

# **Consultation Response**

## **From East Devon AONB**

### **Comments on Draft East Devon Local Plan**

#### **January 2023**

#### **Introduction**

These comments are based on an assessment of the details of the East Devon Local Plan draft placed on deposit on 7<sup>th</sup> November 2022 until 15<sup>th</sup> January 2023.

They are made in the context of the primary purpose of the nationally important AONB designation and the vision and context of the AONB. Our comments take account for how the draft plan could impact on the special qualities and character of the AONB and on how policies might be interpreted with regard to that impact.

#### **Policy context to our response**

##### **Sect 85 of the Countryside and Rights of Way Act 2000**

This Act places a duty on all public bodies to have regard to AONBs and their purposes. All policies in this plan should therefore take into account the purposes of AONBs and in particular housing and mixed-use allocations for towns outside the AONB.

##### **85 General duty of public bodies etc.**

(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

##### **National Planning Policy Framework (NPPF) revised July 2021.**

Paragraph 176 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads.”

Paragraph 177 states that “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty permission should be refused for major

development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a. The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b. The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c. Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.”

### **Current East Devon Local Plan**

The NPPF is the main national planning Policy reference to the AONB followed by the policies provided in the East Devon Local Plan currently as adopted under Strategy 46; *landscape conservation and enhancement* and as referenced in associated other documents including the Devon waste Plan Policy W12; *landscape and visual impact* the Devon Mineral Plan Policy M18 *landscape and visual impact*.

### **Landscape Character Assessments**

Landscape Character Assessments at national, county and district level and the EDDC Local Plan Strategies are all very clear in their references to the unspoilt, tranquil and special character of the AONBs and the need to avoid unsympathetic development and that if there is to be development, that it is integrated into these special landscapes effectively.

Within the scope of the current Strategy 46, reference is made to Devon wide landscape assessments including the AONB being within Natural England National Character Area NCA 147 (Blackdowns), National Character Area 148 (Devon Redlands), Devon Landscape Character Areas and East Devon and Blackdown Hills Landscape Character Types.

The value of the landscape character assessments has not altered and our comments reflect the importance of the appropriate policies fully considering a landscape character led approach in the revised East Devon Local Plan, to ensure it provides continued support for the aims and objectives of the AONB designation.

### **The East Devon AONB Partnership Plan**

Our comments made in the context of the East Devon AONB Partnership Plan and the primary purpose of the AONB designation; *to conserve and enhance natural beauty* alongside the Strategic Aims from this Plan.

**Strategic Aim 1 - Place** - to conserve and enhance the natural beauty of the AONB

**Strategic Aim 2 - People and Prosperity** - to encourage and support sustainable economic development, social engagement and recreational activity that conserves and enhances the natural beauty of the AONB.

**Strategic Aim 3 of Communication and Management** - to ensure the AONB is recognised and valued as a national, regional and local asset and is effectively managed in partnership with our stakeholders.

## **Specific comments on the amended East Devon Local Plan:**

### **Chapter 1**

It is noted that this is a regulation 18 submission and it relies on the details provided in the East and AONBs Landscape Character Assessment 2019. It is not clear if it is the intention of the Council to rely on this assessment or to update these details for the regulation 19 submissions, especially in relation to any of the proposed development sites in the AONB or wider area.

### **Chapter 2**

The vision under paragraph 2.3 for a “greener East Devon which prioritises issues arising from climate change and supports our natural environment “is welcomed and supported.

### **Chapter 3**

We note that in **Policy 1 Strategic Policy spatial strategy** the intention is to direct development to the most sustainable locations in East Devon, but also to allow limited development in the smaller service settlements. Some of these are located within the East Devon AONB and any development must not only be justified to meet local needs but be sensitively located and designed to respect those settings and conserve and enhance the AONB, taking a landscape character led approach and purposes of AONB designation.

The intentions outlined in paragraph 3.37 (m) to farming and rural businesses are supported, but this should not be at the expense of the conservation and enhancement of the AONB and the aims and objectives of the spatial strategy.

There needs to be a balance between rural growth and protection of the environment.

**Policy 4 Strategic Policy Employment Provision and Distribution Strategy.** There seems to be no definition as to what is “appropriate land” for employment uses, especially in the rural areas where it might be seen to be socially helpful to encourage diversification, but that may be at the expense of essential character of the AONB. Any proposals brought forward should be considered against the landscape character and natural beauty of the AONB in that location.

We look forward to seeing the details from the Economic Development Needs Assessment (EDNA) as described in paragraph 3.55 and 3.66 which will further define locations for employment opportunities when available in 2023 for the regulation 19 publication of the local plan.

Support is given for the limitation on development in **Policy 7 Strategic Policy – Development beyond settlement boundaries** and the key being where any development “would not harm the distinctive landscape, amenity and environmental qualities of the area within which it is located”.

### **Chapter 4**

**Chapter 4 addressing housing needs and identifying sites for development:** We note the agendas of the Strategic Planning Committee and their methodology for assessment using four tiers of settlement and the findings of the HELAA report of 1<sup>st</sup> November 2022. More comments will be

provided when looking at the individual suggestions for developments in settlements within the AONB which are provided later in the local plan draft.

## **Chapter 5**

We note in Chapter 5 that there is a concentration on promoting development on the western side of east Devon including the proposed second new town other areas not covered by designations such as AONBs. This is a welcomed approach but we would stress that consideration should also be given as to how visible such developments might be when constructed in the views into and out of the AONBs and to what extent these could detrimentally impact on the setting and habitats of that part of the AONB. This is especially so of developments that are close to the boundaries of the AONB and links with Policy 77 – Areas of Strategic Visual Importance.

The plan indicates (5.12) that a proposed new town would see most of its development happening outside the life of this new local plan that the Cranbrook DPD policy is to expand the town to 8000. We are unclear as to the relationship between the housing numbers for a new town and Cranbrook and how these might affect the prioritisation of housing sites identified around the towns and villages across the AONB in order to meet the required targets.

## **Chapter 6**

Chapter 6 refers to strategy for development at principal centres, main centres, local centres and service villages. Our concerns relate to the affects specific proposals might have on the character and appearance of the AONB at any given point. We note that the assessment carried out so far by the Council relies heavily on the HELAA research and details reported to the Strategic planning Committee meetings, but these assessments are made in principle only, with no specific details provided.

We are concerned that there is no context to Chapter 6 regarding identifying allocation sites for possible development and how these may be within or in the setting of AONBs. Those allocations within or adjacent to AONBs will fall under NPPF 176/177 and require Landscape and Visual Impact Assessment (LVIA) or landscape assessments. Clearly the number, type, layout and appearance of development will significantly affect the landscape impact and allocation alone does not address this. Reference to this should either be made in the context or within each Policy relevant to AONBs.

This is exemplified and we have noted the caution advised in paragraph 6.31 relating to more detailed assessment work and evaluation being undertaken to contribute to the regulation 19 draft. This applies equally to all of the other policies for housing developments set out in the remainder of chapter 6 including other villages.

We have made comments below referring to some of the settlements and proposals, the principles of which apply to other villages within the AONB. These comments will apply also to settlements that are abutting the AONB and the effect development that is just outside the boundaries (the setting) might have on the appearance of the AONB.

Any of the Policy proposals that indicate additional development in settlements within or adjacent AONBs should require the provision of an appropriate LVIA or landscape assessment to accompany any development proposal in line with the AONB policy.

## Policy Maps

We do not think the Policy maps for Chapter 6 are very helpful in respect of the proposed changes to the settlement boundaries or where AONB boundaries are overlain with allocation sites. The maps rather unhelpfully, do not show existing and proposed settlement boundaries to allow for easy comparison. You should amend this for any future consultation to allow easy comparison.

In respect of the towns outside/abutting the AONB, our support is for prioritising those housing and mixed-use allocations outside the existing AONB boundaries where listed as '*preferred*' allocations (green sites) and that any settlement boundaries adjusted to take account of such allocations in the towns should not include any new land within the AONB.

If it is the case that the only preferred or second choice allocation is within the AONB and the settlement boundary is proposed to be redrawn to accommodate this, we do not support this change in principle. However, should these sites be proposed under the regulation 19 publication of the draft plan, such sites should be only considered if they satisfy NPPF 177 and S85 of the CROW Act 2000 before the plan is made.

With respect to Budleigh Salterton and villages within the AONB, our support is for prioritising those housing and mixed-use allocations listed as '*preferred*' allocations (green sites) that fall within existing settlement boundaries and any settlement boundaries adjusted to take account of such allocations should be only considered if they satisfy NPPF 177 and S85 of the CROW Act 2000 before the plan is made.

**Axminster:** Strategic Policy 19 to be altered to include reference to the need for LVIA or landscape assessment to be provided for each site to assess the effect the proposals would have on the AONB.

In this case Axminster is positioned between two AONB's and account needs to be taken of the effect on both any development proposed on the edges of Axminster will have. The close relationship of Axminster and the AONB's is referred to under paragraphs 6.4 and 6.9 of the proposed plan.

**Exmouth** is also a settlement identified for growth but as is noted in paragraph 6.21 and 6.23 it is also "greatly constrained by areas of environmental importance and sensitivity." This should be borne in mind as constraints to some expansion possibilities. Strategic Policy 20 to be altered to include reference to the need for LVIA or landscape assessment to be provided for appropriate sites to assess the effect the proposals would have on the AONB. We support the preferred allocations only.

**Honiton:** Honiton lies between the two AONB's and Policy 21 should be amended to refer to the need for LVIA or landscape assessment as part of any details being brought forward on specific sites. Attention is drawn to the outstanding landscape setting of both the Blackdown Hills AONB and East Devon AONB in paragraph 6.27 and 6.29.

**Ottery St Mary (Strategic Policy 22):** Whilst this settlement is located outside the AONB's and the Local Plan suggests that this is a Tier 2 settlement with 6 sites that might be suitable for development. Any development that is proposed on the south and west need to be carefully considered as to the effect that may have on the character and appearance of the AONB.

Any proposal should be supported by an LVIA or landscape appraisal to consider the effects. This wording should be added to Policy 22.

**Seaton (Strategic Policy 23):** This settlement is set within stunning natural landscape that includes the Jurassic Coast World Heritage site, Seaton Wetlands and adjacent to the East Devon AONB. Any development as proposed by Policy 23 should have regard to these designations and be supported by an assessment such as an LVIA or landscape appraisal to assess how realistic the options for development are.

**Sidmouth (Strategic Policy 24):** In the text of the Local Plan the “East Devon AONB wraps itself tightly around three sides of Sidmouth and to the south lies a beach that is partly within the Jurassic Coast World Heritage site.” 2 of the three sites for development are within the AONB but fall within the proposed new settlement boundary and our comments are that any of these designations should be accompanied by an assessment, either as an LVIA or landscape appraisal to ensure that they do not impact on these important natural heritage sites.

**Policy 25 Strategic Policy Development at Local Centres:** This identifies 5 local settlements with development potential at those locations. Budleigh Salterton is fully within and Woodbury is very close to the East Devon AONB and proposals at these locations should be accompanied by an LVIA or landscape appraisal to consider the effects of the proposals on the AONB. We refer you to our comments on settlement boundary changes and AONB designation on pg

**Policy 26 Service villages:** It is noted that there are 23 service villages that are identified as offering specific scope for development, some for residential and others employment. Four of the villages located within the AONB have no development proposals and these are at Beer, Branscombe, East Budleigh and Uplyme.

Other settlements have varying degrees of development proposed and we have noted the following that are within the East Devon AONB and which we consider that their proposed development sites should be subject to further assessment ( either as LVIA or landscape appraisal) to assess the effect the proposals would have on the AONB.

This relates to sites identified at Broadhembury, Chardstock, Dunkeswell (NB within the Blackdown Hills AONB), Kilmington, Musbury, Newton Poppleford, Otterton, Sidbury and Tipton St John. Policy 26 should be expanded to require that in those settlements additional assessments should be undertaken (using LVIA or landscape appraisals) to consider the effects of the proposals on the AONB.

## **Chapter 7**

**Tackling climate change:** We note the support in Policy 29 for promoting renewables and zero carbon energy where there are no unacceptable impacts on landscape, visual or residential amenity and biodiversity and the natural or historic environment. Similar restrictions of these impacts are provided within Policy 30 relating to Suitable areas for solar energy developments and Policy 31 for wind energy developments.

## **Chapter 8**

**Meeting housing needs for all:** Policy 40 relates to affordable housing and sets out the criteria for provision of this type of accommodation which will be expanded in a future supplementary planning document.

It is noted that AONB's are included as part of a designated rural area for the purposes of locating affordable housing, however we would suggest that even if there is a proven need for affordable housing it should meet NPPF 177 if required, be located and designed to respect the aims and purposes of the AONB designation and include an appropriate LVIA.

The importance of rural exception sites is recognised in Policy 49 and includes sites located within an AONB.

## **Chapter 9**

**Supporting jobs and the economy:** Policy 52 employment development in the countryside and Policy 53 Farm diversification both provide criteria for the support of rural communities and includes the advice that "the scale, siting and appearance of buildings and activities associated with the proposed development is appropriate to the rural character of the area and will not adversely impact local amenity" and "no adverse impact on the character of surrounding natural or historic environment".

These criteria are essential safeguards for the environment of the AONB and are an important part of these policies.

**Policy 60 Sustainable Tourism:** This Policy is noted and we welcome the inclusion of advice about the sensitive nature and importance of the AONB with restrictions on the erection of new buildings. This is reinforced by:

- the first bullet point: the scale, siting, intensity and appearance of buildings and activities associated with the proposed development is appropriate to the character of the area and will not adversely impact local amenity
- the sixth bullet point: no unacceptable adverse impact on the character of the surrounding natural or historic environment
- the seventh bullet point: no adverse impact on protected species and opportunities to improve biodiversity are maximised, as drafted in that Policy and identified in paragraph 9.76.

We note the advice in Policy 61 for holiday accommodation parks and designated landscapes and support guidance and the justification provided in paragraphs 9.81 and 9.83.

## **Chapter 10**

**Designing beautiful and healthy spaces and buildings:** We note and support the intention in paragraph 10.3 for the Council to provide design codes for sites allocated that lie within the AONB and other sensitive locations and the advice provided in Policy 62.

## **Chapter 11**

**Prioritising sustainable travel and providing the transport and communications facilities we need:** We refer to Policy 67 and the need for travel plans and assessments for proposals that "might

generate substantive scale of additional vehicle movements” and to take account of “proximity to environmental designations.”

## **Chapter 12**

**Caring for our outstanding landscape:** Support is given for Policy 74 landscape features and we are pleased to note the specific Policy 75 Areas of Outstanding Natural Beauty and the justification paragraphs 12.4, 12.5 and 12.9 supporting local landscape character assessments and LVIA’s. We would encourage a clarification of how the setting of an AONB is considered.

We are supportive of Policy 77 but very unclear as to how these ‘strategic’ areas or view type have or will be identified and mapped and how they will be evidenced in respect of any particular development. We would be happy to work with Policy officers to develop this Policy further to enable the key view ‘types’ or areas across the AONBs to be identified.

## **Chapter 13**

**Protecting and enhancing our outstanding biodiversity and geodiversity:**

We support the policies in this chapter including, specifically

- Policy 86 Habitats Regulations Assessment as these apply to sites within the AONB
- We support the details of paragraph 13.36 and Policy 87 which refers to East Devon Council recognising biodiversity net gain and support that you are seeking to exceed national levels.
- We note that Policy 88 relates to Strategic Policy-Local Nature Recovery Strategy and Nature Recovery Network: which is a requirement of the Environment Act 2021 and is a welcomed addition to the protection of biodiversity. AONBs are developing Nature Recovery Plans as part of their Colchester Declaration commitment, and these are to be included in the pending review of AONB Management Plans (2025) which will align with this Policy and may be considered as supporting evidence.
- Policy 89 encourages the provision of ecological impact assessments which we welcome and these recognise these will contribute to conserving the detailed interests within AONB.

## **Chapter 14**

**Open space and sports and recreation facilities:** We note and support Policy 101 leisure and recreation developments in the countryside and particularly note point 1 that “the facilities or development proposals are in scale with the character, environmental characteristics and setting of the area and do not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area.”

We trust these comments are of assistance to your consultation under regulation 18 and would be pleased to discuss any of our points with you.