

Filtered Data Export

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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(a). If yes, and you wish to support the soundness of this part of the High Quality Design chapter, please use this box to set out your comments.:** The RSPB supports the policy but recommends that it includes a specific reference to the emerging Devon Local Nature Recovery Strategy. There are opportunities for the Green and blue infrastructure that will be delivered in the lifetime of the new Local Plan to contribute towards recovery of nature in Devon.

**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.:** It omits reference to the emerging Devon Local Nature Recovery Strategy and so blue and green infrastructure located, designed and implemented without being informed by the Devon LNRS may not maximise opportunities to conserve, enhance or provide opportunities for biodiversity.

**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.:** Whilst supporting the policy overall, the RSPB recommends that specific reference is included to the emerging Devon Local Nature Recovery Strategy and highlights the benefits of synergy whereby green and blue GI can be designed and implemented to maximise biodiversity benefits if informed by information within the Devon LNRS (eg, target areas for habitat restoration).

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:** 11. Sustainable Transport and Communications

**1. To which part of the Sustainable Transport and Communications chapter does your representation relate?:** Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** TR01

**3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?:** Yes

**3(a). If yes, and you wish to support the soundness of this part of the Sustainable Transport and Communications chapter, please use this box to set out your comments.:** RSPB supports this policy. It accords with the National Planning Policy Framework (December 2024) chapter 9 on Promoting sustainable transport, and specifically para 109e. Facilitating more active travel and use of public transport over reliance of private cars is better for the environment and, critically in reference to the East Devon heaths SPA/SAC, reducing reliance on private cars for commuting will help in reducing polluting emissions.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:** 11. Sustainable Transport and Communications

**1. To which part of the Sustainable Transport and Communications chapter does your representation relate?:** Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** TR02

**3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?:** Yes

**3(a). If yes, and you wish to support the soundness of this part of the Sustainable Transport and Communications chapter, please use this box to set out your comments.:** RSPB supports the delivery of sites and routes in respect of enabling active travel and public transport instead of prioritising further private car use. This accords with National Planning Policy Framework (December 2024), chapter 9 Promoting sustainable transport.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:** 13. Our Outstanding Biodiversity and Geodiversity

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

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** 13.16

**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.:** The RSPB supports that developer-led SANG must be implemented before development occupancy. It is critical that patterns of daily recreational use of SANG are established by new residents on occupation. It is also critical that SANG include sufficient area of attractive greenspace where residents can exercise their dogs off-lead. Dogs off lead are particularly disturbing to birds (eg, wintering birds on the estuary, and breeding birds on the heathland) and dog owners/walkers need to be provided with dog-safe SANG areas so they specifically choose those in preference to the designated sites. A good example of such a SANG is Dawlish Countryside Park on the west of the Exe Estuary.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** [in response to the question 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. This box wasn't available on the paper rep uploader so have added it here with the PDF attached] The RSPB is most concerned that sufficient SANG is provided for a range of daily recreational needs that would otherwise result in damage to the designated heathland SAC/SPA and Exe Estuary SPA/Ramsar. A critical feature for a successful SANG is that it attracts dog walkers and caters for the safe exercising of dogs off leads.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:** 13. Our Outstanding Biodiversity and Geodiversity

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

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** 13.19

**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.:** The RSPB agrees with East Devon Council statement here that development affecting traffic and emissions will not be permitted without mitigation.

**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.:** However, we consider the lack of any effective strategy and proven successful mitigation measures to implement prior to new development, means that no proposed development that will result in increased nitrogen affecting the East Devon Pebblebed Heaths (nitrogen is already at critical load) can go ahead. Therefore, in the RSPB's view, the Plan cannot be judged as sound until this issue has been addressed. The National Planning Policy Framework (December 2024) in para 199 requires that "planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants . . . taking into account . . . the cumulative impacts from individual sites in local areas." and that "opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement". As is clear from Natural England's Site Improvement Plan for the East Devon Heaths, nitrogen deposition already exceeded site critical loads by 2014 (when the SIP was produced), there is still no plan or strategy to address this despite this Local Plan proposing large housing developments close to the designated heathlands.

**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.:** That East Devon District Council explicitly commit to not permitting new housing or other development likely to further increase nitrogen deposition on the heaths until measures are available for use to successfully mitigate for that.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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.:** 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.:** The RSPB is concerned at the inclusion of an abbreviated reference to the HRA process "In HRA terms where mitigation enables a conclusion of no adverse effect on integrity (point C), there is no need to go down the derogation route (points A and B)." This does not satisfactorily explain the HRA process. Where plans or projects may have a direct or indirect effect on SAC, SPA or Ramsar sites, a screening process is required. If that concludes an appropriate assessment is needed, that includes determining whether the plan or project could be located on a site that would cause less or no harm, if public benefits of the proposal outweigh the impacts, what mitigation can be secured and what compensation measures may be necessary. The current version of the HRA of the East Devon Local Plan (Footprint Ecology, 30/1/25) has screened the plan and identified numerous (see p3 of the Footprint Ecology HRA) impact pathways with the potential for likely significant effects and highlighted (in section 10.4 of the Footprint Ecology HRA) numerous allocations where further assessment is necessary. The RSPB recommends reference to the need for full appropriate assessment, as set out in The Conservation of Habitats and Species Regulations 2017 (eg, paras 63 and 64).

**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.:** The RSPB considers that individual appropriate assessment is required for some allocations in the Plan because currently there is insufficient information to conclude current mitigation measures are sufficient to enable a conclusion of no adverse effect on site integrity. For example, some of the allocations at Exmouth might provide functionally linked land for foraging nightjar.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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.:** PB02

**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.:** The policy does not recognise the need to assess the species importance of wildlife sites in relation to assessing the impact of development proposals. In the RSPB view, survey to determine presence and usage by priority species (eg, s41 species) may be necessary to enable a comprehensive assessment of their biodiversity value as well as botanical survey. The Local Plan will not be able to ensure the protection and conservation of biodiversity (as required by the National Planning Policy Framework, December 2024, para 192) if it does not require an appropriate level of species as well as habitat survey when assessing impact of development proposals.

**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.:** Amend para C of Policy PB02 (or insert a new para) that "sites known or with potential to support priority species have also been surveyed for those species at the relevant time of year".

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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?:** 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.:** RSPB welcomes the specific mention of priority habitats and habitats that support priority species, including ciril buntings. We welcome the commitment to require adequate mitigation and compensation for any potential direct or indirect impacts on this priority farmland bird from development. This is especially important given that allocations at Courtlands, nr Exmouth may impact ciril buntings, which as yet has only started to recover its range in east Devon, and is a species that can be particularly vulnerable to development on its farmland habitat. The RSPB recommends that East Devon District Council adopt the Ciril Bunting Planning Guidance currently used by Devon County Council, Teignbridge District Council and Torbay Council which sets out the mechanism whereby, if developments impact habitat used by breeding or wintering ciril buntings, developer contributions can be used to secure and manage compensatory habitat elsewhere, thus avoiding any net loss to the population.

**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.:** [Rep entered info in box 3a not 3b so I have copied that]

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** Ciril Buntings are a s41 species of principal importance (NERC Act) and still in population and range recovery, with currently few territories in east Devon (data from last national survey in 2016). This species is a target of the emerging Devon Local Nature Recovery Scheme. The RSPB is keen that development proposals that may impact on its farmland habitats properly assess to determine if ciril buntings are present and so the strategic approach for appropriate compensation can be implemented.



**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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?:** 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.:** RSPB welcomes the specific mention of priority habitats and habitats that support priority species, including ciril buntings. We welcome the commitment to require adequate mitigation and compensation for any potential direct or indirect impacts on this priority farmland bird from development. This is especially important given that allocations at Courtlands, nr Exmouth may impact ciril buntings, which as yet has only started to recover its range in east Devon, and is a species that can be particularly vulnerable to development on its farmland habitat. The RSPB recommends that East Devon District Council adopt the Ciril Bunting Planning Guidance currently used by Devon County Council, Teignbridge District Council and Torbay Council which sets out the mechanism whereby, if developments impact habitat used by breeding or wintering ciril buntings, developer contributions can be used to secure and manage compensatory habitat elsewhere, thus avoiding any net loss to the population.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** Ciril Buntings are a s41 species of principal importance (NERC Act) and still in population and range recovery, with currently few territories in east Devon (data from last national survey in 2016). This species is a target of the emerging Devon Local Nature Recovery Scheme. The RSPB is keen that development proposals that may impact on its farmland habitats properly assess to determine if ciril buntings are present and so the strategic approach for appropriate compensation can be implemented.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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.:** PB04

**2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.:**

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**2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.:**

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**2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, 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 legally compliant. 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.:**

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**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.:** The RSPB supports this policy's commitment to a precautionary approach in relation to vehicle emissions impacting on designated sites and not permitting development that has potential for increased vehicle numbers. In our view, this means that proposed housing and other developments near the designated heathlands cannot progress until this issue has been satisfactorily addressed.

**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.:** In reference to the specific HRA mitigation strategies and guidance mentioned, the RSPB highlights that the absence of a strategy to address vehicle emissions that impact on designated sites (eg, nitrogen enrichment that will advantage grass and other plant species over heathland specialist plants) means the Plan

currently has no means to solve this problem. The new developments, including those proposed close to designated heathlands, will result in an increase in vehicle use and so vehicle emissions that negatively affect heathland vegetation. This is of especial concern given that poor air quality is already negatively affecting the designated sites. Natural England has identified in its Site Improvement Plan for the East Devon Heaths that Nitrogen deposition exceeds site relevant critical loads (exceeding threshold levels may affect heathland features by the transition of heather to grass dominance and the southern damselfly, a designated feature of the SAC, through changes to the vegetation mosaics). The current version of the HRA (Footprint Ecology, 30/1/25) for the Local Plan highlights that adverse effects on site integrity arising from vehicle emissions cannot be ruled out and that a strategy to address this issue is a key action for the Council. In the RSPB's view, this means that if new housing and other development around the heathlands (eg, Exmouth) goes ahead without any effective strategy in place, that development will have adverse effects on site integrity, and so the Local Plan will not be compliant with legislation and national policy that requires protection of those sites.

**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.:**

Developments set out in this Plan that would have a direct or indirect impact on the integrity of relevant SACs, SPAs and Ramsar sites and require mitigation over the lifetime of the developments to avoid damaging impacts, cannot proceed until effective mitigation strategies and actions specific to all relevant impacts (eg, nitrogen deposition re heathlands, increased recreational use and increase in vehicle emissions and water supply (Exe Estuary SPA/Ramsar) and water quality for River Axe SPA) are in place.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** The RSPB is particularly concerned at the current absence of any strategic to address vehicle emissions and the consequent increase of nitrogen affecting designated heathlands. The proposed development for new housing etc in this plan will result in further traffic emissions and the RSPB wishes to ensure that

the Plan is not adopted until there is a strategy and effective mitigation in place to address this issue.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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

**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.:** The RSPB supports the strategic and integrated approach of this policy for nature recovery using BNG etc. The RSPB recommends that buffering, linking and restoring heathland is included in this.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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.:** PB07

**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.:** The RSPB supports this policy. It will help several species, including birds of conservation concern. Providing opportunities for wildlife in new developments accords with the National Planning Policy Framework (December 2024) where para 187d requires that planning policies and decisions provide net gains for biodiversity, including by "incorporating features which support priority or threatened species such as swifts, bats and hedgehogs." Being able to experience nature is also proven beneficial to people's physical and mental health, and enactment of this policy will enable residents to have some nature on their doorstep.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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.:** PB08

**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.:** The RSPB supports this policy.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**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 or policy number that your representation relates to.:** 17.1

**3. Do you consider that this part of the Implementation and Monitoring chapter is sound?:** No

**3(a). If yes, and you wish to support the soundness of this part of the Implementation and Monitoring 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 Implementation and Monitoring chapter is not sound. Please be as precise as possible.:** There is no monitoring proposed here relating to the natural environment, including effectiveness of the yet to be developed and implemented strategy to address nitrogen emissions that already negatively affect heathland, monitoring the effectiveness of SANG provided for new developments and monitoring to ensure that other mitigation measures delivered via the South East Devon European Site Mitigation Strategy continue to be effective for the Exe Estuary and east Devon heathlands as more housing development occurs.

**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.:** The RSPB recommends the Plan including monitoring of effectiveness of actions arising from the yet to be developed strategy for addressing nitrogen deposition on heathlands, and monitoring of the effectiveness of mitigation measures in relation to recreational use of the heathlands SAC/SPA and the Exe Estuary SPA/Ramsar, to inform any changes needed to ensure the integrity of the heaths.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** The RSPB wishes to ensure that the Plan specifically includes a commitment to ensure that pollution monitoring, linked to the yet to be developed strategy to address traffic emissions and nitrogen deposition, is required as part of measuring the success of the Local Plan.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

2. The Vision

**1. To which part of the vision chapter does your representation relate?:** Paragraph

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

2.9

**3. Do you consider that this part of the vision chapter is sound?:** No

**3(b). If no, please give details of why you consider this part of the vision chapter is not sound. Please be as precise as possible.:** Para 2.9 makes no mention of the statutorily protected nature conservation sites (eg Exe Estuary Special Protection Area, Site of Special Scientific Interest and Ramsar site, and the East Devon Pebblebed Heaths Special Area of Conservation and East Devon Heaths Special Protection Area, and East Devon Pebblebed Heaths SSSI). The RSPB considers it essential that the Local Plan specifically highlights the presence sites which are of national, European and international importance for their habitats and species.

**3(c). Please set out the modification(s) you consider necessary to make this part of the vision 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.:** Amend para 2.9 to "Our beautiful and diverse countryside, National Landscapes, world class Jurassic coast, statutorily protected sites of national, European and international importance for wildlife (including the Exe Estuary Special Protection Area, Site of Special Scientific Interest and Ramsar site, and the East Devon Pebblebed Heaths Special Area of Conservation and East Devon Heaths Special Protection Area, and East Devon Pebblebed Heaths SSSI), nature reserves . . . with biodiversity improvements (including restoration and enhancement of existing assets as well as creation of new opportunities for wildlife)". This modification will make clear the Plan's recognition that East Devon includes these legally protected nature conservation assets (which are vulnerable to the effects of development proposed within this Plan) and that the Plan will protect and enhance these.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?** : Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** The RSPB considers this proposed amendment to explicitly mention the statutorily designated nature conservation sites here will make clear that the East Devon Local Plan accords them priority status along with National Landscapes etc.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

3. The Spatial Strategy

**1. To which part of the Spatial Strategy chapter does your representation relate?:**

Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** SP01

**3. Do you consider that this part of the Spatial Strategy chapter is sound?:** No

**3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.:** Some of the proposed areas for new housing are not sustainable (conclusion of the the HRA (Footprint Ecology 30/1/25) re adverse effects on air quality (increased nitrogen from increased traffic emissions affecting the vegetation of East Devon Heaths SAC/SPA). Some allocations in the west (eg St John's, Marley's Drive, Courtlands (all Exmouth), land south of Littleham and land directly east of Liverton Business Park (both Exmouth) and Woodbury), are likely to have adverse impacts on the East Devon Heaths SAC/SPA because of urban effects (increase in recreational use of the heaths and the damage arising from that) and impacts on nightjar (designated feature of the SPA) foraging areas off the designated sites that will be lost to built development.

**3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy 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.:** The RSPB recommends that development does not proceed unless adverse impacts on statutory designated sites can be avoided or satisfactorily mitigated. We recommend decisions on some proposed allocations (including those mentioned above) are only made after the results of the 2025 heathland breeding bird survey are known, this will include nightjar, and all adverse impacts on the designated habitats and species can be avoided or satisfactorily mitigated. In respect of air quality, the RSPB view is that the plan cannot be judged sound unless an effective strategy relating to vehicle emissions and air quality is agreed and can be implemented effectively; there is currently no such strategy.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)



**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

3. The Spatial Strategy

**1. To which part of the Spatial Strategy chapter does your representation relate?:**

Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** SP07

**3. Do you consider that this part of the Spatial Strategy chapter is sound?:** No

**3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.:** This policy will not be sound unless all relevant infrastructure, which crucially includes SANG in relation to the SPA/SAC sites, is delivered at minimum in parallel with the development. SANG must be functional prior to occupation of related new housing, else new residents will look elsewhere for fulfilment of their daily recreational needs, including dog walking, and those habits, once established, will likely continue. Unmitigated, recreational impacts on the SPA/SAC sites will damage the designated habitats and species, and so SANG provision and other mitigation measures must be sufficient and timely. As well as sufficient funding (via developer contributions) for provision and long term management of SANG etc, there must be funding available to monitor its effectiveness so that review can inform decisions on the need for more SANG or amendments to current SANG.

**3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy 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.:** Para E should include a requirement to monitor the effectiveness of infrastructure such as SANG, with the option to require more if existing mitigation measures are not judged sufficient to avoid adverse impacts on the designated sites.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

3. The Spatial Strategy

**1. To which part of the Spatial Strategy chapter does your representation relate?:**

Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** SP08

**3. Do you consider that this part of the Spatial Strategy chapter is sound?:** No

**3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.:** It omits mention of the need to ensure delivery of measures essential to ensure no adverse impacts on the SPA/SAC sites, eg, via timely provision of effective SANG. In addition, there is yet no strategy to address the increased emissions arising from new development (increased nitrogen deposits from the increased vehicle traffic will damage the heathland habitats).

**3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy 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.:** Include wording to the effect "All proposals for developments that would, unmitigated, directly or indirectly adversely affect the designated habitats and species of SPA/SAC sites, must include details of how adverse effects will be avoided or satisfactorily mitigated. In the case of the developments that would directly or indirectly affect heathlands, this includes how increased damaging recreational impacts will be avoided (eg, provision of SANG) and how the heathlands will be safeguarded from increased emissions from vehicle use arising from the development." There is currently NO strategy for ensuring satisfactory mitigation for vehicle emissions to ensure no damaging effects on the East Devon Heaths SAC/SPA.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

4. Development at the West End

**1. To which part of the Development at the West End chapter does your representation relate?:** Policy

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

**3. Do you consider that this part of the Development at the West End chapter is sound?:** No

**3(b). If no, please give details of why you consider this part of the Development at the West End chapter is not sound. Please be as precise as possible.:** There is as yet no strategy to deal with the increased emissions from increased vehicle numbers and usage (increased nitrogen damages heathland habitats). The nearest heathland habitats that are part of the East Devon Heaths SAC/SPA (including RSPB's Aylesbeare Common reserve) are less than 4km to the east and, even allowing for SANG and green infrastructure delivery and provision for active travel, impact of increased vehicle traffic arising from residents and businesses at this new development affecting the designated heaths is a risk. The RSPB is also concerned at the provision of SANG. The proposed new community is to be 10,000 dwellings; SANG should be provided at 8 ha per 1,000 residents. This policy proposes c150 ha of SANG, which should be sufficient for c18,750 residents. It is reasonable to expect that 10,000 dwellings will accommodate an average of more than 2 people per dwelling so that SANG provision is not adequate. The RSPB objects to the lack of sufficient SANG provision set out in this policy. The area of SANG needs to be increased to accommodate the total expected population of the new community. SANG provision must be adequate (in terms of size, location and attraction to new residents, including dog walkers and especially those who wish to walk their dogs off leads) and delivered in sufficient quantity in step with development phases so that new residents will choose to use the SANG for daily recreational needs (eg, twice daily dog walks) instead of accessing the nearby designated heathlands (or the Exe Estuary SPA shoreline).

**3(c). Please set out the modification(s) you consider necessary to make this part of the Development at the West End 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 at the West End 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.:** This policy should make clear that

developments will not proceed until adequate safeguards are in place to avoid increased emissions that would otherwise damage the designated habitats, and how the recreational needs of the new residents will be met without damaging the SAC/SPA habitats or adversely impacting on their habitats. SANG must be provided in step with any new developments so it is fully functioning at occupation of new dwellings, the area of SANG is sufficient for the number of new residents and their needs, including walking of dogs off leads.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** The RSPB is concerned that major housing and other developments are being proposed in the Plan in the absence of a strategy to address impacts of nitrogen deposition on the SAC/SPA heathland habitats (this is essential as the critical threshold has already been reached). The RSPB is also concerned that the amount of SANG provision appears insufficient for the number of new residents arising from the proposed number of new dwellings.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

4. Development at the West End

**1. To which part of the Development at the West End chapter does your representation relate?:** Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** WS06

**3. Do you consider that this part of the Development at the West End chapter is sound?:** No

**3(b). If no, please give details of why you consider this part of the Development at the West End chapter is not sound. Please be as precise as possible.:** As para 4.28 makes clear, the site is in a Nitrate Vulnerable Zone and Impact Risk Zones for the Exe Estuary SPA and East Devon Pebblebed Heaths SPA and SAC, so needing effective management of water discharge and air pollution impacts. The HRA (Footprint Ecology, 30/1/25) makes clear that the Council as yet has no strategy to deal with vehicle emissions and maintain/improve air quality. The absence of an effective strategy means increased emissions associated with the proposed development will increase nitrogen deposition on the heaths, damaging the vegetation.

**3(c). Please set out the modification(s) you consider necessary to make this part of the Development at the West End 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 at the West End 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.:** The policy wording should be amended to make clear that development will not proceed until the Council has an effective strategy and implementation measures that will be applied to mitigate increased emissions.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

4. Development at the West End

**1. To which part of the Development at the West End chapter does your representation relate?:** Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** WS07

**3. Do you consider that this part of the Development at the West End chapter is sound?:** No

**3(b). If no, please give details of why you consider this part of the Development at the West End chapter is not sound. Please be as precise as possible.:** As para 4.34 makes clear, the site is in a Nitrate Vulnerable Zone and Impact Risk Zones for the Exe Estuary SPA and East Devon Pebblebed Heaths SPA and SAC, so needing effective management of water discharge and air pollution impacts. The HRA (Footprint Ecology, 30/1/25) makes clear that the Council as yet has no strategy to deal with vehicle emissions and maintain/improve air quality. The absence of an effective strategy means increased emissions associated with the proposed development will increase nitrogen deposition on the heaths, damaging the vegetation.

**3(c). Please set out the modification(s) you consider necessary to make this part of the Development at the West End 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 at the West End 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.:** The policy wording should be amended to make clear that development will not proceed until the Council has an effective strategy and implementation measures that will be applied to mitigate increased emissions.

**4(b). If no, please give details of why you consider this part of the Development at the West End chapter fails to comply with the duty to co-operate. Please be as precise as possible.:**

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**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)



**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

5. Development in the Towns and Villages

**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.:** SD01

**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.:** In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo\_20) (within 400m of Withycombe Raleigh Common, part of the designated SPA/SAC and RSPB nature reserve), Land at Marley Drive (Exmo\_04) (within 50m of the designated heathlands, Land south of Littleham (Exmo\_17), Land west of Hulham Road (Exmo\_47), and Land at Coles Field Hulham Road (Lymp\_14) and Courtland allocations) are less likely to be effective to avoid damaging impacts on the SPA/SAC heathlands (arising from potential loss of foraging habitat for nightjar, various urban effects on the designated heathland habitats and species, and addition nitrogen deposition from the increase in traffic emissions arising from new development. If these allocations progress, individual site assessment will be needed to determine first if any (those on the perimeter of existing built development) have existing value as functionally linked habitat for foraging nightjar that are a designated feature of the East Devon Heaths SPA and, if so, how adverse impacts on the SPA nightjar population through loss of identified foraging habitat will be avoided, and to determine if urban effects on the SAC and SPA sites can be satisfactorily mitigated, as highlighted in the HRA (p86, Footprint Ecology, 30/1/25). For example, the allocation land at St John's (Exmo\_20) is adjacent (apart from only a dividing road) to the designated heathlands used by breeding nightjar. Nightjar have also been recorded breeding close to the designated heathlands but outside the SPA close to Exmouth, and nightjar will often forage off heathland. The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase in recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to Land at St John's (Exmo\_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 meters of the Pebblebed Heaths", there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident domestic cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands. The new national heathland breeding bird survey is taking place in 2025 and, when the results from that are published, they should be used to inform assessments prior to decision on any development. There is as yet no strategy to address the problem of traffic emissions and resultant increase in nitrogen deposition affecting heathland vegetation. In respect of Courtlands (eg Lymp\_07) the RSPB is also concerned about impact on a priority bird that is not a designated feature of any protected site. Breeding curlew have been recorded on farmland in the area in recent years; this s41 farmland species of principal importance (red listed as a bird of conservation concern and specially protected under the Wildlife and Countryside Act 1981) currently has very few breeding territories in east Devon, and the Council should ensure no net loss to the population - where in situ retention and suitable management of habitat is not possible, compensatory habitat should be provided (such a mechanism has been successfully adopted elsewhere in Devon where this species occurs, including Teignbridge).

**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.:** In the RSPB's view, the Council should not progress any proposed allocation for new housing or development close to the designated heathlands until a strategy and effective measures to reduce traffic emissions and nitrogen deposition on the designated sites is in place. Additionally, ecological assessment should be informed by the results from the 2025 national heathland breeding bird survey currently in progress, and site survey to determine if those sites have value as functionally linked land used by foraging nightjar. All proposed sites around the designated heathlands should be subject to Appropriate Assessment re impacts on the designated heathland habitats and species and not progress if AA concludes that urban effects such as cat predation cannot be avoided or

satisfactorily mitigated and that mitigation measures (eg, SANG provision) for recreational impacts are unlikely to be effective for those proposed developments in very close proximity to the designated sites. The RSPB recommends this policy also references that development proposals at Courtlands Cross (and others with potentially suitable habitat for Cirl Buntings) should include ecological assessment for cirl bunting presence (as per Policy PB03 Protection of irreplaceable habitats and important features (re habitats supporting protected and notable species)).

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** The RSPB is very concerned at development allocations close to the designated heathlands for reasons of:

- lack of any strategy to address traffic emissions which will further add to the currently critical load of nitrogen deposition affecting the heathland vegetation
- the increasing risk of urban effects negatively affecting the heathland the closer new housing is to the heathland, and the less likely that SANG, public open space will be effective as mitigation given increased proximity of new housing to accessible heathland.

**Full name:** Helene Jessop

**Organisation (where relevant):** RSPB

**Proposal:**

6. Mitigating Climate Change

**1. To which part of the Mitigating Climate Change chapter does your representation relate?:** Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** CC03

**3(a). If yes, and you wish to support the soundness of this part of the Mitigating Climate Change chapter, please use this box to set out your comments.:** The RSPB supports low carbon and renewable energy generation and storage as part of addressing the climate crisis. However, there need to be sufficient safeguards to ensure that, as para A of the policy states, there are not significant adverse impacts on protected species and sites of ecological importance.

**3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.:** With particular reference to nightjar, the RSPB is concerned that proposals for wind or solar farms within 6km of the East Devon Heaths SPA might proceed without adequate assessment to determine if the sites have any existing value as foraging habitat for nightjar (ie, that they may be functionally linked habitat). As nightjar are crepuscular, usage by this species would not likely be detected by the normal daytime ecological assessments for such developments.

**3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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.:** he RSPB recommends that this policy specifically references the need to carry out an appropriate level of ecological assessment of sites to determine if they are used by species that are part of the designated features of protected sites. For example, nightjar can forage up to 6km from their nesting sites, which means nightjars breeding on the protected East Devon Heaths SPA can be reliant on some land off the heaths for feeding. If wind farm or solar farm proposals come forward on land within 6km of the heaths, they require assessment for potential value for foraging nightjar. The RSPB recommends proposals for such developments await the results of the 2025 national heathland breeding bird survey (nightjar, Dartford warbler and woodlark) as they will help inform site assessments.

**5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?:** Yes, I wish to participate in hearing session(s)

**6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:** The RSPB wishes to ensure that this policy recognises the need to ensure any proposed sites for wind or solar farms within 6km of the East Devon Heaths SPA are assessed to determine if nightjar foraging use is likely, which, if so, would lead to more detailed surveys.