

**Plymouth and South West Devon Joint Local Plan
Examination**

**Response to Inspectors' Matters Issues and Questions
for the Examination Hearings**

JLP Councils

**Matter 1 - Compliance with statutory procedures and
legal matters**

JLP Councils: 8 January 2018

JLP Councils PSWDJLP Examination Hearing Statement – Matter 1

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Matter 1 Compliance with statutory procedures and legal matters

Main issue - Have the relevant procedural and legal requirements been met?

Evidence Base and Submission documents referenced in this Matter Statement

- [SUB1 Plymouth and South West Devon Joint Local Plan: Submission \(July 2017\)](#)
- [SUB9 - Plymouth and South West Devon Integrated Assessment \(including SA/SEA\) July 2017](#)
- [SUB9A Appendix 1 SUB9 Non Technical Summary](#)
- [SUB9B – Statement on compliance with SEA Directive and Regulations](#)
- [SUBC – Integrated Assessment Report Scoping Report](#)
- [SUB9D – Assessment of Reasonable Alternatives for Growth](#)
- [SUB9E – Assessment of Reasonable Alternatives for the Distribution Strategy](#)
- [SUB9F – Site Selection Methodology](#)
- [SUB9G – PPA – Site Selection Process – Assessment of Reasonable Alternatives](#)
- [SUB9H – TTV – Site Selection Process – Assessment of Reasonable Alternatives](#)
- [SUB9I – Summary of JLP Policy Options considered by the JLP LPAs and the decisions taken](#)
- [SUB9J – Assessment of Vision, Objectives and Policies](#)
- [06 South Hams and West Devon Village Sustainability Assessment Framework – February 2017](#)
- [TP1 Housing Distribution Topic Paper](#)
- [TP3 Housing Topic Paper](#)
- [TP4 Employment Topic Paper](#)
- [TP5 Strategy Topic Paper](#)
- [TP3\(rev\) New Housing Topic Paper](#)
- [SUB10 – Habitats Regulations Assessment, July 2017](#)
- [SUB 12 – Duty to Cooperate Statement. July 2017](#)
- [JLP10 – Plymouth and South West Devon Joint Local Plan: Pre-submission, March 2017.](#)
- [JLP22 – Habitats Regulations Assessment \(Draft\), Feb 2017](#)
- [Statement of Common Ground between Natural England and the JLP Authorities. December 2017 SOCG6](#)

- [JLP2 At Plymouth Map: Sites being considered for development and protection](#)
- [JLP3 At Plymouth Back of Map](#)
- [JLP4 At Plymouth Booklet](#)
- [JLP5 At Plymouth Area Visions](#)
- [JLP6 Thriving Towns and Villages](#)
- [JLP8 Extra Sites Booklet](#)
- [EXC3D Summary of allocated and rejected sites](#)

Issue 1.1: Meeting legal and procedural requirements

Question 1.1(i)

Is the sustainability appraisal (SA) legally compliant and have the requirements for Strategic Environmental Assessment (SEA) been met? Is it clear how the assessments have been carried out? Is it clear how the SA has influenced the plan?

- 1.1 Yes, the Integrated Assessment Report (SUB9) incorporating the Sustainability Appraisal (SA) Report which accompanies the JLP meets the requirements of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and is legally compliant. Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out an appraisal of each of the proposals in a Local Plan during its preparation, as set out in Section 39 of the Act the Joint Local Planning Authorities have prepared their plan with the objective of 'contributing to the achievement of sustainable development'
- 1.2 The Councils have brought together previous sustainability work undertaken within each local planning authority area (Plymouth City, South Hams and West Devon Councils) into a single process for the Joint Local Plan. This has enabled the Councils to identify the key issues, through the scoping report (SUB9c) which need to be addressed within the Joint Local Plan.
- 1.3 The appraisal process set out in SUB9 and its associated appendices also seeks to incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the Strategic Environmental Assessment Regulations) which implements the requirements of the European Directive 2001/42/EC (the Strategic Environmental Assessment Directive) on the assessment of the effects of certain plans and programmes on the environment.
- 1.4 The assessment process used by the Councils, uses 17 criteria , which are identified at Section 8 , page 74 of SUB9c , against which each policy and proposal has been tested, this has allowed the potential environmental effects of the JLP to be considered

alongside the social and economic issues identified within the JLP area.

- 1.5 SUB9 Section 4 and Appendix III sets out the state of the environment, a baseline on which to base judgements and then provide a 'direction of change' assessment of the likely impacts of both having the JLP and not having the JLP in place. It is considered that that SEA considers the likely significant environmental impacts which the JLP may cause and where possible appropriate mitigation has been included within the JLP to ensure that any identified effect including secondary, cumulative, synergistic, short, medium and long term permanent, temporary, positive or negative do not have significant negative effect on the environment and on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between these factors.
- 1.6 The JLP process brought together each of the Councils previous work on SA/SEA objectives into a single framework, this was set out in the JLP Scoping Report (SUB9c) alongside baseline information, plans, programmes and policies and their objectives and local sustainability issues. The document set out a framework of 17 criteria. (Section 8, page 74 of SUB9c) and decision aiding questions which could be used to assess reasonable alternatives, policies and proposals within the Joint Local Plan.
- 1.7 The scoping report was sent to consultation with the statutory consultees and changes were made as appropriate to the document. It should be noted that each of the Councils had consulted on their individual SA/SEA processes in the past and that the current SA/SEA document was bringing together previous processes into one single process. The key environmental organisations were consulted at each plan-making stage as the SA evolved alongside the plans.
- 1.8 At each appraisal stage, the likely effects of the reasonable alternatives available were identified, described and evaluated and possible mitigation measures to minimise adverse effects identified were proposed. The SA findings informed the choice of
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allocations within the plan and helped to refine policies taken forward in the various chapters of the plan. The SAs provide an appropriate level of detail, focusing on significant effects identified at the strategic level.

1.9 The appraisal of policies and proposals is set out in a number of appendices within SUB9. More detail regarding each of these appendices is set out below.

1.10 Appendix SUB9D the assessment of reasonable alternatives for growth tested three scenarios for growth. These included the DCLG based housing growth which are considered to be the standard starting point for all calculations of OAN, a 10 year migration scenario and the regulation 18 consultation figure. The Councils felt that the 10 year migration figure provided the most robust basis on which to plan for the future growth within the JLP area., As highlighted in SUB9D the range of the 'reasonable alternatives' identified at this stage of the plan making process is quite narrow. The Councils agreed that they wanted to provide for all the identified need within the JLP Area so there was no 'reasonable alternative' above the DCLG level of growth. The key issue here was ensuring that the proposed level of growth would be a robust reflection of the how growth will happen within the JLP area. This meant that the 10 year migration figure was considered to provide a more accurate picture of growth within the JLP area.

1.11 Appendix SUB9e sets out a matrix which tested some early work on the Reasonable Alternatives for the Distribution Strategy, it was the intention that this matrix form part of a consultation document 'Plymouth and South West Devon Joint Local Plan – deciding upon the distribution of development topic paper' (TP1). This document sets out a number of reasonable alternatives for the distribution growth. The initial reasonable alternatives which were considered are set out in the table below:

1 Urban Intensification	a) Within Plymouth admin boundaries
	b) Including urban extensions in the urban fringe
2 Urban	a) Concentration at Plymouth

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Concentration	b) Concentration at Plymouth and adjoining settlements (creating a necklace of settlements/garden villages)
	c) Concentration at Plymouth and key transport corridors
	d) Concentration at Plymouth, and New Settlements
	e) Concentration at Plymouth and the Area Settlements
3 Dispersal of Development	a) Dispersal – City of Plymouth delivers what it can, and the unmet HMA need is dispersed across SHWD
	b) Complete dispersal - development is shared out evenly across all settlements of the HMA.

Table 1 – Distribution Options

1.12 The Councils had begun to use the initial work on 'reasonable alternatives to start to develop a preferred option, this was described as concentration of at Plymouth, Area Centres and Local Centres of West Devon and South Hams. This "preferred option" which was tested on pages 12 and 13 of SUB9E identified Plymouth as the main growth area, with Tavistock, Okehampton, Totnes, Dartmouth and Kingsbridge playing an important role in South Hams and West Devon along with a number of villages. On page 12 of SUB9E the Councils begin to describe the need for the creation of two sub areas of the JLP area. Plymouth and the Thriving Towns and Villages.

1.13 Plymouth Policy Area is to comprise of an area including the city of Plymouth and its immediate fine which growth will be driven by its economic growth agenda and initiatives being delivered to drive and increase the pace of transformation and change.

1.14 The rest of the JLP area was described as the Thriving Towns and Villages, which comprised of the rest of the JLP Area excluding Plymouth Policy Area and the Dartmoor National Park, here it was suggested that growth would be more modest and will lead to the consolidation of sustainable market towns and thriving hinterlands.

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- 1.15 The SA matrix commented that the strategy and emerging policy areas could benefit from clearly setting out the approach to the AONB, recognising that major development should be carefully considered within the AONB in line with the NPPF and that there is a need to carefully balance the needs for development within the AONB against the character of the local area.
- 1.16 Work was already underway to think about the towns and villages within the TTV area and refine how development could be dispersed within the towns and villages to ensure that sustainability and the special characteristics of the area are carefully balanced. This was carried out through an assessment of South Hams and West Devon Villages published as Joint Local Plan Evidence O6 South Hams and West Devon Sustainability Assessment in February 2017.
- 1.17 Following this work and further thinking, Sustainability Matrix SUB9E was then updated to reflect some of the concerns raised and a number of additional options were added and tested in the November Topic Paper (TP1). This is shown in TP1 pages 42 to 46 where we have a number of additional options labelled (F) Concentration on Plymouth, Area Centres, Local Centres and all sustainable villages OUTSIDE THE AONB and (G) Concentration on Plymouth, Area Centres all sustainable villages INCLUDING WITHIN the AONB added to the consultation document. This updated SA Matrix which appears in TP1 pages 38 – 54 should have been included as an Appendix within the document SUB9 as it is an updated version of SUB9E, however it was omitted in error.
- 1.18 This work supported the further refinement of the strategy which was set out in the Regulation 19 version of the Joint Local Plan published in March 2017 along with supporting evidence in the form of a Housing Topic Paper dated March 2017 (TP3). Alongside the JLP the SA/SEA was published along with a number of appendices this included SUB9I which set out a summary of the policy options considered by the Councils, pages 4-7 set out the options listed in Table 1 above with some commentary in relation to each of the options.

1.19 This table includes options (F) and (G) which were included in the Topic Paper TP1 and which should have been included as an amended SA/SEA Matrix within SUB9

1 Urban Intensification	a) Within Plymouth admin boundaries (SUB9i Option 6)
	b) Including urban extensions in the urban fringe (SUB9I Option 7)
2 Urban Concentration	a) Concentration at Plymouth and adjoining settlements (creating a necklace of settlements/garden villages) (SUB9I Option 8)
	b) Concentration at Plymouth and key transport corridors (SUB9I Option 9)
	c) Concentration at Plymouth, and New Settlements (SUB9I Option 10)
	d) Concentration at Plymouth and the Area Settlements (SUB9I Option 11)
	<i>e) Concentration at Plymouth, Area Centres and Local Centres (SUB9I Option 12)</i>
	<i>f) Concentration at Plymouth, Area Centres, Local Centres and sustainable villages outside of the AONB (SUB9I Option 13)</i>
	<i>g) Concentration on Plymouth, Area Centres, Local Centres and all sustainable villages including within the AONB (SUB9I Option 14)</i>
3 Dispersal of Development	a) Dispersal – City of Plymouth delivers what it can, and the unmet HMA need is dispersed across SHWD
	b) Complete dispersal - development is shared out evenly across all settlements of the HMA.

Table 2

1.20 SUB9I sets out that the preferred way forward for the distribution strategy was Option 14 Concentration on Plymouth, Area Centres, Local Centres and all Sustainable Villages including those within the AONB. This is the option which has been taken forward into the JLP distribution strategy. This is also described as 2

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Urban Concentration, Option G. Further discussion about this option and how it is developed into the strategy for the JLP is covered in a number of Topic Papers including:

- TP1 Housing Distribution Topic Paper – Pages 34-37
- TP3 Housing Topic Paper. Para 5.27
- TP4 Employment Topic Paper – Section 3, page 4
- TP5 Strategy Topic Paper – Pages 6-11
- TP3(rev) New Housing Topic Paper

1.21 SUB9G and H set out how the reasonable alternatives for development were tested and identified factors which needed to be considered of the sites were to be allocated in the JLP. SUB9J sets out an assessment of all the policies and proposals within the plan. The issues raised in matrices SUB9G and H in relation to the particular sites have helped to inform the policy wording for the allocations in the JLP.

1.22 SUB9J includes SA/SEA matrices for all of the policies within the plan. The process of incorporating the SA/SEA into the plan writing process has been very iterative and the Councils ensured that those who drafted policies and proposals thought carefully about possible impacts and mitigated for them within the policy wording. In some instances the early stages of SA identified ways of improving the policies and where possible these suggestions have been incorporated into the JLP. Where this is the case there is a commentary about how the SA influenced the plan within the commentary below the policies. For example on pages 9 SUB9J (the matrix for SPT1) and page 10 SUB9J (the matrix for SPT2), there is some text setting out that early assessment of policies suggested a number of changes to the policies which were made prior to the consultation on the pre-submission version of the JLP.

1.23 The Councils have also tried to ensure that the SA/SEA Report is of an appropriate length and at a level of detail to suit a wide range of users. It uses a combination of matrices and commentary to present and summarise its findings.

1.24 It is considered that the SA has helped to both influence and improve the quality of the plan making process by:

- raising awareness of the social, economic and environmental impacts of the plan;
- facilitating the identification and assessment of reasonable alternatives for the plan;
- demonstrating that the plan is the most appropriate given the reasonable alternatives;
- providing transparency in the decision making process and facilitating public participation;
- facilitating the effective monitoring of implementation of the plan

1.25 The SA process is an ongoing process and there will be a need to ensure that the JLP and any modifications arising from the hearing sessions continue to be assessed. There will also be a need to ensure that the SA/SEA is updated to reflect how the key stages have influenced the plan and to include the updated appendix for SUB9D. This will also include the preparation of the required post adoption SA/SEA statement and ensuring that the monitoring of the JLP considers relevant monitoring of indicators which relate to the possible impacts.

Question 1.1(ii)

Does the SA adequately assess the environmental, social and economic effects of the plan? Does it adequately assess the likely significant effects of policies, proposals and site allocations? Is the methodology for assessing site allocations appropriate?

1.26 Yes. Section 8, page 74 of SUB9c of the scoping report sets out 17 criteria which have been identified in order to adequately assess the environmental, social and economic effects of the policies, proposals and site allocations within the JLP. These criteria will ensure that any impacts are identified and where appropriate mitigated for.

1.27 The collection of baseline information has enabled the Councils to

- Determine the current state of the social, economic and physical environment
- Identify trends to indicate whether the situation is better or worse;

- Identify particularly sensitive or important elements of the social, economic and physical environment which are likely to be affected, eg endangered species, designated landscapes
- Identify any problems/issues and whether there are likely to be reversible, irreversible, temporary or permanent
- Determine what could be put in place to mitigate for any potential for damage

1.28 The baseline data therefore provides details of the current stage of the social, economic and physical environment likely to be affected by the JLP.

1.29 The baseline data has informed the production of the SA Framework which provides a way in which sustainability effects can be described and compared. The 17 SA Framework Objectives set out in SUB9 address the full cross section of sustainability issues and provide good opportunities to assess both urban and rural characteristics of the plan area. The Framework includes a number of decision aiding criteria to ensure that all the key issues are considered in the SA.

1.30 The policies, proposals and site allocations have all been assessed through the SA/SEA. A number of options in relation to levels of growth and distribution were tested through SUB9D and SUB9E. The sites considered to be reasonable alternatives for development proposed were assessed through the matrices shown at SUB9G for the Plymouth Policy Area and SUB9H for the Thriving Towns and Villages. All of the policies were also assessed in SUB9J which tested the final wordings for the policies, proposals and site allocations within the JLP. The SA has focused on what is needed to assess the likely significant effects of the JLP. It has focused on the environmental, economic and social impacts that are likely to be significant. The SA/SEA has used the 17 criteria set out in Section 8, page 74 of SUB9c to consider any likely effect of the JLP and it is considered to be at an appropriate level for the content of the JLP.

1.31 A site selection process as shown at SUB9F was set up in order to ensure that each of the sites was assessed to enable the

identification of reasonable alternatives for development. The site selection process included a number of criteria which helped to filter out the reasonable alternatives based on an assessment of different factors such as environmental designations, flood risk, environmental constraints, location, infrastructure needs. The Councils consulted on the 'reasonable alternatives' for development which provided an opportunity for the local community and key stakeholders to make comments and give feedback regarding the suitability of sites for development. This process has helped inform the plan making process and in particular the criteria based site allocation policies and proposals.

1.32 The site selection process is considered to be an appropriate process for assessing sites. The process enabled the Councils to identify 'reasonable alternatives' which were then consulted on during July 2016, various documents were published for consultation, as set out below:

- JLP2 At Plymouth Map: Sites being considered for development and protection.
- JLP3 At Plymouth Back of Map
- JLP4 At Plymouth Booklet
- JLP5 At Plymouth Area Visions
- JLP6 Thriving Towns and Villages
- JLP8 Extra Sites Booklet

1.33 This consultation stage provided opportunities for the local community and key stakeholders to give feedback on the 'reasonable alternatives', suggest alternative locations and help identify possible issues which may need to be addressed if the site were to go forward to be allocated in the plan. Examination document EXC3d Summary of allocated and rejected sites sets out how the sites were assessed through this process and the outcomes. It is considered that this streamlining down of sites through the site selection process provides an appropriate assessment at different levels in the process and avoids duplication giving a proportionate level of evidence to support the selection of 'reasonable alternatives'. This has allowed the Councils to focus the SA on realistic local policies and proposals and obviate the need to undertake a resource intensive and detailed appraisal of every potential key location or site for the

JLP, it has also helped to justify the selection of the alternatives dealt with in the consultation documents. As listed above JLP2-JLP8.

Question 1.1(iii)

Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them? Is it clear what alternatives have been considered and the reasons why these have not been selected?

1.34 Yes. The SA has adequately considered the likely effects of the reasonable alternatives. Reasonable alternatives are the different realistic options available to deliver the objectives of the JLP. They should be consistent with other aspects of the plan and in particular the plan strategy. Section 5 of SUB9 sets out the 'reasonable alternatives' which have been considered alongside the preparation of the JLP. The Councils have considered

- Reasonable alternatives for growth SUB9D
- Reasonable alternatives for distribution SUB9E
- Reasonable alternatives for site allocations SUB9G and SUB9H
- Reasonable alternatives for policy options SUB9I

1.35 In respect of the scale of housing and employment provision, the JLP Assessment considered a range of jobs and homes targets which would enable the JLP Authorities to deliver the identified housing and employment needs for the plan period to 2034. This is set out in Section 5 of SUB9 and the specific SA matrix can be found at SUB9D.

1.36 The response to Matter 1 questions 1.1 has set out the various 'reasonable alternatives' which have been assessed through the SA/SEA process and how this process helped influence the JLP.

1.37 In terms of the alternatives for distribution, the Councils set out a number of growth scenarios which were tested through the Nov 2016 Topic Paper along with an emerging preferred spatial strategy. This was refined further into the JLP policies and a commentary regarding how it was assessed can be found in Section 5 of SUB9 and the specific matrix can be seen at SUB9E, the November Topic Paper provides more detail in relation to the emerging preferred strategy.

Please note as set out at 1.18 of this hearing statement, that the updated SA Matrix which appears in TP1 pages 38 – 54 should have been included as an Appendix within the document SUB9 as it is an updated version of SUB9E.

- 1.38 Document SUB9I set out the options which have been tested and the decisions which have been made regarding which is the best strategy for the JLP and which options should be disregarded, Pages 3-7 of SUB9I set out a summary of why the Option G (listed as option 14 in SUB9I) Concentration on Plymouth, Area Centres, and all Sustainable Villages in including WITHIN the AONB has been chosen at the preferred strategy.
- 1.39 The Strategy Topic Paper (TP5) and the Employment Topic Paper (TP4) published alongside the submission Joint Local Plan along with the newly updated Housing Topic Paper (TP3(rev)) published alongside the Hearing Statements each set out how and why the emerging strategy was chosen.
- 1.40 The SAs identified various positive and negative effects related to strategic alternatives. The comparison of options; the reason for selecting the preferred approach; and rejection of others is fully explained in Matter 3 questions 3.2(i) and 3.2(ii). The cumulative and residual effects of the preferred strategy were identified in the various appendices of SUB9 and it is considered that the SA process has made an effective contribution to the plan-making process.
- 1.41 Matter 3 questions 3.2 (i) and 3.2 (ii) have asked about the distribution of housing provision across the JLP area. The answer to those questions sets out how the SA process has been part of the justification of these key elements of the JLP, and therefore also forms part of the answer to question 1.1 (iii)
- 1.42 Matter 5 sets out the relationship between the employment strategy and the housing at question 5.1 (IV). Both the housing and employment requirements have been calculated using the same population base data which ensures that the approach is consistent and that the requirements are balanced and of an appropriate scale to meet the needs of the JLP area.

Question 1.1(iv)

Has the requirement for appropriate assessment under the Habitats Regulation Assessment (HRA) been met and is it clear how this has influenced the plan?

- 1.43 The HRA meets the requirement set out in Regulations 61 and 102 of the Conservation of Habitats and Species Regulations 2010 (as amended) and also Regulations 63 and 105 of the Conservation of Habitats and Species Regulations 2017 which requires competent authorities, to undertaken an Appropriate Assessment of the aspects of the plan (alone and in-combination with other plans or projects) likely to have a significant effect on a European Site, and the implications for that site in view of that site's conservation objectives.
- 1.44 The 2017 Regulations were published on 31 November 2017 which was after the HRA was submitted and as such these new consolidated Regulations are not referenced in the submitted HRA (SUB10). This will be rectified in the final HRA to be published on adoption. The new 2017 Regulations simply consolidate and update the previous 2010 Regulations and so simply require the addition of the relevant referenced paragraph numbers.
- 1.45 Chapters 6-12 of the submitted HRA (SUB10) includes an Appropriate Assessment of those aspects of the Joint Local Plan likely to have a significant effect on the European Sites connected to the plan through Impact Pathways and concludes that for each impact pathway "there will be no adverse impact, either alone or in-combination with other plans or projects, on the integrity of the designated European sites".
- 1.46 The HRA has influenced the preparation of the Plymouth and South West Devon Joint Local Plan though an iterative process, involving Natural England, which commenced in 2015 with meetings to agree on the approach to assessing and mitigating for recreational impacts on Plymouth Sound and the Tamar Estuaries European Marine Site as set out in the Duty to Cooperate Statement (SUB12). Page 12 of SUB12 describes the meetings which took place over two years to agree the approach to the HRA and the Joint Local Plan and shown in the following extract:

1.47 Extract from SUB12: Duty to Cooperate Statement. July 2017. Pg 14:

Natural England

Natural England (NE) is the government's advisor for the natural environment.

All three authorities have engaged with NE and high level strategic meetings have taken place between senior officers over recent years. A number of Plymouth and South West Devon JLP meetings with NE have taken place where the scope and timetable of the plan have been agreed, reports on options have been shared and plan progress has been reviewed. Through this group, the Habitats Regulation Assessment has been prepared and agreed. NE is also represented at the Tamar Estuaries Consultative Forum (TECF) that has met on a number of occasions with other prescribed bodies including the Marine Management Organisation, Natural England, Devon County Council, Plymouth City Council, South Hams District Council and West Devon Borough Council. Similarly, NE are represented at the Plymouth Sound and Tamar Estuaries Recreational Group that meet regularly with regards to gathering evidence, commissioning research, securing funding and contributions to the JLP. These meetings are attended by a number of bodies including neighbouring local planning authorities. NE has also engaged in various stages of the JLP plan preparation through the Sustainability Appraisal and Strategic Environmental Assessment.

1.48 Appendix 3 of SUB12 provides further information through a table which details all 'Duty to Cooperate engagements with prescribed bodies, and pages 38-41 provide the engagements relating to Natural England. This details the eight meetings which took place with Natural England between February 2015 and November 2016 to agree the approach to assessing the recreational impacts required to inform the HRA and the required sensitivity mapping, to agree the site surveys and analysis, and to review the Options paper and to ensure that sufficient information was provided.

1.49 As the HRA was drafted through December 2016 and January 2017, so changes were made to JLP policies as they were identified through the appropriate assessment process. This involved identifying the impact avoidance and mitigation recommendations at the end of each impact pathway chapter within the Appropriate Assessments. In some cases policies were already robust and incorporated avoidance and mitigation measures, however where the Appropriate Assessment made recommendations for changes or additions to policies, these were then incorporated within the draft Joint Local Plan, and these incorporations were confirmed within each impact pathway chapter once completed. The majority of these recommendations were made in the JLP22 iteration of the HRA, with changes included within the JLP10 Joint Local Plan: Pre-submission (March 2017).

1.50 Although most of the draft plan's wording at the time was considered satisfactory from an HRA perspective (given the

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involvement of environmental specialists in the plan drafting), some changes were made to the JLP in response to the findings of the HRA. These included:

- Modification to criteria 4 of DEV37 relating to reducing water use and increasing its reuse.
- The addition of criteria 5 and 8 to DEV37 relating to discharges of surface water and treatment of sewage and waste water.
- The inclusion of para 7.12 about infrastructure provision
- Adding policy criteria for TTV6, TTV25, TTV26, TTV27 and TTV29.4 relating to impacts on the greater horseshoe bat species.
- The addition of criteria 5 to DEV25 relating to the Shoreline Management Plan.
- The addition of criteria 7 to DEV2 relating to European Sites.

1.51 Following the Regulation 19 consultation Natural England were the only consultee to raise matters relating to the HRA. The majority of these were minor and subsequent revisions were made to the SUB10 iteration of the HRA. These changes are listed in Chapter 16 of SUB10, and in the SoCG with Natural England.

1.52 Additionally, NE requested that further information be provided in light of a recent high court decision (*Wealden DC v SSCLG*, 20 March 2017) that considered how a HRA had dealt with the potential effects on air quality arising from additional vehicular traffic.

1.53 In response, the Appropriate Assessment Chapter 6 of the HRA with respect to Air Quality was significantly rewritten, to include additional transport modelling, air pollutant modelling and assessment against European Site qualifying habitats and critical loads, both alone in combination with other neighbouring plans and in particular Cornwall's Local Plan. The HRA concluded that the proposed development within the Joint Local Plan (in combination with the Cornwall Local Plan) would not lead to road traffic levels and associated increased air pollution that would have an adverse effect on the European Sites. Natural England have confirmed that they support the additional work undertaken around air quality to inform the HRA and concur with the conclusion as explained in the Statement of Common Ground between Natural England and the JLP Authorities.

1.54 The matters raised by Natural England were all minor and have been addressed and agreed through a Statement of Common Ground in which Natural England concur with the HRA's conclusion that "there will be no adverse impact, either alone or in-combination with other plans or projects, on the integrity of the designated European sites."

Question 1.1(v)

The Councils in the Regulation 22 statement accept that clarification is needed in Policy SPT7 regarding Marine Plans and propose to include changes in the supporting text as a response to the Devon County Council representation. Would reference to the AONB in the policy be effective, in relation to the potential need to accommodate future Torbay housing needs and is it justified?

1.55 It should be noted that the changes to the supporting text to SPT7 to correctly reference the emerging Inshore and Offshore Marine Plans for the South West and South was made as a correction to SUB1 Plymouth and South West Devon Joint Local Plan: Submission (July 2017)

1.56 In relation to the question about the AONB, the Councils believe that it would not be effective or justified to make reference to the AONB in Policy SPT7, and therefore there is no need to include such a reference.

1.57 The JLP already contains a number of policies setting out the approach to be taken to the AONB:

- SPT11(2)
- DEV27

1.58 These policies set out the approach to be taken to protecting the AONBs and their sensitive landscapes, and the setting of the AONBs. These considerations will be applied to any proposals for development affecting the AONBs

1.59 In discussions with Torbay, it has been confirmed that the Council does not require the JLP to accommodate any unmet need in the TTV Policy Area.

1.60 Therefore, until Torbay commence the review of their Local Plan there will be no indication of:

- What the future housing needs of the Council will be
- What the strategy for accommodating those needs within Torbay might be
- Whether Torbay might need to look for ways to meet their needs in neighbouring authorities, and how much housing need would need to be accommodated.

1.61 If development were to be accommodated in South Hams within the TTV part of the JLP, any site selection exercise would clearly take account of the AONBs as a national designation, using the NPPF and the JLP policies protecting the AONBs as a yardstick. Additionally, any allocations to meet Torbay's as yet unidentified need would have to be made through a review of the JLP.

1.62 Given all of the above, it is not considered that adding reference to the AONB into SPT7 would be effective – because the impact on the AONB is adequately covered in other JLP policies, and it would only be applied to accommodating Torbay's needs at the review of the JLP.

1.63 It is also not considered to be justified, as there is no evidence of Torbay needing to consider meeting their housing needs in the TTV Policy Area, or that they would need to consider sites within, or in the setting of the AONB.