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13.1

Full name: Devon Wildlife Trust

Organisation (where relevant): Devon Wildlife Trust

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 13.1

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Thank you for updating the Plan to reflect a number of the comments we submitted on 24 March 2025. These changes have strengthened the Local Plan and improved its overall clarity and effectiveness. However, it is disappointing to note that many of our previous comments have not been addressed in the current iteration of the Plan. As a wildlife-focused charity, the protection and enhancement of biodiversity is central to our work and expertise. The recommendations provided in our comments are evidence-based and directly aligned with biodiversity recovery, climate resilience and best practice in landscape planning. If included in the final iteration, they would substantially strengthen the Local Plan and significantly improve its ability to deliver meaningful and long-lasting environmental benefits. We therefore strongly urge the Council to give due consideration to our comments and to incorporate these recommendations into the Plan. Comments provided as part of our response to the first Regulation 19 Publication Draft are included in Appendix A. A significant proportion of our comments relate to the absence of a requirement for enhancement, in addition to protection, of the natural environment. The National Planning Policy Framework (NPPF) provides a clear statement that planning policies and decisions should ‘contribute to and enhance the natural and local environment’. For the majority of planning applications, enhancement of biodiversity is simple and inexpensive. We strongly urge the Council to include the requirement for enhancement throughout its Local Plan. This would make a meaningful and lasting positive difference to both the people and wildlife of East Devon. Native Species The Local Plan currently contains only a single reference to the use of native species, relating to a hedgerow planted in association with the site allocated for development at ‘Land opposite the Village Hall’. This isolated and site-specific reference does not represent a coherent or adequate approach to landscape

planting, biodiversity recovery or climate resilience. We would strongly welcome a clear policy commitment within the Local Plan to require the use of native and locally appropriate species for all landscape planting associated with new development. Wherever possible, these species should be locally sourced, from Devon and preferably East Devon, to ensure genetic suitability, improved establishment rates and long-term ecological resilience. To enable this, the Plan should also support the development of local tree nurseries and seed hubs. The Devon Nature Recovery Network (NRN) Habitat Suitability Mapping provides a high level of spatial and ecological detail and offers a robust evidence base for the creation of appropriate, site-specific species mixes. Embedding these commitments within the Local Plan would ensure that landscape planting contributes effectively to biodiversity recovery, climate adaptation and the delivery of a genuinely sustainable and resilient development strategy. Photographs Photos which are utilised throughout the document are an opportunity to demonstrate good practice. Relatively few pictures are utilised in the document and a number of these do not send the right message. Photographs should aim to show good integration of semi-natural habitats into developments, with a diversity of habitats included. Habitats such as woodland, wetlands and heathlands are part of the wider East Devon landscape and should be fully integrated within developments, providing space for wildlife, adding interest and place-making to developments, providing engagement and wellbeing opportunities with local communities and providing other ecosystems services. It would be good to start this process by including the right messaging within this document.

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 13.1

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The introduction should include mention of the biodiversity crisis, which is nationally and internationally recognised as being of commensurate seriousness as the climate crisis; the UK being ranked as the 12th most nature depleted country globally. Changes enacted in Part 3 of the new Planning and Infrastructure Act 2025 will have an effect upon the wording of this chapter and its policies.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: New Information on BNG and LNRs:

As you will know the Government (via DEFRA) recently undertook a consultation on potential revisions to the national BNG requirement and is now intending that sites under 0.2 Ha are exempt from BNG. Further work on other possible improvements to the working of the policy in practice are ongoing and it will be important that the Plan's policy on this issue is kept under review.

The current NPPF (Dec 2025) consultation indicates that the only time where it may be appropriate to seek more than 10% BNG through local policy relates to allocations, and even then only where this is clearly evidenced and justified. BNG implementation is an area of work being led by DEFRA and is required under the Environment Act. As such changes to how BNG is operationalised should be fully considered and reflected in any Local Plan, whichever version of the NPPF (2023, 2024, or 2025) it is being progressed under.

You will also be aware that in Feb 2025 the Government has published additional Guidance on how Local Nature Recovery Strategies should be integrated with/feed into Local Plan Making . This guidance adds further weight to the comments we are making in relation to BNG policies in this Plan. We would encourage the Council to review the new guidance and fully consider its implications for this Plan.

HRA:

HBF are unclear if and how the HRA has taken onboard the ongoing work of Government and others to find solutions to the nutrient neutrality issues, and how these discussions have fed into the Plan.

13.2

Full name: Lucy Tyrrell

Organisation (where relevant): Lymptstone Parish Council

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 13.2

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: ENV-033 Mitigation of Air Quality Impacts - East Devon Pebblebed Heaths – Technical Report (Nov 25):

The study indicates that the modelling for 2042 shows that air-borne pollutants will be higher than expected. LPC have long been concerned about air pollution impacts on the residents living adjacent to the Saddlers traffic lights, and requested that the air pollution monitor be moved to the built-up side of the lights two years ago. This in order to assess the current risk and enable suitable assessment and mitigation of the impact of additional traffic, in particular heavy goods traffic being diverted from Liverton Industrial Estate via the Dinan Way Extension. The junction between Hulham Road and the B3169 (within Lymptstone and directly on Pebblebed heaths boundary) has a steep incline and that heavy vehicle usage will generate even worse pollution than other stretches next to the Pebblebed Heaths. Developments that encourage further commuter traffic should therefore be restricted.

PB01

Full name: Devon Wildlife Trust

Organisation (where relevant): Devon Wildlife Trust

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

1(b). Does your comment relate to one of the changes listed above?: No

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Consideration of compensation measures must be undertaken as early as possible in developing proposals and include utilisation of the Discretionary Advice Service from Natural England'. Natural England also offer Pre-Submission Screening to advise applicants on whether their proposals meet licensing requirements and to suggest necessary changes before formal review.

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Organisation (where relevant): Devon Wildlife Trust

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: ‘Consideration of compensation measures must be undertaken as early as possible in developing proposals and include utilisation of the Discretionary Advice Service from Natural England’. Natural England also offer Pre-Submission Screening to advise applicants on whether their proposals meet licensing requirements and to suggest necessary changes before formal review.

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB01 on protection of nationally important wildlife sites has been strengthened. Policies PB01 / PB02 should include a criteria that the proposed site should not compromise locally important populations of species on the IUCN Red List or UK Birds of Conservation Concern, and similar UK listings for other biota.

Full name: Phillippa Gatehouse

Organisation (where relevant): C G Fry & Son Ltd

Other party name (if relevant): Mr & Mrs Cowling

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: These policies have been significantly amended.

Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations.

Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04).

The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy beak clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to offsite mitigation measures.

The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected and there is inconsistency across the relevant documents.

The Technical Assessment which underpins this new requirement concludes that:

“In summary, for the EDLP in isolation and in-combination, any LSE from airborne NO_x can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler.

A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features:

- European dry heaths
- European nightjar *Caprimulgus europaeus*
- Dartford warbler *Sylvia undata* In the following area of the site:
- North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14);
- East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8); Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and
- Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, and Tipton St John as being likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA.

The Viability Addendum notes that the mitigation will not be required across of all East Devon.

As such the policy wording, technical evidence, and viability report are inconsistent and contradictory in terms of the scope and application of this new policy requirement.

Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed.

A “long list” of potential mitigation measures are identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy.

The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested.

There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process.

This does not amount to “limited new material” as stated at the start of the consultation draft.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for

the relevant policy or paragraph. Please be as precise as possible.: The additional reference to the 'Pebblebed Heaths Air Quality Mitigation Strategy' should be deleted.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

These policies have been significantly amended. Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations. Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy beak clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to offsite mitigation measures. The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected and there is inconsistency across the relevant documents. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler. A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features:
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3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

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Full name: Samantha Thomas

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Full name: Ian Harrington.

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

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1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: I'm not sure if I'm in the correct section, but here goes. All I will say is that absolutely no development is permitted within sight of the River Axe and the surrounding wildlife habitats. Several preferred sites in the East Devon plan that don't encroach on the River Axe should always be considered first. Planning committee members very rarely visit or have any knowledge of proposed sites proximity to the River Axe or the potential pollution and wildlife distruction which will ensue.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: I'm not sure if I'm in the correct section, but here goes. All I will say is that absolutely no development is permitted within sight of the River Axe and the surrounding wildlife habitats. Several preferred sites in the East Devon plan that don't encroach on the River Axe should always be considered first. Planning committee members very rarely visit or have any knowledge of proposed sites proximity to the River Axe or the potential pollution and wildlife distruction which will ensue. The planning committee have already made their minds up before they listen to any objections.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: I'm not sure if I'm in the correct section, but here goes. All I will say is that absolutely no development is permitted within sight of the River Axe and the surrounding wildlife habitats. Several preferred sites in the East Devon plan that don't

encroach on the River Axe should always be considered first. Planning committee members very rarely visit or have any knowledge of proposed sites proximity to the River Axe or the potential pollution and wildlife distruction which will ensue.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: No development shall be built anywhere near the River Axe and other preferred sites in the East Devon plan always be considered first.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.: I'm not sure if I'm in the correct section, but here goes. All I will say is that absolutely no development is permitted within sight of the River Axe and the surrounding wildlife habitats. Several preferred sites in the East Devon plan that don't encroach on the River Axe should always be considered first. Planning committee members very rarely visit or have any knowledge of proposed sites proximity to the River Axe or the potential pollution and wildlife distruction which will ensue.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Hopefully I'll be listened to, which I unfortunately I doubt.

Full name: Thomas Shillitoe

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: As there is no Pebblebed Heaths air quality mitigation strategy provided, it is not possible to comment fully on Chapter 13 and Policy PB04, as they are closely interlinked. I reserve the right to comment further should a mitigation strategy be forthcoming, prior to submission of the Plan to the Inspector for examination.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Awaiting air quality mitigation strategy to comment in full

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: As there is no Pebblebed Heaths air quality mitigation strategy provided, it is not possible to comment fully on Chapter 13 and Policy PB04, as they are closely interlinked. I reserve the right to comment further should a mitigation strategy be forthcoming, prior to submission of the Plan to the Inspector for examination.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for

the relevant policy or paragraph. Please be as precise as possible.: Awaiting air quality mitigation strategy to comment in full

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

I await further information regarding the Air Quality at East Devon Heaths SAC / SPA and delivery of the strategy for mitigation of the potential adverse impact of rising vehicle emissions on the East Devon Heaths SAC / SPA, as there is no mitigation strategy currently shown as viable and no supporting HRA (currently showing adverse impacts) for the Local Plan, it is impossible to know the implications that a strategy would have. If the strategy has implication on neighbouring LPAs such as Exeter & Teignbridge, they need to be advised and be able to comment on a Regulation 19 plan which includes the mitigation strategy (and a supporting HRA) for EDDC to believe they have complied with their Duty to co-operate. The unknown air quality mitigation strategy could have significant implications as to the viability of Exeter & Teignbridge Local Plans.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Awaiting air quality mitigation strategy to comment in full. I await further information regarding the Air Quality at East Devon Heaths SAC / SPA and delivery of the strategy for mitigation of the potential adverse impact of rising vehicle emissions on the East Devon Heaths SAC / SPA, as there is no mitigation strategy currently shown as viable and no supporting HRA (currently showing adverse impacts) for the Local Plan, it is impossible to know the implications that a strategy would have. If the strategy has implication on neighbouring LPAs such as Exeter & Teignbridge, they need to be advised and be able to comment on a Regulation 19 plan which includes the mitigation strategy (and a supporting HRA) for EDDC to believe they have complied with their Duty to co-operate. The unknown air quality mitigation strategy could have significant implications as to the viability of Exeter & Teignbridge Local Plans.

Full name: Thomas Shillitoe

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: The rewriting of Policy PB01 does not follow the wording of the Mitigation Hierarchy in paragraph 13.5 of avoidance over mitigation, which was PB01 point A & C, now deleted. Secondly, there is no public benefit to outweigh the impact, or over-riding public interest, as this 2nd Regulation 19 draft Local Plan has a significant oversupply of housing allocations, such that sites with clear adverse affects, such as Exmo_20, as noted in the HRA, cannot be justified. Furthermore there is no Pebblebed Heaths air quality mitigation strategy provided, so it is not possible to comment fully on Chapter 13 and Policy PB01 in the absence of this, as they are closely interlinked. I reserve the right to comment further should a mitigation strategy be forthcoming, prior to submission of the Plan to the Inspector for examination. In 13.8, what is the test underlined in green? Is this new or otherwise, please confirm so that I may comment in full. The draft Local Plan has an inherent conflict as identified in the HRA.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Evidence of mitigation hierarchy assessment required. Awaiting air quality mitigation strategy and HRA to comment further.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The rewriting of Policy PB01 does not follow the wording of the Mitigation Hierarchy in paragraph 13.5 of avoidance over mitigation, which was PB01 point A & C,

now deleted. Secondly, there is no public benefit to outweigh the impact, or over-riding public interest, as this 2nd Regulation 19 draft Local Plan has a significant oversupply of housing allocations, such that sites with clear adverse affects, such as Exmo_20, as noted in the HRA, cannot be justified. Furthermore there is no Pebblebed Heaths air quality mitigation strategy provided, so it is not possible to comment fully on Chapter 13 and Policy PB01 in the absence of this, as they are closely interlinked. I reserve the right to comment further should a mitigation strategy be forthcoming, prior to submission of the Plan to the Inspector for examination. In 13.8, what is the test underlined in green? Is this new or otherwise, please confirm so that I may comment in full. The draft Local Plan has an inherent conflict as identified in the HRA.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Evidence of mitigation hierarchy assessment required. Awaiting air quality mitigation strategy and HRA to comment further.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Evidence of mitigation hierarchy assessment required. Awaiting air quality mitigation strategy and HRA to comment further.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

In order to be effective and justified, and comply with national policy, the natural environment policies in the East Devon Local Plan need to be clearer on how they all fit together. HBF provides detailed comments about the natural environment policy at the first Regulation 19 stage, most notably around BNG. It is important for plan-users to understand that the introduction of national mandatory BNG policy is about creation and improvement of new habitat. We note that additional wording has been added to PB01 which sets out the biodiversity hierarchy for protected species. It is important to recognize that this is different from the BNG hierarchy which sets out how the requirements for BNG can be met. HBF have found that the use of both ‘biodiversity’ and ‘hierarchy’ in these two separate concepts has been a source of confusion. It is essential that the policies in this chapter avoid any such confusion. Additional wording to the policy and/or text in the chapter could help to address this issue.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: See 3(b)

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: PB04/PB01 Nutrient Neutrality:

Nutrient neutrality is a set of tools and advice to enable residential developments to progress through the Habitat Regulations Assessment process by ensuring there is no net increase in nutrients reaching a specific habitat site. Development proposals can be considered 'nutrient neutral' where they can demonstrate that they will cause no overall increase in nutrient pollution affecting specified habitats sites. With respect to this Local Plan, the catchment where a development must demonstrate nutrient neutrality is the River Axe SAC, due to phosphate levels.

Natural England note that the Council has included policy wording within PB04 that requires development proposals within the River Axe SAC catchment to demonstrate how nutrient neutrality will be achieved in accordance with the latest advice and guidance from Natural England, and we welcome this policy. However, we advise that not all development types would be subject to nutrient neutrality, and therefore the Council may [wish] to be more specific in the wording of this policy as to which types of development would be required to demonstrate nutrient neutrality.

The wording at PB04 should ensure that any new relevant development in the catchment of the River Axe SAC does not add to the nutrient loading. This wording, requiring nutrient neutrality for all development within the River Axe catchment, should also allow for a conclusion of no adverse effects on integrity from the Local Plan HRA alone for this pressure, and as there should be no net increase in nutrients entering the catchment, there would be no in combination assessment required.

Natural England understands that the strategic mitigation strategy is currently being developed and that we are supporting the development of this strategy. We will continue to support your authority and understand that we will be consulted for comment and approval as required. However, as the strategic mitigation strategy is still in development, it may not be fully complete and approved when this Local Plan is adopted, and therefore there may be a period of time when nutrient neutrality mitigation will continue to be provided by the developer when making a planning permission application.

PB01 Water Quality and Water Cycle Study:

Natural England has concerns that the current Water Cycle Study (WCS) does not demonstrate a sufficiently robust evidence base to rule out adverse effects on the integrity of international sites. The HRA (November 2025) identifies Water Pollution and Hydrological Changes as priority threats to the Exe Estuary. However, the HRA's conclusion that there will be no "Adverse Effect on Integrity" (AEOI) relies on the assumption that the WCS is fully complete.

The WCS does not, by its own admission, contain all available data on water quality. Consequently, the conclusions of the Habitats Regulations Assessment (HRA) regarding water quality may be premature. Appendix D, Page 158 of the WCS states:

“SWW has carried out SAGIS modelling, which provides a broader view of water quality across catchments and allows for assessment of multiple treatment works in close vicinity on the same watercourse. SWW has neither shared the inputs of their model nor any clear outputs, which does not allow for comparison with the RQP modelling. RQP focuses on the impact of specific discharges, while SAGIS provides a broader, integrated view of water quality across entire catchments. RQP is used for detailed discharge assessments, whereas SAGIS supports strategic catchment planning and regulatory compliance. The data provided by SWW did not provide clarity on the comments initially raised. As such, the additional data provided by SWW following consultation on the WCS report was not incorporated into a revised version of the WCS”

The Environment Agency will be able to better advise on the implications of this. But the lack of certainty around water quality alongside the high levels of proposed

development could lead to direct risks for protected habitats. Natural England advises that where there is uncertainty the precautionary principle required under the Habitat Regulations should be applied.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Nutrient Neutrality:

the Council may [wish] to be more specific in the wording of this policy as to which types of development would be required to demonstrate nutrient neutrality.

The wording at PB04 should ensure that any new relevant development in the catchment of the River Axe SAC does not add to the nutrient loading. This wording, requiring nutrient neutrality for all development within the River Axe catchment, should also allow for a conclusion of no adverse effects on integrity from the Local Plan HRA alone for this pressure, and as there should be no net increase in nutrients entering the catchment, there would be no in combination assessment required.

Water Quality and Water Cycle Study: Natural England advises that where there is uncertainty the precautionary principle required under the Habitat Regulations should be applied.

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy “PB04 / PB01: Air Quality and the East Devon Heaths SAC/SPA:

Natural England informed East Devon District Council in October 2025 that we were changing how we respond to consultations that might affect air quality in protected sites. This advice is based on our best scientific understanding of how to assess development impacts on air quality. This standard advice is Natural England’s formal statutory advice. It provides decision-makers with the information needed to fulfil their statutory duties when making decisions on Local Plans with potential air pollution impacts.

We have provided standard advice, which includes our guidance on all relevant air pollution matters, at Appendix A [see within attachment]. This advice relates to the protection of designated sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981, and should also be taken as Natural England’s formal representation under the Town & Country Planning (Local Planning) Regulations 2012.

This standard advice is applicable to all stages of the Local Plan process. It includes advice on the information required to assess air quality and guidance on interpreting the results of air quality modelling, enabling your LPA to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI.

In addition to this standing advice, which addresses all relevant considerations, we have provided specific advice for your authority on air pollution issues and associated policies as set out below:

Natural England understands that an assessment has been carried out on vehicle emissions resulting from development under local plan policy, which indicates an adverse impact on the East Devon Pebblebed Heaths SAC/SPA in the absence of mitigation.

We also understand that a mitigation strategy approach has been established to address the increase in emissions. However, Natural England notes from the East Devon Local Plan HRA Appropriate Assessment (by DTA) that the current mitigation strategy does not set out clear, specific measures that can be secured and relied upon to rule out adverse effects on site integrity.

The SAC is in exceedance of the critical load for nitrogen deposition and the critical level for ammonia. Due to these exceedances, any further emissions of nitrogen and ammonia are necessarily limited. This limitation must be considered alongside the site's Conservation Objectives within the appropriate assessment. Supplementary Advice to the Conservation Objectives presents attributes which are ecological characteristics of the designated species and habitats within a site. These attributes are considered to best describe the site's ecological integrity and, if safeguarded, will enable achievement of the Conservation Objectives. For air quality, the target is to restore, as necessary, the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values.

We understand that there are currently no practicable options to fully mitigate the impacts of increased emissions at this site resulting from the East Devon Local Plan. While the proposed strategy proposes some potential mitigation measures for emissions, there is insufficient certainty that these measures will be effective and thus avoid adverse effects. At present, without a secured mitigation strategy, specific and quantified measures, and monitoring protocols, adverse effects on site integrity from the Plan cannot be ruled out. The Appropriate Assessment also identifies an inherent conflict, as proposed growth exceeds threshold levels with no current robust and certain mechanism to address these risks.

The Appropriate Assessment concludes that it is not possible to rule out adverse effects on integrity for air quality for the SAC/SPA. The Conservation of Habitats and Species Regulations 2017 (as amended), Part 6, Chapter 1, Section 63(5), requires that plans should not “adversely affect the integrity of the European site.”

The strategic large-scale allocation of homes, while knowing that the mitigation required for their legal delivery is not yet secured, risks making the Plan potentially undeliverable and unsound. The HRA should be able to conclude ‘no adverse effects on integrity’ without relying on the conditional policy wording of PB04.

Natural England agrees with the conclusions made within the Appropriate Assessment and the need for additional evidence and mitigation before the Plan can be adopted in its current form.

While we recognise that progress is being made on the Air Quality Strategy for the SAC, we recommend that this strategy should be secured and detailed before the Plan is presented for examination, providing the certainty required by the Habitats Regulations. We understand that this is the intention of East Devon District Council from the policy text and that Natural England is advising on the development of this strategy, and we will continue our support.

We note that, in part, the strategy relies on monitoring and an assessment of site condition to check for any deterioration, and provide the following advice on this matter:

When assessing road traffic emissions under the HRA process, your authority must be certain that the Plan will not adversely affect the integrity of the SAC/SPA. A high level of certainty is required, and uncertainty cannot simply be deferred to monitoring.

Monitoring is not an acceptable substitute for resolving uncertainty at the screening or appropriate assessment stage. It cannot be used as a mitigation measure where there is a risk of adverse effects. Monitoring should only be applied to validate conclusions already reached and to provide early warning of unforeseen risks.

If monitoring is used, it must:

- Address residual uncertainties and confirm that mitigation measures are effective.
- Include clear trigger points and adaptive actions to prevent adverse effects before they occur.
- Ensure measures can be implemented promptly, are adequately funded, and proportionate to the level of risk and the conservation status of the sites features.

Monitoring should not allow emissions to exceed a level that causes an adverse effect on site integrity and then assess impacts retrospectively, as long-term deterioration (e.g., from ammonia or nitrogen deposition) occurs gradually and may not be detected by short-term habitat assessments. When the strategy is complete, the monitoring indicators that trigger implementation of the break clause (if still included in the mitigation strategy), should be incorporated into Chapter 17: Implementation and Monitoring.

Natural England agrees with the conclusion of the Council's HRA that the necessary strategic mitigation is currently uncertain. The Plan remains unsound until this uncertainty is resolved, the mitigation is secured, and the policy wording is updated accordingly.

PB02

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB02

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policies PB01 / PB02 should include a criteria that the proposed site should not compromise locally important populations of species on the IUCN Red List or UK Birds of Conservation Concern, and similar UK listings for other biota. PB02 should also include a criterion that the proposed development site does not constitute a regularly used ecological linkage between recognised sites of local or national ecological importance. Biodiversity mitigation and compensation measures should be implemented before compromising the existing biodiversity resource, to ensure the ongoing provision of habitat for species associated with the compromised resource.

Full name: Thomas Shillitoe

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB02

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Policy PB02 now includes Section 41 Habitats of Principal Importance of which lowland heathland, the Pebblebed Heaths is classified as. Therefore points A and D should ensure that at strategic plan level housing allocation sites should be considered against the mitigation hierarchy, which the LPA has yet to do, in the belief it does not apply to the development of Local Plan.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Awaiting air quality mitigation strategy and HRA to comment further. Evidence of mitigation hierarchy assessment required.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB02 now includes Section 41 Habitats of Principal Importance of which lowland heathland, the Pebblebed Heaths is classified as. Therefore points A and D should ensure that at strategic plan level housing allocation sites should be considered against the mitigation hierarchy, which the LPA has yet to do, in the belief it does not apply to the development of Local Plan.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will

make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Awaiting air quality mitigation strategy and HRA to comment further. Evidence of mitigation hierarchy assessment required.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Awaiting air quality mitigation strategy and HRA to comment further. Evidence of mitigation hierarchy assessment required.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB02

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

Again [following comment on PB01], in order to be effective and justified, and comply with national policy, the natural environment policies in the East Devon Local Plan need to be clearer on how they all fit together. The Plan needs to clearly explain the difference between the BNG hierarchy which sets out how the requirements for BNG can be met. We recognise that the use of both ‘biodiversity’ and ‘hierarchy’ in these two separate concepts has been a source of confusion. It is essential that the policies in this chapter avoid any such confusion. Additional wording to the policy and/or text in the chapter could help to address this issue.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: in order to be effective and justified, and comply with national policy, the natural environment policies in the East Devon Local Plan need to be clearer on how they all fit together. The Plan needs to clearly explain the difference between the BNG hierarchy which sets out how the requirements for BNG can be met. We recognise that the use of both ‘biodiversity’ and ‘hierarchy’ in these two separate concepts has been a source of confusion. It is essential that the policies in this chapter avoid any such confusion. Additional wording to the policy and/or text in the chapter could help to address this issue.

PB03

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

Whilst Taylor Wimpey continues to agree that important hedgerows (as defined by the Hedgerow Regulations 1997) should be protected and their loss or degradation should only be permitted where the mitigation hierarchy has been applied and evidenced in earnest, it is disappointing, however, that Taylor Wimpey's previous comments raised during the previous Regulation 19 Consultation have not been addressed.

Taylor Wimpey continue to object to EDDC's approach to applying the same protection and importance to 'species rich Devon hedges', which do not meet the criteria of 'important hedgerows'. We consider this approach is not justified.

Devon hedges are located across Devon and often along the perimeter of sites. As a result, it is often unavoidable to need to remove part of the Devon hedge to deliver a suitable site access.

The need to retain hedgerows on site, where possible, is adequately addressed under draft LP policy PB08, which acknowledges that there may be instances where the removal of hedgerows is justified and unavoidable. There is no justification to include Devon hedges within draft LP policy PB03.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: There is no justification to include Devon hedges within draft LP policy PB03. The need to retain hedgerows on site, where possible, is adequately addressed under draft LP policy PB08

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Our attendance is necessary to effectively discuss the points raised in these representations.

Full name: James McMurdo

Organisation (where relevant): McMurdo Land Planning and Development Ltd

Other party name (if relevant): Stuart Partners Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: McMurdo Land Planning and Development Ltd on behalf of Stuart Partners Ltd.

Objection (maintained singularly and cumulatively) Reasons (as per previous representations)

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Either:

- Delete the policies; or,
- Amend PB03 to delete mature trees and hedgerows from “irreplaceable habitats and important features”) and simplify PB08 and provide detailed, reasoned justification for analysis for the policy as written, and reconsult.

Full name: MR D. MORGAN

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Policy PB03: 'Protection of irreplaceable habitats and important features'.

(Pages 247-248). Quote: "Priority Habitats and habitats supporting protected and notable species Impacts on Priority Habitats and habitats which support the functionality of Priority Species, such as bat foraging and commuting habitats, cirl bunting nesting and foraging habitat will require adequate mitigation and compensation for any potential direct or indirect adverse impacts from development. And additional habitats to include: intertidal mudflats, rivers and streams, estuarine habitats, coastal and floodplain grazing marsh, broadleaf mixed and yew woodland, traditional orchards, lowland heathland and maritime slopes and cliffs."

I support the inclusion of the listed additional habitats in this paragraph which will help afford greater protection to irreplaceable habitats and important features.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Thomas Shillitoe

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: PB03 now states lowland heathland specifically as well as Section 41 Habitats of Principal Importance. There is no Pebblebed Heaths air quality mitigation strategy provided, so it is not possible to comment fully on Chapter 13 and Policy PB03 in the absence of this, as they are closely interlinked. I reserve the right to comment further should a mitigation strategy be forthcoming, prior to submission of the Plan to the Inspector for examination.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: awaiting air quality mitigation strategy to comment further. evidence of mitigation hierarchy assessment required.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: PB03 now states lowland heathland specifically as well as Section 41 Habitats of Principal Importance. There is no Pebblebed Heaths air quality mitigation strategy provided, so it is not possible to comment fully on Chapter 13 and Policy PB03 in the absence of this, as they are closely interlinked. I reserve the right to comment further should a mitigation strategy be forthcoming, prior to submission of the Plan to the Inspector for examination.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: awaiting air quality mitigation strategy to comment further. evidence of mitigation hierarchy assessment required.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: awaiting air quality mitigation strategy to comment further. evidence of mitigation hierarchy assessment required.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

Again [following comments on PB01 and PB02) this policy need to be clearer on how it interacts with the delivery of nationally mandated 10% BNG. HBF are aware that the water requirements of BNG have been proving particularly challenging and expensive.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: this policy need to be clearer on how it interacts with the delivery of nationally mandated 10% BNG.

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Strategic Policy PB03: Irreplaceable Habitats:

We welcome the explicit protection of ancient woodland and veteran trees.

We advise that the buffer zones for ancient woodland (typically 15m minimum) should be strictly enforced, and larger buffers encouraged where significant development intensity (such as at Marlcombe) abuts these habitats.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: We advise that the buffer zones for ancient woodland (typically 15m minimum) should be strictly enforced, and larger buffers encouraged where significant development intensity (such as at Marlcombe) abuts these habitats.

PB04

Full name: Sara Davies

Organisation (where relevant): Lymptone Water Quality Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: PB04 on Habitats Assessment and Mitigation Strategies is misleading. We are particularly interested in the Exe Estuary so have focused on this. The policy only refers to the South East Devon Wildlife - Joint Habitats Sites Mitigation Strategy for the Exe Estuary. Dawlish Warren and the East Devon Heaths. However, the strategy document states that it covers the mitigation requirements relating to the impacts from recreation only - it 'does not address other impacts from plan-led growth, for example impacts associated with air quality or water quality'. This is very important. PB04 is therefore not compliant with the Habitats Regulations.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Review and amend PB04 to ensure that it states clearly that the SE Devon Wildlife Strategy only covers recreational impacts, not other environmental impacts (e.g., associated with water and air quality). Links to other reference documents should be provided, e.g., Natural England documents on the Exe Estuary. References for other SPAs should also be checked to ensure that the correct and comprehensive information is provided

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

See 2(a) and (c) above. The introduction section of the Chapter is also not sound. It neglects to explain the interlinks between the chapters on adapting to climate change, landscape, and biodiversity, and the importance of an integrated approach, e.g., integrated water management (based on SuDS) which brings multiple benefits, including increased biodiversity.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

See 2(a) and (c). The introduction section of the Chapter is also not sound. It neglects to explain the interlinks between the chapters on adapting to climate change, landscape, and biodiversity, and the importance of an integrated approach, e.g., integrated water management (based on SuDS) which brings multiple benefits, including increased biodiversity.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

The fact that the policy on the Habitats Regulations is misleading, and the introduction neglects to communicate the integrated approach, indicates that there has not been effective cooperation on environmental protection.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:

To ensure compliance with the Habitats Regulations - particularly regarding the Exe Estuary (since the draft Plan is misleading on this), and stress the importance of an integrated approach to biodiversity, water quality, flood risk, drought risk, etc. to achieve sustainable development in East Devon.

Full name: Helen Booker

Organisation (where relevant): RSPB

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy relating to vehicle emissions impacting on designated sites states: Development will not be permitted where there is potential for increased vehicle numbers, applying a precautionary approach, resulting in unacceptable increases of emissions of nitrogen oxides (NOx) and/or ammonia (NH3), or other polluting emissions falling on designated sites. The word ‘unacceptable’ has been added since the first consultation, enabling some increase in emissions, but with no definition of what is acceptable. This has weakened the policy. This is of particular concern as poor air quality is already negatively affecting the Pebblebed Heaths as identified in NE’s Site Improvement Plan because of nitrogen deposition exceeding critical loads. Specifically in relation to the Pebblebed Heaths, the policy recognises that developments will lead to extra traffic on roads crossing the heaths and therefore an increase in emissions and that these will exceed threshold levels of harm. The break clause identified for the Pebblebed Heaths allows for a net increase in emissions from traffic where “there is sufficient headroom and there will be no deterioration in site quality as a result of the proposal.” As an air quality mitigation strategy is not yet in place, there is currently no guarantee of, or evidence for ‘headroom’. The HRA concludes it is not possible to rule out adverse effects on site integrity in relation to air quality and the heaths SAC/SPA.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Replace the words ‘unacceptable increases’ with ‘...adverse impacts on the designated features resulting from emissions of...’. The wording of the policy in relation to development

within 400m of the Pebblebed Heaths SPA/SAC similarly should replace ‘unacceptable’ with ‘adverse’. We recommend the council works with Natural England to ensure the policy wording in relation to designated sites is correct.

Full name: Nicola Wilson

Organisation (where relevant): Devon County Council

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: No

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Additionally, it is unclear that speed reductions would have a significant beneficial impact on emissions, given that existing average vehicular speeds are (according to DCC data) close to optimum in relation to cruise emissions. Furthermore, it is noted that the abovementioned long-listed options were not included in the subsequent short list of mitigation options detailed in Mitigation of Air Quality Impacts in East Devon: Mitigation Strategy (Ricardo AEA Ltd, 6 November 2025): Ricardo report template. It is therefore recommended that the local plan text is updated to match the Ricardo report short list, with a further minor change to reflect that EVs do not generate exhaust emissions (but the generation of electricity to power EVs may generate emissions, and EVs produce particulate matter from tyres and brakes): “An initial overarching mitigation strategy has been produced and this is to be followed by a more detailed Pebblebed Heaths Air Quality Mitigation Strategy. The detailed mitigation strategy will establish a strategic approach to ensuring mitigation delivery. This strategy will include costed projects and schemes that can be demonstrated to be deliverable. Such projects will ensure that the local plan can be implemented and that individual planning applications can meet Habitat Regulation requirements and proceed on the basis of drawing on planned mitigation and capacity and timing for delivery as set out in this strategy. A ‘short list’ of potential mitigation options will be refined and costed and where appropriate included in the detailed strategy, to potentially include:

-Electric Vehicle infrastructure

-Slurry stores

-Replacing refuse collection vehicles (RCVs) with electric vehicles (EVs)

-Replacing dog waste vehicles with EVs

-Land management

-Local Plan Air Quality Development policy Monies, drawn from developer contributions, will secure mitigation delivery. A key element of mitigation will be proactively seeking an accelerated rate of uptake of electric vehicles, specifically amongst those moving into new homes to be built under local plan policy. Electric vehicles do not generate exhaust emissions and as such greater levels of use with a corresponding decrease in internal combustion engine vehicles will diminish over time the need for other mitigation.”

Full name: Nicola Wilson

Organisation (where relevant): Devon County Council

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: No

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: In principle, DCC is supportive of measures to reduce the impacts of traffic on designated sites, including through promoting the uptake of electric vehicles and enabling modal shift from cars to active travel and public transport. However, DCC does not consider the following measures included in the 'long-list' of potential mitigation options on page 256 for the Pebblebed Heaths to be feasible:

- Traffic re-direction away from the Pebblebed Heaths and sensitive locations
- Low Emission Zones and Ultra Low Emission Zones
- Providing additional road signage This is due to the lack of suitable alternative routes to the main roads through the Pebblebed Heaths (specifically the A3052, B3179 and B3180), meaning that traffic re-direction/providing additional road signage is unlikely to be appropriate, and meaning that Low Emission Zones and Ultra Low Emission Zones would likely have a disproportionate adverse impact on road users, particularly those in lower income groups.

Full name: Hilary Johnson

Organisation (where relevant): Dorset Council

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

Dorset Council supports the approach in Strategic Policy PB04 requiring development within the River Axe SAC catchment to demonstrate nutrient neutrality using the Natural England nutrient calculator. This is consistent with Dorset Council's approach. However, the Plan does not reference East Devon District Council's £4.09m Local Nutrient Mitigation Fund (LNMF) award or articulate how delivery of mitigation through this funding will support housing delivery.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

Dorset Council wish to suggest that the supporting text includes more positive references to joint working and investment of LNMF funding to secure mitigation and enable development within the River Axe catchment.

Full name: Planning Policy Team

Organisation (where relevant): Somerset Council

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Nutrient Neutrality – River Axe Special Area of Conservation

6. As previously noted, Somerset Council has been working with the Lead Authority, East Devon DC to address the issues relating to nutrient neutrality in the River Axe Special Area of Conservation. This matter is ongoing. Somerset Council confirm that they will 16 January 2026 continue to work with East Devon Council to address this issue. As previously stated, the inclusion of Strategic Policy PB04: Habitats Regulation Assessment, particularly the section on nutrient neutrality in the River Axe SAC catchment is welcomed.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Nutrient Neutrality – River Axe Special Area of Conservation

6. As previously noted, Somerset Council has been working with the Lead Authority, East Devon DC to address the issues relating to nutrient neutrality in the River Axe Special Area of Conservation. This matter is ongoing. Somerset Council confirm that they will 16 January 2026 continue to work with East Devon Council to address this issue. As previously stated, the inclusion of Strategic Policy PB04: Habitats Regulation Assessment, particularly the section on nutrient neutrality in the River Axe SAC catchment is welcomed.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Our Outstanding Biodiversity and Geodiversity chapter's compliance with the duty to co-operate, please use this box to set out your comments.: Nutrient Neutrality – River Axe Special Area of Conservation

6. As previously noted, Somerset Council has been working with the Lead Authority, East Devon DC to address the issues relating to nutrient neutrality in the River Axe Special Area of Conservation. This matter is ongoing. Somerset Council confirm that they will 16 January 2026 continue to work with East Devon Council to address this issue. As previously stated, the inclusion of Strategic Policy PB04: Habitats Regulation Assessment, particularly the section on nutrient neutrality in the River Axe SAC catchment is welcomed.

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Vistry Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Vistry support Strategic Policy PB04 and understand the requirement for new development to not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017.

2.63 Strategic Policy PB04 requires all residential schemes within a straight line 10km distance of any part of the European sites to provide mitigation to offset increased recreational pressure associated with new development. It is noted this is in accordance with the South-East Devon Wildlife – Joint Habitats Sites Mitigation Strategy (SEDESMS) which was agreed in July 2025.

2.64 In terms of mitigation measures, the SEDESMS states: “...to ensure effectiveness, mitigation needs to include a package of measures that work together in an integrated way. For example, educating visitors, reinforcing messages with site-based staff, and providing the right infrastructure to meet visitor needs and influence visitor behaviour could all fit together as part of a mitigation package, but are the kinds of measures that cannot be delivered in a piecemeal way, implemented by individual developments.”

2.65 As detailed within the SEDESMS, mitigation measures are therefore split into:

- Strategic Access Management and Monitoring (SAMMS); and Page 15 EDDC Second Regulation 19 Consultation: Representations | Land at Addlepool Farm
- Off-site infrastructure (including SANGs – ‘Suitable Alternative Natural Greenspace’ and local projects).

2.66 Vistry support this approach to mitigation and agree where required that suitable avoidance, mitigation and compensation measures will be required where potential adverse impacts are identified.

2.67 Land at Addlepool Farm is located within approximately 0.5km south west of the Exe Estuary RAMSAR, SSSI and SPA to the south west. Addlepool Village will provide substantial areas of green infrastructure which will include new recreational routes extending public access into the Site. The mitigation for any recreational impacts that may occur would be secured as part of the proposals in the form of financial contributions towards improved access management and provision of substantial alternative recreation locations.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy beak clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to off site mitigation measures.

The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler.

A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the

HRA Stage 1 screening undertaken in this technical report, focussing on the following features:

- European dry heaths
- European nightjar *Caprimulgus europaeus*
- Dartford warbler *Sylvia undata*

In the following area of the site: o North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14); o East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8); • o Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and o Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, Tipton St John are likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA. The Viability Addendum also notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability assessment are inconsistent and contradictory in terms of the scope and application of this new policy requirement.

Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures is identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft and does not meet the NPPF test of soundness.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy beak clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to off site mitigation measures. The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler. A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features: European dry heaths
- European nightjar *Caprimulgus europaeus*
- Dartford warbler *Sylvia undata* In the following area of the site: o North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14); o East/West along

the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8); • o Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and o Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, Tipton St John are likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA. The Viability Addendum also notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability assessment are inconsistent and contradictory in terms of the scope and application of this new policy requirement. Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures is identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft and does not meet the NPPF test of soundness.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: These policies have been significantly amended. Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations. Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy break clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to offsite mitigation measures. The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected and there is inconsistency across the relevant documents. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler. A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features: European dry heaths
- European nightjar *Caprimulgus europaeus*

- Dartford warbler *Sylvia undata* In the following area of the site: o North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14); o East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8); • o Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and o Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, and Tipton St John as being likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA. The Viability Addendum notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability report are inconsistent and contradictory in terms of the scope and application of this new policy requirement. Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures are identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: James McMurdo

Organisation (where relevant): McMurdo Land Planning and Development Ltd

Other party name (if relevant): Stuart Partners Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: McMurdo Land Planning and Development Ltd on behalf of Stuart Partners Ltd.

Object Reasons: This policy has the potential to have significant implications for policy allocations within the Local Plan. It states that no development will be permitted where there is potential for increased vehicle numbers, resulting in unacceptable increases of emissions of nitrogen oxide and/or ammonia or other polluting emissions failing on designated sites. The policy refers to the Pebblebed Heaths Technical Assessment Report which confirms that development occurring through Local Plan policy as a whole, will result in unacceptable adverse impacts in the absence of mitigation. The conclusions of the Mitigation Strategy associated with this Report recommend the following:

1. That further work is conducted in regard to traffic and emissions modelling to enable mitigation to be specified in more detail, and the appropriate assessment to be completed.

2. More detailed mitigation measure design and sensitivity testing should be carried out to determine whether measures could be designed to be sufficient to avoid all Likely Significant Effects on the integrity of the Pebblebed Heaths SAC and SPA and if so, the Local Plan should be updated to require and enable such measures to be integrated into the plan at strategic level (i.e. via a levy per dwelling).

3. If development is able to fully mitigate any increase in air pollution impacts at habitat sites, this could waive a requirement to contribute to strategic level mitigation

4. If following completion of (2), the identified mitigation measures are found not to fully address the effects of the EDLP resulting in residual adverse effect to integrity, the Local Plan will need to be amended to eliminate this residual effect.

It is clear from the recommendations of this Strategy that there are uncertainties relating to allocations within the Local Plan, and in the absence of work to address these recommendations, the viability, capacity, and deliverability of the affected allocated sites is uncertain. Sites specifically referenced in the Local Plan as likely to be affected by the Pebblebed Heaths include:

1. WS06 (24.34ha employment land) – in Nitrate Vulnerable Zone
2. WS07 (15.3ha employment land) – in Nitrate Vulnerable Zone
3. WS08 (1ha employment land) – in Nitrate Vulnerable Zone
4. WS12 (0.7ha employment land) – in Impact Risk Zone The SA refers to “risks relating to recreation and air quality on European sites for all Options due to the proximity of the Pebblebed Heaths and Exe Estuary” stating that this has to be considered further by HRA. Furthermore, the SA refers to HRA and potential air quality impacts at East Devon Heaths SAC/SPA from increased traffic from nearly every proposed allocation¹. We do not contend that these allocations are undeliverable. The point is we do not know whether they are and neither does the Council; we certainly do not know the capacity of each site.

The Result of Transitional Arrangements and a Second Regulation 19 Plan The result is the Plan is neither legally compliant nor “sound” and it will have to go back to Regulation 18 stage. The Council will have to meet its “housing requirement based on the standard method using...ONS,” delivering housing and employment land in the right locations away from National Landscapes, in line with its SA and HRA.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Address the Air Quality Mitigation Strategy recommendations, amend the Local Plan after real consideration of the necessary mitigation for each of the affected allocations, allocate more land in the right locations in line with SA and HRA for housing and employment space and reconsult on the Local Plan going back to Regulation 18 stage.

Full name: James McMurdo

Organisation (where relevant): McMurdo Land Planning and Development Ltd

Other party name (if relevant): Stuart Partners Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: McMurdo Land Planning and development Ltd on behalf of *** Personal details have been removed ***

Object Reasons: This policy has the potential to have significant implications for policy allocations within the Local Plan. It states that no development will be permitted where there is potential for increased vehicle numbers, resulting in unacceptable increases of emissions of nitrogen oxide and/or ammonia or other polluting emissions failing on designated sites. The policy refers to the Pebblebed Heaths Technical Assessment Report which confirms that development occurring through Local Plan policy as a whole, will result in unacceptable adverse impacts in the absence of mitigation. The conclusions of the Mitigation Strategy associated with this Report recommend the following:

1. That further work is conducted in regard to traffic and emissions modelling to enable mitigation to be specified in more detail, and the appropriate assessment to be completed.

2. More detailed mitigation measure design and sensitivity testing should be carried out to determine whether measures could be designed to be sufficient to avoid all Likely Significant Effects on the integrity of the Pebblebed Heaths SAC and SPA and if so, the

Local Plan should be updated to require and enable such measures to be integrated into the plan at strategic level (i.e. via a levy per dwelling).

3. If development is able to fully mitigate any increase in air pollution impacts at habitat sites, this could waive a requirement to contribute to strategic level mitigation

4. If following completion of (2), the identified mitigation measures are found not to fully address the effects of the EDLP resulting in residual adverse effect to integrity, the Local Plan will need to be amended to eliminate this residual effect.

It is clear from the recommendations of this Strategy that there are uncertainties relating to allocations within the Local Plan, and in the absence of work to address these recommendations, the viability, capacity, and deliverability of the affected allocated sites is uncertain. Sites specifically referenced in the Local Plan as likely to be affected by the Pebblebed Heaths include:

1. WS06 (24.34ha employment land) – in Nitrate Vulnerable Zone

2. WS07 (15.3ha employment land) – in Nitrate Vulnerable Zone

3. WS08 (1ha employment land) – in Nitrate Vulnerable Zone

4. WS12 (0.7ha employment land) – in Impact Risk Zone The SA refers to “risks relating to recreation and air quality on European sites for all Options due to the proximity of the Pebblebed Heaths and Exe Estuary” stating that this has to be considered further by HRA. Furthermore, the SA refers to HRA and potential air quality impacts at East Devon Heaths SAC/SPA from increased traffic from nearly every proposed allocation¹. We do not contend that these allocations are undeliverable. The point is we do not know whether they are and neither does the Council; we certainly do not know the capacity of each site.

The Result of Transitional Arrangements and a Second Regulation 19 Plan The result is the Plan is neither legally compliant nor “sound” and it will have to go back to Regulation 18 stage. The Council will have to meet its “housing requirement based on the standard method using...ONS,” delivering housing and employment land in the right locations away from National Landscapes, in line with its SA and HRA.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Address the Air

Quality Mitigation Strategy recommendations, amend the Local Plan after real consideration of the necessary mitigation for each of the affected allocations, allocate more land in the right locations in line with SA and HRA for housing and employment space and reconsult on the Local Plan going back to Regulation 18 stage.

Full name: Thomas Shillitoe

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Not using correct anticipated emission/traffic figures for B3179 as based on former wording of access arrangements prior to February 2025 significant amendment.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Use correct figures and reassess and/or remove Exmo_20

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Not using correct anticipated emission/traffic figures for B3179 as based on former wording of access arrangements prior to February 2025 significant amendment.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Use correct figures and reassess and/or remove Exmo_20

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Require clarification of data used for emissions / access to Exmo_20

Full name: Thomas Shillitoe

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: As there is no Pebblebed Heaths air quality mitigation strategy provided, it is not possible to comment fully on Chapter 13 and Policy PB04, as they are closely interlinked. I reserve the right to comment further should a mitigation strategy be forthcoming, prior to submission of the Plan to the Inspector for examination.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Awaiting air quality mitigation strategy. Currently not legally compliant.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: As there is no Pebblebed Heaths air quality mitigation strategy provided, it is not possible to comment fully on Chapter 13 and Policy PB04, as they are closely interlinked. I reserve the right to comment further should a mitigation strategy be forthcoming, prior to submission of the Plan to the Inspector for examination.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for

the relevant policy or paragraph. Please be as precise as possible.: Awaiting air quality mitigation strategy. Currently not sound.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate.

Please be as precise as possible.: I await further information regarding the Air Quality at East Devon Heaths SAC / SPA and delivery of the strategy for mitigation of the potential adverse impact of rising vehicle emissions on the East Devon Heaths SAC / SPA, as there is no mitigation strategy currently shown as viable and no supporting HRA (currently showing adverse impacts) for the Local Plan, it is impossible to know the implications that a strategy would have. If the strategy has implication on neighbouring LPAs such as Exeter & Teignbridge, they need to be advised and be able to comment on a Regulation 19 plan which includes the mitigation strategy (and a supporting HRA) for EDDC to believe they have complied with their Duty to co-operate. The unknown air quality mitigation strategy could have significant implications as to the viability of Exeter & Teignbridge Local Plans.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: I await further information regarding the Air Quality at East Devon Heaths SAC / SPA and delivery of the strategy for mitigation of the potential adverse impact of rising vehicle emissions on the East Devon Heaths SAC / SPA, as there is no mitigation strategy currently shown as viable and no supporting HRA (currently showing adverse impacts) for the Local Plan, it is impossible to know the implications that a strategy would have. If the strategy has implication on neighbouring LPAs such as Exeter & Teignbridge, they need to be advised and be able to comment on a Regulation 19 plan which includes the mitigation strategy (and a supporting HRA) for EDDC to believe they have complied with their Duty to co-operate. The unknown air quality mitigation strategy could have significant implications as to the viability of Exeter & Teignbridge Local Plans.

Full name: Thomas Shillitoe

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Paragraph 13.20 concentrates on Nitrogen deposits, which I understand to be the correct emission, yet Policy PB04 now mentions “(NO_x) and/or ammonia (NH₃) or other polluting emissions”, firstly this appears grammatically incorrect and secondly appears to take the focus away from Nitrogen as stated in 13.20. This is significantly misleading, as modern cars seek to turn NO_x into Nitrogen and therefore modern Euro 6 car emissions are causing a significant increasing in Nitrogen deposits. These modern cars will likely be in use for most, if not the entire life of the Plan. The wording in PB04 needs correcting to not be misleading to accord with Paragraph 13.20.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Nitrogen (which modern euro6 cars produce when reducing NO_x emissions)

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Paragraph 13.20 concentrates on Nitrogen deposits, which I understand to be the correct emission, yet Policy PB04 now mentions “(NO_x) and/or ammonia (NH₃) or other polluting emissions”, firstly this appears grammatically incorrect and secondly appears to take the focus away from Nitrogen as stated in 13.20. This is significantly misleading, as modern cars seek to turn NO_x into Nitrogen and therefore modern Euro 6 car emissions are causing a significant increasing in Nitrogen deposits. These modern

cars will likely be in use for most, if not the entire life of the Plan. The wording in PB04 needs correcting to not be misleading to accord with Paragraph 13.20.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Nitrogen (which modern euro6 cars produce when reducing NOx emissions)

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: No air quality mitigation strategy, so potentially further comments to be made. Current wording is misleading.

Full name: Thomas Shillitoe

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Regarding changes to Policy PB04, it is not possible to fully consider this Policy in the absence of the HRA and Pebblebed Heaths air quality mitigation strategy which are still absent (the HRA having an “inherent conflict”). Much of the Policy appears to have been rewritten in an attempt to address those shortcomings. I am unsure what the green writing is for. There is mention of a “break clause” if there are “failings in respect of assessment under the Habitat Regulations”. My understanding is that the LPA are failing already at Plan preparation stage as: 1. No mitigation hierarchy assessment for proposed allocations in the draft Local Plan has been undertaken and the LPA believe it is not required, contrary to the Habitat Regulations. The mitigation hierarchy assessment should consider avoidance of the known existing South East Devon European Wildlife - Joint Habitats Sites Mitigation Strategy, which has two 10km radii to be considered. Furthermore the Plan now refers to an emerging Pebblebed Heaths air quality mitigation strategy (TR04 and elsewhere), so this should be included in the Mitigation Hierarchy assessment once it is confirmed in the Plan, prior to submission for examination. 2. Sites were selected based on assumed but unknown mitigation and prior to an Appropriate Assessment, contrary to the Habitat Regulations and CJEU case law “People over Wind”. 3. The Plan progressed to Regulation 19 without a supporting HRA but one which stated an “inherent conflict”, contrary to Section 1.1 of the Planning Inspectorate Procedure Guide which states “the LPA should rigorously assess the plan before it is published under Regulation 19 to ensure that, in their view, it is sound and meets all the necessary legal requirements” 4. The emissions assessment for the air quality impacts from Exmo_20 are based on former access arrangements for Exmo_20, prior to the February 2025 amendments, which would have had a significantly lesser impact.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in

respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Awaiting air quality mitigation strategy to comment further. No evidence of mitigation hierarchy assessment.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Regarding changes to Policy PB04, it is not possible to fully consider this Policy in the absence of the HRA and Pebblebed Heaths air quality mitigation strategy which are still absent (the HRA having an “inherent conflict”). Much of the Policy appears to have been rewritten in an attempt to address those shortcomings. I am unsure what the green writing is for. There is mention of a “break clause” if there are “failings in respect of assessment under the Habitat Regulations”. My understanding is that the LPA are failing already at Plan preparation stage as: 1. No mitigation hierarchy assessment for proposed allocations in the draft Local Plan has been undertaken and the LPA believe it is not required, contrary to the Habitat Regulations. The mitigation hierarchy assessment should consider avoidance of the known existing South East Devon European Wildlife - Joint Habitats Sites Mitigation Strategy, which has two 10km radii to be considered. Furthermore the Plan now refers to an emerging Pebblebed Heaths air quality mitigation strategy (TR04 and elsewhere), so this should be included in the Mitigation Hierarchy assessment once it is confirmed in the Plan, prior to submission for examination. 2. Sites were selected based on assumed but unknown mitigation and prior to an Appropriate Assessment, contrary to the Habitat Regulations and CJEU case law “People over Wind”. 3. The Plan progressed to Regulation 19 without a supporting HRA but one which stated an “inherent conflict”, contrary to Section 1.1 of the Planning Inspectorate Procedure Guide which states “the LPA should rigorously assess the plan before it is published under Regulation 19 to ensure that, in their view, it is sound and meets all the necessary legal requirements” 4. The emissions assessment for the air quality impacts from Exmo_20 are based on former access arrangements for Exmo_20, prior to the February 2025 amendments, which would have had a significantly lesser impact.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for

the relevant policy or paragraph. Please be as precise as possible.: Awaiting air quality mitigation strategy to comment further. No evidence of mitigation hierarchy assessment.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.: Air quality mitigation strategy may have implications for neighbouring LPAs. Awaiting air quality mitigation strategy to comment further.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Air quality mitigation strategy may have implications for neighbouring LPAs. Awaiting air quality mitigation strategy to comment further. No mitigation hierarchy assessment undertaken.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

HBF have been actively working with Government to find solutions to the challenges presented by Nutrient Neutrality. A moratorium on new development is not the appropriate way to proceed. It will be important for the Plan to fully reflect the latest solutions to this issue.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: See 3(b)

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Nutrient neutrality is a set of tools and advice to enable residential developments to progress through the Habitat Regulations Assessment process by ensuring there is no net increase in nutrients reaching a specific habitat site. Development proposals can be considered ‘nutrient neutral’ where they can demonstrate that they will cause no overall increase in nutrient pollution affecting specified habitats sites. With respect to this Local Plan, the catchment where a development must demonstrate nutrient neutrality is the River Axe SAC, due to phosphate levels.

Natural England note that the Council has included policy wording within PB04 that requires development proposals within the River Axe SAC catchment to demonstrate how nutrient neutrality will be achieved in accordance with the latest advice and guidance from Natural England, and we welcome this policy. However, we advise that not all development types would be subject to nutrient neutrality, and therefore the Council may [wish] to be more specific in the wording of this policy as to which types of development would be required to demonstrate nutrient neutrality.

The wording at PB04 should ensure that any new relevant development in the catchment of the River Axe SAC does not add to the nutrient loading. This wording, requiring nutrient neutrality for all development within the River Axe catchment, should also allow for a conclusion of no adverse effects on integrity from the Local Plan HRA alone for this pressure, and as there should be no net increase in nutrients entering the catchment, there would be no in combination assessment required.

Natural England understands that the strategic mitigation strategy is currently being developed and that we are supporting the development of this strategy. We will continue to support your authority and understand that we will be consulted for comment and approval as required. However, as the strategic mitigation strategy is still in development, it may not be fully complete and approved when this Local Plan is adopted, and therefore there may be a period of time when nutrient neutrality mitigation will continue to be provided by the developer when making a planning permission application.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: PB04 / PB01: Nutrient Neutrality:

the Council may [wish] to be more specific in the wording of this policy as to which types of development would be required to demonstrate nutrient neutrality.

The wording at PB04 should ensure that any new relevant development in the catchment of the River Axe SAC does not add to the nutrient loading. This wording, requiring nutrient neutrality for all development within the River Axe catchment, should also allow for a conclusion of no adverse effects on integrity from the Local Plan HRA alone for this pressure, and as there should be no net increase in nutrients entering the catchment, there would be no in combination assessment required.

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB04 / PB01: Air Quality and the East Devon Heaths SAC/SPA:

Natural England informed East Devon District Council in October 2025 that we were changing how we respond to consultations that might affect air quality in protected sites. This advice is based on our best scientific understanding of how to assess development impacts on air quality. This standard advice is Natural England's formal statutory advice. It provides decision-makers with the information needed to fulfil their statutory duties when making decisions on Local Plans with potential air pollution impacts.

We have provided standard advice, which includes our guidance on all relevant air pollution matters, at Appendix A [see within attachment]. This advice relates to the protection of designated sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981, and should also be taken as Natural England's formal representation under the Town & Country Planning (Local Planning) Regulations 2012.

This standard advice is applicable to all stages of the Local Plan process. It includes advice on the information required to assess air quality and guidance on interpreting the results of air quality modelling, enabling your LPA to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI.

In addition to this standing advice, which addresses all relevant considerations, we have provided specific advice for your authority on air pollution issues and associated policies as set out below:

Natural England understands that an assessment has been carried out on vehicle emissions resulting from development under local plan policy, which indicates an adverse impact on the East Devon Pebblebed Heaths SAC/SPA in the absence of mitigation.

We also understand that a mitigation strategy approach has been established to address the increase in emissions. However, Natural England notes from the East Devon Local Plan HRA Appropriate Assessment (by DTA) that the current mitigation strategy does not set out clear, specific measures that can be secured and relied upon to rule out adverse effects on site integrity.

The SAC is in exceedance of the critical load for nitrogen deposition and the critical level for ammonia. Due to these exceedances, any further emissions of nitrogen and ammonia are necessarily limited. This limitation must be considered alongside the site's Conservation Objectives within the appropriate assessment. Supplementary Advice to the Conservation Objectives presents attributes which are ecological characteristics of the designated species and habitats within a site. These attributes are considered to best describe the site's ecological integrity and, if safeguarded, will enable achievement of the Conservation Objectives. For air quality, the target is to restore, as necessary, the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values.

We understand that there are currently no practicable options to fully mitigate the impacts of increased emissions at this site resulting from the East Devon Local Plan. While the proposed strategy proposes some potential mitigation measures for emissions, there is insufficient certainty that these measures will be effective and thus avoid adverse effects.

At present, without a secured mitigation strategy, specific and quantified measures, and monitoring protocols, adverse effects on site integrity from the Plan cannot be ruled out. The Appropriate Assessment also identifies an inherent conflict, as proposed

growth exceeds threshold levels with no current robust and certain mechanism to address these risks.

The Appropriate Assessment concludes that it is not possible to rule out adverse effects on integrity for air quality for the SAC/SPA. The Conservation of Habitats and Species Regulations 2017 (as amended), Part 6, Chapter 1, Section 63(5), requires that plans should not “adversely affect the integrity of the European site.”

The strategic large-scale allocation of homes, while knowing that the mitigation required for their legal delivery is not yet secured, risks making the Plan potentially undeliverable and unsound. The HRA should be able to conclude ‘no adverse effects on integrity’ without relying on the conditional policy wording of PB04.

Natural England agrees with the conclusions made within the Appropriate Assessment and the need for additional evidence and mitigation before the Plan can be adopted in its current form.

While we recognise that progress is being made on the Air Quality Strategy for the SAC, we recommend that this strategy should be secured and detailed before the Plan is presented for examination, providing the certainty required by the Habitats Regulations. We understand that this is the intention of East Devon District Council from the policy text and that Natural England is advising on the development of this strategy, and we will continue our support.

We note that, in part, the strategy relies on monitoring and an assessment of site condition to check for any deterioration, and provide the following advice on this matter:

When assessing road traffic emissions under the HRA process, your authority must be certain that the Plan will not adversely affect the integrity of the SAC/SPA. A high level of certainty is required, and uncertainty cannot simply be deferred to monitoring.

Monitoring is not an acceptable substitute for resolving uncertainty at the screening or appropriate assessment stage. It cannot be used as a mitigation measure where there is

a risk of adverse effects. Monitoring should only be applied to validate conclusions already reached and to provide early warning of unforeseen risks.

If monitoring is used, it must:

- Address residual uncertainties and confirm that mitigation measures are effective.
- Include clear trigger points and adaptive actions to prevent adverse effects before they occur.
- Ensure measures can be implemented promptly, are adequately funded, and proportionate to the level of risk and the conservation status of the sites features.

Monitoring should not allow emissions to exceed a level that causes an adverse effect on site integrity and then assess impacts retrospectively, as long-term deterioration (e.g., from ammonia or nitrogen deposition) occurs gradually and may not be detected by short-term habitat assessments. When the strategy is complete, the monitoring indicators that trigger implementation of the break clause (if still included in the mitigation strategy), should be incorporated into Chapter 17: Implementation and Monitoring.

Natural England agrees with the conclusion of the Council's HRA that the necessary strategic mitigation is currently uncertain. The Plan remains unsound until this uncertainty is resolved, the mitigation is secured, and the policy wording is updated accordingly.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Natural England agrees with the conclusions made within the Appropriate Assessment and the need for additional evidence and mitigation before the Plan can be adopted in its current form.

While we recognise that progress is being made on the Air Quality Strategy for the SAC, we recommend that this strategy should be secured and detailed before the Plan is presented for examination, providing the certainty required by the Habitats Regulations. We understand that this is the intention of East Devon District Council from the policy

text and that Natural England is advising on the development of this strategy, and we will continue our support.

Natural England agrees with the conclusion of the Council's HRA that the necessary strategic mitigation is currently uncertain. The Plan remains unsound until this uncertainty is resolved, the mitigation is secured, and the policy wording is updated accordingly.

PB05

Full name: Devon Wildlife Trust

Organisation (where relevant): Devon Wildlife Trust

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: ‘Future Habitat bank in East Devon could offer the potential to deliver substantial biodiversity units’. There is a typo here. ‘Bank’ should be replaced with ‘banks’

Full name: Devon Wildlife Trust

Organisation (where relevant): Devon Wildlife Trust

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: 'Future Habitat bank in East Devon could offer the potential to deliver substantial biodiversity units'. There is a typo here. 'Bank' should be replaced with 'banks'

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB05 - we are pleased that the BNG requirement is 20% but consider that this should be applied to all BNG proposals and delivery. We disagree with exemptions for small sites of less than 0.5 ha and irreplaceable habitats. Off-site mitigation and compensation should be targeted to deliver local/regional biodiversity priorities and be fully compatible with climate change effects on nature for 30 years. BNG mitigation and compensation should be undertaken before development commences and should have guaranteed provision for maintenance and required management by qualified conservation managers for 30 years after completion. This would overcome the problems identified by the Wild Justice - Lost Nature report of 12/12/24. A survey of 42 new developments found that only half the planning conditions for nature had been implemented.

Full name: Dan Rogers

Organisation (where relevant): Bell Cornwell

Other party name (if relevant): Combe Estate

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

COMBE ESTATE REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19 CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

1 INTRODUCTION Combe Estate are long standing generational owner of large areas of agricultural and forestry land within East Devon. Their land interests are primarily in Honiton and Gittisham. As part of its interests, the Estate undertakes residential and commercial development and are the owners of Combe Garden Centre. The Estate therefore has a wide range of land and business interests within the district. The Estate has provided representations to the Council as part of previous consultations on the draft local plan and via the related call for sites process. Given the nature of their long-standing presence in the district, The Estate is an important local stakeholder with allocation interests within the proposals in the East Devon Local Plan for future development in the district. Against this background, Bell Cornwell LLP has reviewed the policies and information set out in the East Devon Local Plan (2020 -2042) Regulation 19 Consultation Draft and makes the following representations.

CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY

Policy PB05: Biodiversity Net Gain Strategic Policy PB05 requires that 20% biodiversity net gain (BNG) should be provided as part of all forms of major development. Where this level of provision is unviable, clear evidence to this effect needs to be provided, and the statutory 10% requirement needs to be met. Any off-site provision should be provided in the immediate locality of the proposed development. The policy also stipulates that any development which is currently exempt from BNG will still be required to provide an ecological enhancement, commensurate to the scale of development involved. Government guidance is clear that LPA's should only seek more than the statutory requirement of 10% where there is robust evidence and justification to do so, and this does not appear to have been presented within the LPA's evidence base. Whilst the intentions of policy are noted, and The Estate would be in a position to deliver its own

BNG on-site, the logistical requirement to provide 20% BNG is extremely onerous and the Combe Estate OBJECTS to the policy as currently worded. Experience of the current, nationally mandated requirement to provide 10% BNG already demonstrates how difficult the process of delivering BNG is, with very high levels of bureaucracy and delay associated with the process. Furthermore, where the delivery of BNG cannot be delivered on site (and it does not appear that EDDC have tested whether COMBE ESTATE REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19 CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP 2 all BNG requirements can be delivered on their allocated sites) the off-site costs of doing this are significant and can have a significant impact on viability. Doubling this requirement to 20% is only likely to add to the complexity and degree of difficulty with achieving the required level of BNG and to act as a particular disincentive to the delivery of much needed development. Combe Estate is of the view that this policy has not been positively prepared, is not justified and given the uncertainties surrounding the BNG process is not effective. BNG is already required to be delivered as a result of national legislation. Given that this requirement will remain and within the context of the concerns outlined above, we would suggest that this policy is unnecessary, unsound and should therefore be amended to achieve 10% national requirements on major development.

Full name: Alistair Macdonald

Organisation (where relevant): Blue Fox Planning

Other party name (if relevant): Persimmon Homes South West

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The LPA's consultation response to the first regulation 19 consultation, fails to establish the position of the authority on the matters raised, and does not provide clear reasoning or justification as to the changes made to the plan as a result of the comments.

- We continue to object to the provisions of Strategic Policy PB05, which require the delivery of 20% BNG. There is no justification for this amount and given the absence of clarify the policy should adopt a minimum target of 10% BNG in accordance with the Environment Act 2021. Any exceedance of the target prescribed by the aforementioned Act is likely to cause wider viability and delivery issues for this site and other proposed allocations.

Strategic Policy PB05: Biodiversity Net Gain (BNG) 29. PHSW supports the ambition of achieving Biodiversity Net Gain (BNG) based on the requirements of the Environment Act 2021. However, the proposed requirement within the plan that major development will need to deliver BNG of "at least" 20% is not justified and is not supported by a robust evidence base. This position has not changed since the previous regulation 19 consultation. 30. The 'Draft Feedback Report' notes the 'Widespread objection to the 20% BNG requirement as unjustified and inconsistent with national policy' with responses calling to 'Align BNG requirement with the statutory 10% unless robust local evidence is provided.' However, there is no response from the LPA with regards to this

material, or its consideration and justification for the requirement to remain as 20%. 31. Without such justification, or any update to the evidence base the approach is considered unduly onerous to the extent that it may render some development opportunities undeliverable/unviable and the policy is therefore unlikely to be effective. 32. The Environment Act 2021 is clear that the starting point for BNG is 10%. Neither Strategic Policy PB05 nor its justification explain why the Plan is seeking 20% or present any evidence as to why this level of gain is considered appropriate and achievable. 33. With regard to the Sidm_01 site, the provision of a Biodiversity Net Gain of 20% on site would likely require additional tree planting or the provision of some landscaping features which are known to score highly in the DEFRA matrix. The provision of any non-native features or contrived planting would likely have a detrimental effect on the character and appearance of the National Landscape area which the site is located within. In short, regarding this site in particular, any request for additional biodiversity net gain could adversely affect the landscape character of the area, thus causing any proposed development to be considered harmful and unacceptable.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 34. Given the absence of clarity and justification, Strategic Policy PB05 should adopt a minimum target of 10% BNG in accordance with the Environment Act 2021.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Persimmon is a national house builder and has vast experience in delivering new homes across the country. Persimmon also owns the Land south west of Woolbrook (Sidm_01) allocation which is intended to deliver the majority of new homes identified for the Town and it is therefore considered that Persimmon's participation at the Hearing Sessions would be useful for the appointed Inspector(s).

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: It is extremely disappointing that the changes requested by *** Personal details have been removed *** as part of the previous Regulation 19 Consultation have not been made. As a result, *** Personal details have been removed *** consider that Strategic Policy PB05 continues to be unjustified and is not supported by proportionate or robust evidence.

The requirement in the East Devon Draft LP for a 20% Biodiversity Net Gain exceeds the statutory expectation and is inconsistent with the approach set out in the emerging National Planning Policy Framework. The draft NPPF (2025), which, even under transitional arrangements, must be considered as a material consideration, proposes that local plans should not seek BNG contributions above the statutory requirement except in limited circumstances, specifically where higher levels of gain can be robustly justified for particular allocated sites, and not as a blanket policy. The intention is to ensure that BNG is applied in a proportionate and consistent manner across local planning authorities, supporting nature recovery while maintaining viability and deliverability.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The BNG requirement within the emerging Local Plan must be aligned with the national policy

position, and the imposition of a 20% BNG standard is not justified under the emerging NPPF framework. The policy must be amended accordingly.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Our attendance is necessary to effectively discuss the points raised in these representations.

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): 3West Developments Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

2.63 3West acknowledges the amendments made to Strategic Policy PB05 and supports the principle that impacts on biodiversity should be avoided wherever possible, mitigated where necessary, and fully compensated where residual impacts remain. The importance of delivering biodiversity enhancements as part of new development, including at Exmo_20, is fully recognised.

2.64 However, notwithstanding the amendments, 3West Developments continue to consider the requirement for biodiversity net gain in excess of the statutory minimum is not sound. For the Local Plan to be considered sound, it must be consistent with national policy. The mandatory requirement for major development, as set out in the Town and Country Planning Act 1990 (as amended by the Environment Act 2022), is a minimum of 10% biodiversity net gain. Any requirement to exceed this threshold must therefore be clearly justified, evidenced and shown to be deliverable.

2.65 This position is reinforced by emerging national policy, including the draft NPPF consultation (2025), which confirms that development plans should only set biodiversity net gain requirements above the statutory minimum in specific circumstances, where this is fully justified and demonstrably deliverable. Similarly, national Planning Practice Guidance is clear that higher BNG requirements should not be applied on an area-wide or allocation-specific basis unless supported by robust

evidence, including consideration of local need, opportunity and impacts on development viability.

2.66 In the absence of such justification, the application of a 20% biodiversity net gain requirement to major development would not be consistent with national policy and risks undermining the viability and deliverability of allocated sites, including Exmo_20. Given the range of other sitespecific constraints and policy requirements already affecting the allocation, it is particularly important that biodiversity requirements are applied in a proportionate and flexible manner.

2.67 Accordingly, to ensure consistency with national policy and support the effective delivery of the St John's allocation, biodiversity net gain requirements should align with the statutory minimum of 10%, with any consideration of higher levels assessed on a site-specific and evidence-led basis through the development management process.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Our attendance is necessary to effectively discuss the points raised in these representations.

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Vistry Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB05: Biodiversity Net Gain

2.68 Vistry acknowledge the proposed amendments to Strategic Policy PB05 and that impacts on biodiversity should be avoided or mitigated, and if there is no alternative, fully compensated. However, Vistry continue to object to Strategic Policy PB05 which is unjustified, ineffective, not consistent with national policy and is therefore unsound due to the requirement of over 10% biodiversity net gain (BNG) for major development.

2.69 The Draft LP must be consistent with national policy to be considered sound. It is therefore extremely important that the required BNG threshold should align with the mandatory requirement of a minimum of 10% in accordance with the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2022).

2.70 This is subsequently emphasised by emerging policy and the current draft NPPF consultation (2025), which is live until 10th March 2026. Whilst it is acknowledged that the Draft LP is being examined against the provisions of the previous NPPF (2023), the draft NPPF (2025) still serves as an important material consideration.

2.71 In this regard, Plan making policy N1: Identifying environmental opportunities and safeguards states that: “Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations, and is fully justified and deliverable. Any such requirements should not extend to categories of development which are exempt from statutory biodiversity net gain.” [Boyer emphasis]

2.72 In addition, Vistry would like to emphasise that the PPG states that: “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless

justified. To justify such policies, they will need to be evidenced, including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.” [Boyer emphasis] Page 16 EDDC Second Regulation 19 Consultation: Representations | Land at Addlepool Farm

2.73 Draft policy PB05 is therefore not consistent with national policy as highlighted within the extracts above from the NPPF and PPG, and the requirement for 20% biodiversity net gain for major development is not justified.

2.74 To be considered sound, the draft text for Strategic Policy PB05 should therefore be revised to require a 10% biodiversity net gain for major development, with any requirements in excess considered on a case-by-case basis for associated allocations within the draft Local Plan. This will ensure that biodiversity net gain is applied in a consistent manner across planning authorities and will ensure Strategic Policy PB05 is in accordance with adopted and emerging national guidance.

Full name: Danielle Halford

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Persimmon Homes South West Limited

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

2.42 The requirement in the East Devon emerging Draft LP for a 20% Biodiversity Net Gain exceeds the statutory expectation and is inconsistent with the approach set out in the adopted and emerging National Planning Policy Framework (NPPF).

2.43 Whilst out for consultation, the draft NPPF proposes that local plans should not seek BNG contributions above the statutory requirement except in limited circumstances, specifically where higher levels of gain can be robustly justified for particular allocated sites, and not as a blanket policy. The intention is to ensure that BNG is applied in a proportionate and consistent manner across local planning authorities, supporting nature recovery while maintaining viability and deliverability.

2.44 PHSW maintain that the BNG requirement within the emerging Local Plan should be aligned with the national policy position, and the imposition of a 20% BNG standard is not justified under the emerging NPPF framework and will negatively affect the deliverability of housing

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Our attendance is necessary to effectively discuss the points raised in these representations.

Full name: Phillippa Gatehouse

Organisation (where relevant): C G Fry & Son Ltd

Other party name (if relevant): Mr & Mrs Cowling

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy should be deleted

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

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Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: The additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

The Landowner supports the objective to protect and enhance the natural environment and support an increase in biodiversity, but objects to draft Policy PB05.

5.21?? Strategic Policy PB05 requires a minimum of 20% biodiversity net gain is expected to be demonstrated for major development proposals. The National legislative framework requires the provision of 10% biodiversity net gain. Policy PB05 is not sound, and has no justification for the increased requirement of 20% biodiversity net gain as opposed to 10%.

5.22?? This policy is not found to be sound due to lack of justification and lack of positive preparation through lack of consideration of suitable alternatives.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: We propose that Policy PB05 be amended to accord with the national legislative requirement for delivery of 10% BNG for major development.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB05 requires, unless there is a demonstrable viability concern, major development proposals to deliver a net gain of biodiversity of at least 20%, calculated using the most up-to-date statutory metric.

7.49 The Cherwell Group have a number of concerns regarding emerging Strategic Policy PB05, including: ? consistency with national planning policy and guidance; ? other concerns; and ? consistency with evidence.

7.50 Each is addressed in turn below. SECOND EAST DEVON LOCAL PLAN
PUBLICATION DRAFT CONSULTATION 54 Consistency with national planning policy and guidance

7.51 The Cherwell Group consider that the requirement for a minimum 20% net gain for biodiversity to not be based on proportionate or credible evidence. The PPG confirms⁴⁰ that: “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development.”

7.52 The Cherwell Group do not consider that the tests outlined in the PPG to justify a higher percentage than the statutory minimum have been met and therefore the higher percentage proposed in Strategic Policy PB05 is not justified.

7.53 An analysis of each of the requirements set out in the PPG is provided below. Local need

7.54 The justification for the 20% target is provided within para. 13.25 of the emerging Local Plan. The justification includes the District housing significant conservation assets, substantial environmental designations and the need to accommodate high development pressures. This justification, however, is not unique to East Devon. Indeed, the Cherwell Group is aware that the neighbouring authority, Teignbridge District Council, is proposing a net gain that aligns with the statutory minimum⁴¹, despite housing: ? two Special Areas of Conservation; ? a Special Protection Area; ? 18 Sites of Special Scientific Interest; ? 1,200ha of ancient woodland; and ? 160 County Wildlife Sites.

7.55 It also has significant development pressures.

7.56 Moreover, even if the justification provided is accepted as the evidence to suggest that a net gain greater than 10% was justified, no evidence is provided to suggest that the appropriate level is 20%.

7.57 The Cherwell Group also note that para. 13.25 of the Policy's supporting text states that: "Recent evidence suggests that a 10% BNG target without species management provides negligible gains. Therefore, the council applies the precautionary principle to ensure effective biodiversity gains. Increasing BNG to 20% is feasible and necessary for significant ecological benefits."

7.58 The underlying principle of biodiversity net gain is that habitats are a proxy for biodiversity. If the statutory minimum requirement is, as is being suggested, only providing negligible net gains, then it is unlikely that an increase in the quantum of similar habitats to achieve a 20% net gain will resolve the issue, as it will continue to result in the same habitats being provided, which are not working, and for those habitats to be managed in the same way. 40 MHCLG, Planning Practice Guidance, Biodiversity Net Gain, Paragraph: 006 Reference ID: 74-006-20240214 41 Teignbridge Local Plan Main Modifications, Policy EN10. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 55

7.59 Certainly, the Cherwell Group can find no evidence to suggest that the increase is necessary for ecological benefits. Ordinarily, it would be expected that to justify a higher requirement, there would be a need to demonstrate that species/habitat loss and fragmentation is higher in East Devon compared to the national position, but no such evidence has been provided. Local opportunities for a higher percentage

7.60 No evidence has been provided to suggest that a 20% net gain is feasible in East Devon. In other areas of the Country (e.g. Tower Hamlets), where previously developed land has been used to meet the majority of identified need, achieving a higher net gain than the statutory minimum is relatively easy, as the baseline is either extremely low, or zero.

7.61 However, in East Devon’s case, as confirmed in the Plan’s Sustainability Appraisal⁴², previously developed land that has been assessed as being potentially suitable for redevelopment is a “relatively small proportion of overall potential land supply,” meaning that most development will be proposed on undeveloped land, including agricultural land. Whilst this may be considered to be of a relatively low ecological value, in many cases, this does not necessarily equate to a low biodiversity net gain baseline, particularly in comparison to previously developed land. Consequently, the achievement of a 20% net gain will be harder to demonstrate.

7.62 In East Devon’s case, no analysis has been provided to suggest that there is sufficient land available to demonstrate that the proposed 20% requirement is feasible.

7.63 It is the experience of the Cherwell Group’s ecologist, GE Consulting, that achieving a 10% net gain on site is difficult to achieve. The higher requirement of 20% is likely to lead to an increased requirement for the use of off-site credits. This will place additional demand on habitat banks, but at present, there are no registered habitat banks within East Devon on the National Register and only one potential bank is identified on the Devon Off-Site Biodiversity Net Gain Survey Map⁴³, which is listed as being under discussion with the Local Planning Authority.

7.64 Suitable habitat banks will be even harder to establish, due to: ? the emerging Policy limiting offsetting to within, adjacent to or contributing to the Nature Recovery Network (see Strategic Policy PB06); and ? restrictions on habitat creation are placed on sites within a 13km zone around Exeter Airport, reducing the opportunity for meaningful habitat creation in this location, which is, in any event, an area where strategic development is proposed.

7.65 Given the lengthy process for establishing a habitat bank, it is likely that there will be a deficit in locally available habitat banks at the point that the emerging Policy would come into effect (2027/28).

7.66 Whilst, as is confirmed at paras. 13.26 and 13.27 of the emerging Plan that “BNG can be integrated with SANG and other mitigation measures” and “BNG delivery opportunities also exist through nutrient neutrality and Landscape Recovery schemes,” such locations are subject of the additionality rules, whereby this can only be used up to no net loss and not the full requirement.

7.67 Given the above, there is the potential, given the lack of readily available opportunities, that the proposed Policy approach could stifle development coming forward. ⁴² Page 136. ⁴³ <https://www.devon.gov.uk/environment/wildlife/biodiversity-net-gain/devon-biodiversity-net-gain-map> SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 56 Viability

7.68 A net gain requirement of 20% will have an impact on development viability.

7.69 Work undertaken by DEFRA has demonstrated that a 20% net gain requirement would add c.19% to the net gain costs, to the minimum requirement of 10%⁴⁴. It is instructive to note that this cost input appears to have been used within the emerging Local Plan's viability work. However, rather than concluding that 20% was the most appropriate level, the DEFRA impact assessment concluded that: "While this suggests that varying the level of net gain between 5% and 20% has very limited impact on the outcome, there is a trade-off between cost implications for developers and the likelihood of net gain being delivered at a national level (e.g. less costly/likely at 5% net gain compared to 10%, and vice versa for 20%). Our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues."

7.70 A higher net gain requirement may also, for the reasons set out above, require off setting. With limited opportunities available within East Devon, the price of off-site credits may mean that costs increase to a higher level than is assumed in DEFRA's work, which has been taken forward into the Council's own evidence base⁴⁵.

7.71 Given the conclusions above, it is considered that a more justified and effective conclusion would be, for the same reasons as set out within DEFRA's work, to reflect the national position. Other concerns

7.72 The Cherwell Group note that the emerging Policy requires, where off-site habitats are created or enhanced to deliver net gain, in full or in part, for the delivery to be provided within the locality of the impact. Notwithstanding that this does not necessarily meet national guidance regarding biodiversity net gain (i.e. it ignores the spatial multiplier rules), for the reasons set out above, it will, for the area where the majority of development within East Devon is being proposed, be difficult to achieve, for there are restrictions on habitat creation within 13km of Exeter Airport. Consistency with evidence

7.73 Table 3.1 of the 'East Devon – Options Appraisal for a Potential New Settlement' Report confirms that the assessment was undertaken on the basis of a 10% biodiversity net gain requirement, rather than the 20% contained within the emerging policy.

Summary

7.74 The assessment work provided above clearly demonstrates that there is, against the test provided by the PPG, no evidential basis for applying a policy requirement for a 20% biodiversity net gain. No locally specific circumstances have been identified that demonstrate a need for a higher requirement (any higher requirements than 10%, including 20%), that there are opportunities locally to meet the higher requirement and that it would not impact on development viability.

7.75 Consequently, the Cherwell Group consider that Strategic Policy PB05 is, as currently drafted, ineffective, unjustified and not consistent with national planning policy. It is therefore unsound.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The national minimum biodiversity net gain level (10%) should be taken forward in future versions of the Plan.

Suggested changes “Major All development proposals will need to deliver biodiversity net gain (BNG) of at least 20% 10% to be calculated using the most up-to-date statutory metric. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full. Non-major developments will be required to secure at least 10% BNG.” And “Where offsite habitats are created or enhanced to deliver BNG, in full or in part, the delivery should be provided within the locality of the impact and contribute to ecological networks and published strategies in accordance with BNG principles.”

Full name: Alex Bullock

Organisation (where relevant): LVA

Other party name (if relevant): Clyst Honiton (Holdings) LVA LLP

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: PB05: Biodiversity Net Gain – the proposed policy requirement for all major development for BNG should be at least 20%. We are of the view that there is no compelling evidence to require an elevated level where development proposals would otherwise be expected to achieve the statutory 10%. No compelling or thorough justification to support such a policy request. Equally government guidance is clear on this matter with the Planning Practice Guidance with no evidence provided on the impacts of viability of delivering 20% nor evidence for why it could be justified as being necessary.

Full name: James McMurdo

Organisation (where relevant): McMurdo Land Planning and Development Ltd

Other party name (if relevant): Stuart Partners Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: McMurdo Land Planning and Development Ltd on behalf of Stuart Partners Ltd.

Objection (maintained) Reasons (as per previous representations)

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Delete the policy, rely on statutory provisions and the NPPF, and focus on securing 10% BNG as required by statute.

Full name: James McMurdo

Organisation (where relevant): McMurdo Land Planning and Development Ltd

Other party name (if relevant): Stuart Partners Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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Objection (maintained) Reasons (as per previous representations))

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Full name: Laura Grimason

Organisation (where relevant): Pegasus Group

Other party name (if relevant): Taylor Wimpey Strategic Land

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The requirement for all major housing developments of 10 or more homes to deliver a BNG of at least 20% is onerous and will add costs to developments. All developments should only be required to deliver the national minimum requirement of 10% BNG. The provision of in excess of 10% BNG is a benefit of development that can be weighed in the planning balance but this should not be translated into a policy requirement. 10% Biodiversity Net Gain is now mandatory for all major developments (as of 12th February 2024) and all non-major developments (as of 2nd April 2024) as required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The National Planning Policy Guidance (NPPG) at Paragraph: 006 Reference ID: 74-006-20240214, confirms that plan-makers should not seek a higher percentage than the statutory 10% for BNG on an area wide or site wide basis unless justified and considering viability and implementation. The consultation document does not set out a robust justification for this and a BNG requirement exceeding 10% could give rise to issues relating to viability and implementation in some cases.

Full name: Emma Morrison

Organisation (where relevant): Pegasus Group

Other party name (if relevant): The Co-op Group Food Ltd.

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: It is noted that this policy seeks a 20% net gain in biodiversity for major developments. Non-major developments are only expected to deliver the mandatory requirement of 10%.

4.50. The supporting text refers to ENV-025 - Nature Recovery Declaration (2023), but this does not provide any justification or evidence to pursue a 20% gain in BNG. It appears to address the need to prepare a Local Nature Recovery Strategy (LNRS), which reads to be a legal requirement of the Environment Act (2021).

4.51. PPG2 states that "Plan-makers should not seek a higher percentage than the stator objective of 10% biodiversity net gate, either on an area-wide basis or for specific allocations for development unless justified."

4.52. Without any evidence to support the 20% position, this policy as worded does comply with NPPF para 36 as it is not positively prepared as it will place a significant burden on development which is not justified and is not aligned with wider legislation in the form of the Environment Act 2021.

Full name: Damian Lynch

Organisation (where relevant): Planning Issues

Other party name (if relevant): Churchill Living and McCarthy Stone

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Within the context of the above considerations [see attachment for this representor], Strategic Policy PB05: Biodiversity Net Gain is considered to be unsound given the evidence base underpinning each of these has not justified the requirements.

The policy states: "Major development proposals will need to deliver biodiversity net gain (BNG) of at least 20% to be calculated using the most up-to-date statutory metric. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full. Non-major developments will be required to secure at least 10% BNG."

The Council's commitment towards biodiversity net gain in the Authority is commendable. The requirement for 20% Biodiversity Net Gain (BNG) however is more than the requirements set out in The Environment Act 2021.

As highlighted in our original submissions: The 20% BNG requirement appears counterintuitive for urban areas / previously developed sites. Such sites are generally small in area and built to higher densities, with a benefit being a commensurate reduction in the need to bring forward greenfield sites, which is inherently beneficial to biodiversity.

The additional planting required to achieved 20% net BNG requirement in urban areas may require a reduction in densities in sites. While it can be argued that urban sites tend to have lower baseline BNG and so the measures required to achieve 20% BNG may be relatively limited, the benefits are commensurately slight and outweighed by the costs of the associated long-term management and monitoring costs.

The council's plan wide viability study demonstrates that this requirement is not viable on older persons housing development outside of VA1 of the study.

In addition, the council should note that the draft NPPF that is currently out consultation states at policy N1 para 2 that 'Development plan should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations and is fully justified and deliverable'.

The requirement should therefore also be reduced to 10% to ensure the plan is consistent with the draft NPPF on adoption.

It is therefore our view that a 20% BNG requirement is not justified and it is recommended that this requirement is only applied subject to a viability clause and that the minimum percentage is 10% in line with the regulations.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: [see 3(b)] - The requirement should therefore also be reduced to 10% to ensure the plan is consistent with the draft NPPF on adoption.

It is therefore our view that a 20% BNG requirement is not justified and it is recommended that this requirement is only applied subject to a viability clause and that the minimum percentage is 10% in line with the regulations.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Given the seriousness of these issues, we would therefore be grateful if we could be notified of the forthcoming examination stages and opportunities to explain these issues further in front of the appointed Inspector(s).

Full name: Elliot Jones

Organisation (where relevant): Planning Potential

Other party name (if relevant): Bloor Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy continues to require a minimum biodiversity net gain of 20% for major development. However, having regard to the NPFF consultation, it is strongly implied that requirements exceeding the national mandatory baseline of 10% should apply only in limited and clearly justified circumstances. In particular, higher BNG targets should only be supported by site-specific evidence and be restricted to defined allocations within the development plan where deliverability and viability have been fully tested. In the absence of clear, allocation-specific justification, a blanket requirement for 20% BNG is not sufficiently robust and risks placing unnecessary burdens on development. To ensure consistency with the emerging context of the Framework and to meet the tests of soundness, the authority should not seek to impose biodiversity net gain levels above the national requirement unless a clear and proportionate evidence base demonstrates that such an uplift is necessary, deliverable and viable. As such, Bloor Homes' objection is maintained on the above basis.

Full name: Dan Yeates

Organisation (where relevant): Savills

Other party name (if relevant): Sidbury Manor Estate

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: We note that no substantive changes have been proposed to this draft policy since the first Regulation 19 consultation draft, and we therefore continue to object to this policy as currently worded. Most importantly, the draft policy continues to include the requirement for major development to deliver at least 20% BNG. As set out in our previous representations, the PPG is very clear that there is no need for local planning policy to repeat national BNG requirements, and that local plans “should not seek a higher percentage than the statutory objective of ten per cent biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified”. It adds: “to justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.” As a result of the above, the Council must revisit this draft Policy prior to the submission of the draft plan.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: In order to represent the interests of The Sidbury Manor

Estate in relation to their interests in the Land west of Two Bridges Road, Sidford (Sidm_06a), and other draft policies in the plan.

Full name: Dan Yeates

Organisation (where relevant): Savills

Other party name (if relevant): Sidbury Manor Estate

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: In order to represent the interests of The Sidbury Manor Estate in relation to their interests in the Land west of Two Bridges Road, Sidford (Sidm_06a), and other draft policies in the plan.

Full name: Dan Yeates

Organisation (where relevant): Savills

Other party name (if relevant): Sidbury LVA LLP

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: See enclosed representations

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: See enclosed representations

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: See enclosed representations We note that no substantive changes have been proposed to this draft policy since the first Regulation 19 consultation draft, and we therefore continue to object to this policy as currently worded. Most importantly, the draft policy continues to include the requirement for major development to deliver at least 20% BNG. As set out in our previous representations, the PPG is very clear that there is no need for local planning policy to repeat national BNG requirements, and that local plans “should not seek a higher percentage than the statutory objective of ten per cent biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified”. It adds: “to justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a

higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.”

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: See enclosed representations As a result of the above, the Council must revisit this draft Policy prior to the submission of the draft plan.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.: See enclosed representations

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: In order to represent the interests of Sidbury LVA LLP in relation to their interests in the Land south of Furzehill, Sidbury (SIDM_34), and other draft policies in the plan.

Full name: Dan Yeates

Organisation (where relevant): Savills

Other party name (if relevant): 3West Developments Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Strategic Policy PB05: Biodiversity Net Gain We note that no substantive changes have been proposed to this draft policy since the first Regulation 19 consultation draft, and we therefore continue to object to this policy as currently worded. Most importantly, the draft policy continues to include the requirement for major development to deliver at least 20% BNG. As set out in our previous representations, the PPG is very clear that there is no need for local planning policy to repeat national BNG requirements, and that local plans “should not seek a higher percentage than the statutory January 2026 10 objective of ten per cent biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified”. It adds: “to justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.” As a result of the above, the Council must revisit this draft Policy prior to the submission of the draft plan.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Revisit the policy

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

Strategic Policy PB05: Biodiversity Net Gain We note that no substantive changes have been proposed to this draft policy since the first Regulation 19 consultation draft, and we therefore continue to object to this policy as currently worded. Most importantly, the draft policy continues to include the requirement for major development to deliver at least 20% BNG. As set out in our previous representations, the PPG is very clear that there is no need for local planning policy to repeat national BNG requirements, and that local plans “should not seek a higher percentage than the statutory January 2026 10 objective of ten per cent biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified”. It adds: “to justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.” As a result of the above, the Council must revisit this draft Policy prior to the submission of the draft plan.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Revisit the policy

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: In order to represent the interests of 3West Group in relation to their interests in the Land north and east of Exton Farm (Wood_28), and other draft policies in the plan.

Full name: Cara Chambers

Organisation (where relevant): Stantec

Other party name (if relevant): KCS Development

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

This policy notes that major proposals will need to deliver a BNG of at least 20%. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full.

4.4.2 The mandatory requirement for Biodiversity Net Gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), means that developers must deliver a BNG of 10%.

4.4.3 The submitted plan wide viability document (January 2025) references the Government's impact assessment (published with the consultation on the amendments to the Environment Act), which suggests that this will increase costs to developers by 19%. The November 2025 addendum to the viability document outlines that there were representations submitted in the first consultation stating that there would be issues with a higher BNG delivery and viability. However, there is no further evidence or assessment presented in this addendum and it is simply stated that the delivery of 20% BNG on all sites has already been considered in terms of viability.

4.4.4 This higher requirement would undoubtedly increase costs for developers and reduce viability, and this has significant implications for housing delivery as almost all larger allocations in the plan are on greenfield land which has inherently higher ecological value than brownfield land. An increased BNG burden is a direct risk to deliver of sites. The Sustainability Appraisal for the Local Plan, when assessing policy PB05, concludes that there could be a negative effect on housing delivery if the 20% BNG was implemented. The council expect to deliver 1,837 windfall dwellings and 9,373 dwellings on allocated sites to meet housing requirements, and this 20% BNG may mean sites are not viable to deliver. Furthermore, it is unclear whether the proposed site

allocation areas and yields have been calculated with the higher BNG requirement in mind. This again places further pressure on these allocations and overall delivery.

4.4.6 Therefore, Policy PB05 is unsound and the BNG requirement should be 10%.

Full name: Nathan Price

Organisation (where relevant): Tetlow King Planning

Other party name (if relevant): South West Housing Association Planning Consortium

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Draft Policy PB05 states that “Major development proposals will need to deliver biodiversity net gain (BNG) of at least 20% to be calculated using the most up-to-date statutory metric”. Currently, the SHWAPC strongly disagrees that a higher than 10% requirement for BNG should be sought as an increased BNG requirement will reduce the delivery of affordable housing across East Devon. Furthermore, the PPG guidance specifies that: “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.” (Paragraph: 006 Reference ID: 74-006-20240214) The Council should already be aware that the Government is currently proposing to limit the circumstances in which plans may seek biodiversity net gain contributions which exceed the statutory requirement. The ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’ consultation document dated December 2025 states that: “Biodiversity net gain plays an important contribution to nature recovery, but needs to be applied in a proportionate and consistent manner across local planning authorities. Reflecting this, requirements which exceed the statutory expectations are proposed to be limited to circumstances in which higher levels of gain can be justified on specific sites being allocated in the development plan, where this would not be on sites that are exempt from the statutory requirement.” Achieving a 10% Biodiversity Net Gain already represents a significant cost burden on development and is constraining to housing delivery. It is difficult to see how the level of affordable housing sought could be delivered alongside a 20% Biodiversity Net Gain requirement in a viable manner. In

practice, one or other requirement would need to be reduced, resulting in the likelihood of viability challenges on the vast majority of applications submitted to EDDC.

Full name: Harvey Wingfield

Organisation (where relevant): tor&co

Other party name (if relevant): D White Farms Limited

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: N/A

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Policy PB05 requires major developments to deliver at least 20% Biodiversity Net Gain (BNG), which exceeds the statutory minimum of 10% required by the Environment Act 2021 and associated government guidance. The National Planning Practice Guidance (Para 006, Reference ID: 74-006- 20240214) is clear that: “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”. Part 2 of N1 (Identifying environmental opportunities and safeguards) of the draft NPPF (December 2025) confirms: “Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations, and is fully justified and deliverable. Any such requirements should not extend to categories of development which are exempt from statutory biodiversity net gain”. Policy PB05 does not provide proportionate evidence to justify a 20% requirement, as such, the policy is inconsistent with national guidance and the emerging draft NPPF, and is therefore not legally compliant.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in

respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: “major development must deliver a minimum of 20% Biodiversity Net Gain”. Proposed wording: “major development must deliver a minimum of 10% Biodiversity Net Gain in accordance with the requirements of the Environment Act 2021”. This modification would align the policy with national legislation, national policy and Planning Practice Guidance and would ensure that the policy is legally compliant.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: N/A

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB05 is not sound because it requires major development to deliver 20% Biodiversity Net Gain, exceeding the statutory national requirement of 10% without robust evidence or justification. National Planning Practice Guidance (Paragraph 006, Reference ID: 74-006- 20240214) confirms that higher percentages must be clearly justified, which Policy PB05 fails to do. The policy therefore fails the tests of soundness as set out in paragraph 36 of the NPPF as it is: • Not justified – it is not supported by proportionate evidence • Not effective – exceedance risks undermining development viability and delivery • Not consistent with national policy – it conflicts with national guidance on Biodiversity Net Gain The exceedance risks undermining the viability of major development proposals and could adversely affect the delivery of housing and employment development across the district.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: “major development must deliver a minimum of 20% biodiversity net gain”. Proposed wording: “major development must deliver a minimum of 10% biodiversity net gain in accordance with the requirements of the Environment Act 2021 and associated regulations”. This modification aligns the policy with national legislation, national policy and Planning Practice Guidance and ensures the policy is justified, effective and

deliverable. The modification will therefore ensure that Policy PB05 is sound in accordance with the tests set in paragraph 36 of the NPPF.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Our Outstanding Biodiversity and Geodiversity chapter's compliance with the duty to co-operate, please use this box to set out your comments.: N/A

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.: N/A

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To explain why the proposed 20% Biodiversity Net Gain requirement is inconsistent with national policy and guidance (Paragraph 006, Reference ID: 74-006-20240214), could undermine the viability and deliverability of major development proposals, and to advocate for a reduction to 10% to ensure legal compliance and soundness.

Full name: Harvey Wingfield

Organisation (where relevant): tor&co

Other party name (if relevant): D White Farms Limited

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: N/A

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Policy PB05 requires major developments to deliver at least 20% Biodiversity Net Gain (BNG), which exceeds the statutory minimum of 10% required by the Environment Act 2021 and associated government guidance. The National Planning Practice Guidance (Para 006, Reference ID: 74-006- 20240214) is clear that: “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”. Part 2 of N1 (Identifying environmental opportunities and safeguards) of the draft NPPF (December 2025) confirms: “Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations, and is fully justified and deliverable. Any such requirements should not extend to categories of development which are exempt from statutory biodiversity net gain”. Policy PB05 does not provide proportionate evidence to justify a 20% requirement, as such, the policy is inconsistent with national guidance and the emerging draft NPPF, and is therefore not legally compliant.

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in

respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: “major development must deliver a minimum of 20% Biodiversity Net Gain”. Proposed wording: “major development must deliver a minimum of 10% Biodiversity Net Gain in accordance with the requirements of the Environment Act 2021”. This modification would align the policy with national legislation, national policy and Planning Practice Guidance and would ensure that the policy is legally compliant.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: N/A

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB05 is not sound because it requires major development to deliver 20% Biodiversity Net Gain, exceeding the statutory national requirement of 10% without robust evidence or justification. National Planning Practice Guidance (Paragraph 006, Reference ID: 74-006- 20240214) confirms that higher percentages must be clearly justified, which Policy PB05 fails to do. The policy therefore fails the tests of soundness as set out in paragraph 36 of the NPPF as it is: • Not justified – it is not supported by proportionate evidence • Not effective – exceedance risks undermining development viability and delivery • Not consistent with national policy – it conflicts with national guidance on Biodiversity Net Gain The exceedance risks undermining the viability of major development proposals and could adversely affect the delivery of housing and employment development across the district.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Current wording: “major development must deliver a minimum of 20% biodiversity net gain”. Proposed wording: “major development must deliver a minimum of 10% biodiversity net gain in accordance with the requirements of the Environment Act 2021 and associated regulations”. This modification aligns the policy with national legislation, national policy and Planning Practice Guidance and ensures the policy is justified, effective and

deliverable. The modification will therefore ensure that Policy PB05 is sound in accordance with the tests set in paragraph 36 of the NPPF.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Our Outstanding Biodiversity and Geodiversity chapter's compliance with the duty to co-operate, please use this box to set out your comments.: N/A

4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.: N/A

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To explain why the proposed 20% Biodiversity Net Gain requirement is inconsistent with national policy and guidance (Paragraph 006, Reference ID: 74-006-20240214), could undermine the viability and deliverability of major development proposals, and to advocate for a reduction to 10% to ensure legal compliance and soundness.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

In our response to the first Regulation 19 consultation HBF provided detailed comments on the Biodiversity Net Gain policy and highlighted the error in the Council's understanding of how the policy is intended to work in practice. As we said in our previous response there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy.

We highlighted the need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected species) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggested that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

It is disappointing that no changes have been made to address these concerns. As the Council know national BNG came in for large sites on Feb 12th 2024, and for small sites from 2nd April 2024. Any local BNG policy must therefore reflect all the BNG legislation and national policy as well as the DEFRA and MHCLG guidance.

It remains the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure. It remains HBF's position that we need to get 10% BNG working properly before looking to go any further. The Dec 2025 NPPF consultation clearly sets out the Government wish to stop the plethora of Local Plan policies with different targets for BNG.

HBF was involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness. This work continues through our role on the FHH BNG Implementation Board and Com-munity of Practice. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

As mentioned earlier, the Government (via DEFRA) recently undertook a consultation on potential re-visions to the national BNG requirement and is now intending that sites under 0.2 Ha are exempt from BNG. The current NPPF (Dec 2025) consultation indicates that the only time where it may be appropriate to seek more than 10% BNG through local policy relates to allocations, and even then only where this is clearly evidenced and justified. BNG implementation is an area of work being led by DEFRA and is required under the Environment Act. The Plan will need to be amended to reflect the current BNG policy as set out by DEFRA and reflect any changes to how BNG has been operationalized.

If a Local Plan policy on this issue is to remain within the Plan, than reference should be made to the BNG hierarchy which prioritises on-site BNG delivery where possible, then the purchase of off-site units and finally the purchase of statutory credits (as mentioned earlier this is different to the biodiversity hierarchy for addressing impacts on protected species). Although the last sentence of the second paragraph references this point, the wording is confusing and muddled and does not set out the hierarchy.

HBF would also question the justification for making good practice guidance a mandatory part of the East Devon policy requirements and the requirement for all off-site BNG to contribute to the LNRS. This is not how the LNRS is intended to be used, and does not reflect the national approach to BNG and the Government's support for development of a market in off-site BNG units. Any reference to the biodiversity metric should refer to the both the statutory BNG metric and/or the Small Site Metric (SSM) as

both can be used on small sites, and there is no requirement for an ecologist to use the SSM. It is not appropriate for the East Devon Local Plan to seek BNG on sites that are exempt from providing it. For example, the exemption for self-build has been established nationally. The Dec 2025 NPPF consultation clearly sets out that the Government agrees that this is simply not appropriate.

HBF continue to suggest that significantly more information, assessments and analysis around BNG, and Viability (for BNG and viability more generally) is needed to support the new East Devon Local Plan. There remain significant additional costs associated with biodiversity gain, which will need to be fully accounted for in the Council's viability assessment. It is important that BNG does not prevent, de-lay or reduce housing delivery. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussions, any policy requirements over 10% can be. Any BNG policy has to make this position clear.

It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

The costs of BNG be considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are still unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should have clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.

HBF would also continue to request that the Local Plan allocation policies fully consider the issue of delivering against the new BNG requirements. This should include undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

The current BNG Guidance is clear that going beyond the mandatory 10% requires evidence and there is a need to show that this will not impact viability. HBF are not aware of any evidence that has been provided that would support a higher figure in East Devon. The introduction of mandatory BNG is still a fairly new national policy requirement and it remains important for the viability implications of this new policy is considered in the whole plan viability assessment on the East Devon Local Plan. It remains very important to understand if this non-negotiable national policy requirement has any knock-on implications for other policy areas ‘asks’, notably the amount of affordable housing that can be de-livered. Requested more than 10% creates more challenges for sites where the 10% national mandatory requirement may already be challenging.

In our first Reg 19 response we requested that the BNG Policy and supporting text was updated to reflect the timeframes for the development of the LNRS for Devon. We welcome the additions to para 13.29 which clarify this, but there will still be a need to ensure this information is kept up to date.

BNG also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing.

HBF request the policy and supporting text are updated to properly reflect how BNG is being implemented in practice, and the viability assessment will also need to include up-to-date BNG costs which reflect the true costs in terms of land take, financial costs and impact on time in bringing schemes forward. As currently written the Plan is in conflict with national policy and unsound.

148. We also note that Mandatory BNG could apply to some new applications in Cranbrook, as currently drafted the Plan is silent on how this issue will be addressed in that area, suggesting within the policy wording that BNG does not apply in Cranbrook- which is simply incorrect. As such this policy is also unsound for this reason.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: HBF request the policy and supporting text are updated to properly reflect how BNG is being implemented in practice, and the viability assessment will also need to include up-to-date BNG costs which reflect the true costs in terms of land take, financial costs and impact on time in bringing schemes forward.

See 3(b) for detail

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Strategic Policy PB05: Biodiversity Net Gain (BNG):

Natural England currently supports the Council's ambition to require 20% BNG for major developments. Given East Devon's high environmental value and the scale of proposed loss of greenfield land, aiming above the statutory 10% of the Environment Act 2021 will help to embed Lawton principles into plan making.

It is worth noting however that Policy N1:2 of the draft NPPF December 2025 (out for consultation on the date of this response) states that "development plans should only set local biodiversity net gain standards above the statutory requirement where these relate to specific site allocations and are fully justified and deliverable." Link to: National Planning Policy Framework: draft text for consultation.

We welcome the policy requirement that off-site BNG should prioritise the Nature Recovery Network (NRN) and Local Nature Recovery Strategy (LNRS) priorities (Policy PB06).

PB06

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Strategic Policy PB06 of the Draft Plan addresses the Local Nature Recovery Strategy and Nature Recovery Network.

5.24?? The accompanying EA notes that the limitation of provision of off-site biodiversity provision only within the overall NRN could limit opportunities to deliver otherwise important ecology and biodiversity gains in alternative locations. The proposed allocation (Otry_21) provides opportunities to protect and enhance habitats in the area, particularly the riparian corridor of the River Otter, and therefore complements Strategic Policy PB06.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

7.76 The Cherwell Group object to Strategic Policy PB06.

7.77 As currently drafted, the proposed Policy places an expectation that any off-site biodiversity net gain, or other off-site biodiversity contributions tied to a planning permission for development will be located within, adjacent or otherwise contribute to the national recovery network.

7.78 This, however, seemingly runs counter to the national approach adopted, which incorporates a hierarchy and a spatial risk multiplier embedded within the national approach to biodiversity net gain.

7.79 It is therefore inconsistent with national planning policy. Moreover, no evidence has been provided to justify this approach.

Full name: Emma Morrison

Organisation (where relevant): Pegasus Group

Other party name (if relevant): The Co-op Group Food Ltd.

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: This policy sets out a series of statements relating local nature recover and also BNG. Given the wording of Policy PB05, PB06 does not appear to be particularly effective, they should be deleted as a policy.

4.54. As set out above, Local Nature Recovery Strategies are a legal requirement from the Environment Act 2021. There is no need to repeat their requirements within the emerging Development Plan and the NPPF notes at para 201 that “Planning decisions should assume that these regimes will operate effectively”.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

The wording of this policy conflicts with how BNG is intended to work in practice, see comments in response to policy PB4: Biodiversity Net Gain. It is possible under national BNG policy for off-sites units to be purchased outside of the District, or even County, and the metric already considers this issue in its calculations. The policy needs amending to remove this conflict. As currently written this policy is unsound.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: See 3(b)

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB06: Local Nature Recovery Strategy (LNRS) and Nature Recovery Network (NRN):

It is noted that the Draft Devon LNRS has now been finalised and therefore presumably close to adoption by East Devon District Council.

Natural England fully supports the expectation that off-site BNG should be delivered within identified NRN areas. This represents a strong and positive application of the Lawton Principles within plan-making.

We welcome the requirement for biodiversity improvements to align with the opportunities identified within the LNRS. However the phrase “...required to provide mitigation in the form of biodiversity improvements...” is a little confusing. Mitigation is usually associated with avoiding or reducing harm, and therefore not necessarily achieved directly through “biodiversity improvements”. Again we have written possible wording below to demonstrate our point.

“Development proposals within NRN areas must, after applying the mitigation hierarchy, deliver biodiversity enhancements that contribute to net improvements within, or directly relevant to, the NRN.”

Please note that with an established NRN, the Local Plan is now able to safeguard any High Opportunity Areas of the NRN (Areas that could become of importance to biodiversity) through policy and policy mapping. This could be areas with high strategic value in terms of future functional links to existing green infrastructure, active travel routes, transport corridors, or other nearby components of the NRN.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: we have written possible wording below to demonstrate our point:

“Development proposals within NRN areas must, after applying the mitigation hierarchy, deliver biodiversity enhancements that contribute to net improvements within, or directly relevant to, the NRN.”

Please note that with an established NRN, the Local Plan is now able to safeguard any High Opportunity Areas of the NRN (Areas that could become of importance to biodiversity) through policy and policy mapping. This could be areas with high strategic value in terms of future functional links to existing green infrastructure, active travel routes, transport corridors, or other nearby components of the NRN.

PB07

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: In relation to Policy PB07 swift boxes should be mandatory in all appropriate buildings.

Full name: Michael Priaulx

Organisation (where relevant): Swifts Local Network: Swifts & Planning Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Supportive of the inclusion of a detailed swift bricks requirement, especially following the publication of NPPG Natural Environment paragraph 017 in June 2025 which reinforces the East Devon policy PB07.

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Michael Priaulx

Organisation (where relevant): Swifts Local Network: Swifts & Planning Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Added text "or others of equivalent value" is not sound or effective as it's not defined in any way.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Please amend to "or others of equivalent value as agreed by the local authority," to make this addition sound and effective.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To provide further information, if required.

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Whilst Taylor Wimpey supports the overall principle of this policy, and the importance for new development to deliver ecological enhancements, it is disappointing that the policy has not been amended to reflect the comments made during the previous Regulation 19 Consultation

We have significant concerns, however, regarding the lack of flexibility within the policy wording, which states the following requirements:

- One integrated bird box per dwelling;
- Provision of integrated bat boxes;
- An integrated bat loft within all major developments;
- Gaps in fences to facilitate the movement of hedgehogs; and
- Provision of overhanging eaves for nesting house martins in all major developments.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: It is reiterated that additional flexibility should be provided within the policy wording to allow ecological enhancement features to be determined on a case-by-case basis and to be

influenced by site context and ecological opportunities for example one bat box or bird box per dwelling.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Our attendance is necessary to effectively discuss the points raised in these representations.

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Vistry Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Policy PB07: Ecological Enhancement and Biodiversity in the Built Environment

2.75 Policy PB07 now states that as a minimum, the detailed features or others of equivalent value are sought within new proposals. This amendment is supported by Vistry as it provides additional flexibility for ecological enhancement features to be determined on a case-by-case basis and to be influenced by site context and ecological opportunities.

2.76 Vistry therefore support Policy PB07 and recognise the importance for new development to deliver ecological enhancements.

Full name: Laura Grimason

Organisation (where relevant): Pegasus Group

Other party name (if relevant): Taylor Wimpey Strategic Land

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Whilst Taylor Wimpey supports the overall principle of this policy

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Whilst Taylor Wimpey supports the overall principle of this policy, and the importance for new development to deliver ecological enhancements, we have concerns regarding the lack of flexibility within the policy wording. Additional flexibility should be provided within the policy wording to allow ecological enhancement features to be determined on a case-by-case basis and to be influenced by site context and ecological opportunities for example one bat box or bird box per dwelling.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Additional flexibility should be provided within the policy wording to allow ecological enhancement features to be determined on a case-by-case basis and to be influenced by site context and ecological opportunities for example one bat box or bird box per dwelling.

Full name: Elliot Jones

Organisation (where relevant): Planning Potential

Other party name (if relevant): Bloor Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Bloor Homes supports in principle the objective of Policy PB07 to secure ecological enhancements within the built environment; however, the policy remains overly open-ended and lacks sufficient clarity as to the scale, form and evidential basis of the enhancements being sought. As drafted, the policy risks introducing uncertainty and duplication with other biodiversity requirements, including Biodiversity Net Gain under Policy PB05 and Habitat Regulations mitigation, with no clear distinction between what is expected to be secured through mandatory BNG, what constitutes additional on-site enhancement, and what is proportionate to different scales and types of development. In the absence of clear guidance, thresholds or a defined relationship with other biodiversity policies, there is a risk that Policy PB07 could be applied inconsistently at decision-taking stage, resulting in disproportionate and cumulative demands that have not been subject to plan-wide or allocation-level viability testing.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: To ensure the policy is effective and consistent with national policy, Policy PB07 should be refined to provide clearer parameters on proportionality, avoid double-counting of ecological measures, and confirm that any additional enhancements sought beyond BNG must be justified, site-specific and evidence-led.

Full name: Heath Nickels

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: There has been a "watering down" of the narrative in respect of this policy; For some reason, the policy has been altered to be less firm and is now open to subjective interpretation by developers.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Specifically, the original text said : "As a minimum, the following features are required within new proposals:" In this latest version it says: " As a minimum, the following features or others of equivalent value are sought within new proposals:" Thus the word 'REQUIRED' has been "watered down" to 'SOUGHT' and 'others of equivalent value' is a phrase without any supporting metrics. I believe a straight forward prescription of intent is plain and easily implemented ; conversely, words such as SOUGHT just lead to more time and energy being used by both developers and District officers / Ecologists. In essence these simple biodiversity measures are easily achievable by developers and the cost is very minimal compared to the price of each dwelling. They should be REQUIRED.....

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

The policy needs to be clearer about how it links to mandatory BNG.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy needs to be clearer about how it links to mandatory BNG.

PB08

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Policy PB08 - Tree, shrub and hedge planting should be undertaken with native species appropriate to the changing climate conditions and relevant to the species expected life span. Paragraph 3.18 The River Otter should also be referenced here as it is a potential SPA and has very poor water quality and very high phosphate levels, due to three waste water treatment plants being over capacity, even in dry weather. The Pebblebed Heaths Air Mitigation Strategy will not be achievable with the development of 700 dwellings at Exmo_20.

Full name: James McMurdo

Organisation (where relevant): McMurdo Land Planning and Development Ltd

Other party name (if relevant): Stuart Partners Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: McMurdo Land Planning and Development Ltd on behalf of *** Personal details have been removed ***

Objection (maintained singularly and cumulatively) Reasons (as per previous representations))

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Either:

- Delete the policy

Full name: Nick Matthews

Organisation (where relevant): Savills

Other party name (if relevant): Mac Mic Strategic Land

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Savills on behalf of Mac Mic Strategic Land

Policy PB08 contains extensive detail details on the approach to trees, hedgerow and woodlands on development sites. While we do not necessarily disagree with the substance of this policy, it is questionable whether such extensive details are required in policy wording and also whether there is unnecessary duplication between this policy and PB03 of the Local Plan.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

The policy needs to be clearer on how it links to mandatory BNG. Linear features such as Hedgerows, and individual trees on site, already form part of the BNG metric assessment process. It is unclear if the tree policy requirements are in addition to the BNG or can form part of it.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: needs to be clearer on how it links to mandatory BNG.

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: PB08: Trees, hedges and Woodland on Development Sites:

Policy PB08 sets out a tree-replacement approach based on existing tree girth, which is a useful method for reducing impact on existing trees within proposed development. However, as mentioned above [see NE representation for Policy DS04], the Plan also includes Policy DS04, which requires development to accord with the Natural England Green Infrastructure (GI) Framework. And this includes an Urban Canopy Cover Standard.

Until recently this Natural England GI Standard has been in development. But the Standard is now in its final stages of testing. We do not have a final publication date, but it will include a recommended canopy cover standard % and canopy-cover calculator, like those already in use in High Wycombe and Cornwall councils.

This means that soon East Devon Local Plan will have both a tree-replacement policy PB08 and a GI Policy DS04 which refers out to the NE Urban Canopy Cover Standard via the GI Framework. If it is indeed the intention of the council to use the NE GI Standards / Urban Canopy Standard, it may be useful if this is incorporated into policy PB08.

The PB04 tree replacement approach is likely in alignment with a canopy cover approach. But it may be helpful to consider how situations will be handled where tree-replacement ratios exceed canopy-cover requirements. Though this is likely to be rare.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: If it is indeed the intention of the council to use the NE GI Standards / Urban Canopy Standard, it may be useful if this is incorporated into policy PB08.

The PB04 tree replacement approach is likely in alignment with a canopy cover approach. But it may be helpful to consider how situations will be handled where tree-replacement ratios exceed canopy-cover requirements. Though this is likely to be rare.

PB09

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

Whilst the amendments to Policy PB09, which remove the obligation for the developer to contribute a financial bond equal to 25% of the calculated planning costs prior to the commencement of construction are welcomed, Taylor Wimpey continue to object to this policy, which is not justified and therefore not sound.

The draft policy requires annual inspection reports to be prepared and submitted to the Local Planning Authority for a period of 5 years following completion of the planting works. It should be recognised that developers will frequently transfer the ownership of a scheme's public open space to a management company, which would then assume responsibility for the ongoing maintenance of the planting. It is not justified for the developer, who will no longer hold any interest in the land, to be made responsible for submitting annual inspection reports to the LPA, as implied by Part B of the draft Local Plan policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: We strongly encourage this element [regarding annual inspection reports] of the policy is omitted [see 3(b)].

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Our attendance is necessary to effectively discuss the points raised in these representations.

Full name: Iwan Easton

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Vistry Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Whilst the amendments to Policy PB09 are welcomed, Vistry continue to object to Policy PB09, which is not justified and therefore not sound.

2.78 Vistry reiterate that the requirement for annual inspection reports to be prepared and issued to the LPA for a period of 5 years following completion of the planting works is not justified and should be dealt with on a case-by-case basis. As developers may not have ownership over the land as open space will often be transferred to a Management Company, whom would be responsible for the on-going maintenance of the scheme's planting, it is not justified for the developer to be held accountable for submitting annual inspection reports to the LPA.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

2.79 We strongly encourage this element of the policy to be revised or omitted.

Full name: Phillippa Gatehouse

Organisation (where relevant): C G Fry & Son Ltd

Other party name (if relevant): Mr & Mrs Cowling

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Elliot Jones

Organisation (where relevant): Planning Potential

Other party name (if relevant): Bloor Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Bloor Homes supports the principle of ensuring that newly planted trees, hedges and habitats are successfully established and maintained; however, Policy PB09 is insufficiently clear and overly onerous in its current form. The policy introduces potentially long-term monitoring, reporting and replacement obligations without clearly defining proportionate timescales, trigger points or responsibilities, and without distinguishing between requirements already secured through Biodiversity Net Gain under Policy PB05 and additional planting or landscaping measures. As drafted, Policy PB09 risks duplication of obligations, uncertainty at decision-taking stage and the imposition of ongoing maintenance and monitoring liabilities beyond those necessary to secure acceptable development, none of which appear to have been subject to plan-wide viability testing. To ensure the policy is effective and consistent with national policy, Policy PB09 should be refined to clarify the duration and scope of monitoring, limit replacement and remediation obligations to reasonable and evidenced circumstances and confirm that monitoring requirements will be proportionate to the scale of development and should not duplicate or extend beyond mechanisms already secured through BNG or other approved ecological management plans.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: To ensure the policy is effective and consistent with national policy, Policy PB09 should be refined to clarify the duration and scope of monitoring, limit replacement and remediation obligations to reasonable and evidenced circumstances and confirm that monitoring requirements will be proportionate to the scale of development and should not

duplicate or extend beyond mechanisms already secured through BNG or other approved ecological management plans.

Full name: Nick Matthews

Organisation (where relevant): Savills

Other party name (if relevant): Mac Mic Strategic Land

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: No

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Savills on Behalf of Mac Mic Strategic Land

Policy PB09 contains a requirement for developers to take out a financial bond prior to commencement of development to cover the cost of monitoring and, if necessary, replacing trees planted as part of the development. This presents a wholly unnecessary and unjustified additional financial burden on development. It is typical for Section 106 agreements to contain provisions requiring the replacement of trees if they fail within the first five years of development. These legal protections exist already and an expensive financial Bond is not therefore required.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

1(b). Does your comment relate to one of the changes listed above?: Yes

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB09: Long-term Management Security and Financial Assurance:

Natural England observes that the previously proposed, innovative method for securing onsite biodiversity gains through a financial assurance mechanism has been removed from the current version of the plan. Typically, habitat planting occurs toward the end of the construction phase, with the first five years of monitoring and maintenance being especially critical as habitats establish, or in some cases fail and need to be re-established.

Introducing financial guarantees to support this establishment period seems a valuable tool. It can help developers meet their mandatory Biodiversity Net Gain (BNG) obligations while ensuring that residents benefit from well-managed onsite biodiversity. It remains possible, however, that this mechanism could reappear through supplementary council guidance or requirements for Biodiversity Gain Plans, even if it is not reinstated as formal policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: It remains possible, however, that this [financial assurance] mechanism could reappear through supplementary council guidance or requirements for Biodiversity Gain Plans, even if it is not reinstated as formal policy.

PB10

Full name: Kim Miller

Organisation (where relevant): Historic England

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB10

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: We welcome the additional text at paragraph 13.48 to ensure that applicants and decision makers refer to UNESCO's Guidance and Toolkit for Impact Assessments in a World Heritage Context. This addresses the issue we raised in our Regulation 19 Local Plan response.