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 Our ref: 231670
 Your ref: EXC7 – Inspectors matters & Issues for investigation



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By letter and email
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Dear Mr Young

**Planning consultation:
 Plymouth and South West Devon Joint Local Plan Examination: response to Inspectors matters and questions**

Thank you for your email on the above dated 10 November 2017.

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.

Natural England raised a number of issues and concerns in relation to the publication draft of the Plymouth and South West Devon Local Plan (JLP). However since then we have worked with the JLP Authorities to prepare a Statement of Common Ground (SoCG) and to resolve issues where possible. The SoCG prepared with the JLP authorities is attached as Annex 1 to this letter and confirms that subject to a number of changes to the JLP we have now reached agreement on all issues raised in response to the Regulation 19 publication version of the JLP.

The Inspectors raise a number of specific questions regarding the JLP in Examination document EXC7. For clarity we have set out below the resolution reached on those specific issues as set out in the SoCG.

**Matter 1–Compliance with statutory procedures and legal matters
 (SA/SEA (Integrated Assessment) and HRA**

Natural England (NE) response to questions 1.1 (i), (ii) and (iii).

Sustainability Appraisal/Strategic Environmental Assessment

The initial Sustainability Appraisal (SA) documentation was incomplete and lacked transparency. However it was revised prior to submission (as shown in SUB9, and associated appendices) to demonstrate that reasonable alternative options had been tested and how, as described in Table 3 of the Statement of Common Ground (SoCG) between the JLP authorities and Natural England (Annex 1). In particular SUB9G and SUB9G set out assessments of reasonable alternatives in terms of site selection for the Plymouth Policy Area and Thriving Towns and Villages policy area respectively. In addition the Joint Local Plan authorities (JLP authorities) propose two further amendments (as set out in the SoCG): to show explicitly in the SA tables that agricultural land values were taken into account (see SUB9F, Appendix VI) and, for clarity, the inclusion of the

assessment framework and details of the criteria used in site selection in a separate document. Subject to the changes set out in the SoCG Natural England is satisfied that the SA/SEA (Integrated Assessment) meets the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations 2004) and the Planning and Compulsory Purchase Act 2004.

NE response to question 1.1 (iv): Habitats Regulations Assessment (HRA)

The Habitats Regulations Assessment was amended as a result of Natural England consultation responses and subsequent Duty to Cooperate discussions between Natural England and the Joint LPAs. The HRA document has been re-ordered to improve transparency, additional explanations regarding assessments of air quality, impacts from land take and recreational pressure were added to the HRA. The Local Plan policy regarding water quality and coastal squeeze was strengthened. These changes were agreed with Natural England as set out in the Statement of Common Ground (Annex 1). Subject to the changes being made to the Habitat Regulations Assessment and plan policy as set out in the SoCG (Table 3), Natural England is satisfied that the requirement for appropriate assessment under the Habitat Regulations Assessment (HRA) has been met.

Matter 4–Transport and infrastructure

4.2 Plymouth Airport (Policies SPT8 [point 1] and PLY42)

NE response to 4.2 (i): Plymouth airport. With regard to policies SPT8 and PLY42 (airport safeguarding) and the associated HRA, Natural England advise that a site specific HRA will be required should an operator come forward to reopen the airport. The JLP authorities now propose that text to this effect be included within the HRA (SUB10, para 6.3.1) as set out in the SoCG (table 3).

Matter 8–Policy Area Strategies: Thriving Towns and Villages

8.5 Housing delivery in the TTVPA

NE response to 8.5 (i)(d): will allocations within the Thriving Towns and Villages Plan Area (TTVPA) achieve sustainable development.

For a number of site allocations within the TTVPA, NE advised, at the Regulation 19 publication stage, that conclusions regarding site design and landscaping set out in the JLP authorities' Landscape Impact Assessment should be reflected in the SA and translated into allocation policies, particularly for those sites within or within the setting of Areas of Outstanding Natural Beauty or the National Park. The JLP authorities now propose inclusion of key landscape and site design recommendations within site specific policy. The proposed revisions are set out in the SoCG (table 3) and relate to the following site specific policies: TTV5, TTV6, TTV8, TTV9, TTV10, TTV13, TTV14, TTV15.1, TTV15.2, TTV17, TTV18, TTV19, TTV21, TTV22, TTV24.1, TTV24.2, TTV24.5, TTV29.1, TTV29.2, TTV29.15, TTV29.17, TTV29.19, TTV29.20, TTV29.21, TTV29.22, TTV29.23, TTV29.24, TTV29.25. The criteria now proposed for inclusion will help ensure that development within the allocations will be sustainable.

NE also raised concerns regarding the potential impact on water quality within the Salcombe to Kingsbridge Estuary SSSI. Wording to ensure water quality issues are addressed is now proposed for inclusion within policies TTV13, TTV14 & TTV29 as set out in the SoCG.

NE response to 8.5(d) continued. NE also sought strengthening of site specific policies within the TTVPA to ensure delivery of green infrastructure. Following discussion with the JLP authorities it is agreed that a more effective policy measure would be to include a requirement for 'natural infrastructure' (which includes green and blue infrastructure) within policy TTV2. This will give general support for sustainable development within the Thriving Towns and Villages area. A new criterion for TTV2 is proposed by the JLP authorities as set out in the SoCG (table 3).

Matter 9–Environment

9.2 Natural environment (Policies SPT11, SPT13, DEV24-DEV30)

NE response to 9.2(i) and 9.2 (vi) in respect of policies SPT11 and DEV28. At the Regulation 19 publication stage Natural England advised that policies for biodiversity and geodiversity (SPT11 and DEV28) did not reflect the policy test for European sites set out in the Habitats Directive/Conservation of Habitats and Species Regulations 2010 or requirements in the National Planning Policy Framework that local Plans should set out policy criteria for different tiers of designation and that regard should be had to the mitigation hierarchy in decision making. The JLP authorities now propose revisions to policies SPT11 and DEV28 to ensure European and National policy requirements are met. These changes are accepted by Natural England. The changes are set out in the SoCG (Annex 1, table 3 and Appendices 2(i) & 2(ii)) and shown as tracked changes in document EX10B.

NE response to 9.3 (iv). In response to the regulation 19 publication JLP natural England sought clarification on a perceived overlap between DEV 2 & DEV 37. The JLP authorities have confirmed that DEV2 provides a high level position on a range of pollution issues whilst DEV37 provides a more detailed policy to help manage flood risk and water quality. This position is accepted by NE as set out in the SoCG (table 3).

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Corine Dyke on [REDACTED] or Carol Reeder on [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

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Encs - Annex 1: Plymouth and South West Devon Joint Local Plan, Statement of Common Ground between Natural England and the JLP Authorities. The version of the SoCG attached is signed by Natural England. A final version countersigned by each of the JLP authorities will be forward as soon as possible.