

Date: 24 March 2014
Our ref: 110898
Your ref:

Mr Peter Williams
Mid Devon District Council
Phoenix House
Tiverton
EX16 6PP



BY EMAIL ONLY



Customer Services
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Dear Mr Williams,

Planning and Compensation Act 2004

Planning consultation: Review of the Mid Devon Plan – Options Consultation

Thank you for your consultation on the above dated 23 January 2014 ,received by Natural England on 27 January 2014.

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.

Habitat Regulations Assessment

Natural England is aware that a Habitat Regulations Assessment is now being compiled and we look forward to being consulted on its conclusions. Although there are no European sites within the boundary of Mid Devon, there is the potential for the Plan to have an impact on sites in neighbouring Districts which require screening.

We will be particularly interested in the consideration of potential effects of policies on the area of The Culm SAC spanning the A361 at Rackenford Moor. This SAC is sensitive to air pollution and the potential for policies within the plan to cause a Likely Significant Effect should be considered. We note the employment land review and proposed allocations in particular in this context.

Evidence Base

We note that the evidence base to inform this Review has not yet been completed. Without such an up to date evidence base the choice of "Preferred Options" allocated in the previous Plan, is difficult to justify, as the evidence for these allocations is at least 6 years old.

We advise that the evidence base should be updated to inform the next consultation. The published NCAs for the area may be helpful, and can be found at this link:

<http://www.naturalengland.org.uk/publications/nca/>

The authority could also identify and map components of the local ecological networks, which



includes the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation. This will minimise impacts of development on biodiversity and geodiversity and help the LPA to identify opportunities for enhancement.

We would like to see an update to the travel to work evidence to reflect the changing employment land allocations proposed. This would inform consideration of air pollution impacts on designated sites.

Sustainability Appraisal

Will the non-technical summary of the Sustainability Appraisal (SA) be available soon?

The Sustainability Appraisal should consider alternative ways to deliver the plan's objectives and/or deal with issues/problems identified during the scoping stage. These should include full consideration of alternatives to the current preferred options. Whilst these alternatives may be undesirable, they provide a true audit trail to show why the preferred option is the most sustainable.

We have a number of suggestions for the next iteration of the draft Sustainability Appraisal which we would welcome the opportunity to discuss further.

These include

- Improving the SA's clarity in demonstrating how monitoring the previous plan has informed the review
- Consideration of new evidence on previously allocated sites, which are preferred options
- Assessment of the impact of allocated sites (including those previously allocated) on Best and Most Versatile agricultural land.
- Separate consideration of the proposals for development at junctions 27 and 28.
- Ensuring no significant effects are obscured in the scoring
- Clarification of the rationale for some scores

Policies in the Plan

We have commented on certain strategic policies and those concerned with the natural environment. Natural England would welcome further discussion on other individual policies which may impact on environmental features as the Plan Review progresses.

Policy S2

Policy S2 contains more detail on economy and social provision rather than environmental considerations. This could be improved by

- Specific inclusion of the protection and enhancement of designated sites (including those outside the District)
- Specific recognition of the importance of the supporting sites and the wider positive contribution of the natural environment to sustainability.
- Ideally the Plan should also recognise the value of ecosystem services and take a strategic approach, identifying natural environment objectives as well as opportunities and areas for enhancement or strategic projects. This approach should then allow the Plan to reflect the value of the natural environment to the local economy.

Whilst we welcome the strategic policy of protecting natural resources and encouraging effective use of land, it is not clear what "preventing unacceptable" levels of pollution means in practice.

We welcome the reference to conservation and enhancement of valued landscapes. This could be cross-referenced to the challenge of increasing the supply of renewable energy, as we advise such

developments should not be supported where they will harm the Special Qualities of protected landscapes or their setting.

Policy S3 –Spatial Distribution of Housing

Natural England is not able to take a view at this stage on the merits of each of the three options but under the settlement headings below, has advised (where known) the environmental risk with each site. We would welcome further consultation (including informal consultation) as more evidence for sites is obtained. In general where the environmental risk can be minimised, brownfield sites are preferred to greenfield sites. In addition, particularly where greenfield sites are allocated, we advise that a strategic approach should be taken in the Plan, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure in accordance with Paragraph 114 of the National Planning Policy Framework.

We also have two general comments:

- We note that in most cases, habitats surveys have not been undertaken. Natural England has published Standing Advice on protected species.
- Where allocations are not close to designated sites, the intrinsic value of their ecosystems should be recognised in any master-planning of the extension area and opportunities sought to enhance the environmental assets. We advise Green infrastructure should be an integral part of the allocation and natural green space planned for.

Tiverton

Preferred Option-Tiverton Eastern Extension

We note the commitment to environmental protection and enhancement in the policy which is welcomed. The nationally important SSSI and locally important site adjacent to the allocation should be specifically protected in the policy. The policy should also support habitat and watercourses and the retention of veteran trees and significant hedgerows in the landscape. However, notwithstanding the comments in paragraph 3.16 regarding the retention of TV1, because this is a strategic allocation the Plan depends upon, the Authority will need to assure themselves of the deliverability of the revised allocation of 1000 -1500 houses and employment floorspace in view of the constraints set by Tidcombe Fen SSSI and high value agricultural land.

These constraints are outlined below. We would welcome the opportunity to discuss them in more detail.

Tidcombe Fen SSSI is adjacent to the allocation and its catchment lies within the allocation. It is susceptible to variations in water quality and quantity. The Review notes the need to protect Tidcombe Fen from run off and pollution and includes policy for its protection. However, at this stage insufficient information has been provided for Natural England to advise whether the development is likely to have an adverse impact on the interest features for which the SSSI has been notified, and therefore whether the site is deliverable. This is essential for a strategic allocation on which the Review might depend.

The preferred allocation also contains significant amounts of best and most versatile agricultural land. The Sustainability Appraisal although not regarding the loss as significant, notes that *any loss of this resource would need robust justification*. Although the review indicates that the difficulty of expansion at Tiverton in other directions was considered in the last Plan an up to date justification is needed in accordance with paragraph 112 of the National Planning Policy Framework.

TIV2 Hartnoll Farm

Our comments regarding the option of the further extension to the east of Tiverton regarding high grade agricultural land and the retention of locally significant environmentally significant features will also apply to this site. We suggest that the canal should be specifically protected, as it is an important local Green Infrastructure provision and locally important wildlife site.

Cullompton

Option 2 Eastern Extension

We note that both the allocated land and alternative options in the Eastern Extension at Cullompton include significant amounts of high grade agricultural land. However, the authority should still seek to use areas of poorer quality land in preference to that of a higher quality where possible in accordance with paragraph 112 of the National Planning Policy Framework. Choices made should be evidenced in the Plan.

Although the possible allocation to the east of Cullompton is several kilometres from the Blackdowns Area of Outstanding Natural Beauty, it lies within its setting. Due to the scale proposed, a landscape assessment should be used at this stage to assess it against the alternative strategic options as views from the scarp are a Special Quality of that protected landscape.

Land at M5 Junc² on 27 and adjoining Willand – Employment elements

The scale and type of the development proposed is clarified, which is helpful.

This is significant large scale development which has the potential to attract people from a wider than District area, using the established road links to the site. There is insufficient evidence at present to assess the effects of the scheme. In the section on HRA above we have commented on the need to assess potential impacts on the Culm SAC at Rackenford.

The reduction of employment in the towns (which already have good transport links) in preference for a significant out of town employment centre which is likely to be dependent on car transport should also be considered in the context of additional air quality impacts on environmental assets. This may be exacerbated should the accompanying housing development not proceed in tandem.

We are happy to advise further on the assessment of air quality.

This is a significant greenfield site in a prominent position adjacent to the motorway close to the Devon border. Although not a protected landscape it makes an important contribution to the local environment. Opportunities should be sought to enhance these environmental assets in accordance with paragraph 28 of the National Planning Policy Framework *Local Plans should... support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.* Woodland habitat together with supporting hedgerows should be retained and enhanced, significant hedgerows should be retained and enhanced as green infrastructure which should be an important element of any proposal. Local and national landscape character assessments for the area may provide useful evidence.

Willand Housing; Crediton Housing and Employment land

Any new allocations in these areas should not be on land previously identified as Green Infrastructure unless additional comparable GI is also allocated.

Allocations at Hemyock and Culmstock

The three allocations adjoining Hemyock outside the settlement boundary should be assessed under policy DM29; we advise all could be considered as major development. If housing need is considered *exceptional* and if the need cannot be met in another way for example within the settlement boundary or on other brown field land, then the allocation without environmental harm for that need should be pursued. We advise that the Special Qualities of the Blackdown Hills AONB are a material consideration when considering environmental harm.

From the information available, Natural England is unable to advise on the potential significance of impacts on the Blackdown Hills AONB of the allocations at Hemyock and Culmstock (which lies in the setting of the Protected Landscape) . We therefore advise you to seek the advice of the AONB Partnership / AONB Conservation Board. Their knowledge of the location and wider landscape setting of the development, further informed by forthcoming landscape appraisal evidence should help to confirm whether or not development would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan.

Policy DM28 Green Infrastructure

As set out in the Environmental White Paper and as a duty under the Natural Environment and Rural Communities Act 2006 authorities have a duty to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

The Green Infrastructure features that major development proposals must demonstrate will be incorporated in any proposal are welcomed. However, the caveats accompanying these make the policy wording insufficient in our view, and not compliant with paragraph 114 of the National Planning Policy Framework.

We would welcome the opportunity to discuss with you how this policy might be strengthened.

Policy DM 29 Development within or in the setting of the Blackdowns Area of Outstanding Natural Beauty and other Protected Landscapes and Policy DM29

We note and welcome that *major developments within or adjoining the Area of Outstanding Natural Beauty and Dartmoor or Exmoor National Parks will only be permitted in exceptional cases.*

We recommend that the wording of policy DM29 is strengthened, in accordance with the National Planning Policy Framework, and would be happy to discuss this with you further.

Policy DM 30 Other protected sites.

We suggest that this policy should be renamed to reflect its purpose in protecting biodiversity and geodiversity sites. Overall, we consider that the wording of this policy needs to be strengthened to meet the requirements of the NPPF and the Habitats Regulations, and would welcome the opportunity to discuss with you in detail how this might be achieved.

Conclusion

We hope these comments are helpful, and would be pleased to engage with you further to discuss any points in more detail.

For any queries relating to the specific advice in this letter only please contact me on [redacted] . For any new consultations, or to provide further information on this consultation please send your correspondences to [redacted]

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

We also welcome your feedback on Natural England's revised standing advice in terms of its usability (ease of access, presentation), quality of content and, its clarity and effectiveness as a tool in guiding decision-making. Please provide this, with any suggested improvements, by filling in the attached customer feedback form or by emailing your feedback direct to consultations@naturalengland.org.uk.

Yours sincerely

Louisa Aspden
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