

MID DEVON LOCAL PLAN REVIEW 2013 – 2033

Proposed Submission (incorporating proposed modifications) Examination

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Hearing 1: Tuesday 26th & Wednesday 27th September 2017

Matters and Issues: Policy J27

Statement of Mid Devon District Council

ISSUE 9 Is the approach to the SAC sufficient and linked to that, what account is taken of the Priority Habitats that form part of the proposed allocation?

SAC

- 9.1 The approach to the SAC is sufficient. An Appropriate Assessment HRA has been undertaken for the Local Plan Review which concluded that adverse effects on the integrity of European sites around Mid Devon from policy and site options in the new Local Plan, either alone or in combination with other plans will not occur, provided that the identified mitigation in the HRA is implemented. As noted in the HRA the identified mitigation referred to has been addressed. Further updates to the HRA have been undertaken reflecting the amendments to the plan following the Proposed Submission Stage consultation including an Appropriate Assessment of the inclusion of J27.
- 9.2 The screening process of the J27 option concluded that there would be an uncertain effect in relation to air pollution of the Culm Grasslands SAC. As such an Appropriate Assessment was undertaken to determine whether the impacts arising from the proposed development would have an adverse effects on the European site affected. The conclusions of the report show that the J27 site allocation, alone or in combination with Local Plan proposals at the time of undertaking the HRA, will not have an adverse effect on the integrity of the Culm Grasslands SAC. Evidence is demonstrated at ENV02, ENV03 and ENV04.
- 9.3 In response to the findings of the HRA Appropriate Assessment for J27, Natural England (6242) as part of their representation to the Local Plan Review 2013-2033 Proposed Submission (incorporating proposed modifications) consultation January 2017, recommend that Criterion e) of Policy J27 should be revised. As such SD14 modification 20 proposes to delete criterion e) of Policy J27 and amend paragraph 3.184d in light of the updated findings of the J27 Proposals: Habitats Regulations Assessment – Appropriate Assessment Report (2016).

- 9.4 It is noted that modifications are proposed in the North Devon and Torridge Local Plan, published for consultation 20th July 2017. North Devon and Torridge will be undertaking an updated HRA which will take into account the in-combination effects of North Devon and Torridge Local Plan with proposed modifications and other Plans and projects including the submitted Mid Devon Local Plan Review (proposed modifications) 2017. Any further major modifications to the Mid Devon Local Plan will require an updated HRA to take into account the findings of the updated North Devon and Torridge HRA and ensure that in-combination impacts are considered fully.

Priority Habitats

- 9.5 Priority Habitats exist within the site allocation which are identified on the Policies Map and are regarded as unrelated to the Culm Grasslands SAC, as such they have been considered separately. Proposed Policy J27 identifies the need for environmental protection and enhancement at criterion c). However in line with national guidance specific reference to the priority habitats within the site allocation were not provided for, whereby in drafting policies undue repetition has been avoided. Principles that are common for other allocations in relation to Priority Habitats are considered in policy DM28. Discussions have been held with Natural England (6242) following their representation to the Local Plan Review 2013-2033 Proposed Submission (incorporating proposed modifications) consultation January 2017. Given the views of Natural England for additional reference to Priority Habitats with regard to Policy J27 given the scale of the site and the importance of the Priority Habitats within the site area, the following supporting text is proposed to be included at paragraph 3.184d as follows:

“Priority habitats exist within the site and in line with criterion c) of Policy J27 should be protected and enhanced.”