and the need for additional evidence and mitigation before the Plan can be adopted in its current form.

While we recognise that progress is being made on the Air Quality Strategy for the SAC, we recommend that this strategy should be secured and detailed before the Plan is presented for examination, providing the certainty required by the Habitats Regulations. We understand that this is the intention of East Devon District Council from the policy text and that Natural England is advising on the development of this strategy, and we will continue our support.

We note that, in part, the strategy relies on monitoring and an assessment of site condition to check for any deterioration, and provide the following advice on this matter:

When assessing road traffic emissions under the HRA process, your authority must be certain that the Plan will not adversely affect the integrity of the SAC/SPA. A high level of certainty is required, and uncertainty cannot simply be deferred to monitoring.

Monitoring is not an acceptable substitute for resolving uncertainty at the screening or appropriate assessment stage. It cannot be used as a mitigation measure where there is a risk of adverse effects. Monitoring should only be applied to validate conclusions already reached and to provide early warning of unforeseen risks.

If monitoring is used, it must:

- Address residual uncertainties and confirm that mitigation measures are effective.
- Include clear trigger points and adaptive actions to prevent adverse effects before they occur.
- Ensure measures can be implemented promptly, are adequately funded, and proportionate to the level of risk and the conservation status of the sites features.

Monitoring should not allow emissions to exceed a level that causes an adverse effect on site integrity and then assess impacts retrospectively, as long-term deterioration (e.g., from ammonia or nitrogen deposition) occurs gradually and may not be detected by short-term habitat assessments. When the strategy is complete, the monitoring indicators that trigger implementation of the break clause (if still included in the mitigation strategy), should be incorporated into Chapter 17: Implementation and Monitoring.

Natural England agrees with the conclusion of the Council's HRA that the necessary strategic mitigation is currently uncertain. The Plan remains unsound until this uncertainty is resolved, the mitigation is secured, and the policy wording is updated accordingly.

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 17. Implementation and Monitoring

1. To which part of the Implementation and Monitoring chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 17.1

3(c). Please set out the modification(s) you consider necessary to make this part of the Implementation and Monitoring chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Implementation and Monitoring chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Given the scale of the development at Marlcombe it may be useful for the operational status of SANG to be included in Chapter 17 Implementation and Monitoring.

Full name: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant):

-

Proposal:

4. Development at the West End

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS01

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

Natural England broadly supports the emerging SANG and Green Infrastructure (GI) approach at Marlcombe. The site's topography, centred around the stream corridors, provides strong opportunities for active travel, Suitable Alternative Natural Greenspace (SANG) provision, and multiple access points to GI from all parts of the proposed settlement.

Within this overall support, we would like to highlight several points regarding SANG quality, particularly within an urban context, and to identify areas that we believe should not contribute to the SANG.

See 3(b)

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.:

Strategic Policy WS01: Development of New Community / Marlcombe Green Infrastructure and the Marlcombe Vision Document:

Natural England broadly supports the emerging SANG and Green Infrastructure (GI) approach at Marlcombe. The site's topography, centred around the stream corridors, provides strong opportunities for active travel, Suitable Alternative Natural Greenspace

(SANG) provision, and multiple access points to GI from all parts of the proposed settlement.

We advise that the "green" elements of the Marlcombe masterplan (SANG, walking trails) must be functional prior to the occupation of dwellings to prevent early residents establishing recreational habits on the sensitive Pebblebed Heaths or the Exe estuary, although we acknowledge that SANG will take time to develop into a natural feel.

Within this overall support, we would like to highlight several points regarding SANG quality, particularly within an urban context, and to identify areas that we believe should not contribute to the SANG.

1. SANG Links and Corridor Widths at Marlcombe: Several of the proposed SANG areas are connected by long, narrow corridors. While we support the principle of linking larger SANG parcels with green corridors and active travel routes, we do not consider these narrow sections suitable to be counted toward SANG provision.

Natural England's SANG guidance recommends a minimum width of 100 metres for SANG land. This width:

- Provides space for visitors to dwell and experience a natural setting
- Minimises conflict between dog walkers, cyclists, and other users
- Allows for multiple path options and a sense of openness

Corridors significantly narrower than this should be treated as SANG Links, green infrastructure or active travel links, not SANG.

2. Circular Walks at Marlcombe: Natural England's SANG guidelines recommend that each SANG should provide at least one circular walk of 2.5 km. The Marlcombe site appears to offer opportunities for more than one circular route, which is positive. However, achieving this will depend on the strategic placement of bridges across the stream corridors to ensure continuous attractive walking loops.

3. Dedicated Dog Area and SANG Car Park at Marlcombe: SANG guidance requires that each SANG includes:

- A dedicated car park (not shared with other uses) if SANG provision more than 400m from residential accommodation.
- Facilities for safe dog walking, including dog bins and clear signage
- A secure, fenced area where dogs can be safely let off lead

We recommend that the site is assessed to establish whether any residential areas are more than 400m away from a SANG. If so, we recommend that Marlcombe identifies a car park to aid access on that site.

There appears to be scope for dedicated safe dog walking areas in the north, west and east of the site. We recognise that this level of detail is beyond the scope of the Vision document, but it should be incorporated into future design iterations.

4. SANG in an Urban Context at Marlcombe: Many SANG function as standalone “destination” greenspaces. At Marlcombe, however, the SANG is embedded within an urban environment. While this improves accessibility for residents, it also increases the need for:

- Strong visual buffering using naturalistic planting
- Clear separation from residential, industrial, road infrastructure and retail edges
- A sense of immersion in nature

Amenity style parkland with minimal planting or no buffer from built form will not function as a suitable alternative to recreation in protected areas.

Naturalistic planting, woodland edge habitat, and screening will be essential to create a quality SANG experience.

It seems possible that some of the areas currently labelled as “Open Space” may have potential to be upgraded to SANG through additional planting, natural play features, and habitat creation, if this is desirable.

It is noted that the proposed SANG areas on the north of the site are near the A30 and airport. Please note that Natural England SANG guidelines recommend that noise levels are below 60db at a SANG so that it does not dissuade usage.

5. Cats Copse at Marlcombe – Suitability as SANG: Paragraph 193(c) of the National Planning Policy Framework (NPPF) states: Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Cats Copse is a designated Ancient Woodland and Priority Woodland Habitat. We advise that this should be clearly stated on future documents.

Natural England has significant concerns that designating this area as SANG would lead to deterioration of the habitat. While larger woodlands can absorb recreational pressure, Cats Copse is relatively small (5.2ha split between both ancient woodland and priority habitat), and increased access is likely to damage the ecological features that make it irreplaceable—particularly if the woodland is currently in good condition.

The Vision document shows residential development, an active travel route, and a road immediately adjacent to the southern and eastern boundaries of the woodland. This raises risks of:

- Increased disturbance
- Fly-tipping
- Informal access and path creation
- Edge effects and habitat degradation

We therefore recommend:

- Reorienting the proposed road into a cul-de-sac to reduce through traffic
- Providing a wide natural buffer between the woodland and any active travel route
- Using a scrub ecotone (e.g. hawthorn dominated transitional habitat) to soften the woodland edge to provide a natural barrier to access
- Exploring opportunities to extend the woodland to deliver Biodiversity Net Gain (BNG) units and align with the “woody habitats” opportunity areas identified in the Draft Devon Local Nature Recovery Strategy (LNRS)

6. Monitoring SANG delivery at Marlcombe: Given the scale of the development at Marlcombe it may be useful for the operational status of SANG to be included in Chapter 17 Implementation and Monitoring.

7. Other Priority Woodland Habitats within Marlcombe: It is also noted that Parsonage Copse woodland in the south-east of the site is also a Priority Woodland habitat. We note that this does not appear to have been designated SANG according to the Vision document. We recommend a buffering approach here to dissuade access.

We also recommend suitable buffering around the Priority Woodland habitat at Glebe House in the east of the site, though we recognise that this advice is slightly premature for the vision document stage.

Assessing Marlcombe Against the Natural England Green Infrastructure Framework and Standards: Policy DS04 requires all major development to accord with the Natural England Green Infrastructure (GI) Framework. Natural England welcomes this approach. The Natural England GI Framework contains 5 GI standards. Green Infrastructure Strategy, Accessible Greenspace Standards, Urban Nature Recovery Standard, Urban Greening Factor, and the Urban Canopy Cover Standard.

Natural England GI standards are intended to be used flexibly to respond to and inform local GI delivery. As mentioned in Point 4 of this response, the Local Plan does not

provide further detail on how the Standards are to be applied locally. The advice below is therefore based on the nationally NE GI Standards.

Relationship of Natural England Green Infrastructure Standards and SANG: Marlcombe has SANG provision designed into the site itself. But policy DS04 also requires development to be in accordance with the Natural England GI Framework. This leads to the question of whether SANG and NE GI Standards can share space.

From a GI Framework perspective, the default position is that the Standards are additional to the SANG. However we recognise that there may be situations where GI standards could blend with SANG. We address these situations below:

1. Natural England Accessible Natural Green Space Standards: This Standard requires 3 hectares of publicly accessible greenspace per 1,000 residents within a 15 minute walk. According to the Natural England standards, such greenspace must meet Green Flag Award criteria and best practice accessibility standards. These local capacity standards should be informed by the existing provision of greenspace and a local assessment of needs, opportunities and constraints.

The general approach is that Accessible Natural Green Space is additional to SANG. This is certainly the case where SANG is located outside of the development and accessed by vehicle. But the SANG at Marlcombe is clearly well integrated and distributed across the site. With good design that satisfies both SANG and accessible greenspace requirements, it is reasonable for SANG to function as Accessible Green space in many instances. This approach is ultimately for the LPA to determine, but all parts of the site should have accessible greenspace.

2. Natural England Urban Nature Recovery Standard: This Standard requires local authorities in urban and urban fringe areas to set targets for nature recovery through the provision and sustainable management of Local Nature Reserves (LNRs) and Local Wildlife Sites (LWSs), including:

- Providing 1 hectare of LNR per 1,000 population

- Enhancing existing and identifying new areas that qualify as LWSs

The major development part of the standard states that: “The developer identifies in the Green Infrastructure Plan for the development (or in the Design and Access Statement, as appropriate), its contribution to nature recovery and the creation and restoration of 22 wildlife rich habitats, which can contribute to the delivery of local nature recovery objectives, including the potential for creation or enhancement of Local Nature Reserves or Local Wildlife Sites.”

This standard offers very good opportunities for high scoring Biodiversity Net Gain unit provision whilst creating a community asset (see point 14.3 below, 'Biodiversity Net Gain (BNG) and Additionality in Relation to SANG and Natural England GI Standards'). Again, we would suggest that Urban Nature Recovery Standards are ideally in addition to SANG provision but recognise that there may be instances where the two can share space.

Can LPA's count new Local Nature Reserves or Wildlife Sites towards targets in Environmental Improvement Plan 2023?:

The Environment Improvement Plan 2023 is “To restore or create more than 500,000 hectares of a range of wildlife-rich habitats outside of protected sites by 2042”. An interim target was also set: “To restore or create 140,000 hectares of a range of wildlife-rich habitats outside protected sites by 2028”.

The Definitions and Description of the Environment Act 2021 means that, for any new nature reserves or wildlife sites to qualify towards Environmental Improvement Targets, they will need to be outside of SANG. This is because compensatory action that replaces habitat lost due to land-use change such compensation measures for European Sites will not count. Note that where excess habitat is created the excess can count, but not the replacement habitat.

3. Natural England Urban Greening Factor (UGF) at Marlcombe: We recommend that the LPA sets out within a Marlcombe Green Infrastructure Plan the Urban Greening

Factor that will apply to the whole town development. National Standards are as follows:

- 0.3 for commercial development
- 0.4 for residential development
- 0.5 for residential development on greenfield land (where appropriate)

The Urban Greening Factor and SANG - Urban Greening Factor (UGF) should be applied to the developable parts of Marlcombe to ensure that the built environment delivers meaningful, fine-grain greening—street trees, rain gardens, green roofs, planted courtyards, and other features that improve microclimate, biodiversity, and everyday amenity. Although the SANG at Marlcombe is unusually well-integrated and provides extensive accessible natural greenspace throughout the site, it serves a different policy purpose.

Our current advice is therefore that SANG should not be counted toward the UGF score. SANG functions as strategic habitat-mitigation and large-scale recreational greenspace, whereas UGF is specifically designed to secure greening within the urban fabric. Keeping the two tools ensures that both the settlement's natural landscape and its built areas contribute fully to the overall green infrastructure strategy.

4. Urban Tree Canopy Standard at Marlcombe: Please see [above] comments on Policy PB08 interaction with policy DS04 (Point 4 and 5). Whether canopy cover standards are indeed applied district wide in the Local Plan (see Point 4 and 5 of this response), Marlcombe could certainly incorporate a canopy cover standard / calculator approach as part of its design and approach.

The Forestry Commission currently recommends a 20% canopy cover standard for urban areas and we note that the East Devon Tree Woodland and Hedgerow strategy aims for 30% urban canopy approach across the district. The Natural England Urban Canopy Cover Standard is close to being finalised at the time of writing and will feature a recommended canopy percentage alongside a canopy calculator.

Link - England's Urban Forests - Using tree canopy cover data to secure the benefits of the urban forest - Forest Research

Natural England offers its support to East Devon District Council to work together to test and embed the forthcoming Urban Canopy Standard approach and its associated canopy calculator into a town wide approach at Marlcombe. Please contact us if you wish to engage further on this.

Urban Canopy Cover and SANG - Canopy shares space well with other GI standards and site infrastructure. Urban canopy cover at Marlcombe should come mainly from trees within the built areas, where shade, cooling, and street character matter most. We believe that the SANG can add to the overall canopy baseline, but the development should avoid relying on it as the primary source. A balanced approach means ensuring strong canopy provision across neighbourhood streets, parks, and public spaces, with the SANG acting as a complementary, not substitutive, contributor.

5. Major Development GI Strategy Standard: In addition to an Area wide GI strategy (district wide) this NE GI standard requires major development to produce a Green Infrastructure Plan demonstrating how it will deliver the GI Framework's 15 Principles and associated Standards.

We recognise that the Marlcombe Vision Document already contains a good level of detail on GI. We recommend that this approach is continued with a detailed GI plan at the next design iteration. The GI plan should identify how the development will address the 5 Natural England GI Standards.

Biodiversity Net Gain (BNG) and Additionality in Relation to SANG and Natural England GI Standards:

SANG and Additionality- The Environment Act 2021 requires all major development to deliver a minimum of 10% Biodiversity Net Gain, secured for at least 30 years. A core principle of BNG is additionality, meaning that while habitats required as statutory mitigation cannot generate BNG units, an enhanced SANG can contribute towards the

site's Biodiversity Net Gain requirement. Please contact Natural England if you require further details on this.

Other Natural England Standards and BNG- The remaining Natural England Green Infrastructure Standards — including the Urban Nature Recovery Standard, Urban Greening Factor, and Urban Tree Canopy Cover Standard — are policy-led design standards, not statutory mitigation. They do not relate to a specific environmental impact and therefore do not trigger additionality constraints. As a result:

- Habitat creation or planting delivered to meet these standards can contribute directly to BNG.
- Higher-distinctiveness habitats, native planting, woodland creation, and structural diversity can further increase BNG outcomes.
- Integrating BNG delivery with these standards provides an efficient and coherent approach to green infrastructure, nature recovery and long-term management.

Future GI Design suggestions at Marlcombe: We recognise that the Marlcombe vision document does not contain detailed Green Infrastructure proposals at this stage. However, it is the role of Natural England to highlight opportunities, so we offer these thoughts towards future iterations of the plan.

There are opportunities to incorporate swales, permeable surfaces and other SuDS features into the site to improve flood resilience. The proposed urban residential areas sit above the stream corridors and hard surfaces will create urban run-off. Effective use of GI and SuDS—such as rain gardens or terraced drainage—will be important to prevent urban run-off flowing down into these lower areas. Without this, surface-water run-off may combine with winter stream flooding, potentially rendering the stream corridors unusable as recreational or green-travel routes.

GI and Health Outcomes at Marlcombe: Natural England would like to make early observations around the role of high-quality Green Infrastructure in improving health outcomes in the local population.

In multiple reviews evidence supports that green space within the urban environment is associated with increased physical activity, some improvements in linked physical health outcomes and a range of improved mental health and well-being outcomes for

those living nearby. Moreover, there is support that exposure to nature increases activity levels among children and young people.

Link: NEER030 A narrative review of reviews of nature exposure and human health and well-being in the UK (4).pdf

Spending at least 120 minutes a week in nature is associated with good health and wellbeing. Natural England would recommend designing green spaces into local services footprints to increase incidental time in nature (e.g. health centres, education centres etc). There are many examples of good practice where General Practice Sites develop wellbeing gardens and nearby walking routes to increase patient, staff and community health and wellbeing.

These spaces can also be designed to increase biodiversity in urban areas offering further benefits and ecosystem services. Ideas can be found in the [Link:] NHS Green spaces and Biodiversity toolkit. We would recommend designing green infrastructure around local services to increase time in greenspaces and physical activity to further improve health outcomes, such as short circular accessible walking routes from the service and community gardens.

Link: Spending at least 120 minutes a week in nature is associated with good health and wellbeing | Scientific Reports.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: see within answer to 3(b)

Full name: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant):

-

Proposal:

4. Development at the West End

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS09

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

Strategic Policy WS09: Clyst Valley Regional Park (CVRP):

Natural England strongly supports the allocation of the CVRP. It is critical that the delivery of the park's green infrastructure keeps pace with housing delivery.

Full name: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant):

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Proposal:

4. Development at the West End

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS09

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.:

Strategic Policy WS09: SANG within Clyst Valley Regional Park:

Natural England advises that the wording of Policy WS09:D is slightly unclear around the mention of SANG within Clyst Valley Park. SANG is a HRA Mitigation (SANG/SAMM) requirement to rule out AEoI on European Sites, with specific tariffs and delivery mechanisms, to ensure development is in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

It's a small point, but Policy WS09:D could be clearer that SANG is not required as mitigation for development within the Clyst Valley Regional Park. Hopefully the wording suggestion below [see 3(c) clarifies the point we are making.

Natural England considers that there is no issue with providing SANG within the park, providing it is accessible to the development sites it is providing mitigation for.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will

be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: See 3b). Suggest - WS09/D amended to read: “Reduce recreation pressure on environmentally sensitive locations, through the creation of accessible green space and, where mitigating impacts on European Sites, Suitable Alternative Natural Greenspace] (SANG)”.

Full name: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant):

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Proposal: Sustainability Appraisal

If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.:

Local Plans are likely to generate increased emissions of nitrogen oxides (NOx) and ammonia, and additional nitrogen deposition as a result of increased traffic generation associated with new development. As impacts from individual development management proposals would be difficult to quantify without an overarching assessment of the cumulative impacts from Local Plan development, it is necessary for this to be considered strategically at plan level. Natural England would expect the environmental assessment of the plan including the Sustainability Appraisal (SA) and the Habitats Regulations Assessment (HRA) to consider any detrimental impacts on the natural environment from these emissions. It should also suggest appropriate avoidance or mitigation measures where applicable. Technical guidance about the ecological impacts from road transport can also be found in the Natural England research report 'The ecological effects of air pollution from road transport: an updated review' (NECR199).