

Plymouth and South West Devon Joint Local Plan

Statement of Common Ground

Between

Natural England

and

The JLP Authorities

Relating to the Joint Local Plan Policies:

SPT 11, 12,

SO6

PLY 21, 44, 45.3,

TTV2, 5, 6, 8, 9, 10, 13, 14, 15, 17, 18, 19, 21, 22, 24, 29,

DEV2, 25, 28, 37,

Map 1

**Sustainability Appraisal and
Habitats Regulations Assessment**

December 2017

Statement of Common Ground: Natural England, Plymouth City Council, South Hams District Council, West Devon Borough Council.

1. Introduction

- 1.1. This Statement of Common Ground has been agreed between Natural England and the Joint Local Plan authorities of Plymouth, South Hams District Council and /West Devon Borough Council/the JLP authorities of Plymouth, South Hams and West Devon Councils. This Statement has been prepared to assist the Inspectors conducting the Examination in Public of the Plymouth and South West Devon Joint Local Plan (PSWD JLP) and clarifies those matters that have been agreed and those that remain outstanding in relation to representation number 1014005 of the submission version to the Plan.
- 1.2. This statement addresses issues raised by Natural England through representations made to the Regulation 19 draft Plymouth and South West Devon Joint Local Plan published in March 2017, including subsequent discussions on suggested revisions of policies.
- 1.3. The Statement is provided without prejudice to other matters of detail that parties may wish to raise during the hearings.

2. Documents Referred to

- [SUB1: Plymouth and South West Devon Joint Local Plan: Submission.](#)
- [SUB10: Plymouth and South West Devon Joint Local Plan Habitat Regulation Assessment Submission. July 2017](#)
- [SUB22A: Appendix III: Schedule of representations by consultee ID , SUB22C : Appendix V: Schedule of Representations submitted via the ‘JLP Other Supporting Documents Event on Objective’](#)
- [SUB22D : Appendix VI: Schedule of Late Representations](#)
- [EXC10 Joint Local Plan Authorities cover letter regarding potential modifications](#)
- [EXC10A Plymouth and South West Devon Joint Local Plan – schedule of potential minor modifications](#)
- [EXC10B Plymouth and South West Devon Joint Local Plan: Potential modifications \(tracked changes\)](#)

3. Background

- 3.1. This statement addresses issues raised by Natural England in response to the consultation on the publication Draft Joint Local Plan during March - April 2017 in relation to consultee representation number 1014005 and as set out in Appendix 1.
- 3.2. Natural England set out its advice and recommendations to strengthen the Joint Local Plan and ensure it is sound. These issues are summarised in the table below.

Table 1: Summary of Natural England representations

Policy /Paragraph	Brief summary of representation and issues discussed.
SPT11	NE advised that the policy reflect more closely the mitigation hierarchy set out in the NPPF.
SPT12	NE recommend that more emphasis is placed on the need to avoid recreational impacts on European sites.
Para 3.96	NE recommend that the statutory requirement to deliver the necessary infrastructure to avoid recreational impacts on the European sites is made clear.
Box after 3.105	NE recommend that more emphasis is placed on enhancing the natural environment rather than ‘harnessing’ the natural environment.
PLY44	NE recommend clarification relating to the use of enhancing and mitigating with regards to the natural environment.
SO6	NE advise wording to be aligned with the NPPF.
TTV2	NE recommend that the need for natural infrastructure be identified across the TTV area.
TTV5	NE advised that the SEA recommended measures to protect the setting of the site are incorporated.
TTV6	NE advised that the SEA recommended measures to protect the setting of the site are incorporated.
TTV8	NE advised that more emphasis be placed on measures to protect the setting of the site.
TTV9	NE advised that more emphasis be placed on measures to protect the setting of the site.

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TTV10	NE advised that more emphasis be placed on measures to protect the setting of the site.
Para 5.53	NE advised the inclusion of the need to protect the water quality of the estuarine SSSI.
TTV13	NE advised that the SEA recommended measures to protect the setting of the site and the water quality of the estuarine SSSI are incorporated.
TTV14	NE advised that the SEA recommended measures to protect the setting of the site and the water quality of the estuarine SSSI are incorporated.
TTV15	NE advised that more emphasis be placed on measures to deliver open space, protect the setting of the site and protect the water quality of the estuarine SSSI.
TTV17	NE advised that more emphasis be placed on measures to protect the setting of the site.
TTV18	NE advised that more emphasis be placed on measures to deliver open space and to protect the setting of the site.
TTV19	NE advised that more emphasis be placed on measures to protect the setting of the site.
TTV21	NE advised that more emphasis be placed on measures to deliver open space and to protect the setting of the site.
TTV22	NE advised that more emphasis be placed on measures to protect the setting of the site.
TTV24	NE advised that more emphasis be placed on measures to protect the setting of the site.
TTV29	NE advised that more emphasis be placed on measures to protect the setting of the site and to protect the water quality of the estuarine SSSI.
DEV25	NE recommend improved reference to the Shoreline Management Plan.
DEV28	NE advise that the policy reflect more closely the need for policy criteria as set out in the NPPF.
DEV37	NE advised that emphasis be placed on the requirement to deliver sewage / wastewater infrastructure prior to the development taking place.
Para 7.21	NE recommend that the infrastructure delivery plan will include the infrastructure required for the councils to meet their statutory obligations of avoiding adverse impacts on European sites.
Annex 2 – spatial strategy measures of success	NE recommend that more emphasis is placed on enhancing the natural environment rather than ‘harnessing’ the natural environment.
Glossary	NE recommend some additional items be added to the glossary.
Map 1	NE recommend that reference to proposed Marine Conservation Zones be removed.
HRA	NE recommend changes to the impact pathways section, that the sites potentially affected by the Local Plan policies be identified, that further consideration be given to air quality, that clarification be given to the airport site regarding the use as an airport, that recommendation for policies in relation to water quality be strengthened, that further explanation be provided regarding in-combination recreational impacts on Dartmoor European sites and the need to safeguard the requirement for infrastructure to protect European sites.
SA / Integrated Assessment	NE advised further information be provided relating to site selection and where the sites are sensitive, then further safeguards be provided in policies for sensitive sites.

3.3. This statement sets out those matters that have been discussed and an ‘in principle’ way forward agreed through the recommendation of a number of modifications.

3.4. Following the receipt of Natural England’s response to the Regulation 19 consultation, changes were made as follows.

Table 2: Summary of timeline with Natural England

DATE	ACTIONS
27 April 2017	NE submitted their interim response to the Regulation 19 JLP. (Appendix 1)
4 May 2017	NE submitted their full response to the Regulation 19 JLP. (Appendix 1)
May – July 2017	Further work was carried out on the HRA to address the concerns raised and in particular the additional work required for air quality. This was incorporated into SUB10: Plymouth and South West Devon Joint Local Plan Habitat Regulation Assessment Submission. July 2017 and these changes are summarised on page 25. Errors identified by NE in the Draft JLP were rectified and included in SUB1: Plymouth and South West Devon Joint Local Plan: Submission . The changes are shown as track changes in

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	SUB1A.
July 2017 – Dec 2017	Further discussions and meetings have taken place to identify and agree modifications to the Joint Local Plan, HRA, SA and Map I.

- 3.5. The following Tables 3 and 4 set out the matters raised by Natural England in relation to the JLP, the HRA and SA respectively, and the agreed response in relation to this Statement of Common Ground.
- 3.6. The ID references within Table 3 relate to [SUB22A: Appendix III: Schedule of representations by consultee ID](#) , [SUB22C : Appendix V: Schedule of Representations submitted via the 'JLP Other Supporting Documents Event on Objective'](#) and [SUB22D : Appendix VI: Schedule of Late Representations](#) all within the Plymouth and South West Devon Local Plan Submission Document Library.
- 3.7. The changes to the Publication Plan incorporated in the Submission Plan as Minor Modifications are referenced in Table 3 for clarity. The changes to the Plan are shown as “track changes”. Additions are identified with **red text** and deletions are subject to a ~~strikethrough~~.

4. Matters agreed by both parties

- 4.1. Through a series of meetings between July and December 2017, representatives from Plymouth City , West Devon and South Hams Councils met with Natural England officers to discuss their representation and agree a number of changes which could be made in response to the issues which had been raised to the Regulation 19 version of the Joint Local Plan. The matters were tracked on the Table provided in Appendix 2. All parties agreed that the Joint Local Plan, HRA and Sustainability Appraisal could benefit from some changes to the text and policies to ensure that the plan was clear in terms of its requirements for the natural environment and other related issues covered by the Natural England.
- 4.2. The preparation of the SoCG has led to a number of proposed changes to the Joint Local Plan which address those issues raised by Natural England. These are listed in Table 3 below and also shown in (“EXC10A Plymouth and South West Devon Joint Local Plan – schedule of potential minor modifications” and explained in “EXC10 Joint Local Plan Authorities cover letter regarding potential modifications. The modifications are also shown incorporated into a ‘tracked change’ version of the Plymouth and South West Devon Joint Local Plan in “EXC10B Plymouth and South West Devon Joint Local Plan: Potential modifications (tracked changes).
- 4.3. Tables 3, and 4 set out the matters agreed by all parties in relation to the Plymouth and South West Devon Joint Local Plan and includes the proposed modifications to wording that satisfies Natural England’s concerns.
- 4.4. The reference numbers in the third column of Table 1 refer to the following:

Ref numbers	Description
Reg 19 Response Ref no.	Response numbers taken from SUB22A and SUB22D Schedules of Representation.
Excel row no	Row number of the main working document with Natural England.
Minor Mod No.	Minor Modification Number in EXC10A Plymouth and South West Devon Joint Local Plan – schedule of potential minor modifications’.

- 4.5. For clarification all modifications are set out as ‘in principle’ proposed changes to the Joint Local Plan and it is accepted by all parties that the proposed changes could be subject to further modifications and consultation following the discussion of matters, questions and issues during the hearing process. This statement of common ground therefore represents a resolution agreed between Natural England and the three Joint Local Planning Authorities on the issues arising out of their representation.
- 4.6. **Matters Raised by Natural England in relation to the Plymouth and South West Devon Joint Local Plan**
- 4.7. The matters raised are described in Table 3.

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Table 3: Matters raised by Natural England in relation to the Plymouth and South West Devon Joint Local Plan and the response proposed by the Councils

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref, Excel row no, Minor Mod No.	Modification Proposed
JLP: General	Clarification needed around mitigation and enhancement as mitigation measures will not provide biodiversity enhancement. An example is PLY44(vii) (Woolwell sustainable urban extension and community park) which, as worded, implies that mitigation measures will provide biodiversity enhancement.	1663(L) 1667(L) Row 3 M86	Potential modifications have been agreed that address NE's concerns in relation to this matter: PLY44.4 4 vii Incorporate significant levels of biodiversity enhancement works to Mitigate the impacts of the development on biodiversity and incorporate biodiversity enhancement measures.
JLP: Policy SPT11 & Policy DEV28	NE advise on the need to ensure that these policies reflect the mitigation hierarchy (National Planning Policy Framework (NPPF) para 118) and clearly set out the policy criteria for the different tiers of designation, against which proposals can be assessed (NPPF para 113). NPPF para 118 provides the principle that 'significant harm (to biodiversity) should be avoided, adequately mitigated or as a last resort, compensated for'. NE advise that this principle be set out in strategic Plan policy SPT11. NPPF para 113 requires local planning authorities 'to set out criteria based policies against which proposals affecting protected wildlife or geodiversity sites will be judged and that distinctions are made between the hierarchy of international, national and locally designated sites commensurate with their status.....ecological networks'. As currently worded, policy DEV28 says that account will be taken of the hierarchy of protected sites but the weight to be given to differing tiers of designation is not set out.	1664(L) 1665(L) Row 4 M12-M22 M275-M282	Potential modifications have been agreed that address NE's concerns in relation to these policies which align them more closely to the NPPF para 113 and 118 and removes duplication. The revised policies are provided in Appendix 2 and shown as tracked changes in EX10B. SPT11 - restructured to align with NPPF and DEV28 and to avoid duplication. DEV28 - restructured to align with NPPF and SPT11 and to avoid duplication
JLP: Policy SPT11(I)	In SPT11(I) the policy criteria for European designations do not meet the requirements of the Habitats Directive/Conservation of Habitats and Species Regulations 2010. The local	1664(L) 1665(L) Row 5	Potential modifications have been agreed that address NE's concerns regarding the protection of European Sites.

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Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
	planning authority may only agree to a plan or project having ascertained that it will not adversely affect the integrity of a European Site other than where the authority are satisfied that, there being no alternative solutions, the proposal must be carried out for imperative reasons of overriding public interest. Plan policy should also specify the list of European sites included.	M12-M22 M275-M282	See previous.
JLP: Policy DEV28	In DEV28 the North Devon Biosphere Reserve is included incorrectly as a site of designated European importance.	1665(L) Row 6	Error / clarification has been accommodated; the reference to the Biosphere Reserve has been removed from the policy as a clarification prior to submission of the plan.
JLP: Policy SPT11 & DEV28	Currently some development management policy criteria appear both in policies SPT11 and DEV28. Consider focusing policy SPT11 on strategic aims and DEV28 on development management policy criteria.	Row 7 M12-M22 M275-M282	Potential modifications have been agreed that address NE's concerns See previous comment.
	Site allocations We advise that you ensure that site specific conclusions set out in the Landscape Impact Assessments are reflected in Sustainability Appraisal and translated into the allocation policies, especially for those allocations within, or within the setting of, an Area of Outstanding Natural Beauty (AONB) or National Park . There currently is a disconnect between the two. For instance guidance set out in the Landscape Impact Assessment of TTV13 (the Quayside – Kingsbridge) and TTV14 (West of Belle Hill - Kingsbridge) is not reflected in policy criteria for these sites. For TTV14 the Landscape Impact Assessment flags up significant sensitivities for this site and states that development could adversely affect the setting of the AONB and result in significant visual impact.	2156(L) 2157(L) 2158(L) 2159(L) Row 8 Row 9 M123 M124 M125	Potential modifications have been agreed that address NE's concerns The revised policies are provided in Appendix 2 TTV5 – Land at Cotton 4. Strategic landscaping, open space, and tree planting to address the scale and prominence of the site, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside. 5. A scale, density , design and southern extent of development which is not overly prominent when viewed from the surrounding countryside. NEW POINT: A lighting strategy, which minimises the impact of light spill to the surrounding countryside.

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	<p>It is therefore important that the mitigation measures identified in the sensitivity analysis are reflected in the Sustainability Appraisal for the site and in the site policy criteria in TTV14. Where mitigation is required to ensure a site can meet the tests in NPPF para 116 , it is important that this is clearly reflected in the SA/SEA and in Plan policy.</p> <p>This also applies to We also note that some landscape assessments for allocations appear to be missing. For instance sites at West Alvington Hill and North West of Kingsbridge (both in TTV15), Tavistock - TTV24 (1, 2 and 5), TTV29 (15 – Modbury), (19 – Bonfire Hill Salcombe).</p>	<p>M127</p> <p>M136</p> <p>M137</p> <p>M139</p> <p>M141</p>	<p>TTV6 – Noss on Dart</p> <p>6. High quality design, which must take account of the location, wooded character, scale, massing, lighting and the site’s sensitive setting in the AONB, especially in views from the River Dart, the Dart Valley Trail, the Greenway Estate, public rights of way, from the main road and railway line.</p> <p>TTV8 – East of Ivybridge</p> <p>3. Strategic landscaping to A landscape strategy which addresses the site’s scale and prominence and the edges of the development, and to help mitigate any adverse visual impact on Dartmoor National Park, and to soften the edges of the development onto the undeveloped countryside.</p> <p>5. A quality form of development which integrates with the existing housing, and provides a design and density that is not prominent when viewed from the Dartmoor National Park.</p> <p>TTV9 – Land at Filham</p> <p>4. Strategic landscaping to the site boundaries, and the creation of a landscape framework throughout the site. help mitigate any adverse visual impact on Dartmoor National Park and to soften the edges of the development onto the undeveloped countryside. The scale, character, density and design of development should ensure that it is not overly prominent when viewed from the surrounding countryside, paying particular regard to views towards and from Dartmoor.</p> <p>TTV10 – Land at Stibb Lane</p> <p>4. Strategic landscaping to the site boundaries help mitigate any adverse visual impact on Dartmoor National Park, and to soften the edges of the development onto the undeveloped countryside and provide visual containment of the development in views from Dartmoor National Park. The scale, design, density, and the northern and western extents of development should ensure that it is not overly prominent when viewed from the surrounding countryside, paying particular regard to views from Dartmoor.</p>

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		M147	<p>TTV13 – The Quayside, Kingsbridge</p> <p>2. A high quality design for this estuary gateway site which reflects the quality and character of the South Devon AONB, conserves and enhances the character and provides for enhanced public realm and better connectivity for pedestrians and cyclists to the town centre and estuary.</p>
		M152	<p>TTV14 – West of Belle Hill, Kingsbridge</p> <p>2. Strategic landscaping to address the scale and prominence of the site boundaries and the creation of a landscape framework throughout the site, to mitigate any adverse visual impact on the AONB, and to soften the edges of the development which borders the undeveloped countryside. The scale, design, density and northern extents of development should ensure that development is congruous with the setting adjacent settlement edge when viewed from the surrounding countryside.</p>
		M154	<p>NEW POINT A lighting strategy, which minimises the impact of light spill to the surrounding countryside.</p>
		M155	<p>TTV15.1 – West Alvington Hill, Kingsbridge</p> <p>a. Appropriate Open space and strategic landscaping to the western edge of the site address the prominence and scale of development, and the creation of a landscape framework throughout the development.</p>
		M156	<p>NEW POINT Careful consideration of scale and appearance of development, and the lighting of the site, to minimise wider landscape impacts.</p>
		M158	<p>TTV15.2 – North West of Kingsbridge</p> <p>a. Appropriate Open space and strategic landscaping to the western edge of the site</p>

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Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
		M159	<p>address the prominence and scale of development, and the creation of a landscape framework throughout the development.</p> <p>NEW POINT Careful consideration of scale and appearance of development, and the lighting of the site, to minimise wider landscape impacts.</p> <p>NEW POINT No exacerbating of water quality issues within the Salcombe to Kingsbridge SSSI.</p>
		M160	
		M164	<p>TTV17 – Land at Exeter Road</p> <p>I. Strategic and structural landscaping within and surrounding the site, a site layout and building design to address the site’s scale and prominence and to help mitigate any adverse visual impact on the Dartmoor National Park, and to soften the edges onto the undeveloped countryside.</p>
		M165	<p>TTV18 – East of Okehampton</p> <p>I. Strategic landscaping and open space within and surrounding the site to address the site’s scale and prominence, and to mitigate any adverse visual impact on the Dartmoor National Park, and to soften the development’s edges with the undeveloped countryside. The scale, materials, design and extents of development should ensure that it is not overly prominent when viewed from the surrounding countryside, improving the eastern edge of Okehampton.</p>
		M167	<p>TTV19 – Land at Stockley</p> <p>I. Strategic landscaping within and bounding the site to address the site’s scale and prominence and to help mitigate any adverse visual impact on the Dartmoor National Park. , and to soften the edges onto the undeveloped countryside to fully The layout, design, scale and materials should recognise the rural character of the site.</p>
		M170	<p>TTV21 – Callington Road</p> <p>5. Strategic landscaping and open space to address the site’s scale and prominence, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside. The scale, density, design, materials and southern and western extents of development should ensure that it is not overly prominent when viewed from the town and surrounding countryside, and the World Heritage Site and Dartmoor National Park.</p>
		M171	<p>NEW POINT A lighting strategy, which minimises the impact of light spill to the</p>

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Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
			surrounding countryside.
		M172	TTV22 – Plymouth Road I. Strategic landscaping including a 90m buffer along the west of the site to address the site’s scale and prominence, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside. The scale, density, materials, design and southern extents of development should ensure that it is not overly prominent when viewed from the town and surrounding countryside
		M173	NEW POINT A lighting strategy, which minimises the impact of light spill to the surrounding countryside.
		M174	TTV24.1 – New Launceston Road, Tavistock
		M175	NEW POINT Open space and strategic landscaping to the west of the site and the creation of a landscape framework throughout the development. NEW POINT Careful consideration of scale and appearance of development, and the lighting of the site, to minimise wider landscape impacts.
		M178	TTV24.2 – Butcher Park Hill, Tavistock
		M179	NEW POINT Strategic landscaping to the northern site boundaries and the retention and enhancement of existing hedgerows throughout the site. NEW POINT Careful consideration of scale and appearance of development, and the lighting of the site, to minimise wider landscape impacts.
		M180	TTV24.5 – Kelly Preparatory College c. An appropriate strategy to mitigate for any impact on the Dolvin Road AQMA and on the setting of Dartmoor National Park.
		M181	NEW POINT . Careful consideration of extent, scale and appearance of development to minimise local landscape impacts.

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Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
		M192	<p>TTV29.1 – Woolacombe Road</p> <p>a. Layout, and design and location of structural landscaping to be guided by landscape assessment.</p>
		M193	<p>TTV29.2 – South of Woolacombe Road</p> <p>a. Layout, and design and location of structural landscaping to be guided by landscape assessment</p>
		M201	<p>TTV29.15 – West of Palm Cross, Modbury</p> <p>NEW POINT Strategic landscaping and open space to the north and east of the site, linked to the open space to the north east of the site at West Barracks Road.</p>
		M202	<p>TTV29.17 – Land west of Barracks Road</p> <p>b. Layout, and design and landscaping to be guided by landscape assessment, with careful consideration of scale and appearance of development, and the lighting of the site, to minimise wider landscape impacts.</p>
		M204	<p>TTV29.19 – Bonfire Hill, Salcombe</p> <p>NEW POINT Strategic landscaping bordering the site.</p>
		M205	<p>NEW POINT Careful consideration of the scale and appearance of the development, and the lighting of the site, to minimise wider landscape impacts.</p>
		M207	<p>TTV29.20 – Shadycombe</p> <p>b. Layout and design to be guided by landscape assessment, with careful consideration of scale and appearance of development and any ground engineering operations, to minimise wider landscape impacts.</p>
		M209	<p>TTV29.21 – Land West of West End Garage</p>

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
		<p>M211</p> <p>XXX</p> <p>M212</p> <p>M213</p> <p>M215</p>	<p>a. Strategic landscaping to address the sites prominence, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside. The scale, and design and density of development should ensure that it is not overly prominent when viewed from the surrounding countryside.</p> <p>NEW POINT Careful consideration of extent, scale and appearance of development to minimise local landscape impacts.</p> <p>NEW POINT: A lighting strategy, which minimises the impact of light spill to the surrounding countryside.</p> <p>The above point was erroneously omitted from EX10A but is shown in EX10B as a tracked change. This is identified as an additional agreed modification in Section 5.</p> <p>TTV29.22 – Green Park Way a. Recognising and enhancing the relationship with the South Devon AONB, with careful consideration of scale, height, density, appearance and lighting of development, and strategic landscaping to minimise wider landscape impacts.</p> <p>TTV29.23 – Land South East of Carehouse Cross a. Recognising and enhancing the relationship with the South Devon AONB, with careful consideration of scale, height, density, appearance, landscaping and lighting of development, to minimise wider landscape impacts.</p> <p>TTV29.24 – North of Milzac Close a. Recognising and enhancing the relationship with the South Devon AONB, with careful consideration of scale, height, density, appearance, landscaping and lighting of development, to minimise wider landscape impacts.</p> <p>TTV29.25 – North of Riverford Farm Shop a. Recognising and enhancing the relationship with the South Devon AONB, with careful consideration of scale, height, density, appearance, landscaping and lighting of development, to minimise wider landscape impacts.</p> <p>CHANGES TO THE SA Some of the allocations have already been built out or are nearing completion and text</p>

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Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
JLP: DEV2 and DEV37	There is some overlap between policies DEV2 and DEV37. Clarification on this matter is sought.	1673 Row 15	In relation to potential overlap with DEV2, this is not considered to be problematical as DEV2 provides a high level position on a range of forms of pollution, whilst DEV37 is a detailed and technical policy around managing flood risk and water quality impacts.
JLP: TTV	Site allocations near the Dart Estuary could potentially impact upon the recommended Marine Conservation Zone (rMCZ) (e.g. allocations at Totness and Dartmouth). A policy/text reference to the proximity of the rMCZ and potential water quality issues is suggested. The position regarding the status of the MCZ should be checked before Plan submission.	2159(L) Row 16 M317	<p>The requirement to consider impact on water quality is included within DEV2 Air, water, soil, noise, land and light pollution, and DEV28 Protecting and enhancing biodiversity and geological conservation specifically mentions Marine Conservation Zones.</p> <p>The Dart Estuary MCZ is currently only ‘recommended’ and until it goes out for consultation, it is not a material consideration. The MCZ has not been put out for consultation yet. Therefore reference to it will be removed from Map 1.</p> <p>Similarly, reference to the recommended Devon Avon Estuary MCZ and the Devon Erme Estuary MCZ will also be removed.</p>
JLP: TTV12 and TTV29	TTV12 Kingsbridge/TTV29 Salcombe. There are water quality issues within the Salcombe to Kingsbridge Estuary SSSI. Any development here will need to ensure that water quality issues are addressed and are not exacerbated. It is suggested that this issue be referred to in site policy	2161 Row 17 M145 M148 M153 M157 M160	<p>Potential modifications have been agreed that address NE’s concerns.</p> <p>Para 5.53 – At end of paragraph add ‘Development within Kingsbridge will be need to ensure that water quality issues within the Salcombe to Kingsbridge SSSI are not exacerbated.’</p> <p>TTV13 – point 5 – A site wide Sustainable Drainage Strategy to ensure that drainage requirements can be met on site without exacerbating water quality issues within the Salcombe to Kingsbridge SSSI, and are designed to deliver landscape, biodiversity and amenity benefits.</p> <p>TTV14 – point 4 - site wide Sustainable Drainage Strategy to ensure that drainage requirements can be met on site without exacerbating water quality issues within the Salcombe to Kingsbridge SSSI and are designed to deliver landscape, biodiversity and amenity benefits.</p> <p>NEW POINT No exacerbating of water quality issues within the Salcombe to Kingsbridge SSSI.</p> <p>NEW POINT No exacerbating of water quality issues within the Salcombe to Kingsbridge SSSI.</p>

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		M206, M208, M210	TTV29 – rows 19,20 and 21, ‘things to be provided’ column, add an additional point in each stating ‘No exacerbating of water quality issues within the Salcombe to Kingsbridge SSSI.’
JLP Map 1	Map 1 – designated sites. This shows all potential MCZs, however a number of these are ‘recommended’ and have not yet been designated or reached ‘proposed’ status. NE suggest the position is checked.	Row 18 M317	Error/ Clarification to be accommodated. The Dart Estuary MCZ is currently only ‘recommended’ and until it goes out for consultation, it is not a material consideration. The MCZ has not been put out for consultation yet. Therefore reference to it will be removed from Map 1. Similarly, reference to the recommended Devon Avon Estuary MCZ and the Devon Erme Estuary MCZ will also be removed.
JLP S06(8)	SO6(8) -Delivering a prosperous and sustainable South Devon. It is suggested that ‘preserving’ be replaced with ‘protecting’ to ensure consistency with the NPPF (para 109) – protecting and enhancing valued landscapes.	Row 19 M114	Potential modifications have been agreed that address NE’s concerns. Preserving Protecting, conserving and enhancing the natural beauty of south west Devon's countryside, protecting the countryside from inappropriate development, and maximising our environmental assets.
JLP SPT12	SPT12. Policy wording should clarify that infrastructure necessary to protect European sites is mandatory (see comments in relation to chapter 12 of the HRA).	2162(L) Row 20 M26 M309	Potential modifications have been agreed that address NE’s concerns. The requirement to mitigate the recreational impacts is contained within SPT13. SPT12 simply lists the infrastructure measures provided for. However, this could be clarified through the following text added after SPT12 that states: The successful delivery of the spatial and growth strategy set out in the plan will to a large extent be dependent on significant improvements to and investments in infrastructure, some of which will be required in any case to meet statutory obligations (for example, in relation to helping avoid recreational impacts to European Sites) . The measures and projects set out in the JLP have been identified in tandem with the preparation of the plan. Add the following text to para 7.21 which immediately precedes the S106 and CIL policy DEL1: ‘Policy DEL1 sets out the policy approach that the LPAs will take in considering planning applications and in planning negotiations. This will be amplified into

Statement of Common Ground: Natural England, Plymouth City Council, South Hams District Council, West Devon Borough Council.

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
			specific guidance in the two SPD documents, which will also include detailed provisions relating to how development must meet its statutory obligations to avoiding adverse impact on the integrity of European sites.'
JLP: PLY21	PLY21. It is currently unclear whether land for a cruise ship terminal is allocated? Clarification on this matter is sought.	1667(L) Row 21	The plan identifies a cruise liner terminal as an infrastructure project, which is likely to be provided as part of the operational port of Millbay and so therefore has no specific allocation
JLP: DEV25	DEV25. In accordance with comments on the HRA, a new clause (iv) should be added as follows: 'enables the ongoing adaptation of biodiversity to climate change in accordance with the policies as set out in the Shoreline Management Plan '.	1665(L) Row 22 M266	Potential modifications have been agreed that address NE's concerns. It is suggested that the following would provide clarity. DEV25 4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan 2 .
JLP; General	It would be useful if the contents page could set out the policy references against page numbers to make the document easier and quicker to navigate. The Landscape Impact Assessment could also usefully refer to the relevant allocation policies within the Plan and include a page numbered contents page.	1654(L) Row 23	Noted.

Table 44: Matters raised by Natural England in relation to the HRA and SA, and the response proposed by the Councils

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
HABITATS REGULATIONS ASSESSMENT (HRA)			
HRA: Impact Pathways	Recommend that this table is reviewed and re-ordered. The repeated heading Habitat and Species Destruction or Fragmentation is confusing and should be revised. The recreational pressure section should be revised as it only refers to terrestrial pressure. The recreational pressure and disturbance sections	31 (other) Row 24	Error / clarification to be accommodated. Para 3.2 and Table 3.1 have been revised and reordered and are given in SUB10 Plymouth and South West Devon Joint Local Plan Habitat Regulation Assessment Submission. July 2017.

Statement of Common Ground: Natural England, Plymouth City Council, South Hams District Council, West Devon Borough Council.

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
	are very closely related and appear to overlap. At least, they should follow on from each other.		
HRA: Initial Screening	Initial screening of Local Plan policies (para 5.3) Welcome the screening of all policies. However, where a likely significant effect is identified , there is no indication of which European site(s) the screening outcome relates to. We advise that this is rectified, as this would significantly improve the clarity and transparency of the report.	31 (other) Row 25	Potential modifications have been agreed that address NE's concerns. Section 5.3 of the HRA has therefore been revised with a new column added to Table 5-2 to show that where the possibility of Likely Significant Effect has been identified, then the specific European Site which this relates to has been named. As shown in SUB10 Plymouth and South West Devon Joint Local Plan Habitat Regulation Assessment Submission. July 2017.
HRA: Appropriate Assessment – Air Quality (Chapter 6)	With respect to road transport, based on the information provided, NE are satisfied with the conclusions on air quality impacts. With respect to employment development, potential industrial air quality impacts have been ruled out (p85 para 6.1 “Impacts from industry (such as power stations) are not identified as having potential for significant effects on the European Sites.”). The plan does however allocate sites for employment. For example in relation to ammonia, para 6.1 on page 85 states that impacts of ammonia, predominantly from agriculture are not identified as likely to increase as a result of the Joint Local Plan. There does however not appear to be any evidence to support this statement. If there are NH3 emissions related to the local plan (for instance from the waste processing site allocations) contributing to existing NH3 levels then this needs some more discussion and contextual information to rule out significant effects. NE recommend that discussion of the scale/nature/location of the employment allocations is required to rule them out as ‘no likely significant effects’. Obviously individual proposals for industrial developments will require an assessment of individual industrial	31 (other) Row 26	Potential modifications to the HRA have been agreed that address NE's concerns and these are reflected in SUB10. Further information has therefore been added to the HRA about employment and industrial development which have both been given further consideration with respect to screening out likely significant effects on European Sites. The air quality chapter has new information added which includes road traffic modelling and air pollution calculations which incorporate in-combination effects of Cornwall Local Plan and fresh conclusions drawn in light of the Wealden case. NE welcome the additional work undertaken and the additional text re air quality. They would like to make the following comment: In paragraph 6.3.1 on p 33 of SUB10 they advise that at the end of the airport paragraph the following sentence is added for clarification. ‘ If an operator comes forward during the Plan period then a site specific HRA will need to be undertaken. ’ This change will be made to the HRA.

Statement of Common Ground: Natural England, Plymouth City Council, South Hams District Council, West Devon Borough Council.

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
	processes/units when submitted.		
HRA: Appropriate Assessment – Air Quality (Chapter 6)	NE request that in relation to the airport safeguarding policy(PLY42), there is clarification that the policy does not imply a presumption in favour of aviation use and that a recommencement of aviation use on the site would be dealt with through an allocation in a future plan, supported by air quality impact studies.	31 (other) Row 27	Modifications to the HRA have been agreed that address NE's concerns and these are reflected in SUB10. No further action is needed as this is a safeguarding policy so there is no change to the land use. However, if a plan should come forward that involves change then it would be subject to assessment including an HRA as required under DEV2 and DEV28 within the Plan.
HRA: Appropriate Assessment – Air Quality (Chapter 6)	NE state that a High Court judgment was handed down on 20 March 2017 in Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin) (The court found that Natural England's advice on the in-combination assessment of air quality impacts in this case was flawed. NE advise that competent authorities should seek their own legal advice on any implications of this recent judgment for their decisions.	31 (other) Row 28	Modifications to the HRA have been agreed that address NE's concerns and these are reflected in SUB10. Further information has been provided in Chapter Significant re-write of Chapter 6 Appropriate Assessment Air Quality, including further screening, road traffic modelling and air pollution calculations undertaken incorporating in-combination effects of Cornwall Local Plan, and fresh conclusions have been drawn in light of the Wealden case.
HRA: Appropriate Assessment – Water Quality (Chapter 7)	1. The HRA's recommendations for strengthening the relevant planning policies are noted and welcomed. 2. In addition NE recommend that the proposed additional point for DEV2 is amended to state: 'Development will not be permitted without confirmation that sewage/wastewater treatment can accommodate or be improved to accommodate the new development in advance of the development taking place and that where necessary, financial contributions will be sought for the ongoing maintenance.....' 3. It may be worth pointing out that the development could be phased to ensure the sewage/wastewater treatment is adequate at all times and water quality in the nearby European	31 (other) Row 29 M304	Potential modifications have been agreed that address NE's concerns. This actually refers to DEV27 and not DEV2, and the changes have been made to JLP DEV27 as detailed above. In addition, the following change is recommended as a Minor Modification: DEV37 8. Development will not be permitted without confirmation that sewage / wastewater treatment facilities can accommodate or will be improved to accommodate the new development, in advance of the development taking place.

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
	sites is not adversely affected.		
HRA: Appropriate Assessment – Land Take (Chapter 9)	Appropriate Assessment – Land Take (Chapter 9) - Page 138 needs to be updated to reflect the latest developments with the planning application for Drake’s Island. (see below)	31 (other) Row 30 REV004	Section 9.3.1 (Appropriate Assessment - Land Take) has been updated to reflect the current situation for Drakes Island.
HRA: Appropriate Assessment – Coastal Squeeze (Chapter 10)	Recommend that the policy recommendations in table 10-2 should specifically refer to enabling the ongoing adaptation of biodiversity to climate change. They recommend adding a new clause (iv) ‘enables the ongoing adaptation of biodiversity to climate change in accordance with the policies as set out in the Shoreline Management Plan.	31 (other) Row 31	Table 10-2 (Appropriate Assessment - Coastal Squeeze) has been amended to recommend that DEV25 be edited to include a new criterion: “enables the ongoing adaptation of biodiversity to climate change in accordance with policies as set out in the Shoreline Management Plan. Subsequent to this, and unrelated to the HRA, a further change was made to DEV25 in order that it reflect the ‘current’ Shoreline Management Plan in order to future-proof the policy. (see previous comment).
HRA: Appropriate Assessment – Species Disturbance (Chapter 11)	Understand that a new joint SPD for the South Hams SAC is being developed and request that the relevant sections and recommendations of this chapter be reviewed as and when the SPD is established.	31 (other) Row 32	Noted. No further changes needed until SPD produced.
HRA: Appropriate Assessment – Recreational Pressure (Chapter 12)	It is noted that in para 3.14 of the HRA report it is rightly identified that the HRA of the Teignbridge Local Plan could not rule out likely significant effects from recreational pressure on the Dartmoor and South Dartmoor Woods SAC. This issue is however not taken forward in the Appropriate Assessment of the Joint Local Plan. Recreational pressure on these sites, in combination with the conclusion from the Teignbridge Local Plan HRA should be considered carefully and can not be simply ruled out without further justification.	31 (other) Row 33 REV007	The conclusion relating to ruling out LSE from recreational pressure on Dartmoor and South Dartmoor Woods SAC in combination with Teignbridge Local Plan HRA has been rewritten to state that there is potential for residual in-combination recreational impacts on Dartmoor sites; that ongoing monitoring will be needed and that management measures are in place. Concludes that work is needed with DNPA and Teignbridge to ensure measures can be introduced in order to ensure no adverse impact. Further information is suggested that needs to be added to the para 3.14 of the HRA: “Dartmoor National Park Authority will be reviewing their Management Plan during 2018 which will draw on their recent Visitor Survey data (collected during 2017) and will be further informed by their work with Exeter University looking at diffuse recreational impacts which will report in summer 2018. Once the evidence is collected, DNPA will utilise their Duty to Cooperate Group of local authorities in

Statement of Common Ground: Natural England, Plymouth City Council, South Hams District Council, West Devon Borough Council.

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
			order to enable further discussion as they go on to shape the Dartmoor Local Plan. Options for managing and financing residual cumulative recreational impacts will then be further explored with all neighbouring local authorities should the Management Plan group agree that it is needed.”
HRA: Appropriate Assessment – Recreational Pressure (Chapter 12)	The table in para 12.3.9 states for policy PLY44 that ‘the urban community park , combined with the links to the Plym Valley Strategic Greenspace will mean that pressures on the more remote Dartmoor sites is less likely’. This is a vague statement and it is not clear whether it can be concluded that there will not be any residual likely significant effect.	31 (other) Row 34	<p>The following changes have been made to the submitted HRA: PLY44 Woolwell: the proximity of closer sites is highlighted. PLY45 - Plym Valley Strategic Greenspace: highlighted its role in providing an alternative to visiting sensitive Dartmoor sites.</p> <p>Natural England have concerns about the additional words in the Submitted HRA “therefore avoiding any impacts”; they consider that such areas can deliver mitigation but not necessarily complete avoidance.</p> <p>It is therefore suggested that the following changes are made to PLY45 on page 167 of SUB10 Plymouth and South West Devon Joint Local Plan Habitat Regulation Assessment Submission. July 2017:</p> <p>The Plym Valley is a second strategic greenspace for the area which combined with the links to it will mean that pressures on the more remote Dartmoor sites are less likely as more suitable sites for recreation are provided close to where people live thereby mitigating any impacts....” .</p>
HRA: Appropriate Assessment – Recreational Pressure (Chapter 12)	The tables in paras 12.3.9 and 12.8 discuss how point 5 of policy SPT12 enables avoidance and mitigation of likely significant effects. The policy text of SPT12 should be tightened however in relation to European sites to achieve the necessary safeguards . Investment should not just be ‘guided towards these priorities’ but should be firmly allocated to the timely delivery of the necessary infrastructure, from S106, CIL or external funding.	31 (other) Row 35	Change suggested in minor mods to SPT12 and paragraph supporting DEL1 as described in Row20 above.
SUSTAINABILITY APPRAISAL / INTEGRATED ASSESSMENT			
SA	Concerned about the Sustainability Appraisal (SA) and the Strategic Environmental Assessment (SEA) both of which are wrapped	35 (Other) Row 36	The submitted Integrated Assessment incorporating Sustainability Appraisal/Strategic Environmental Appraisal was updated to set out how 'reasonable alternatives' had

Statement of Common Ground: Natural England, Plymouth City Council, South Hams District Council, West Devon Borough Council.

Policy / Paragraph/ Proposed Modification	Natural England(NE) Representation Summary	Ref numbers: Reg 19 Response Ref , Excel row no, Minor Mod No.	Modification Proposed
	<p>up in the Integrated Assessment. NE assert that there has been insufficient assessment of the site allocation options</p>		<p>been tested during the plan making process. Section 5 of the IA Main Report (SUB9) sets out the consideration of reasonable alternatives for growth, distribution, sites selected as reasonable alternatives for both the Plymouth Policy Area and the Thriving Towns and Villages, as well as the reasonable alternatives for policy options. Various appendices set out the testing matrices SUB9D Appendix IV – SA of Reasonable Alternatives for Growth</p> <ul style="list-style-type: none"> - SUB9E Appendix V SA of Reasonable Alternatives for the Distribution Strategy. - SUB9F Appendix VI: SA of site allocation methodology - SUB9G Appendix VII : SA of Reasonable Alternatives – Plymouth Policy Area - SUB9H Appendix VIII : SA of Reasonable Alternatives – Thriving Towns and Villages Area - SUB9I Appendix IX SA of JLP policy Alternatives - SUB9J Appendix X: SA of JLP Vision, Objectives and Policies. <p>In relation to the site selection process the Inspectors asked a question regarding the relationship between the Site Selection Methodology and the SA/SEA. The letter to the Inspectors EXC3 is available on the Examination website. Natural England were consulted and responded to the scoping report which was sent to the statutory consultees for comment between 17th August and 30th September .</p> <p>In relation to NE’s concerns about Noss on Dart site selections, there are policies in the JLP that are designed to satisfy any concerns about the site.</p> <p>In addition, the following minor changes will be made to the SA prior to adoption:</p> <ul style="list-style-type: none"> - SUB9F Appendix VI: SA of site allocation methodology – the ‘Other’ box will be updated to include agricultural land value; - For clarity, the framework and criteria used for site selection, along with the codes used, will be a separate appended document.

5. Summary

- 5.1. Subject to the changes being made to the Habitat Regulations Assessment, Natural England are satisfied that the HRA meets the requirements of the Habitats Directive.
- 5.2. Subject to the changes being made to the SA, Natural England are satisfied that the SA meet the requirements of the SEA Regulations 2004 and the Planning and Compulsory Purchase Act 2004.

6. Additional Agreed Potential Modifications

- 6.1. The additional change will be made to Policy TTV29: Site allocations in the Smaller Towns and Key Villages
10 Woodland's Yard, Dartington.
 2. Regeneration of existing site to make more efficient use of land including demolition of buildings as appropriate **providing this can be accommodated without any impact on the ancient woodland.**
- 6.2. The change to Policy TTV29.21-Land West of West End Garage as described in Table 3 and as follows, will be added to the 'Schedule of Potential Minor Modifications'.
NEW POINT: A lighting strategy, which minimises the impact of light spill to the surrounding countryside.

7. Outstanding matters that cannot be agreed by both parties


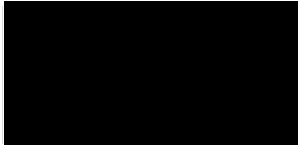
- 7.1. There are no outstanding matters.

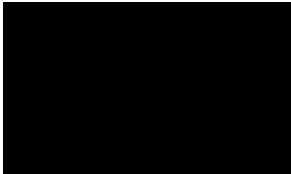
END.


8. Date of consideration by JLP Management

9. Date of consideration by JLP Steering Group

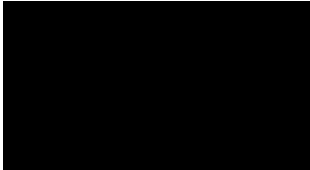
The contents of this document are agreed for the purposes of the Plymouth and South West Devon Joint Local Plan Examination.

Signed on behalf of [enter stakeholder etc]		
Name and position	Signature	Date
Carol Reeder Lead Adviser – Planning Policy		3 January 2018
Corine Dyke Lead Adviser – Planning Policy		

Signed on behalf of Plymouth City Council		
Name and position	Signature	Date
Richard Grant Local Planning Manager		4/01/2018

Signed on behalf of South Hams District Council		
Name and position	Signature	Date
Richard Grant Local Planning Manager		4/01/2018

Statement of Common Ground: Natural England, Plymouth City Council, South Hams District Council, West Devon Borough Council.

Signed on behalf of West Devon Borough Council		
Name and position	Signature	Date
Richard Grant Local Planning Manager		4/01/2018

Plymouth and South West Devon Joint Local Plan

Statement of Common Ground

Between

Natural England

and

The JLP Authorities

APPENDICES

Appendix 1: Representations from Natural England

Appendix 2: Suggested SPT11 and DEV28.

December 2017

Date: 27 April 2017

Our ref: 210799

Your ref: South West Devon and Plymouth Joint Plan



FAO:

FAO Richard Grant

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BY EMAIL ONLY

Dear Richard

Planning consultation: Plymouth and South West Devon Joint Local Plan (Regulation 19 consultation) and Habitat Regulations Assessment

Thank you for your consultation on the above dated 15 March 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.

We welcome the Joint Local Plan and the overall well-structured and comprehensive Habitat Regulations Assessment (HRA) of the Joint Local Plan. We would like to make a number of comments. Please note that owing to time pressure, the comments in this letter are fairly general in nature. More detailed comments will

follow shortly as part of our ongoing Duty to Cooperate discussions. Our comments about the Joint Local Plan and the HRA can be found in **appendix I** to this letter.

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 02080 268177 / 07717 888537 / corine.dyke@naturalengland.org.uk or Carol Reeder 0208 225 6245/07721 108902, carol.reeder@naturalengland.org.uk . For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

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.

Yours sincerely

Carol Reeder and Corine Dyke
Lead Advisers
Programme Leadership Team – Devon, Cornwall & Isles of Scilly

Appendix I

Joint Local Plan

General

We recommend that policies are clear that *mitigation* is required for the protection of biodiversity/geodiversity and that *enhancement* aims to achieve net gain. In quite a number of policies mitigation and enhancement are conflated, inferring that mitigation achieves enhancement.

SPT11 and DEV28

We advise that you ensure that these policies reflect the mitigation hierarchy (National Planning Policy Framework (NPPF) para 118) and clearly set out the policy criteria for the different tiers of designation,

against which proposals can be assessed (NPPF para 113). As worded policy criteria for European designations (SPT11) do not meet the requirements of the Habitats Directive/Conservation of Habitats and Species Regulations. The North Devon Biosphere Reserve is also included incorrectly (in DEV 28) as a site of designated European importance.

Currently development management policy criteria appear in both policies. You may wish to focus one on strategic aims and the other on development management policy criteria. Some elements of policy SPT11 appear to be partly procedural (e.g. SPT11(4)).

PLY21

It is currently unclear whether land for a cruise ship terminal is allocated?

Green Infrastructure (GI)

We suggest that requirements in the GI delivery plans for South Hams and West Devon are included within the spatial priorities for the relevant areas and within the policy criteria of the relevant site allocation policies.

We also suggest that you include a stand-alone GI policy to cover the South Hams and West Devon policy areas.

Measures of success

It would be useful if the measures of success reflected the objectives for the area (e.g. objective for enhancing natural beauty in SO6 is not reflected in measures for success on page 172. .

All site allocations

We advise that you ensure that site specific conclusions set out in the Landscape Impact Assessments are reflected in Sustainability Appraisal and translated into the allocation policies, especially for those allocations within or within the setting of the Area of Outstanding Natural Beauty (AONB) or National Park (many of which are in South Hams and West Devon). There currently is a disconnect between the two. We also note that some landscape assessments for allocations appear to be missing. It is important that where mitigation is required to ensure a site can meet the tests in NPPF para 116 that this is clearly reflected in policy.

Could you confirm that sites within, or within the setting of, the AONB/NP the Landscape Impact Assessment includes Visual Impact Assessment to fully assess the impact on the AONB?

We would like to draw your attention to the fact that for site allocations near the Dart Estuary recommended Marine Conservation Zone (rMCZ), e.g. allocations at Totness and Dartmouth, a reference to the rMCZ will likely be required in relation to water quality.

We would also like to flag up water quality issues within the Erme Estuary (which is currently a Priority Catchment Zone). Ivybridge, Modbury and Ermington are within the catchment. Policy criteria should ensure development does not exacerbate water quality issues.

Designations map

Map 1 – designated sites. This shows all potential MCZs however a number of these are ‘recommended’ and have not yet been designated or reached ‘proposed’ status. We suggest the position is checked before Plan Submission.

Other

It would be useful if the contents page could set out the policy references against page numbers to make the document easier and quicker to navigate. The landscape Impact Assessment could also refer to the relevant allocation policies within the Plan.

HRA

Impact pathways (Para 3.2, table 3-1)

We recommend that you review and re-order this table.

Initial screening of Local Plan policies (para 5.3)

We welcome the screening of all policies. However, where a likely significant effect is identified, there is no indication of which European site(s) the screening outcome relates to. We advise that this is rectified, as this would significantly improve the clarity and transparency of the report.

Appropriate Assessment – Air Quality (chapter 6)

Our detailed comments on this will follow. In the meantime, please note our current advice:

“A High Court judgment was handed down on 20 March 2017 in Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin) (copy attached). Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England’s advice on the in-combination assessment of air quality impacts in this case was flawed. We are considering the details of this decision and the implications for our advice. Competent authorities should seek their own legal advice on any implications of this recent judgment for their decisions.”

Appropriate Assessment – Water Quality (Chapter 7)

We are concerned that the wording of policy DEV2 does not sufficiently ensure no likely significant effect on European sites.

Para 7.6 concludes that with the recommended policy changes there will no adverse impact either alone or *in-combination* with other plans or projects. The in-combination conclusion needs more explanation/justification.

Appropriate Assessment – Land Take

Page 138 needs to be updated to reflect the latest developments with the planning application for Drake's Island. With regards the South Hams SAC, we understand that a new joint SPD for the South Hams SAC is being developed. The relevant sections and recommendations of this chapter will need to be reviewed as and when the SPD is established.

Appropriate Assessment – Coastal Squeeze

We recommend that the policy DEV25 recommendations in table 10-2 should specifically refer to enabling the ongoing adaptation of biodiversity to climate change.

Appropriate Assessment – Species Disturbance (excluding recreational disturbance)

With regards the South Hams SAC, we understand that a new joint SPD for the South Hams SAC is being developed. The relevant sections and recommendations of this chapter will need to be reviewed as and when the SPD is established. This should be reflected in policy if possible.

Appropriate Assessment – Recreational Pressure

We have concerns about the conclusion regarding the in-combination effects, in the light of the conclusions of the Teignbridge HRA re recreational pressure.

We have concerns about the vague conclusion regarding the Plym Valley Strategic Greenspace in the context of pressures on the Dartmoor SACs.

We recommend that policy SPT12 should be tightened to ensure not likely significant effects on European sites.

End.

Date: 04 May 2017
Our ref: 210799
Your ref: South West Devon and Plymouth Joint Plan



FAO:

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BY EMAIL ONLY

Dear Richard

Planning consultation: South West Devon and Plymouth Joint Local Plan (Regulation 19 consultation) and Habitat Regulations Assessment

Thank you for your consultation on the above dated 15 March 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.

We welcome the Joint Local Plan and the overall well-structured and comprehensive Habitat Regulations Assessment (HRA) of the Joint Local Plan.

This is a follow up letter to our response to the Regulation 19 consultation dated 27 April 2017. It expands upon points and issues raised in that letter.

We are aware that our letter of 27 April 2017 was received by your office after the published deadline of 26 April 2017. However it was our understanding, following our telecall with officers from the Joint Plan team and ourselves on 24 April 2017, that a response flagging up key issues of concern submitted by midnight on 27 April would be acceptable, subject to provision of a more detailed response by midnight on 4 May 2017. We explained that owing to time pressures we were unable to provide a full response by 26 April 2017. We apologise if there has been a misunderstanding regarding deadlines and hope you will feel able to consider our response.

Our comments about the Joint Local Plan and the HRA can be found in **Appendix I** to this letter. We would welcome the opportunity to meet with you and discuss these comments.

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 02080 268177 / 07717 888537 / corine.dyke@naturalengland.org.uk or Carol Reeder 0208 225 6245/07721 108902, carol.reeder@naturalengland.org.uk . For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

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.

Yours sincerely

Carol Reeder and Corine Dyke
Lead Advisers
Programme Leadership Team – Devon, Cornwall & Isles of Scilly

Appendix I

Joint Local Plan

Mitigation of impacts on biodiversity and enhancement

We recommend that policies are clear that *mitigation* is required for the protection of biodiversity/geodiversity and that *enhancement* aims to achieve net gain. In quite a number of policies mitigation and enhancement are conflated, inferring that mitigation achieves enhancement. An example is PLY44(vii) (Woolwell sustainable urban extension and community park) which, as worded, implies that mitigation measures will provide biodiversity enhancement.

SPT11 and DEV28

We advise that you ensure that these policies reflect the mitigation hierarchy (National Planning Policy Framework (NPPF) para 118) and clearly set out the policy criteria for the different tiers of designation, against which proposals can be assessed (NPPF para 113). NPPF para 118 provides the principle that 'significant harm (to biodiversity) should be avoided, adequately mitigated or as a last resort, compensated for'. We advise that this principle be set out in strategic Plan policy SPT11. NPPF para 113 requires local planning authorities 'to set out criteria based policies against which proposals affecting protected wildlife or geodiversity sites will be judged and that distinctions are made between the hierarchy of international, national and locally designated sites commensurate with their status.....ecological networks'. As currently worded, policy DEV28 says that account will be taken of the hierarchy of protected sites but the weight to be given to differing tiers of designation is not set out.

In SPT11(1) the policy criteria for European designations do not meet the requirements of the Habitats Directive/Conservation of Habitats and Species Regulations 2010. The local planning authority may only agree to a plan or project having ascertained that it will not adversely affect the integrity of a European Site other than where the authority are satisfied that, there being no alternative solutions, the proposal must be carried out for imperative reasons of overriding public interest. Plan policy should also specify that European sites include existing and potential Special Protections Areas (SPAs), existing or possible Special Areas of Conservation (SACs), listed or proposed Ramsar sites and sites identified, or required as compensatory measures for adverse effects on European Sites, potential SPAs, possible SACs and listed or proposed Ramsar Sites.

In DEV28 the North Devon Biosphere Reserve is included incorrectly as a site of designated European importance.

Currently some development management policy criteria appear both in policies SPT11 and DEV28. You may wish to focus policy SPT11 on strategic aims and DEV28 on development management policy criteria. Some elements of policy SPT11 also appear to be partly procedural (e.g. SPT11(4)).

Site allocations

We advise that you ensure that site specific conclusions set out in the Landscape Impact Assessments are reflected in Sustainability Appraisal and translated into the allocation policies, especially for those allocations within, or within the setting of, an Area of Outstanding Natural Beauty (AONB) or National Park. There currently is a disconnect between the two. For instance guidance set out in the Landscape Impact Assessment of TTV13 (the Quayside – Kingsbridge) and TTV14 (West of Belle Hill - Kingsbridge) is not reflected in policy criteria for these sites. For TTV14 the Landscape Impact Assessment flags up significant sensitivities for this site and states that development could adversely affect the setting of the AONB and result in significant visual impact. It is therefore important that the mitigation measures identified in the sensitivity analysis are reflected in the Sustainability Appraisal for the site and in the site policy criteria in TTV14. Where mitigation is required to ensure a site can meet the tests in NPPF para 116, it is important that this is clearly reflected in the SA/SEA and in Plan policy.

We also note that some landscape assessments for allocations appear to be missing. For instance sites at West Alvington Hill and North West of Kingsbridge (both in TTV15), Tavistock - TTV24 (1, 2 and 5), TTV29 (15 – Modbury), (19 – Bonfire Hill Salcombe),

Green Infrastructure (GI)

We suggest that requirements in the GI delivery plans for South Hams and West Devon are included within the spatial priorities for the relevant areas and where appropriate within the policy criteria of the relevant site allocation policies. For instance South Hams Green Infrastructure Framework (pages 54 and 55) identifies the need for access routes from allocated sites to Filham Park and a signed walking route from Ivybridge station to the Two Moors Way. These needs could be referred to within TTV7 (Spatial priorities for development in Ivybridge) to add more specific detail to para 5.42 which states that the proposed development will contribute to improved connectivity to the Town and Filham Park by cycling and walking. It would also be useful if existing GI frameworks could be referred to by name in Plan text.

The Joint Local Plan sets out a policy for designated green spaces, which is welcomed.

Measures of success

It would be useful if the measures of success reflected the objectives for the area (e.g. objective for enhancing natural beauty in SO6 is not reflected in measures for success on page 172).

Water Quality

DEV2. We advise that the preamble to the policy refers to ‘impacts on the natural environment and general amenity’ rather than ‘environmental quality’. This will ensure that impacts on biodiversity are taken into account and will accord more closely with NPPF para 120.

DEV37. In line with the Habitats Regulations Assessment (HRA) comments below we recommend that DEV37 is amended to state:

‘Development will not be permitted without confirmation that sewage/wastewater treatment can accommodate or ~~be~~ **is** improved to accommodate the new development, in advance of the development taking place and that, where necessary, financial contributions will be sought for the **ongoing** maintenance.....’

There appears to be some overlap between policies DEV2 and DEV37. Clarification on this matter is sought.

We would like to draw your attention to the fact that site allocations near the Dart Estuary could potentially impact upon the recommended Marine Conservation Zone (rMCZ) (e.g. allocations at Totness and Dartmouth). A policy/text reference to the proximity of the rMCZ and potential water quality issues is suggested. The position regarding the status of the MCZ should be checked before Plan submission.

TTV12 Kingsbridge/TTV29 Salcombe. There are water quality issues within the Salcombe to Kingsbridge Estuary SSSI. Any development here will need to ensure that water quality issues are addressed and are not exacerbated. It is suggested that this issue be referred to in site policy.

Designations map

Map 1 – designated sites. This shows all potential MCZs, however a number of these are ‘recommended’ and have not yet been designated or reached ‘proposed’ status. We suggest the position is checked before Plan Submission.

Other

SO6(8) -Delivering a prosperous and sustainable South Devon. It is suggested that ‘preserving’ be replaced with ‘protecting’ to ensure consistency with the NPPF (para 109) – protecting and enhancing valued landscapes.

SPT12. Policy wording should clarify that infrastructure necessary to protect European sites is mandatory (see comments in relation to chapter 12 of the HRA).

PLY21. It is currently unclear whether land for a cruise ship terminal is allocated? Clarification on this matter is sought.

DEV25. In accordance with our comments on the HRA we recommend adding a new clause (iv) as follows: ‘enables the ongoing adaptation of biodiversity to climate change in accordance with the policies as set out in the Shoreline Management Plan’.

It would be useful if the contents page could set out the policy references against page numbers to make the document easier and quicker to navigate. The Landscape Impact Assessment could also usefully refer to the relevant allocation policies within the Plan and include a page numbered contents page.

Habitat Regulations Assessment (HRA)

Impact pathways (Para 3.2, table 3-1)

We recommend that you review and re-order this table. The repeated heading Habitat and Species Destruction or Fragmentation is confusing and should be revised. The recreational pressure section should be revised as it only refers to terrestrial pressure. The recreational pressure and disturbance sections are very closely related and appear to overlap. At least, they should follow on from each other.

Initial screening of Local Plan policies (para 5.3)

We welcome the screening of all policies. However, where a likely significant effect is identified, there is no indication of which European site(s) the screening outcome relates to. We advise that this is rectified, as this would significantly improve the clarity and transparency of the report.

Appropriate Assessment – Air Quality (chapter 6)

With respect to road transport, based on the information provided, we are satisfied with the conclusions on air quality impacts.

With respect to employment development, potential industrial air quality impacts have been ruled out (p85 para 6.1 “Impacts from industry (such as power stations) are not identified as having potential for significant effects on the European Sites.”). The plan does however allocate sites for employment. For example in relation to ammonia, para 6.1 on page 85 states that impacts of ammonia, predominantly from agriculture are not identified as likely to increase as a result of the Joint Local Plan. There does however not appear to be any evidence to support this statement. If there are NH₃ emissions related to the local plan (for instance from the waste processing site allocations) contributing to existing NH₃ levels then this needs some more discussion and contextual information to rule out significant effects. We thus recommend that discussion of the scale/nature/location of the employment allocations is required to rule them out as ‘no likely significant effects’. Obviously individual proposals for industrial developments will require an assessment of individual industrial processes/units when submitted.

In relation to the airport safeguarding policy(PLY42) we request that you clarify that the policy does not imply a presumption in favour of aviation use and that a recommencement of aviation use on the site would be dealt with through an allocation in a future plan, supported by air quality impact studies.

Notwithstanding the above comments, please note our current general advice:

“A High Court judgment was handed down on 20 March 2017 in Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin) (copy attached). Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the

South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England’s advice on the in-combination assessment of air quality impacts in this case was flawed. We are considering the details of this decision and the implications for our advice. Competent authorities should seek their own legal advice on any implications of this recent judgment for their decisions.”

Appropriate Assessment – Water Quality (Chapter 7)

The HRA’s recommendations for strengthening the relevant planning policies are noted and welcomed. In addition we recommend that the proposed additional point for DEV2 is amended to state:

‘Development will not be permitted without confirmation that sewage/wastewater treatment can accommodate or ~~be~~ *is* improved to accommodate the new development, in advance of the development taking place and that where necessary, financial contributions will be sought for the **ongoing** maintenance.....’

It may be worth pointing out that the development could be phased to ensure the sewage/wastewater treatment is adequate at all times and water quality in the nearby European sites is not adversely affected.

Appropriate Assessment – Land Take (Chapter 9)

Page 138 needs to be updated to reflect the latest developments with the planning application for Drake’s Island. With regards the South Hams SAC, we understand that a new joint SPD for the South Hams SAC is being developed. The relevant sections and recommendations of this chapter will need to be reviewed as and when the SPD is established.

Appropriate Assessment – Coastal Squeeze (Chapter 10)

We recommend that the policy recommendations in table 10-2 should specifically refer to enabling the ongoing adaptation of biodiversity to climate change. We recommend adding a new clause (iv) ‘enables the ongoing adaptation of biodiversity to climate change in accordance with the policies as set out in the Shoreline Management Plan.

Appropriate Assessment – Species Disturbance (excluding recreational disturbance) (Chapter 11)

With regards the South Hams SAC, we understand that a new joint SPD for the South Hams SAC is being developed. The relevant sections and recommendations of this chapter will need to be reviewed as and when the SPD is established.

Appropriate Assessment – Recreational Pressure (Chapter 12)

In para 3.14 of this HRA report it is rightly identified that the HRA of the Teignbridge Local Plan could not rule out likely significant effects from recreational pressure on the Dartmoor and South Dartmoor Woods SAC. This issue is however not taken forward in the Appropriate Assessment of the Joint Local Plan. Recreational pressure on these sites, in combination with the conclusion from the Teignbridge Local Plan HRA should be considered carefully and can not be simply ruled out without further justification.

The table in para 12.3.9 states for policy PLY44 that ‘the urban community park , combined with the links to the Plym Valley Strategic Greenspace will mean that pressures on the more remote Dartmoor sites is less likely’. This is a vague statement and it is not clear whether it can be concluded that there will not be any residual likely significant effect.

The tables in paras 12.3.9 and 12.8 discuss how point 5 of policy SPT12 enables avoidance and mitigation of likely significant effects. The policy text of SPT12 should be tightened however in relation to European sites to achieve the necessary safeguards. Investment should not just be ‘guided towards these priorities’ but should be firmly allocated to the timely delivery of the necessary infrastructure, from S106, CIL or external funding.

Sustainability Appraisal

We are concerned about the scope and detail of the Sustainability Appraisal (SA) and the Strategic Environmental Assessment (SEA) both of which are wrapped up in the Integrated Assessment. The SEA regulations specify that an outline of the reasons for selecting alternatives dealt with in the plan, and a description of how the assessment was undertaken are a schedule 2 requirement. Planning Practice Guidance moreover explains that the SA must consider all reasonable alternatives and assess them in the same level of detail as the option the plan maker proposes to take forward in the Local Plan. For the site allocations in the plan however, we have only been able to find the SEA of site options at Tavistock. This is an issue of concern, especially as the plan allocates sites in sensitive landscape locations. Whilst a full options appraisal was undertaken at a high level to support the proposed development distribution in the plan, this does not provide the necessary detail as required for the individual site allocations as proposed in the plan. We note that the SA/SEA scoping report for this joint Local Plan is dated March 2017, and we have no record of being consulted on its scope as required in regulation 12 of the SEA Regulations. In response to your Joint Plan Extra Sites consultation in November 2016 we did provide the following advice dated 21 December 2016: *“We advise that the option sites and the preferred allocation sites are tested against the sustainability objectives as part of the Sustainability Appraisal process. This will ensure that the allocation selection is tested in a systematic and transparent way and that the Sustainability Appraisal process is an integral part of the plan preparation process (National Planning Policy Framework (NPPF) para 165)”*. Whilst we recognise that individual SA/SEA work was done by the three different local planning authorities, this work is disparate and does not contain sufficient detail for a considerable number of places.

Appendix 2i: Modified Spatial Policy SPT I I

Strategic approach to the natural environment

The distinctive characteristics, special qualities and valued features of the natural environment of the Plan Area will be protected, conserved and enhanced. This will be through a strategic approach which protects the hierarchy of international, national and locally designated sites, commensurate with their status, and takes account of the natural infrastructure functions of different sites, habitats and features. Key principles include:

1. Avoiding harmful impacts on existing features as a first principle, and where harmful impacts are unavoidable, to ensure that such impacts are adequately and proportionately mitigated or as a last resort fully compensated.
2. Protecting Sites of European significance for biodiversity and conservation. These include potential and existing Special Protection Areas, possible, candidate and existing Special Areas of Conservation, listed or proposed Ramsar sites and sites identified, or required, as compensatory measures for harmful impacts on European sites.
3. Protecting Sites of national significance for biodiversity and conservation. These include Sites of Special Scientific Interest, National Nature Reserves, Ancient Woodlands and Marine Conservation Zones.
4. Conserving and enhancing the landscape and scenic beauty of the South Devon and the Tamar Valley Areas of Outstanding Natural Beauty, and the adjacent Dartmoor National Park and their settings.
5. Protecting and enhancing the distinctive landscapes of the Undeveloped Coast, particularly within the South Devon Heritage Coast, with support for improvements to public access to and enjoyment of the coast.
6. Safeguarding the landscape setting of the Cornwall and West Devon Mining Landscape World Heritage Site.
7. Supporting innovative and sustainable solutions within the North Devon Biosphere Transition Zone in accordance with the Biosphere Strategy for Sustainable Development.
8. Conserving and enhancing a functional network across the Plan Area of greenspace and geodiversity sites that meets the needs of communities and wildlife. These include:
9. Strategic Landscape Areas (Plymouth Policy Area) - providing a strong landscape context for Plymouth.
10. Strategic Greenspaces (Plymouth Policy Area) - large scale sites to be proactively enhanced to provide a focus for people's interaction with nature.
11. Local Green Spaces - providing multiple benefits to communities and wildlife.
12. Local Nature Reserves - designated for their benefits for wildlife and providing communities with access to nature.
13. County Wildlife Sites and County Geological Sites - designated for their high wildlife and geodiversity value and other priority sites supporting Biodiversity Action Plan habitats and species.
14. The ecological networks of wildlife corridors and stepping stones that connect these sites including areas identified for habitat restoration and creation.
15. Improving links to and along regional and national walking and cycling routes, including the South West Coast Path national trail and the National Cycle Network.
16. Protecting and extending the Public Rights of Way and bridleway network as an essential element of the enjoyment of the natural environment.

Appendix 2ii: Modified Policy DEV28

Protecting and enhancing biodiversity and geological conservation

Development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity interests across the Plan Area. Specific provisions are identified below:

1. The highest level of protection will be given to European Sites. Development will not be permitted unless it will not adversely affect the integrity of a European site either alone or in combination with other development. Proposals having a harmful impact on the integrity of European Sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. These circumstances will only apply where:
 - I. There are no suitable alternatives.
 - II. There are imperative reasons of overriding public interest.
 - III. Necessary compensatory provision can be secured to ensure that the overall coherence of the Natura 2000 network of European Sites is protected.
2. A high level of protection will be given to sites of national significance for nature conservation. Development proposed on land within or outside such a site which would be likely to have a harmful impact on the site (either individually or in combination with other developments) will not be permitted unless the benefits of the development, at the site, clearly outweigh both the impacts on the notified special interest features of the site and any broader impacts on the national network of sites of national significance for nature conservation.
3. Development likely to have a harmful impact on locally designated sites, their features or their function as part of the ecological network will only be permitted where the need and benefits of the development clearly outweigh the loss and the coherence of the local ecological network is maintained.
4. Harmful impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible, subject to the legal tests afforded to them where applicable, and unless the need for, or benefits of the development clearly outweigh the loss.
5. Net gains in biodiversity will be sought from all major development proposals through the promotion, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. Delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area and links the city of Plymouth to the countryside and coast, as well as the network within the city itself. The level of biodiversity net gain required will be proportionate to the type, scale and impact of development. Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.
6. Development will provide for the long term management of biodiversity features retained and enhanced within the site or for those features created off site to compensate for development impacts.

END.

