

Filtered Data Export

Full name: Sylvia Meller

Organisation (where relevant): -

Other party name (if relevant): -

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

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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 a time of climate emergency , in a country with a huge decline of biodiversity, we should not even consider any developments in areas of natural importance

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 developments should be granted in areas of environmental importance. We do have enough area which can be used for housing our locals. Before building up new areas we should first of all make sure all council flats/houses are used .Buildings/flats which stand empty need to be compulsory purchased and sold/rented out . The purchase of 2nd homes needs to be limited to a minimum. If new developments need to be build , apartment blocks with affordable 1-2 bedroom flats to buy or rent should be prioritised

over developments of individual houses. Developments should not be granted outside settlement boundaries or on areas of National Landscape

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

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.: -

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 3b and 3c

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)

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

Full name: Richard John Eley

Organisation (where relevant): -

Other party name (if relevant): -

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?: 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.: A long chapter, as I would expect. The Council is awash with 'green' policy, all very commendable, but rather lacking in action and actually 'doing something'. It is note worthy that the Strategic Planning Committee agreed to defer practical green policies in the Local Plan until

'the next Local Plan' which is fifteen years away.

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.: -

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.: -

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.: The Chapter complies, but it achieves nothing.

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.: -

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

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

Full name: Sara Davies

Organisation (where relevant): Lympstone Water Quality Group

Other party name (if relevant): -

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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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 and policies are out of date. They demonstrate a lack of consideration of new evidence on the need for more integrated policies and the vital role water quality plays in increasing biodiversity. More joined up thinking is needed.

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.: A more joined up, integrated approach is needed - considering biodiversity, water quality, flood risk, and human health and wellbeing.

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

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.: -

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 this chapter is out of date indicates that there has been limited cooperation with other organisations 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)?: No, I do not 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.: -

Full name: Robert Jones

Organisation (where relevant): River Otter Fisheries Association

Other party name (if relevant): -

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

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.:
CHAPTER 13 – BIODIVERSITY

There is an outstanding lack of reference in the pre-amble to these policies to any riverine environment or riverine biodiversity.

13.10 – The riverine environments are equally irreplaceable and arguably more sensitive. This should be specifically recognised in policy justification.

The policy recognises the importance of the River Axe due to its SAC status, however makes no specific reference to the River Otter which, though lacking SAC status, exhibits the same excess phosphate levels, contains the same species and more than the Axe, and runs out to sea through areas that have equally important status.

Full name: Robert Jones

Organisation (where relevant): River Otter Fisheries Association

Other party name (if relevant): -

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.: 13.1

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 River Otter Fisheries Association represents through our members the interests of riparian landowners, fishery owners, fishermen, and others who care for the river itself. We are long established and effective in protecting the river and the only body that does that for the entire river from source to sea.

PRELIMINARY COMMENTS

- The Association fully endorses and supports the representations made by The Otter Valley Association.
- We have noted the considerable loss of detail and policy when comparing the previous adopted Local Plan and the currently proposed revised draft.
- We believe that the very extensive and highly protective policies applied to the Axe Valley catchment as a result of the SAC status of that river should be applied equally to the River Otter catchment which contains the same protected species as the Axe and of course in addition now a population of beavers.
- Nutrient neutrality regulations should be applied to all development in the Otter valley due to the presence at the outlet of the river to sea of the Lower Otter Restoration area which has become part of the SPA declared by Natural England and is now SSSI and part Marine Conservation Zone. It is further expected that during the Plan Period increased protection of this area will result from new European designations which the Plan should allow for. All and any development up the valley may prejudice these areas if not properly planned.
- SWW cannot be considered a reliable consultee and this has been acknowledged now by a number of Councils in the southwest including EDDC. The well publicised and proven shortcomings in the water treatment side of their business demonstrated amply in both Exmouth and Budleigh Salterton serves to give cause for concern as to their ability to identify existing faults in their system let alone the actual capacity of their works or their ability to plan for the future. This lack is demonstrated in the Council's Infrastructure Delivery Plan Version 01 published Jan 2024 accompanying the draft Local plan as an ancillary supporting document where there is no provision at all for increases to either water supply or foul water treatment in either Honiton or Ottery St Mary the major centres of future development in the Otter valley.

- The lack of the Water Cycle study report – still awaited -when preparing the draft policies is considered to be a fundamental missing ingredient to policy formulation for the District.
- It is our view that the water supply network for much of Mid and East Devon will reach critical during the plan period and that it should be recognised by EDDC that this network draws significant quantities of groundwater from the aquifers underlying the river Otter. Continuing this abstraction in future during the plan period to service all the development taking place within the network area which includes Exeter, the Exe Valley, Cranbrook and the second new town and the whole of the rest of East Devon without any plan for increasing water supply from other sources is a major deficiency of 'The Plan'.
- The publicly acknowledged prioritisation by the Council of approving 'development' over any other policy considerations in our view represents a lack of statutory duty that fundamentally undermines the validity of 'The Plan'.

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Other party name (if relevant): -

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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Full name: Sara Davies

Organisation (where relevant): Lympstone Water Quality Group

Other party name (if relevant): -

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.: In the Introduction, Paragraphs 13.1 and 13.2 don't make sense (a lot of words pulled together with no clear meaning).

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

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.: -

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 this chapter is out of date indicates that there has been limited cooperation with other organisations 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)?: No, I do not 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.: -

Full name: Helene Jessop

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?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 13.16

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.: The RSPB supports that developer-led SANG must be implemented before development occupancy. It is critical that patterns of daily recreational use of SANG are established by new residents on occupation. It is also critical that SANG include sufficient area of attractive greenspace where residents can exercise their dogs off-lead. Dogs off lead are particularly disturbing to birds (eg, wintering birds on the estuary, and breeding birds on the heathland) and dog owners/walkers need to be provided with dog-safe SANG areas so they specifically choose those in preference to the designated sites. A good example of such a SANG is Dawlish Countryside Park on the west of the Exe Estuary.

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 response to the question If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate. This box wasn't available on the paper rep uploader so have added it here with the PDF attached]

The RSPB is most concerned that sufficient SANG is provided for a range of daily recreational needs that would otherwise result in damage to the designated heathland SAC/SPA and Exe Estuary SPA/Ramsar. A critical feature for a successful SANG is that it attracts dog walkers and caters for the safe exercising of dogs off leads.

Full name: Helene Jessop

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?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 13.19

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 RSPB agrees with East Devon Council statement here that development affecting traffic and emissions will not be permitted without mitigation.

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.:

However, we consider the lack of any effective strategy and proven successful mitigation measures to implement prior to new development, means that no proposed development that will result in increased nitrogen affecting the East Devon Pebblebed Heaths (nitrogen is already at critical load) can go ahead. Therefore, in the RSPB's view, the Plan cannot be judged as sound until this issue has been addressed. The National Planning Policy Framework (December 2024) in para 199 requires that "planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants . . . taking into account . . . the cumulative impacts from individual sites in local areas." and that "opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement". As is clear from Natural England's Site Improvement Plan for the East Devon Heaths, nitrogen deposition already exceeded site critical loads by 2014 (when the SIP was produced), there is still no plan or strategy to address this despite this Local Plan proposing large housing developments close to the designated heathlands.

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.: That East Devon District Council explicitly commit to not permitting new housing or other development likely to further increase nitrogen deposition on the heaths until measures are available for use to successfully mitigate for that.

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: Sara Davies

Organisation (where relevant): Lympstone Water Quality Group

Other party name (if relevant): -

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.: 13.2

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 Introduction chapter, please use this box to set out your comments.: -

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.: -

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

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

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.: -

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

Full name: Sam Scriven

Organisation (where relevant): Jurassic Coast World Heritage Site (hosted by Dorset Council)

Other party name (if relevant): -

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.: 13.49

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

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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.:
Potentially incomplete information relating to the relationship between SSSIs and the World Heritage Site

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 way World Heritage Site's are managed includes the use of existing designation to provide a legal framework for Site protection. This is especially relevant because World Heritage is not a statutory designation in the UK, despite the global importance of WHSs and the duty and obligations of the UK government towards the UNESCO World Heritage Convention. On the Jurassic Coast it is the network of SSSIs, National Landscapes, the Heritage Coasts, and local plans that provide the key legal framework for the sustainable protection and management of the Site's OUV. It may be prudent and useful

therefore to make sure this relationship is noted in the local plan. I therefore recommend adding text under the justification for this policy to note that SSSIs along with certain other designations, provide a legal framework for the protection and management of the WHS.

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Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant): -

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.: 13.84

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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.: -

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 supporting text refers to 'recent evidence', without sharing this. this appears to be supposition. Statute requires a BNG of 10%, but this paragraph dismissed this in one sentence, stating that it provides negligible gains. this is not evidenced. It is not set out why legislation is wrong. The supporting text then makes a sweeping (again unevidenced) conclusion that, due to the unevidenced conclusions on the adequacy, or lack of, of the requirement set out in legislation, that a higher target of 20% is 'necessary'. We are uncertain why it is set at that figure; why not 18%, or 36%. There is no evidence to show how this 'precautionary approach' is justified.

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.: 20% to 10%

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

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.: -

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.: -

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.: for reasons set out re PB05

Full name: Bethan Haigh

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.: PB01

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 support Strategic Policy PB01 and agree that development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated site should not be permitted subject to meeting specific criteria.

The Exe Estuary RAMSAR, SSSI and SPA are located approximately 0.5km south west of Addlepool Farm. As demonstrated on the concept masterplan, the proposals will extend public access into the Site through substantial new areas of green infrastructure to include new recreational routes. In addition, mitigation for recreational impacts that may occur to any designated sites of international importance from an increase in local residents 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.

The proposed development at Addlepool Farm would comply with Strategic Policy PB01.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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?: 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.: 2.103

We acknowledge and support the recognition that internationally and nationally important wildlife sites should be protected and note that development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless particular criteria are met.

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Other party name (if relevant): -

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(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 first sentence of this policy is a little confusing. We would suggest the following instead:

“The highest protection must be afforded to first, internationally, and then, nationally designated wildlife sites (in that order).”

PB01 C- it is important that adequate justification is required from applicants as to why first avoiding, then mitigating is not possible and only at that point, should compensation be considered suitable.

PB01 D- this section should read:

“Where permanent or long-term temporary habitat loss or direct reduction of habitat condition is identified, bespoke compensation measures will need to be secured. This must be undertaken as early as possible and include utilisation of the Discretionary Advice Service from Natural England; ...”. Simply agreeing the compensation is not adequate, this need to be secured by a suitable planning mechanism.

This policy lists the ‘internationally designated sites falling under this aspect of the policy’ which includes “Areas secured as compensation for damage to an internationally or nationally designated site.” It is still not clear how broad this means and whether this incorporates the Clyst Valley Regional Park because it is an identified SANGS?

Full name: Helene Jessop

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.: 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 RSPB is concerned at the inclusion of an abbreviated reference to the HRA process "In HRA terms where mitigation enables a conclusion of no adverse effect on integrity (point C), there is no need to go down the derogation route (points A and B)." This does not satisfactorily explain the HRA process. Where plans or projects may have a direct or indirect effect on SAC, SPA or Ramsar sites, a screening process is required. If that concludes an appropriate assessment is needed, that includes determining whether the plan or project could be located on a site that would cause less or no harm, if public benefits of the proposal outweigh the impacts, what mitigation can be secured and what compensation measures may be necessary. The current version of the HRA of the East Devon Local Plan (Footprint Ecology, 30/1/25) has screened the plan and identified numerous (see p3 of the Footprint Ecology HRA) impact pathways with the potential for likely significant effects and highlighted (in section 10.4 of the Footprint Ecology HRA) numerous allocations where further assessment is necessary. The RSPB recommends reference to the need for full appropriate assessment, as set out in The Conservation of Habitats and Species Regulations 2017 (eg, paras 63 and 64).

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 RSPB considers that individual appropriate assessment is required for some allocations in the Plan because currently there is insufficient information to conclude current mitigation measures are sufficient to enable a conclusion of no adverse effect on site integrity. For example, some of the allocations at Exmouth might provide functionally linked land for foraging nightjar.

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: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant): -

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(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 PB01: Protection of internationally and nationally important wildlife sites.

Please note that the Lower Otter Restoration Project (LORP) is an area secured as compensation for coastal defences to the Exe Estuary SPA/Ramsar site and needs to be mapped as such for the final version of the policies map.

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Other party name (if relevant): -

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

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.: -

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.: -

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 is good, and the Lower Otter is a potential SPA. However, the major housing allocations within the catchment area (Honiton and Ottery St Mary) will have an extreme adverse effect on the river unless significant improvements are undertaken to the existing sewage facilities, which are constantly failing.

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.:

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: Bethan Haigh

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.: PB02

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.:

Addlepool Farm is not located within a regionally or locally important wildlife sites, which is noted to include Local Nature Reserves (LNR); County Wildlife Sites (CWS); Unconfirmed Wildlife Sites (UWS); Special Verges designated for biodiversity. The proposed development will not negatively impact Regionally or Locally important wildlife sites and therefore will fully accord with the requirements of this Draft LP policy.

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Other party name (if relevant): -

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(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 support section C of this policy.

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Other party name (if relevant): -

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(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 phrase 'providing like-for-like habitat restoration' is ambiguous in this context and should be rephrased. 'Like-for-like' is often taken to mean replacement of the same area of habitat which is lost with new habitat, however this does not constitute a like-for-like replacement. The

replacement of 1ha of Wood-pasture and parkland Priority Habitat with a new 1ha of this habitat type would not provide a direct replacement of the habitat type due to the time taken for the habitat to meet maturity, and loss of associated ecological components such as soil fauna and fungi. Reference to enhancement of biodiversity is needed in this policy (in line with Environment Act 2021 requirements).

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 would like to see a requirement for habitat replacement to be in line with the most recent DEFRA biodiversity metric in order to compensate for the time taken for these habitats to establish.

Full name: Helene Jessop

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.: 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 does not recognise the need to assess the species importance of wildlife sites in relation to assessing the impact of development proposals. In the RSPB view, survey to determine presence and usage by priority species (eg, s41 species) may be necessary to enable an comprehensive assessment of their biodiversity value as well as botanical survey. The Local Plan will not be able to ensure the protection and conservation of biodiversity (as required by the National Planning Policy Framework, December 2024, para 192) if it does not require an appropriate level of species as well as habitat survey when assessing impact of development proposals.

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.: Amend para C of Policy PB02 (or insert a new para) that "sites known or with potential to support priority species have also been surveyed for those species at the relevant time of year".

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: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant): -

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(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 PB02: Protection of regionally and locally important wildlife sites (p 216)

We recommend that “Habitats of Principal Importance, as listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (identified through site survey work or as identified through existing mapped resources)” is added back to the list of included sites.

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Other party name (if relevant): -

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(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.: 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: Bethan Haigh

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.: PB03

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 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.

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.: However, we do not support 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.

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 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.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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.: 3.40

Draft LP Policy PB03 states that proposals which would result in the destruction or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

3.41 It is noted that hedgerows are included within the definition of irreplaceable habitats and the Draft LP policy states that “proposals resulting in the loss and/or degradation of these hedgerows, will only be permitted where the mitigation hierarchy has been applied and evidenced in earnest”. It is noted that the Draft LP policy also states that “compensatory hedges should be species-rich, include a bank, standard trees, and be mindful of temporal

time scales to become a functional habitat in their replacement ratios. Hedgerow translocation should always be considered first, as a preferential option to hedgerow destruction followed by compensation.”

3.42 We support EDDC’s position 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. However, we do not support EDDC’s approach to applying the same protection and importance to ‘species-rich Devon hedges’, which do not meet the criteria of important hedgerows.

3.43 We consider this approach is not justified given that Devon Hedges are located across Devon and are often located along the perimeter of sites. As a result, the removal of part of a Devon Hedge to deliver a suitable access point is often unavoidable.

3.44 The need to retain hedgerows on site, where possible, is adequately addressed under draft policy PB08: Trees Hedges and Woodland on Development Sites, which acknowledges that there may be instances where the removal of hedgerows is justified and unavoidable. It is therefore considered that there is no justification to include Devon Hedges within the Draft Local Plan policy PB03.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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.: 3.38

It is acknowledged that development proposals that negatively impact Regionally or Locally important wildlife sites will only be allowed if:

- there are no alternative sites that would cause less harm;
- if public benefits clearly outweigh the impacts on the site and surrounding habitats;
- if the sites have been surveyed by a qualified botanist; and
- if avoidance, mitigation and compensation measures are proposed, ensuring habitat restoration and no degradation to wider ecological networks.

Full name: Jess Perminter

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): CR Down Farming Ltd and 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

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.:

Mature trees and hedgerows are not necessarily irreplaceable habitats and should be removed from the list of irreplaceable habitats.

The phrase “evidenced in earnest” in the context of the mitigation hierarchy being applied to proposals resulting in the loss and/or degradation of hedgerows is too vague.

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.: Remove mature trees and hedgerows from the list of irreplaceable habitats

Replace “evidenced in earnest” with “robustly evidenced”

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.: PB03

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.:

Emerging Policy PB03 refers to the Hedgelink guidance, the Tree, Hedge, and Woodland Strategy for East Devon and BS 42020:2013. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB03 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

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.: SUGGESTED CHANGES

"Hedgerow management should be in accordance with appropriate local guidance. Any new hedges must be distinctive to the local area."

And

"EclAs should be informed by recent survey information undertaken at suitable time of year following best practice guidelines."

Reference to these documents could be made in the Policy's supporting text.

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: Nick Guildford

Organisation (where relevant): C G Fry & Son

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.: 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.:

Mature trees and hedgerows are not necessarily irreplaceable habitats and should be removed from the list of irreplaceable habitats.

The phrase “evidenced in earnest” in the context of the mitigation hierarchy being applied to proposals resulting in the loss and/or degradation of hedgerows is too vague.

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.: Remove mature trees and hedgerows from the list of irreplaceable habitats

Replace “evidenced in earnest” with “robustly evidenced”

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson 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.: PB03

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.: 9.54 Emerging Policy PB03 refers to the Hedgelink guidance, the Tree, Hedge, and Woodland Strategy

for East Devon and BS 42020:2013. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act.

However, their inclusion within emerging Policy PB03 could inadvertently afford them development

plan status, which is clearly not the intent. Reference to these documents should only be included

within the Policy's supporting text.

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.: Suggested changes

"Hedgerow management should be in accordance with, Hedgelink guidance and the Tree, Hedge,

and Woodland Strategy for East Devon appropriate local guidance. Any new hedges must be distinctive to the local area."

And

"EclAs should be informed by recent survey information undertaken at suitable time of year following best practice guidelines and BS 42020:201396 (or superseding standard)."

9.55 Reference to these documents could be made in the Policy's supporting text.

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: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): C R Down Farming Ltd and 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

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.:

Mature trees and hedgerows are not necessarily irreplaceable habitats and should be removed from the list of irreplaceable habitats.

The phrase “evidenced in earnest” in the context of the mitigation hierarchy being applied to proposals resulting in the loss and/or degradation of hedgerows is too vague.

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.: Remove mature trees and hedgerows from the list of irreplaceable habitats

Replace “evidenced in earnest” with “robustly evidenced”

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): C G Fry & Son 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

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.:

Mature trees and hedgerows are not necessarily irreplaceable habitats and should be removed from the list of irreplaceable habitats.

The phrase “evidenced in earnest” in the context of the mitigation hierarchy being applied to proposals resulting in the loss and/or degradation of hedgerows is too vague.

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.: Remove mature trees and hedgerows from the list of irreplaceable habitats

Replace “evidenced in earnest” with “robustly evidenced”

Full name: James McMurdo

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

Other party name (if relevant): -

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.:

[McMurdo Land Planning & Development Ltd on Behalf of Stuart Partners Ltd relating to Strategic Land at the “West End” of East Devon District made in the context of significant land holdings in this area. Representation to be read in conjunction with representations made by Turley on behalf of Stuart Partners Ltd and Bloor Homes Exeter on the proposed new and an expanded Hill Barton Business Park, and by Carney Sweeney on behalf of Stuart Partners Ltd and Down, relating to land being promoted for a village for up to 2,000 houses between Clyst St George and Clyst St Mary]

Object singularly and cumulatively to policies:

- PB03: Protection of irreplaceable habitats and important features
- PB08: Tree, hedges and woodland on development sites

Reasons

Regarding PB03, mature trees and hedgerows may not be “irreplaceable habitats” and/or “important features”.

[See also/to be read with response submitted for Policy PB08]

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:

1. delete the policies; or,

2. 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: Harriet Fuller

Organisation (where relevant): Environment Agency

Other party name (if relevant): -

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(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 fails to incorporate a whole range of important habitats and focus only on terrestrial/agricultural type features. The following should be included:

- intertidal mudflats
- rivers and streams
- estuarine habitats
- coastal and floodplain grazing marsh
- broadleaf mixed and yew woodland
- traditional orchards
- lowland heathland
- maritime slopes and cliffs

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Other party name (if relevant): -

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(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.:

‘EcIAs should be informed by recent survey information undertaken at suitable time of year following best practice guidelines and BS 42020:2013’. If an acceptable standard of EcIA is to be achieved, far more detail is required here as per Policy 89 of the consultation draft dated November 2022.

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.: As a minimum, the following should be included:

- The Chartered Institute of Ecology and Environmental Management (CIEEM) EcIA guidelines should be referenced;
- A specified time period for recent survey information is required. For example, Teignbridge District Council require all surveys to have been completed within two and a half years of submission;
- Requirement for assessment to have been completed by a suitably qualified ecologist, preferably a member of CIEEM;
- All surveys to be complete prior to submission of an application;
- Reference to the precautionary principle.

Whilst this information is relevant within this policy, it also applies to several other policies provided within the plan. In order to reduce repetition, it is logical to have a single, stand-alone policy defining what constitutes an acceptable standard of EcIA.

We would like to see a requirement for habitat replacement to be in line with the most recent DEFRA biodiversity metric in order to compensate for the time taken for these habitats to establish.

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Other party name (if relevant): -

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(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.:
'Hedgerow translocation should always be considered first, as a preferential option to hedgerow destruction followed by compensation'.

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.: 'Robust evidence for lack of hedgerow translocation will be required' should be added to this sentence.

Full name: Helene Jessop

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.: PB03

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.: RSPB welcomes the specific mention of priority habitats and habitats that support priority species, including ciril buntings. We welcome the commitment to require adequate mitigation and compensation for any potential direct or indirect impacts on this priority farmland bird from development. This is especially important given that allocations at Courtlands, nr Exmouth may impact ciril buntings, which as yet has only started to recover its range in east Devon, and is a species that can be particularly vulnerable to development on its farmland habitat. The RSPB recommends that East Devon District Council adopt the Ciril Bunting Planning Guidance currently used by Devon County Council, Teignbridge District Council and Torbay Council which sets out the mechanism whereby, if developments impact habitat used by breeding or wintering ciril buntings, developer contributions can be used to secure and manage compensatory habitat elsewhere, thus avoiding any net loss to the population.

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.: [Rep entered info in box 3a not 3b so I have copied that]

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.: Ciril Buntings are a s41 species of principal importance (NERC Act) and still in population and range recovery, with currently few territories in east Devon (data from last national survey in 2016). This species is a target of the emerging Devon Local Nature Recovery Scheme. The RSPB is keen that development proposals that may impact on its farmland habitats properly assess to determine if ciril buntings are present and so the strategic approach for appropriate compensation can be implemented.

Full name: Helene Jessop

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.: PB03

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.: RSPB welcomes the specific mention of priority habitats and habitats that support priority species, including ciril buntings. We welcome the commitment to require adequate mitigation and compensation for any potential direct or indirect impacts on this priority farmland bird from development. This is especially important given that allocations at Courtlands, nr Exmouth may impact ciril buntings, which as yet has only started to recover its range in east Devon, and is a species that can be particularly vulnerable to development on its farmland habitat. The RSPB recommends that East Devon District Council adopt the Ciril Bunting Planning Guidance currently used by Devon County Council, Teignbridge District Council and Torbay Council which sets out the mechanism whereby, if developments impact habitat used by breeding or wintering ciril buntings, developer contributions can be used to secure and manage compensatory habitat elsewhere, thus avoiding any net loss to the population.

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.: Ciril Buntings are a s41 species of principal importance (NERC Act) and still in population and range recovery, with currently few territories in east Devon (data from last national survey in 2016). This species is a target of the emerging Devon Local Nature Recovery Scheme. The RSPB is keen that development proposals that may impact on its farmland habitats properly assess to determine if ciril buntings are present and so the strategic approach for appropriate compensation can be implemented.

Full name: Bethan Haigh

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

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 support the inclusion of a policy relating to Habitats Regulations Assessment and a requirement that new development must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017. We also agree that, where potential adverse impacts are identified, suitable avoidance, mitigation and compensation measures will be required.

It is understood that the SEDESMS is currently undergoing a review and will apply a new strategic approach to HRA mitigation. The Draft LP policy states that all residential schemes within 10km of any European sites will need to provide mitigation to offset recreational pressures. It is assumed that such mitigation will need to accord with the revised HRA mitigation that is yet to be published/completed. Until the updated HRA mitigation is completed and made available it is not possible to provide a comprehensive assessment of this Draft LP policy and understand whether it meets the tests of soundness.

The Exe Estuary RAMSAR, SSSI and SPA are located approximately 0.5km south west of Addlepool Farm. As demonstrated on the concept masterplan, the proposals will extend public access into the Site through substantial new areas of green infrastructure to include new recreational routes. In addition, mitigation for recreational impacts that may occur to any

designated sites of international importance from an increase in local residents 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: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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.: 2.105

We support the requirement that new development must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017. We also agree that, where potential adverse impacts are identified, suitable avoidance, mitigation and compensation measures will be required.

2.106 It is understood that the South-East Devon European Sites Mitigation Strategy (SEDESMS) is currently undergoing a review and will apply a new strategic approach to HRA mitigation. It is understood that this work is still on-going and is likely to be completed in early 2025. The

draft LP policy states that all residential schemes within 10km of any European sites will need to provide mitigation to offset recreational pressures. It is assumed that such mitigation will need to accord with the revised HRA mitigation that is yet to be published/completed.

Until the updated HRA mitigation is completed and made available it is not possible to provide a comprehensive assessment of this Draft LP policy and understand whether it meets the tests 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.: 2.107 The first part of Policy PB04 is not necessary, as it reiterates the Habitats Regulations Assessment, which are already established by legislation. The second part of the policy provides guidance for assessing impacts on certain European Sites in East Devon. This information would be better integrated into Strategic Policy PB01, rendering Policy PB04 redundant.

Full name: Jess Perminter

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): CR Down Farming Ltd and 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

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 largely repeats the Regulations and these elements are unnecessary. The provisions of the Regulations could be summarised in the Justification, with the policy identifying the sites and their characteristics.

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 provisions of the Regulations could be summarised in the Justification, with the policy identifying the sites and their characteristics.

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.: PB04

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.: It is noted that the Policy establishes that schemes that are located within a 10km straight line of any part of the Pebblebed Heaths SPA/SAC and the Exe Estuary SPA, will be required to provide mitigation to offset the increased recreational pressure associated with new development. Whilst the Cherwell Group are supportive of this now well established principle, they note that the specific mitigation requirements are not embedded in the emerging Policy, but are set out in the Plan's supporting text. Moreover, in relation to SANG, the occupancy rate to be used for calculating the

requirement is not set out in either the Policy or its supporting text. This is a differing approach to that utilised within the Cranbrook Plan. The Cherwell Group consider that it would provide a greater level of clarity for the Plan to refer specifically to the mitigation requirements, including the occupancy rates to be applied.

The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB04 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

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.: SUGGESTED CHANGES

"Plans and proposals should take into consideration and be in accordance with the latest versions of all council and wider HRA guidance documents and strategies. These documents

and strategies are intended to facilitate HRA assessment by providing a coherent strategic approach to the delivery of mitigation requirements whilst avoiding unnecessary duplication of assessment effort."

Reference to the documents above should be made in the Policy's supporting text.

Para. 13.15 should be incorporated into Policy, as follows:

"SANGS must provide 8 hectares of open space per 1,000 new residents, calculated on a residential occupancy of [insert requirement] persons, per home, and be appealing to dog walkers."

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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson 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.: PB04

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.: STRATEGIC POLICY PB04 – HABITATS REGULATION ASSESSMENT

9.56 It is noted that the Policy establishes that schemes that are located within a 10km straight line of

any part of the Pebblebed Heath SPA/SAC and the Exe Estuary SPA, will be required to provide mitigation to offset the increased recreational pressure associated with new development. Whilst

DWH are supportive of this now well established principle, they note that the specific mitigation requirements are not embedded in the emerging Policy, but are set out in the Plan's supporting text. Moreover, in relation to SANG, the occupancy rate to be used for calculating the requirement is

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not set out in either the Policy or its supporting text. This is a differing approach to that utilised within the Cranbrook Plan. DWH consider that it would provide a greater level of clarity for the Plan

to refer specifically to the mitigation requirements, including the occupancy rates to be applied.

9.57 The emerging Policy refers to a number of strategies and guidance documents. None of these

documents constitute development plan documents for the purposes of Section 38(6) of the 2004

Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB04 could inadvertently afford them development plan status, which is clearly not the intent. Reference

to these documents should only be included within the Policy's supporting text.

9.58 It would also be useful and therefore effective for the Policy's supporting text to confirm at what

scale of development it would be anticipated that SANG should be provided on site.

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.: Suggested changes

"Plans and proposals should take into consideration and be in accordance with the latest versions of all council and wider HRA guidance documents and strategies. These documents and

strategies are intended to facilitate HRA assessment by providing a coherent strategic approach to the delivery of mitigation requirements whilst avoiding unnecessary duplication of assessment

effort. These documents include (existing and pending production):

? South-East Devon European Sites Mitigation Strategy (existing – and undergoing review);

? Beer Quarry Caves SAC Guidance Document (existing);

? Exmouth Imperial Recreation Ground Events Protocol (existing);

? River Axe SAC Mitigation Strategy (proposed);

? Pebblebed Heaths - Vehicle emission impacting on designated site (proposed)."

9.59 Reference to the documents above should be made in the Policy's supporting text.

9.60 Para. 13.15 should be incorporated into Policy, as follows:

"SANGS must provide 8 hectares of open space per 1,000 new residents, calculated on a residential

occupancy of [insert requirement] persons, per home, and be appealing to dog walkers."

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.: Due to the significant policy issues concerned.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): C R Down Farming Ltd and 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

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 largely repeats the Regulations and these elements are unnecessary. The provisions of the Regulations could be summarised in the Justification, with the policy identifying the sites and their characteristics.

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 provisions of the Regulations could be summarised in the Justification, with the policy identifying the sites and their characteristics.

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Other party name (if relevant): -

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(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 we will defer to Natural England's (NE) position on the majority of this policy we wish to comment in regards to nutrient neutrality. There is a shift in the management of nutrient mitigation proposed through the plan, compared to the existing requirements. We do have a role in nutrient neutrality but insofar as we are contributing to NE's aims and therefore, we will continue to support NE and your authority moving forward as this matter progresses.

Full name: Mr John Hamill

Other party name (if relevant): -

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 Plan is not sound due to the inclusion of Exmo_20. This site would rely on the B3179 as the only access & egress route for traffic to and from Exmo_20 referred to in Strategic Policy SD01. This proposed development impacts directly the soundness not only of PB04 but also on Strategic Policy PB01 - "Protection of internationally and nationally important wildlife sites". Had even one member of the Strategic Planning Committee bothered to look at this site it would be obvious that the B3179 cannot safely accommodate the extra and excessive traffic that the construction of 700 houses and 2 hectares of Employment Space must generate. It is inevitable that this development, should it be allowed to proceed will have an adverse impact on both the landscape and biodiversity of the local environment and in particular on the Pebblebed heaths

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.: There is no evidence that EDDC has adequately consulted with National Landscapes with regard to Exmo_20 as required by 2.4 of the East Devon Local Plan - Key Supporting Documents 002. It is also noted that, as documented in the referenced document and recorded in the minutes of the Strategic Planning Committee (SPC) meeting of 5/9/2023 that Budleigh Salterton Town Council (BSTC) was not included in the Duty to Co-operate despite EDDC undertaking in their Statemant of Community Involvement (p16) to consult all Town and Parish Councils.... Since the meeting of 5/9/2023 Exmo_20 was determined as "unsuitable" by EDDC and as late as 2/9/2024 the site was scheduled "Not Allocated". Somehow it is now proposed and adopted by the SPC as suitable and "Allocated"! It is patently obvious that a development of this size and impact within a few hundred metres of Budleigh and less than 2 miles from the centre of the town, located on the edge of the National Landscape should have resulted in detailed and meaningful discussions with both BSTC and the residents of the town.

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 don't think you have the right to ask this question. I clearly qualify as below from the Planning Inspectorate Procedure Guide 28/8/2024:

3.10. The right to appear and be heard by the Inspector at a hearing session is limited to those persons defined in section 20 (6) of the PCPA i.e. any person who has made a representation seeking a change to the plan within the deadline set by the LPA for Regulation 19 consultation responses. (This includes anyone seeking a change to the addendum of changes to the plan, if the LPA have submitted one in accordance with the procedure described in paragraph 1.5 above.) The Inspector may invite any other person to attend a hearing session if, in the Inspector's view, their participation will assist in assessing the soundness of the plan. But the Inspector has no power to summon a person to a hearing.

In addition to the above I have been trying to be listened to by EDDC for many months without any success at all, therefore wish to speak directly to the Inspector.

Full name: Helene Jessop

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

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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 RSPB supports this policy's commitment to a precautionary approach in relation to vehicle emissions impacting on designated sites and not permitting development that has potential for increased vehicle numbers. In our view, this means that proposed housing and other developments near the designated heathlands cannot progress until this issue has been satisfactorily addressed.

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 reference to the specific HRA mitigation strategies and guidance mentioned, the RSPB highlights that the absence of a strategy to address vehicle emissions that impact on designated sites (eg, nitrogen enrichment that will advantage grass and other plant species over heathland specialist plants) means the Plan currently has no means to solve this problem. The new developments, including those proposed close to designated heathlands, will result in an increase in vehicle use and so vehicle emissions that negatively affect heathland vegetation. This is of especial concern given that poor air quality is already negatively affecting the designated sites. Natural England has identified in its Site Improvement Plan for the East Devon Heaths that Nitrogen deposition exceeds site relevant critical loads (exceeding threshold levels may affect heathland features by the transition of heather to grass dominance and the southern damselfly, a designated feature of the SAC, through changes to the vegetation mosaics). The current version of the HRA (Footprint Ecology, 30/1/25) for the Local Plan highlights that adverse effects on site integrity arising from vehicle emissions cannot be ruled out and that a strategy to address this issue is a key action for the Council. In the RSPB's view, this means that if new housing and other development around the heathlands (eg, Exmouth) goes ahead without any effective strategy in place, that development will have adverse effects on site integrity, and so

the Local Plan will not be compliant with legislation and national policy that requires protection of those sites.

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.:

Developments set out in this Plan that would have a direct or indirect impact on the integrity of relevant SACs, SPAs and Ramsar sites and require mitigation over the lifetime of the developments to avoid damaging impacts, cannot proceed until effective mitigation strategies and actions specific to all relevant impacts (eg, nitrogen deposition re heathlands, increased recreational use and increase in vehicle emissions and water supply (Exe Estuary SPA/Ramsar) and water quality for River Axe SPA) are in place.

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.: The RSPB is particularly concerned at the current absence of any strategic to address vehicle emissions and the consequent increase of nitrogen affecting designated heathlands. The proposed development for new housing etc in this plan will result in further traffic emissions and the RSPB wishes to ensure that the Plan is not adopted until there is a strategy and effective mitigation in place to address this issue.

Full name: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant): -

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(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.: Strategic Policy PB04: Habitats Regulations Assessment (p220)

Please see comments above on the HRA regarding vehicles emissions on designated sites and Nutrient Neutrality in the River Axe SAC catchment.

Paragraph 13.16.

Natural England advises that the paragraph wording should be consistent with the PB04 policy wording. Policy PB04 references 'other developments that may result in unacceptable impacts' but this paragraph does not. It would be helpful if the paragraph wording reflected policy wording.

Strategic Policy PB05: Biodiversity Net Gain (p225)

Paragraph 13.24

It states. "Recent evidence suggests that a 10% BNG target without species management provides negligible gains." However, there is no link to the evidence. Local Plans should be evidence led according to paragraph 32 of the NPPF 2024.

Full name: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant): -

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(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.:

Habitat Regulation Assessment

Natural England notes that this is an interim HRA which will continue to evolve and be finalised closer to the adoption of the plan. Natural England looks forward to commenting on further iterations.

The HRA identifies that issues around water quality at the River Axe and air quality at East Devon Heaths require further specialised work throughout 2025 to support the Local Plan. Natural England offers its ongoing help in resolving these issues. Please contact Neil.Butler@naturalengland.org.uk who can help East Devon District Council access expertise and advice from within the organisation.

Water Quality at River Axe SAC:

The HRA states that there is insufficient evidence at present to demonstrate that mitigation measures will not use up the available restoration measures, as per Principle 4 of Natural England's 7 principles for Nutrient Neutrality. Natural England agrees that this detail is not yet present and offers its ongoing support to the Council on this issue. Natural England suggests that the ongoing delivery of this evidence is included in Chapter 17 Implementation and Monitoring.

Air Quality at East Devon Heaths SAC / SPA:

The HRA states that EDDC need to progress through a strategy for mitigation of the potential adverse

impact of rising vehicle emissions on the East Devon Heaths SAC / SPA. This is so that their policy does not undermine the ability to deliver the high volume of development in the west end of East Devon. Natural England agrees that such a strategy is required to avoid conflict between East Devon Heaths SAC / SPA air quality policy PB04 and the high volume of development on the west end of East Devon. Natural England has already helped in early conversations around this and offers its ongoing support. Natural England suggests that the delivery of this strategy is added to Chapter 17 Implementation and Monitoring.

Full name: Sara Davies

Organisation (where relevant): Lympstone Water Quality Group

Other party name (if relevant): -

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

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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 PB04 on Habitats Regulations Assessment, the strategy for the Exe Estuary needs to be updated since it does not consider the vital importance of water quality to wildlife in this protected site. This is a local priority and a legal requirement.

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.: A more joined up, integrated approach is needed - considering biodiversity, water quality, flood risk, and human health and wellbeing.

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

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.: -

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 this chapter is out of date indicates that there has been limited cooperation with other organisations 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)?: No, I do not 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.: -

Full name: Alice Gater-Wildgust

Organisation (where relevant): Budleigh Salterton Town Council

Other party name (if relevant): -

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?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: BSTC is unable to determine if this policy is 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.: -

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.: -

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.: 4b. Budleigh Salterton Town Council does not consider this part of the East Devon Local Plan sound due to the inclusion of the B3179 as the only access route for the development 'Exmo_20' referred to in Strategic Policy SD01. This development impacts on the soundness not only of PB04 but also Strategic Policy PB01: Protection of internationally and nationally important wildlife sites'

The B3179 cannot safely accommodate the extra and excessive traffic the addition of 700 houses and 2 ha of employment space would generate, as proposed with the Exmo_20 development. Furthermore, this traffic would have an adverse impact on both the landscape and biodiversity of the locality, in particular, the Pebblebed Heaths.

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 is very difficult to achieve without completely rethinking the access route into a new and very substantial housing development in this sensitive location. Any transportation route should be re-routed to avoid the Pebblebed Heaths to mitigate potential environmental disturbances.

Additionally, scaling down the development project would help to minimise its overall environmental footprint by reducing habitat disruption, resource consumption, and potential pollution from vehicles and light.

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

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.: -

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.: BSTC is unable to determine if this policy complies with the duty to cooperate

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.: BSTC would like to hear any evidence given

Full name: Oliver Keates

Organisation (where relevant): OBK Land and Planning Ltd

Other party name (if relevant): -

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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

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

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 Introduction chapter, please use this box to set out your comments.: -

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.: This policy seeks biodiversity net gain (BNG) of at least 20% unless there is “a demonstrable visibility problem to achieve this target”. The national BNG target is 10% which itself can be difficult and unrealistic to achieve on some sites and onerous on the developers. I object to this policy and the BNG target for East Devon in the Local Plan should be 10%, in line and consistent with national policy and guidelines.

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.: -

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.: -

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.: -

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.: -

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

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.: -

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.: -

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.: -

Full name: Alan Williams

Organisation (where relevant): Grass Roots Planning

Other party name (if relevant): South West Strategic 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

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 relates to Biodiversity Net Gen. This 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. 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.”

This aspiration by the Council is laudable, and we are committed to exceeding the national minimum requirement and achieving biodiversity enhancements as far as possible on this site. It is, however, unclear whether the draft requirement of 20% on major development sites has been viability tested, and whether any ramifications for land take on allocated sites have been carefully considered, so as not to negatively impact on the ability to deliver the required number of dwellings to meet the critical housing need. This proposed requirement could be a significant constraint to sites that are at the lower end of the ‘major’ category given achieving the statutory 10% requirement is challenging for smaller sites.

Central Government has set the national policy to 10% based on significant evidence and rounds of consultation undertaken with various stakeholders. Furthermore, achieving 10% BNG is already a significant challenge faced by developers, and exceeding this could seriously affect the viability of sites across the District, and/or lead to housing targets not being met due to land-take required for BNG.

We, therefore, suggest that this is investigated further by the Council, and appropriate evidence and justification for the 20% requirement is presented, as this has not been provided to date.

Full name: Alex Munday

Organisation (where relevant): Kitchener Land and Planning

Other party name (if relevant): Mr Lillie and Ms Blundell

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.:

Alexander Munday of Kitchener Land and Planning (KLP) on behalf of Mr Lillie and Mrs Blundell.

We object to this policy as currently drafted.

Whilst we support the principle of supporting biodiversity, as currently drafted this draft Policy does not align with national policy, guidance and legislation on Biodiversity Net Gain. This is particularly important as the PPG is clear that there is no need for local planning policy to repeat national BNG requirements. Principally:

- This draft Policy must not deviate from the Environment Act's requirement for at least 10%.
- As is allowed for in the PPG, the draft Policy does not appropriately allow for BNG on large phased sites being considered as a whole, rather than 10% needing to be delivered in each phase.
- It is unclear whether the costs of BNG have been considered in full within the Council's viability evidence.

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.: As a result of the above, we urge the Council to review this draft Policy prior to progressing. As such no specific edits are proposed here.

Full name: Alistair Macdonald

Organisation (where relevant): Blue Fox Planning Ltd

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

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

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.: Persimmon supports the ambition of achieving Biodiversity Net Gain (BNG) based on the requirements of the Environment Act 2021. However, the requirement that major development will need to deliver BNG of "at least" 20% is not justified and is not supported by a robust evidence base.

Without such justification, 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.

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.

The lack of evidence to support the 20% minimum requirement has been raised by various parties previously including at Regulation 18 stage as summarised in the Topic Paper relating to Chapter 13 "Protecting and enhancing our outstanding biodiversity" (February 2025, OTE-014 and CSD-007). However, and again, no justification as to why the 20% requirement has been identified is provided and therefore the figure appears entirely arbitrary.

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

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.: Strategic Policy PB05 be amended to reflect the Environment Act 2021 as follows:

"Major development proposals will need to deliver biodiversity net gain (BNG) of at least 10% to be calculated using the most up-to-date statutory metric..."

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?: 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.: 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: Amy Roberts

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Waddeton Park 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

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.:
Please refer to the attached sheet.

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 refer to the attached sheet.

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 emphasise concerns relating to the high level of BNG being proposed as a requirement for development proposals.

Full name: Andrew Ross

Organisation (where relevant): Turley

Other party name (if relevant): Bloor Homes Exeter

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 [OBJECT]

2.37 The proposed policy requirement for all major development proposals to deliver Biodiversity Net Gain [“BNG”] of at least 20%, as per Policy PB05, is fundamentally inconsistent with the national approach on this matter as set out within National Planning Policy, Guidance and Legislation. There is no compelling evidence to support the need for East Devon to target gains at this elevated level where development proposals would otherwise be mandated to demonstrate and secure measurable net gain for biodiversity at the level of at least 10%. There may be instances where additional gains can be achieved, but this should not be set as a requirement for all major developments, and there will be other ways that the District Council is able to pursue its aims in respect of nature recovery (in a way that is complementary to and in parallel with the controls that are imposed on new major development projects).

2.38 Planning Practice Guidance is very clear and states (at Paragraph: 006 Reference ID: 74-006-20240214) 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.”

2.39 The Council has provided no compelling or thorough justification to support a policy requirement that seeks a higher percentage than the statutory minimum of at least 10%

(either in respect of need, opportunity or viability impacts) and so this policy is fundamentally unsound.

2.40 Whilst it is acknowledged and positive that development can and should make contributions to addressing biodiversity decline and nature recovery (as is required by national policy) the Council has not produced compelling evidence of need that is specific to East Devon and justifies the proposed policy requirement. The need to contribute at least 10% BNG via new major development proposals is established via the statutory BNG framework and there is not any need to go further via the policies in this Local Plan.

2.41 The viability impacts of providing elevated minimum levels of BNG have also not been robustly assessed, where the higher costs (stated as 19% within the Council's Viability Assessment) to achieve 20% BNG will have a significant impact on the viability and delivery of development sites across East Devon (including the key site allocations within the plan on which the Council relies to meeting housing and other development needs). As noted within the Council's assessment the ability to deliver high levels of BNG, and also the potential for additional costs arising, are site specific "depending on both the existing site characteristics and the ability of development form to both mitigate and provide additional gain", with the conclusion that it is therefore "difficult to gauge a suitable allowance for meeting the requirements".

2.42 Not only is it clear that the possible cost and viability impacts of this policy have not been robustly assessed (so as to be shown to be soundly based and compatible with the plan as a whole), it is not clear how the policy requirement has been considered and tested as part of the process of identifying the various development site allocations that form

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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)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To elaborate on issues raised and respond as appropriate during hearings.

Full name: Bethan Haigh

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(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 Vistry Group understand the principle of the inclusion of a policy to deliver Biodiversity Net Gain (BNG) on new development, Vistry Group strongly object and believe it is important for the required threshold to align with the mandatory requirement of 10% to ensure consistency with the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and avoid having any undue adverse implications on the viability and overall deliverability of any sites coming forward as part of the plan-making process.

The current policy is unsound as the proposed requirements are not considered to be justified or supported by a robust evidence base. To be sound, any new policy that seeks to go beyond the mandatory BNG requirements needs to be supported by sufficient technical information and an evidence base that demonstrates that the policy is justified and effective.

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.”

In seeking to justify increasing the requirement for on-site BNG twofold, EDDC reference Evidence Document ENV-025 ‘Nature Recovery Declaration for East Devon’. This supporting document sets out the Local Nature Recovery Strategies within East Devon, and states that these have been “designed to work closely alongside other measures in the Act. They will,

for example, support delivery of mandatory Biodiversity Net Gain (BNG) and provide a focus for a strengthened duty on all public authorities to conserve and enhance biodiversity”. This implies that the report has been prepared on the assumption that developments will be delivering the mandatory BNG (at 10%).

The statement notes the existing nature recovery plans/delivery partners (which include AONBs, Clyst Valley Regional Park, Triple Axe Initiative and EDDC Countryside) and potential new projects, strategy and policy, none of which reference or justify the inclusion of a Draft LP policy that requires 20% BNG on all development sites.

This policy is not supported by robust evidence.

Notwithstanding the lack of suitable evidence to underpin this draft Policy, we also object to the viability assumptions included within the draft LP Viability Assessment. EDDC's Local Plan Viability Assessment (Core Submission Document CSD-004), prepared by Three Dragons attributes a financial assumption of £1,188 per dwelling (greenfield) and £321 per

dwelling (brownfield) to account for delivering EDDC's Draft LP policy of 20% BNG. Within the supporting text of this viability assumption, Three Dragons reference a MCLG report (2019) which includes sensitivity analysis regarding the achieving 20% BNG and makes assumptions on the cost implications for this on developers. The MCLG Report states that

increasing the BNG to 20% would result in a 19% net additional direct cost to developers (annual). It is noted that the MCLG Report concludes by stating "our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues", which further emphasises that EDDC's proposal to increase the BNG

provision to 20% is not appropriate. We have two key concerns regarding relying upon this MCLG report to justify EDDC's Draft LP viability assumptions:

Firstly, the MCLG document's cost benefit change by scenario is based on 2017 prices and is therefore 8 years' old at the time of this Regulation 19 Consultation.

Secondly, there have been significant changes to the DEFRA metric since the publication of the MCLG Report, which has altered how BNG is calculated on site. Reliance upon this report and cost benefit change is not robust or justified.

We have significant concerns regarding the need for all new developments to deliver 20% biodiversity net gain, which is not justified or underpinned by robust evidence base and therefore cannot be considered sound.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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.: 2.108

We strongly object to EDDC's Draft Policy PB08, which requires developments to deliver 'at least' 20% BNG to be calculated using the most up to date statutory metric. This is not justified, or supported by robust evidence base, and the policy is therefore unsound.

2.109 PPG1 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."

2.110 In seeking to justify increasing the requirement for on-site BNG twofold, EDDC reference Evidence Document ENV-025 'Nature Recovery Declaration for East Devon'. This supporting document sets out the Local Nature Recovery Strategies within East Devon, and states that these have been "designed to work closely alongside other measures in the Act. They will, for example, support delivery of mandatory Biodiversity Net Gain (BNG) and provide a focus for a strengthened duty on all public authorities to conserve and enhance biodiversity". This implies that the report has been prepared on the assumption that developments will be delivering the mandatory BNG (at 10%).

2.111 The statement notes the existing nature recovery plans/delivery partners (which include NLs, Clyst Valley Regional Park, Triple Axe Initiative and EDDC Countryside) and potential new projects, strategy and policy, none of which reference or justify the inclusion of a Draft LP policy that requires 20% BNG on all development sites.

2.112 This policy is not supported by robust evidence.

2.113 Notwithstanding the lack of suitable evidence to underpin this draft Policy, we also object to the viability assumptions included within the draft LP Viability Assessment (Core Submission Document CSD-004), prepared by Three Dragons. The Viability Assessment makes a financial assumption of £1,188 per dwelling (greenfield) and £321 per dwelling (brownfield) to account for delivering EDDC's Draft LP policy of 20% BNG which is considered too low in terms of greenfield development regardless of whether it is delivered on site, or via credits. Within the

supporting text of this viability assumption, Three Dragons reference a MCLG report (2019) which includes sensitivity analysis regarding the achieving 20% BNG and makes assumptions on the cost implications of this on developers. The MCLG Report states that increasing the BNG to 20% would result in a 19% net additional direct cost to developers (annual). It is noted that the MCLG Report concludes by stating “our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues”, which further emphasises that EDDC’s proposal to increase the BNG provision to 20% is not appropriate. We have two key concerns regarding relying upon this MCLG report to justify EDDC’s Draft LP viability assumptions:

- Firstly, the MCLG document cost benefit change by scenario is based on 2017 prices and is therefore 8 years’ old at the time of this Regulation 19 Consultation.
- Secondly, there have been significant changes to the DEFRA metric since the publication of the MCLG Report, which has altered how BNG is calculated on site. Reliance upon this report and cost benefit change is not robust or justified.

2.114 In addition to the above, a requirement to deliver 20% biodiversity net gain presents challenges concerning the amount of land required to meet this requirement on site. Implementing a 20% biodiversity net gain would reduce the amount of developable land available, hindering the site’s ability to efficiently deliver housing to its full housing potential.

2.115 We have significant concerns regarding the need for all new developments to deliver 20% biodiversity net gain, which is not underpinned by a robust evidence base and is not justified and, therefore, unsound.

Full name: CORAL CURTIS

Organisation (where relevant): GRASS ROOTS PLANNING LTD

Other party name (if relevant): BROADCLYST LVA LLP (LVA)

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

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.:

Strategic Policy PB05 relates to Biodiversity Net Gen. This 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. 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.”

This aspiration by the Council is laudable, and we are committed to exceeding the national minimum

requirement and achieving biodiversity enhancements as far as possible on this site. It is, however,

unclear whether the draft requirement of 20% on major development sites has been viability tested,

and whether any ramifications for land take on allocated sites have been carefully considered, so as

not to negatively impact on the ability to deliver the required number of dwellings to meet the critical

housing need.

It is also highly likely to be a significant constraint to development sites which are at the lower end of

the major development category. LVA is aware that in many instances achieving the statutory 10%

requirement is challenging across the three BNG metrics on smaller sites.

Central Government has set the national policy to 10% based on significant evidence and rounds of

consultation undertaken with various stakeholders. Furthermore, achieving 10% BNG is already a

significant challenge faced by developers, and exceeding this could seriously affect the viability of sites

across the District, and/or lead to housing targets not being met due to land-take required for mitigation

for net gain. We, therefore, suggest that this is investigated further by the Council, and appropriate evidence and

justification for the 20% requirement is provided because at present this has not been provided and we

strongly oppose this policy requirement as it is contrary to national policy.

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 RESPOND, AS REQUIRED, TO ANY QUESTIONS IN RELATION TO POLICY SD07 AND IN PARTICULAR SITE BRCL_12.

Full name: Damien 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(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 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 70% 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 achieve 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.

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 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% is 10% in line with the regulations.

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

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 object to this policy as currently drafted.

Whilst we support the principle of supporting biodiversity, as currently drafted this draft Policy does not align with national policy, guidance and legislation on Biodiversity Net Gain. This is particularly important as the PPG is clear that there is no need for local planning policy to repeat national BNG requirements.

Principally:

- This draft Policy must not deviate from the Environment Act's requirement for at least 10%.
- As is allowed for in the PPG, the draft Policy does not appropriately allow for BNG on large phased sites being considered as a whole, rather than 10% needing to be delivered in each phase.
- It is unclear whether the costs of BNG have been considered in full within the Council's viability evidence.

The PPG is clear 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.”

In addition to the clear position set out in the PPG, it is also important to note that the 20% net gain proposed has the potential to constrain smaller sites given that there is clearly less scope within such sites to deliver higher net gains. A higher 20% requirement would clearly result in significant reductions in the level of housing to achieve the higher requirement in turn likely rendering such schemes unviable at a time when additional housing is absolutely 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.: As a result of the above, we urge the Council to review this draft Policy prior to progressing. As such no specific edits are proposed here.

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.: It is important that Sidbury LVA LLP is present to participate in the hearing session for Policy PB05 owing to their interest in Land South of Furzehill (Sidm_34). It is important that they are given the opportunity to make their case in relation to this policy.

Full name: Dan Yeates

Organisation (where relevant): Savills

Other party name (if relevant): 3West 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

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 object to this policy as currently drafted.

Whilst we support the principle of supporting biodiversity, as currently drafted this draft Policy does not align with national policy, guidance and legislation on Biodiversity Net Gain. This is particularly important as the PPG is clear that there is no need for local planning policy to repeat national BNG requirements. Principally:

- This draft Policy must not deviate from the Environment Act's requirement for at least 10%.
- As is allowed for in the PPG, the draft Policy does not appropriately allow for BNG on large phased sites being considered as a whole, rather than 10% needing to be delivered in each phase.
- It is unclear whether the costs of BNG have been considered in full within the Council's viability evidence.

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.: As a result of the above, we urge the Council to review this draft Policy prior to progressing. As such no specific edits are proposed here.

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.: It is important that 3West Group is present to participate in the hearing session for Policy PB05 owing to their interest in the Land north and east of Exton Farm (Wood_28). It is important that they are given the opportunity to make their case in relation to this policy.

Full name: Daniel Rogers

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Mr B Penny

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(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.: MR B PENNY

REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19

CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

1

INTRODUCTION

Bell Cornwell LLP acts as planning consultant for Mr. Bruce Penny, the long standing owner of land to the south of Courtlands Lane. Land registry details (DN548773) show that Mr. Penny is the freehold owner of the site.

His land currently benefits from a draft allocation for 12 dwellings under reference Exmo_23. The land is currently in agricultural use.

Our client, therefore, has significant interest in the future local plan for the district. Against this background, the following comments are made on the draft policies within the East Devon Local Plan Regulation 19. Consultation.

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 evidence base.

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 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 housing.

This policy has not been positively prepared, is not justified and given the uncertainties surrounding the BNG process and is not effective seeking as it does to double the current national requirement.

MR B PENNY

REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19

CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

2

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 amended to achieve 10% net gain as per national requirements on development.

Full name: Daniel Rogers

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Acorn Property 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(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.:
ACORN PROPERTY GROUP

REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19

CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

1

INTRODUCTION

Acorn Property Group is a very well-established, locally based housing developer and land promoter with interests across the district.

Acorn Property Group has helped to facilitate new homes, affordable housing and other uses in the area. They are an independent development and regeneration specialist that has, successfully created a range of residential-led refurbishment and new build schemes.

Specifically, Acorn Property Group has interests in land at Hillhead, Colyton, which is an allocated site in the Emerging Local Plan which is suitable for residential development.

Given the nature of their long-standing delivery of housing in the district, Acorn Property Group is an important local stakeholder within interests in 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.

Furthermore, the requirement to provide 20% BNG is extremely onerous and the Acorn Property Group 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,

ACORN PROPERTY GROUP

REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19

CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

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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 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.

Acorn Property Group is of the view that this policy has not been positively prepared. 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 amended to achieve 10% national requirements on major development.

Full name: Daniel Rogers

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Mr J Persey

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(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.: MR J PERSEY

REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19

CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

1

INTRODUCTION

Mr Persey and his family are long standing owners of large areas of agricultural land in East Devon. Our client's interests include much of the land around the village of Plymtree and the surrounding area. The family continue to farm the land today, and also have commercial operations including Fordmore Farm Shop and other commercial space on the East Devon / Mid Devon border.

Our client therefore has a wide range of land and building interests in the district and they are actively promoting a site for housing in the village of Plymtree (Plym_03).

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.

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 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 housing.

MR J PERSEY

REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19

CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

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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 amended to achieve 10% national requirements on major development.

Full name: Daniel Rogers

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Combe Estates

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(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.: On behalf of Combe Estates

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

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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: Daniel Rogers

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Various - see pdf attachments

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

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 Introduction chapter, please use this box to set out your comments.: See attachment

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.: -

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.: -

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.: -

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 attachment - insufficient information in evidence base to justify 20% AH

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.: -

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.: -

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.: -

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)

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

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. 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.:

4.123. The policy specifies a 20% BNG requirement but does provide some flexibility for a lower percentage to be applied to major development where there is 'a demonstrable viability problem to achieve this target'. This essentially passes the Council's responsibility to the developer.

4.124. However, the Government requires Council's (not developers), who are proposing more than 10% in their Local Plans to provide a local need/opportunity assessment, along with a viability assessment, to justify a higher value. 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, there will be a need to provide evidence that demonstrates a 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.

4.125. It is Bloor Homes' view that mandating biodiversity net gain above the 10% threshold may impose undue financial burdens on developers, potentially hindering the delivery of much-needed housing and infrastructure projects. It is essential to strike a balance between environmental objectives and the socio-economic requirements for development.

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.:

4.126. In these terms, there is a need for flexibility to reflect the local context, and that the policy should be re-drafted to ensure that it can be applied successfully to each development. Moreover, this flexibility is necessary as biodiversity net gain is an evolving field, and the understanding of effective mitigation measures continues to advance. Whilst guided by national policy, local policy should be worded to allow for flexibility in response to emerging scientific evidence and best practices.

4.127. Bloor Homes object to this policy

4.128. There is a need for the policy to be re-drafted so that it more closely reflects national guidance and only provides for a 10% requirement in the uplift of BNG on sites. The current approach does not appear to be evidenced, justified or sound. It therefore fails the tests set out in the NPPF. As set out above, there is a requirement for a more nuanced approach that is more focussed on quality and the site attributes whilst meeting the 10% requirement rather than seeking arbitrarily higher levels of BNG that will impact on the site's viability.

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

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 Introduction chapter, please use this box to set out your comments.: -

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.: A supporting Statement has been submitted on behalf of Bloor Homes in respect of the Land to the South of Littleham, Exmouth. It has been submitted in respect of Policy SP01 but considers Policy PB05 and others

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.: Please see Supporting Statement

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

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.: -

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.:
Please see Supporting Statement

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 see Supporting Statement

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

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.: -

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.: Please see Supporting Statement

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.: The matters raised in our representations affect matters of strategic importance that run to the heart of the East Devon Local Plan 2020 to 2042. In our capacity as a major housebuilder, we would welcome the opportunity to partake in the hearing session(s).

Full name: Frances Lennon

Organisation (where relevant): Turley

Other party name (if relevant): Bloor Homes Exeter [Land off Ottery Road, Feniton]

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(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 [OBJECT]

2.39

The proposed policy requirement for all major development proposals to delivery Biodiversity Net Gain [“BNG”] of at least 20%, as per Policy PB05, is fundamentally inconsistent with the national approach on this matter as set out within National Planning Policy, Guidance and Legislation. There is no compelling evidence to support the need for East Devon to target gains at this elevated level where development proposals would otherwise be mandated to demonstrate and secure measurable net gain for biodiversity at the level of at least 10%. There may be instances where additional gains can be achieved, but this should not be set as a requirement for all major developments, and there will be other ways that the District Council is able to pursue its aims in respect of nature recovery (in a way that is complementary to and in parallel with the controls that are imposed on new major development projects).

2.40

Planning Practice Guidance is very clear and states (at Paragraph: 006 Reference ID: 74-006-20240214) 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.”

2.41

The Council has provided no compelling or thorough justification to support a policy requirement that seeks a higher percentage than the statutory minimum of at least 10% (either in respect of need, opportunity or viability impacts) and so this policy is fundamentally unsound.

2.42

Whilst it is acknowledged and positive that development can and should make contributions to addressing biodiversity decline and nature recovery (as is required by national policy) the Council has not produced compelling evidence of need that is specific to East Devon and

justifies the proposed policy requirement. The need to contribute at least 10% BNG via new major development proposals is established via the statutory BNG framework and there is not any need to go further via the policies in this Local Plan.

2.43

The viability impacts of providing elevated minimum levels of BNG have also not been robustly assessed, where the higher costs (stated as 19% within the Council's Viability Assessment) to achieve 20% BNG will have a significant impact on the viability and delivery of development sites across East Devon (including the key site allocations within the plan on which the Council relies to meeting housing and other development needs). As noted within the Council's assessment the ability to deliver high levels of BNG, and also the potential for additional costs arising, are site specific "depending on both the existing site characteristics and the ability of development form to both mitigate and provide additional gain", with the conclusion that it is therefore "difficult to gauge a suitable allowance for meeting the requirements".

2.44

Not only is it clear that the possible cost and viability impacts of this policy have not been robustly assessed (so as to be shown to be soundly based and compatible with the plan as a whole), it is not clear how the policy requirement has been considered and tested as part of the process of identifying the various development site allocations that form a fundamental component of the plan. Given that at this stage there is not detailed

baseline assessment available of all of these sites, the land or other requirements to achieve this policy, whilst meeting the capacity expectations for development from these sites is far from clear. It is possible that in many cases requirement to provide at least 20% BNG on an allocated development site would have the effect of either significantly reducing the capacity for development (where this requirement is being met on site), or an off-site solution is proposed (via an offsetting solution and the use of credits) an additional financial cost that puts further pressure on the timely delivery of development and the provision of other planning obligations.

2.45

Given the above Policy PB05 should be significantly modified to ensure that it is sound. This is primarily on the basis that a requirement for at least 20% BNG is not justified in terms of being necessary, viable and in terms of the impact it may have on how the plan will secure other sustainable development objectives. As part of any modification to Policy PB05 there should also be a further critical review to ensure that any elements of the policy that may remain, only do so on the basis that they complement rather than duplicate the statutory framework for BNG. Beyond the headline objective of seeking an elevated level of minimum BNG, much of Policy PB05 is unnecessary as it duplicates aspects of the statutory regime for BNG and matters that would be covered through the submission, approval and implementation of Biodiversity Gain Plans (linked to relevant planning permissions).

2.46

Unmodified Policy PB05 would have a significant impact on the potential for East Devon to deliver the development requirements and other policy objectives set in the plan. The statutory framework now exists to ensure that all qualifying new developments make a meaningful contribution to address nature recovery goals by contributing at least 10% BNG. The Council

can do more to go further, including encouraging higher levels of BNG where this is both feasible and viable, but this should not be linked to major development proposals via Development Plan policy in the way suggested by this policy.

Full name: Iestyn John

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Darts Farm 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

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.:
Please see attached 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.: To address any queries regarding the deliverability of the policy.

Full name: Iestyn John

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Darts Farm 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

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

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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 attached representation.

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 attached representation.

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

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.: -

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.: -

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

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

Full name: Jemma Shorrocks

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

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 development to provide at least 20% biodiversity net gain (BNG), calculated using the most up to date statutory metric. PHSW do not believe this request is justified, nor supported by a robust evidence base.

Strategic Policy PB05 is therefore considered to be unjustified and unsound for the following reasons:

- The Nature Recovery Declaration (Doc Ref. ENV-025) which has informed the proposed policy text has been prepared on the assumption that developments will deliver the mandatory requirement of 10%;
- The 20% BNG requirement has not been referenced or justified by any of the existing nature recovery plans / delivery partners;
- The proposed costs identified within the Draft LP Viability Assessment are not appropriate and make assumptions on the cost implications for developers;
- The 20% BNG requirement would implicate the availability of land on site required to deliver homes; and
- The Draft LP Viability Assessment prepared by Three Dragons concluded that 10% is the right level to demonstrate net gain, emphasising that a 20% requirement is not justified.

The justification used for the 20% BNG requirement is based on the Nature Recovery Declaration for East Devon document which sets out the Local Nature Recovery Strategies within East Devon. This report states that the strategies are: “Designed to work closely alongside other measures in the Act. They will, for example, support delivery of mandatory

Biodiversity Net Gain (BNG) and provide a focus for a strengthened duty on all public authorities to conserve and enhance biodiversity”

This implies that the report has been prepared on the assumption that developments will be delivering the mandatory requirement for BNG at 10%.

In addition, none of the existing nature recovery partners / delivery partners noted within the Nature Recovery Declaration, strategy and policy reference or justify the inclusion of a 20% BNG requirement within the Draft LP. The current policy is therefore not considered to be supported by robust evidence.

It is noted that the Draft LP Viability Assessment prepared by Three Dragons (Doc Ref. CSD-004) makes financial assumptions of £1,188 per dwelling (greenfield) and £321 per dwelling (brownfield) to deliver EDDC’s Draft LP policy of 20% BNG. It is noted that this report confirms the 20% BNG requirement will result in a 19% net additional cost to developers on

an annual basis. PHSW therefore consider the BNG requirement of 20% is not appropriate, nor justified by the Viability Assessment which concluded that 10% is the right level to demonstrate net gain.

Full name: Jess Permitter

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): CR Down Farming Ltd and 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

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 requirement for at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the supporting text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 10% BNG target but this is not set out in this document. As such, it is unjustified and unsound.

Those proposals that cannot achieve 20% BNG will be required to submit viability appraisals. These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery.

The land take implication of increasing the BNG requirement does also not appear to have been assessed. For larger residential sites there is a real push to achieve the BNG mitigation on-site, as per the guidance and hierarchy. More land set aside for BNG mitigation will reduce the number of homes achievable on the allocations. While the cost of delivering the BNG mitigation might decrease proportionally, the reduction in units is a crucial element. Has the Council run any assessments on their allocated sites having for example a 5% reduction in unit numbers to account for the additional BNG land?

The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact Assessment from 2019 but on reviewing this document it gives an estimated figure of £11,000 per offsetting unit which is significantly lower than current offsetting unit prices. This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings.

Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.

A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.

It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site.

In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires a gain to be achieved.

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: Jess Perminter

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DAAB 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

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 at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 10% BNG target but this is not set out in this document. As such, it is unjustified and unsound.

Those proposals that cannot achieve 20% BNG will be required to submit viability appraisals. These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery.

The land take implication of increasing the BNG requirement does also not appear to have been assessed. For larger residential sites there is a real push to achieve the BNG mitigation on-site, as per the guidance and hierarchy. More land set aside for BNG mitigation will reduce the number

of homes achievable on the allocations. While the cost of delivering the BNG mitigation might decrease proportionally, the reduction in units is a crucial element. Has the Council run any assessments on their allocated sites having for example a 5% reduction in unit numbers to account for the additional BNG land?

The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact Assessment from 2019 but on reviewing this document it gives an estimated figure of £11,000 per offsetting unit which is significantly lower than current offsetting unit prices. This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings.

Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG

Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.

A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.

It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site.

In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires a gain to be achieved.

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: Laura Grimason

Organisation (where relevant): Gillings Planning

Other party name (if relevant): Frontier Estates 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

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(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 respectfully requested that the following comments on the detail of this policy are reflected in the plan

as it progresses towards adoption.

The main change requested is to include reference to the 10% statutory BNG requirement for clarity. It

also seeks to provide further flexibility for the location of offsite habitats for BNG.

The suggested alternative wording for PB05 is as follows:

‘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 of

10% 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.

5

All applications subject to biodiversity net gain will need to be supported by a Biodiversity Gain Statement

which clearly demonstrates how the biodiversity gain hierarchy has been followed. The statement will need

to be supported by a completed biodiversity metric (including condition assessment sheets) and

demonstrate how BNG will be delivered in accordance with good practice principles for development, BS

8683:2021104104, and local guidance (or subsequently updated guidance). Any development proposal

including significant onsite gains will need to include a Habitat Management and Monitoring Plan (HMMP)

and be clear in terms of how habitats will be maintained, appropriately monitored, and reported for 30

years. The statement should provide the expected balance of any off-site gains and whether the use of

statutory biodiversity credits is expected.

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, where feasible and contribute to ecological networks and

published strategies in accordance with BNG principles.

Offsite habitat delivery should prioritise the recovery of ecological networks, priority habitats, and

contribute to the aims and objectives of the Local Nature Recovery Strategy (LNRS), and other locally

published plans, policies, and strategies including the Clyst Valley Regional Park, Tree, Hedge, and

Woodland Strategy for East Devon, and the East Devon Nature Recovery Plan.

Where there is evidence of deliberate habitat degradation on development sites prior to the submission

of planning applications, a precautionary view in terms of the habitat distinctiveness and condition will be

assumed unless there is evidence to support a lower categorisation.

Developments exempt from mandatory BNG are required to deliver ecological enhancements consummate with the scale of development. Self-build developments will be required to provide a

completed statutory biodiversity metric to evidence their baseline ecological value and the predicted

ecological outcome of the development.

This policy does not apply in the Cranbrook Plan area'.

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 discuss the requested changes

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

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.:

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.

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.

Each is addressed in turn below.

CONSISTENCY WITH NATIONAL PLANNING POLICY AND GUIDANCE

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 [MHCLG, Planning Practice Guidance, Biodiversity Net Gain, Paragraph: 006 Reference ID: 74-006-20240214] confirms 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.”

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.

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

LOCAL NEED

Para. 13.23 of the Policy’s supporting text states that “the Nature Recovery Declaration (2023) commits to exceeding the 10% BNG target, recognising the link between biodiversity and climate crises.” However, the evidence base document referred to does not appear to commit to exceeding

the statutory minimum 10% net gain.

It is accepted that there are links between the climate crisis and biodiversity loss, but this is not unique to East Devon and the document does not provide any locally specific evidence to suggest why a 20% net gain is justified in East Devon. Indeed, the Cherwell Group is aware that two

neighbouring authorities, Exeter City Council and Teignbridge District Council, are proposing a net gain that aligns with the statutory minimum, despite also declaring a climate emergency.

Moreover, even if the paper had provided 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%.

The Cherwell Group also note that para. 13.24 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.”

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.

Instead, rather than seeking to increase the net gain requirement to 20%, it may be more appropriate for locally specific targeted habitat creation and enhancement, which would encourage more suitable net gain schemes and result in better outcomes. This could be incorporated into the emerging Local Nature Recovery Strategy.

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

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.

However, in East Devon's case, as confirmed in the Plan's Sustainability Appraisal [Page 97], 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 previously 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.

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.

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 Map [<https://www.devon.gov.uk/environment/wildlife/biodiversity-net-gain/devon-biodiversity-net-gain-map>], which is

listed as being under discussion with the Local Planning Authority.

Suitable habitat banks will be even harder to establish, due to:

the emerging Policy limiting offsetting to only be within, adjacent to or contributing to the Nature Recovery Network (see 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.

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 (late 2026).

This analysis certainly conflicts with the claim made in the emerging Local Plan at para. 13.25 that "habitat bank proposals in East Devon indicate the potential to deliver substantial biodiversity units."

Whilst, as is confirmed at paras. 13.25 and 13.26 of the emerging Plan that "BNG can be integrated with Suitable Alternative Natural Greenspace (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.

VIABILITY

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

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% [Para. 6.11.2 of the Biodiversity net gain and local nature recovery strategies: impact assessment]. 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 demonstr

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.: SUGGESTED CHANGES

"All development proposals will need to deliver biodiversity net gain (BNG) of at least 10% to be calculated using the most up-to-date statutory metric."

And

"Where offsite habitats are created or enhanced to deliver BNG, in full or in part, they should contribute to ecological networks and published strategies in accordance with BNG principles."

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.: Due to the significant policy issues concerned.

Full name: Nick Guildford

Organisation (where relevant): C G Fry & Son

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

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 at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 010% BNG target but this is not set out in this document. As such, it is unjustified and unsound.

Those proposals that cannot achieve 20% BNG will be required to submit viability appraisals. These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery.

The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact Assessment from 2019 but on reviewing this document it gives an estimated figure of

£11,000 per offsetting unit which is significantly lower than current offsetting unit prices (which vary depending on the type of habitat but on average are around £25,000 per unit). This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings.

Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.

A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.

It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off- site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site. The requirement in policy for offsite habitats to be provide in the locality is contrary to the Regulations associated with BNG.

In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires a gain to be achieved.

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.: Strategic Policy PB05 should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Obsidian Strategic Asset Management

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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mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 010% BNG target but this is not set out in this document. As such, it is unjustified and unsound.

Those proposals that cannot achieve 20% BNG will be required to submit viability appraisals. These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery.

The land take implication of increasing the BNG requirement does also not appear to have been assessed. For larger residential sites there is a real push to achieve the BNG mitigation on-site, as per the guidance

and hierarchy. More land set aside for BNG mitigation will reduce the number of homes achievable on the allocations. While the cost of delivering the BNG mitigation might decrease proportionally, the reduction in units is a crucial element. Has the Council run any assessments on their allocated sites having for example a 5% reduction in unit numbers to account for the additional BNG land?

The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact Assessment from 2019 but on reviewing this document it gives an estimated figure of £11,000 per offsetting unit which is significantly lower than current offsetting unit prices (which vary depending on the type of habitat but on average are around £25,000 plus per unit). This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings.

Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any

event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.

A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.

It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site.

In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires a gain to be achieved.

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): CarneySweeney

Other party name (if relevant): WainHomes (South West) 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

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 at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 10% BNG target but this is not set out in this document. As such, it is unjustified and unsound.

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The land take implication of increasing the BNG requirement does also not appear to have been assessed. For larger residential sites there is a real push to achieve the BNG mitigation on-site, as per the guidance and hierarchy. More land set aside for BNG mitigation will reduce the number of homes achievable on the allocations. While the cost of delivering the BNG mitigation might decrease proportionally, the reduction in units is a crucial element. Has the Council run any assessments on their allocated sites having for example a 5% reduction in unit numbers to account for the additional BNG land?

Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.

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It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site.

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Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Cavanna Homes (Cavanna)

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(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 requirement for at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 10% BNG target but this is not set out in this document. As such, it is unjustified and unsound.

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Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.

A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.

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It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site.

In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires a gain to be achieved.

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 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): CarneySweeney

Other party name (if relevant): Taylor Wimpey Exeter

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

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The land take implication of increasing the BNG requirement does also not appear to have been assessed. For larger residential sites there is a real push to achieve the BNG mitigation on-site, as per the guidance and hierarchy. More land set aside for BNG mitigation will reduce the number of homes achievable on the allocations. While the cost of delivering the BNG mitigation might decrease proportionally, the reduction in units is a crucial element. Has the Council run any assessments on their allocated sites having for example a 5% reduction in unit numbers to account for the additional BNG land? For larger strategic developments like Cranbrook and the second new community has the Council calculated the hectareage of land that would be required to deliver the additional 10% BNG?

The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact Assessment from 2019 but on reviewing this document it gives an estimated figure of £11,000 per offsetting unit which is significantly lower than current offsetting unit prices (which vary depending on the type of habitat but on average are around £25,000 plus per unit) This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings. Taylor Wimpey asserts that the additional costs for achieving 20% BNG would be closer to £3,000 per plot.

www.carneysweeney.co.uk

Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.

A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.

It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site.

In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires a gain to be achieved.

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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: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): C R Down Farming Ltd and 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

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These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery.

The land take implication of increasing the BNG requirement does also not appear to have been assessed. For larger residential sites there is a real push to achieve the BNG mitigation on-site, as per the guidance and hierarchy. More land set aside for BNG mitigation will reduce the number of homes achievable on the allocations. While the cost of delivering the BNG mitigation might decrease proportionally, the reduction in units is a crucial element. Has the Council run any assessments on their allocated sites having for example a 5% reduction in unit numbers to account for the additional BNG land?

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Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG

Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.

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Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): C G Fry & Son 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

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It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site. The requirement in policy for offsite habitats to be provide in the locality is contrary to the Regulations associated with BNG.

In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires a gain to be achieved.

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.: Strategic Policy PB05 should be deleted.

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

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.: This policy introduces a requirement for major development to deliver at least 20% Biodiversity Net Gain (BNG), which directly contradicts the statutory requirement of 10%. It is also directly contrary to the PPG that advises that Plans do not need to include policies which duplicate the detailed provisions of the statutory framework. The PPG also makes it 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.”

The supporting text for the policy claims the 10% without species management provides negligible gains, and therefore a precautionary principle has been applied to ensure effective gains. The Council also claim that 20% is feasible and necessary. No evidence has been provided in the evidence base to support these positions and experience nationally in relation to achieving 10% BNG since the mandatory requirements have been in place suggest this is challenging enough.

It is also noted that despite being exempt from the mandatory BNG assessment the policy requires a statutory biodiversity metric for self-build development. Again, this is unjustified and unreasonable for development specifically exempted from these requirements by the statutory BNG framework.

The PPG requires evidence regarding why 20% is required, its impact on viability and details of how such a policy would be implemented. None of these tests have been met and policy is

clearly unjustified, inconsistent with national planning policy and unnecessary given the statutory Framework now in place.

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 PB05 goes above and beyond the statutory framework without justification. As the PPG suggests there is no requirement to duplicate the mandatory BNG requirements and so the policy should be deleted.

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

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.: This policy introduces a requirement for major development to deliver at least 20% Biodiversity Net Gain (BNG), which directly contradicts the statutory requirement of 10%. It is also directly contrary to the PPG that advises that Plans do not need to include policies which duplicate the detailed provisions of the statutory framework. The PPG also makes it 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.”

The supporting text for the policy claims the 10% without species management provides negligible gains, and therefore a precautionary principle has been applied to ensure effective gains. The Council also claim that 20% is feasible and necessary. No evidence has been provided in the evidence base to support these positions and experience nationally in relation to achieving 10% BNG since the mandatory requirements have been in place suggest this is challenging enough.

It is also noted that despite being exempt from the mandatory BNG assessment the policy requires a statutory biodiversity metric for self-build development. Again, this is unjustified and unreasonable for development specifically exempted from these requirements by the statutory BNG framework.

The PPG requires evidence regarding why 20% is required, its impact on viability and details of how such a policy would be implemented. None of these tests have been met and policy is

clearly unjustified, inconsistent with national planning policy and unnecessary given the statutory Framework now in place.

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Please be as precise as possible.: Policy PB05 goes above and beyond the statutory framework without justification. As the PPG suggests there is no requirement to duplicate the mandatory BNG requirements and so the policy should be deleted.

Full name: Iestyn John

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Clinton Devon Estates

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.:
Please see attached 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.: To be able to address any queries regarding the deliverability of this policy.

Full name: Iestyn John

Organisation (where relevant): Bell Cornwell LLP

Other party name (if relevant): Dorepark 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

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.:
Please see attached representations.

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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)?: No, I do not wish to participate in hearing session(s)

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

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.:

[Submitted on behalf of Waddeton Park Limited (Honiton)]

This policy introduces a requirement for major development to deliver at least 20% Biodiversity Net Gain (BNG), which directly contradicts the statutory requirement of 10%. It is also directly contrary to the PPG that advises that Plans do not need to include policies which duplicate the detailed provisions of the statutory framework. The PPG also makes it 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.”

The supporting text for the policy claims the 10% without species management provides negligible gains, and therefore a precautionary principle has been applied to ensure effective gains. The Council also claim that 20% is feasible and necessary. No evidence has been provided in the evidence base to support these positions and experience nationally in relation to achieving 10% BNG since the mandatory requirements have been in place suggest this is challenging enough.

It is also noted that despite being exempt from the mandatory BNG assessment the policy requires a statutory biodiversity metric for self-build development. Again, this is unjustified and unreasonable for development specifically exempted from these requirements by the statutory BNG framework.

The PPG requires evidence regarding why 20% is required, its impact on viability and details of how such a policy would be implemented. None of these tests have been met and policy is

clearly unjustified, inconsistent with national planning policy and unnecessary given the statutory Framework now in place.

Policy PB09 - monitoring requirements for new planting schemes

This policy requires a financial bond by a developer prior to commencement of construction for 25% of the planting cost of a scheme. No justification for this policy is contained in the Plan nor the evidence base and this requirement is considered entirely inappropriate and unreasonable. Any condition or planning obligation requiring such a bond would fail to meet the relevant tests. It presumes a failure to deliver a consented scheme when other powers exist to ensure compliance. Again, it is simply adding unnecessary (and unjustified) additional requirements into the planning process that will create delay and increase costs and resources.

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 PB05 goes above and beyond the statutory framework without justification. As the PPG suggests there is no requirement to duplicate the mandatory BNG requirements and so the policy should be deleted.

Policy PB09 introduces a bond requirement that is unreasonable and would fail the relevant tests for applying conditions and planning obligations. It should be modified to remove reference to a financial bond.

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 elaborate on these and previous representations made on the Plan

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

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

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.: -

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.: (PCL Planning on behalf of Waddeton Park Limited (Honiton)):

This policy introduces a requirement for major development to deliver at least 20% Biodiversity Net Gain (BNG), which directly contradicts the statutory requirement of 10%. It is also directly contrary to the PPG that advises that Plans do not need to include policies which duplicate the detailed provisions of the statutory framework. The PPG also makes it clear that:

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The supporting text for the policy claims the 10% without species management provides negligible gains, and therefore a precautionary principle has been applied to ensure effective gains. The Council also claim that 20% is feasible and necessary. No evidence has been provided in the evidence base to support these positions and experience nationally in relation to achieving 10% BNG since the mandatory requirements have been in place suggest this is challenging enough. It is also noted that despite being exempt from the mandatory BNG assessment the policy requires a statutory biodiversity metric for self-build development. Again, this is unjustified and unreasonable for development specifically exempted from these requirements by the statutory BNG framework.

The PPG requires evidence regarding why 20% is required, its impact on viability and details of how such a policy would be implemented. None of these tests have been met and policy is

clearly unjustified, inconsistent with national planning policy and unnecessary given the statutory Framework now in place.

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Please be as precise as possible.: Policy PB05 goes above and beyond the statutory framework without justification. As the PPG suggests there is no requirement to duplicate the mandatory BNG requirements and so 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)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: in order to provide greater elaboration of the detail of these representations

Full name: Will Ridalls

Organisation (where relevant): PCL PLANNING LTD

Other party name (if relevant): Simon Stokes

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

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13

Also at: 9 Western Road, Launceston, Cornwall, PL15 7AR t: +44 (0)1566 977000

The Keep, Creech Castle, Taunton, TA1 2DX t: +44 (0)1823 577998

Registered Office: 1A Parliament Square, Parliament Street, Crediton, Devon, EX17 2AW

Registered in England and Wales No. 8300933 VAT No. 923955793

“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.” (ref. 74-006-20240214)

The supporting text for the policy claims the 10% without species management provides negligible gains, and therefore a precautionary principle has been applied to ensure effective gains. The Council also claim that 20% is feasible and necessary. No evidence has been provided in the evidence base to support these positions and experience nationally in relation to achieving 10% BNG since the mandatory requirements have been in place suggest this is challenging enough.

It is also noted that despite being exempt from the mandatory BNG assessment the policy requires a statutory biodiversity metric for self-build development. Again, this is unjustified and unreasonable for development specifically exempted from these requirements by the statutory BNG framework.

The PPG requires evidence regarding why 20% is required, its impact on viability and details of how such a policy would be implemented. None of these tests have been met and policy is

clearly unjustified, inconsistent with national planning policy and unnecessary given the statutory Framework now in place.

Full name: James McMurdo

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

Other party name (if relevant): -

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.:

[McMurdo Land Planning & Development Ltd on Behalf of Stuart Partners Ltd relating to Strategic Land at the “West End” of East Devon District made in the context of significant land holdings in this area. Representation to be read in conjunction with representations made by Turley on behalf of Stuart Partners Ltd and Bloor Homes Exeter on the proposed new and an expanded Hill Barton Business Park, and by Carney Sweeney on behalf of Stuart Partners Ltd and Down, relating to land being promoted for a village for up to 2,000 houses between Clyst St George and Clyst St Mary]

Object

Reasons:

Statute prescribes 10% BNG . Whilst Paragraph 192 of the NPPF allows for Local Plans to prescribe a different level of BNG, it is clear that deviations cannot be set higher than 10% unless the figure is justified and evidenced by reference to local needs, local opportunities, and any impacts on viability (PPG on BNG), and that is not the case here. (The viability evidence is out of date and significantly off the pace.) (Ref. PPG 006 Reference ID: 74-006-20240214)

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: Harriet Fuller

Organisation (where relevant): Environment Agency

Other party name (if relevant): -

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(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 support his ambitious policy to require 20% BNG. It is also good to have the reference to habitat banks in paragraph 13.25. The 20% BNG may be more difficult in practice to deliver, especially given increased housing targets, so we might suggest a closer link between PB05 and PB06 (directly below).

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation (HBF)

Other party name (if relevant): -

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.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy

106. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance from DLUHC and the DEFRA BNG Guidance. HBF note that this represents a lot of new information that the Council will need work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

107. HBF therefore 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.

108. It is 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. There is not an option of seeking less than 10% BNG but it is HBF's position that we need to get 10% BNG working properly before looking to go any further.

109. There are 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, delay 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. The Plan should make this position clear.

110. 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.

111. The costs of BNG should have been 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.

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.: 105. HBF note the introduction of Biodiversity Net Gain which came in for large sites on Feb 12th 2024, and for small sites from 2nd April 2024. It will be important that this policy fully reflects all the new legislation, national policy and the new DLUHC and DEFRA guidance to ensure it fully reflects it.

112. 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.

113. HBF would also 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.

114. HBF also notes that 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. There is 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 habitats) 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 suggest 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.

115. Reference should also be made within the Plan to the small sites metric. This is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites. It can only be used for on-site BNG delivery. The national mandatory 10% BNG policy applies to small sites from April 2024.

116. The new DEFRA and DHLUC 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 agree that there is no evidence to support a higher figure in Coventry. However, the introduction of mandatory BNG is significant new requirement and it will be important for the viability implications of this new policy is considered in the whole plan viability assessment on the Coventry Local Plan. It will be 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 delivered.

117. The BNG and supporting text therefore needs updating to reflect the timeframes for the development of the LNRS for Devon. 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.

118. 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.

119. 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, and as such is also unsound for this reason.

Full name: -

Organisation (where relevant): -

Other party name (if relevant): -

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.:

[Tetlow King Planning represents the South West Housing Association Planning Consortium (SWHAPC) which includes leading Housing Associations (HAs) across the South West]

Draft Strategic Policy PB05: Biodiversity Net Gain

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 disagrees that a higher than 10% requirement for BNG should be sought as there is significant concern that an increased BNG requirement may reduce the delivery of affordable housing across East Devon. If the Council is looking to introduce a higher threshold than 10%, this must be robustly viability tested to show that it will be viable for applicants to provide such BNG alongside development. 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)

Full name: -

Organisation (where relevant): Carden Group

Other party name (if relevant): -

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.: 5.1

Strategic Policy PB05 mandates that major development proposals achieve at least 20% Biodiversity Net Gain (BNG). The Carden Group strongly opposes this requirement on the grounds that it deviates from national policy, raises viability concerns, and lacks a robust evidence base to justify such an increase.

National Policy Consistency and Justification

5.2

Local planning policies should align with national planning frameworks to ensure consistency and fairness in development standards. The Environment Act 2021 sets a national BNG requirement of 10%, which has been carefully assessed and legislated at a national level. Introducing a 20% threshold at the local level contradicts this policy and imposes an arbitrary uplift without clear justification.

5.3

Furthermore, there is no equivalent quantifiable evidence supporting a 20% BNG requirement. The justification, including the Lawton Report (2010) and the Nature Recovery Declaration (2023) do not specifically establish why this particular figure, and such a significant increase is necessary or appropriate in East Devon.

Viability, Land Availability, and Economic Impact

5.4

While environmental responsibility is crucial, housing developments are not the primary cause of biodiversity decline. Doubling the national Biodiversity Net Gain (BNG) requirement unfairly places an excessive burden on developers, treating them as the main contributors to biodiversity loss. This goes beyond reasonable mitigation and imposes unjustified obligations that could jeopardise the viability of essential housing and infrastructure projects.

5.5

As of March 31st, 2024, the Council's latest Housing Monitoring Update indicates that at least 2,720 homes are expected to be delivered through extant planning permissions, in addition to

the 3,514 homes already completed since 2020. This brings the total to at least 6,234 homes or 28% of the Council's total anticipated 22,614-home supply over the plan period. These developments have either been exempt from Biodiversity Net Gain (BNG) requirements or were only expected to deliver the 10% threshold introduced by the Environment Act. Therefore, now imposing a significantly higher BNG obligation on future developments under the new Local Plan would create an unfair disparity.

5.6

Moreover, increasing the BNG requirement to 20% would necessitate additional land, leading to further delays in the planning and delivery process. Developers may need to acquire more land or secure off-site BNG solutions, which involve complex legal agreements, negotiations, and long-term management commitments. These delays are particularly concerning given rising housing targets under the Standard Method, as they risk slowing delivery at a time when meeting these targets is more critical than ever.

5.7

A higher BNG threshold could therefore lead to:

-

Reduced housing supply due to viability and less land being available for development.

-

Extended project timelines, further delaying much-needed development.

-

Increased housing costs, exacerbating affordability challenges.

-

A competitive disadvantage for the East Devon area, as investors and developers prioritise other council areas with policies that are aligned with national standards.

5.8

A 2020 viability report by Swale Council for example found that doubling biodiversity net gain requirements (to 20%) increased total developer costs by 19%. As a result, it is essential that BNG policies strike a balance between ecological objectives and economic realities.

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.: 5.9

We therefore recommend that the requirement for BNG remains at 10% instead of increasing to 20%, as the higher threshold lacks clear policy justification, economic assessment, or alignment with national planning policy guidance. Moreover, given that at least 28% of housing sites since 2020 have not been required by policy to deliver 20% BNG, the increased requirement would unfairly concentrate the burden on the remaining developments in the

district. This creates a disproportionate obligation for future schemes, exacerbating viability challenges and distorting the level playing field for developers. Instead of supporting sustainable growth, the higher requirement introduces unnecessary complexity, financial risk, and significant project delays, potentially jeopardising the timely delivery of much-needed housing.

Full name: -

Organisation (where relevant): -

Other party name (if relevant): -

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.:

Pegasus Group, on behalf of Taylor Wimpey Strategic Land

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, and many developments will seek to achieve this where possible, but this should not be translated into a policy requirement.

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: -

Organisation (where relevant): -

Other party name (if relevant): -

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.:

Tetlow King Planning as an agent on behalf of the South West Housing Association Planning Consortium (SWHAPC)

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 disagrees that a higher than 10% requirement for BNG should be sought as there is significant concern that an increased BNG requirement may reduce the delivery of affordable housing across East Devon. If the Council is looking to introduce a higher threshold than 10%, this must be robustly viability tested to show that it will be viable for applicants to provide such BNG alongside development. 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)

Full name: -

Organisation (where relevant): -

Other party name (if relevant): -

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(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 disagrees that a higher than 10% requirement for BNG should be sought as there is significant concern that an increased BNG requirement may reduce the delivery of affordable housing across East Devon. If the Council is looking to introduce a higher threshold than 10%, this must be robustly viability tested to show that it will be viable for applicants to provide such BNG alongside development. 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)

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Other party name (if relevant): -

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(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 previously discussed, we are delighted to see the Council include the requirement to exceed minimum national levels with regard to biodiversity net gain. However, we are disappointed to note that the policy has been watered down since the Draft Local Plan was published. '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'. It is considered highly unlikely that any major development would have a

demonstrable viability problem with achieving a 20% net gain. The ability to purchase off-site credits/units means that delivery of BNG by financial means is always a viable option. If the cost of off-site credits/units was prohibitive to development, it is likely that the existing ecological value of

the site would be too high to allow development to proceed. The inclusion of text which suggests that delivery of less than 20% BNG is an option is misleading and undermines the aspiration for high levels of nature recovery and should be removed from the 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.: In areas where existing nature value is high, where land forms important nature corridors/buffers and where land has high potential for nature recovery alongside other uses, then DWT would urge higher BNG expectations such as 25%.

Full name: Robert Jones

Organisation (where relevant): River Otter Fisheries Association

Other party name (if relevant): -

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(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 – all developments proposed in the Otter valley should be required to comply with the same rigorous controls as are required for developments in the Axe valley.

Full name: Helene Jessop

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.: PB05

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.: The RSPB supports the Council's policy commitment for at least 20% BNG and reference to BNG contributing to recovery of ecological networks, priority habitats and aims and objectives of Devon's emerging Local Nature Recovery Strategy. In our view, this alignment makes better outcomes for nature more likely.

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: Neil Butler

Organisation (where relevant): Natural England

Other party name (if relevant): -

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.: PB05 Policy Biodiversity Net Gain

In our Regulation 18 consultation response Natural England recommended that the policy is expanded to make it clear that by following the mitigation hierarchy, impacts on biodiversity should be avoided. If this is not possible, then impacts should be mitigated and finally if there is no alternative, fully compensated.

While it is noted that paragraph 13.5 requires the application of the mitigation hierarchy as a foundation for the entire chapter on Biodiversity and Geodiversity, Natural England still reiterates that an inclusion of the mitigation hierarchy approach within Policy PB05 would be beneficial in terms of mainstreaming

avoidance and retention. Though this is not likely a soundness issue.

PB05 Policy: BNG & Self-build exemptions

This section of the policy may leave a self-builder questioning why they must use the Statutory Biodiversity Metric instead of the Small Sites Metric. Self-build and minor development are similar in their size and scale (0-9 dwellings or <0.5 ha) and the Small Sites Metric was specifically designed for minor development. Natural England did contact East Devon District Council as to the reasons for this but received no response. It may be helpful if the policy or supporting text clarified this.

Full name: Cara Chambers

Organisation (where relevant): Stantec

Other party name (if relevant): -

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.: 4.4.1

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

It should be noted that 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 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%. This would, nevertheless, increase costs for developers and reduce viability. Many of the plan's allocations are on green field land and so the higher costs would reduce housing delivery.

4.4.4

The Sustainability Appraisal for the Local Plan, when assessing policy PB05, concludes that there would be a negative effect on housing delivery if the 20% BNG was implemented. The council expect to deliver 1,946 windfall dwellings and 13,537 dwellings on allocated sites to meet housing requirements, and this 20% BNG may mean sites are not viable to deliver.

4.4.5

Therefore, in line with legislation, and to ensure viability and deliverability of sites, the requirement for BNG should be 10%. Policy PB05 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.: Therefore, in line with legislation, and to ensure viability and deliverability of sites, the requirement for BNG should be 10%.

Full name: Peter Strouts

Organisation (where relevant): -

Other party name (if relevant): -

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

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 Introduction chapter, please use this box to set out your comments.: -

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.: It sounds like a good idea to have 20% biodiversity net gain, however, in reality every development site East Devon has allocated houses for has seen the most appalling amount of destruction to the biodiversity. On Meeting Lane, Lymptone, they have destroyed a long ancient hedge, cut many trees down, so that they can claim from now onwards the gain is 20%. Also land being quantified as low grade agricultural by developers must be checked by biodiversity experts as it is clearly not true a lot of the time.

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.: -

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

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.: -

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.: -

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.: Net biodiversity must be independently verified, plus any destruction of the biodiversity in the previous 5 years must be taken into account.

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

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.: -

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.: -

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

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

Full name: Jozie Bannister

Organisation (where relevant): Devonshire Homes

Other party name (if relevant): -

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

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

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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 unjustified to require double the legal requirement for BNG. It is set within law at 10% for a reason and to require more than this burdens major development sites with further cost and means housebuilders can't make the most efficient use of land, as required by the NPPF. The policy does include lower delivery on viability grounds but this process in itself costs significant time and money. This policy will make housing sites unviable and will therefore greatly impact housing delivery and the delivery of affordable housing on viability grounds.

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.: -

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

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.: -

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.: -

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

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

Full name: richard ayre

Organisation (where relevant): baker estates

Other party name (if relevant): -

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

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 Introduction chapter, please use this box to set out your comments.: -

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.: It conflicts with the national 10% requirement

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.: The requirement needs to be 10% BNG

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.: -

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.: A BNG requirement of 20% is excessive and will become a massive land and cost hurdle to delivering development. National standards have been set at 10% and, even at 10%, the site requirements can cause very large issues in restricting the amount of developable land that can be achieved as well as resulting in large off site credit purchases. 20% takes this even further and this is no proper justification to go above the national requirement of 10%. The burden of delivering 20% has not been properly considered and the local plan should revert to 10% as per the national requirement.

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 requirement should be 10% BNG.

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

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.: -

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.: -

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.: -

Full name: Angie Hurren

Organisation (where relevant): Broadclyst Parish Council

Other party name (if relevant): -

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(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.:

Biodiversity and Green Infrastructure (Strategic Policy PB05 & Broadclyst NE5, NE6)

-

Minimum 20% Biodiversity Net Gain (BNG) is required for all developments.

-

Broadclyst's Policy NE5 extends this by requiring wildlife corridors, rewilding zones, and native planting schemes.

-

Protection of existing woodlands, hedgerows, and river habitats (Policies NE1 & NE4).

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant): -

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

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

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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.:
Planning Practice Guidance is very clear on the relevant %age target for BNG, set out in full below

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 justification for the 20% is, as far as we can tell, non-existent beyond moving some numbers around in the Three Dragons Paper and the reference in Statute (s90A of the TCPA) to 'at least'. These two words do not give the LPA free rein to assume that anything above what is required in Statute is acceptable as it is above the relevant %age.

s90A of the TCPA states that

The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage (this being 10%)

So, Statute tells the developer of a major development that the requirements of BNG are met if it can be demonstrated that there is a net gain of 10%, yet emerging policy as set out here deems that Statute is insufficient. This position would appear to be something that will take up time at a Public Inquiry unnecessarily as Statute trumps Policy every time.

PPG offers three matters for the LPA to consider in seeking to justify a higher than 10% requirement;

- 1 - is there a local need for a higher %age
- 2 - are there local opportunities for a higher %age
- 3 - assess the impacts on viability

As far as we can see, the two first matters are key here. Only when you get past an assessment of local need AND local opportunities should one then consider the impact on viability. The sole consideration for the LPA appears to have been 'can we make some numbers show that a higher %age is viable?'. There is minimal evidence on local need and/or local opportunities beyond the generic to justify a higher %age.

PPG is clear on this, stating LPAs should not seek a higher %age unless justified. This justification has not been provided and the PPG text must be adhered to.

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.: reduce the 20% to 10%

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

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.: -

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.: -

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.: This mission creep on BNG is not a policy that is dealt with in isolation. It will have implications on delivery and viability which puts the soundness of the Plan at risk. The Three Dragons Report might make some assumptions that accord with guidance and magically show viability, but this is not the same as the real world, where assumptions on what landowners will sell their land for are off the mark. this needs to be aired at the examination.

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Other party name (if relevant): -

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(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 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: Bethan Haigh

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.: PB06

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 PB06 and the need for new development with identified LNRS / NRN to contribute to their importance, through habitat creation appropriate to network type.

Addlepool Farm is not located within a nature recovery network, however, it will deliver targeted ecological mitigation areas and significant biodiversity improvements, alongside new habitats and improvements along the existing watercourse corridor.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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?: 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.: 2.116

Strategic Policy PB06 proposals which result in the enhancement of existing and any subsequently defined NRNs and features that contribute to their importance, through habitat creation appropriate to network type, will be supported. The policy goes on to set out the requirements for developments located within NRNs as well as the requirements for biodiversity net gain within NRNs.

Full name: Laura Grimason

Organisation (where relevant): Gillings Planning

Other party name (if relevant): Frontier Estates 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

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(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 respectfully requested that the following comments on the detail of this policy are reflected in the plan

as it progresses towards adoption.

The main change suggested seeks to provide further flexibility for the location of offsite habitats for BNG.

The suggested alternative wording for PB06 is as follows:

‘Proposals which result in enhancement of existing and any subsequently defined NRNs and features

that contribute to their importance, through habitat creation appropriate to network type, will be supported. Along with this, support will also be given for proposals leading to increased landscape scale

connectivity of NNRs and ecological features within them.

Development proposals within NRN defined areas will be required to provide mitigation in the form of

biodiversity improvements that are compatible with and lead to net improvements within or that are

directly relevant to the NRN in which they fall.

Anywhere in East Devon, where or when there is off-site biodiversity net gain, or other off-site biodiversity

contributions tied to planning permission for development, the expectation will be for these, where

feasible, to be located inside, adjacent to or otherwise contribute to the overall NRN and its biodiversity

importance, or to a specific NRN areas and its biodiversity importance.

Biodiversity net gain (BNG) relevant to NRN areas and their expansion and connectivity, is are formally

identified as being of strategic significance within the Statutory Biodiversity Metric Calculation Tool'.

6

This policy applies across the whole plan area including the Cranbrook Plan area'.

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 discuss in detail the requested changes

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Other party name (if relevant): -

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(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 paragraph 13.27 the paragraph refers to 'improving areas for wildlife and creating green links between habitats'. We suggest there is no need to the distinction of 'green' links because these could well be blue links. We suggest removing the word 'green' from the sentence. Also, this paragraph may be a suitable place to highlight the importance of ensuring that nature can adapt to climate change consistent with the LNRS.

This policy refers to NRNs (Nature Recovery Networks) several times, but in the fourth line of the first paragraph of the policy itself, the acronym NNRs is used. This may be a typo or requires further explanation.

The third paragraph of the policy lacks clarity, and we consider it to be far too broad, with too much scope for developers to justify not delivering sufficient environmental enhancement. We would instead suggest something along the lines of:

"Where a proposal is indicating that it will contribute to a strategic BNG solution that is in line with the LNRS this will be seen as preferable to on-site delivery."

Finding and delivering workable and effective solutions to deliver BNG go somewhat hand-in-hand with LNRS and NRNs. In cases of urban development, off-site BNG would be preferable and more effective, so the weighting for BNG in the matrix could be altered to deliver this result. Therefore, we don't see the need for the policy to say that 'the expectation will be for these [BNG contributions] to be located inside, adjacent to or otherwise contribute to the overall NRN...'

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation (HBF)

Other party name (if relevant): -

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 con-sistent with national policy

120. The wording of this policy conflicts with how BNG is intended to work in practice, see comments in repose 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.

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Other party name (if relevant): -

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(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 disappointing to note that this policy has been substantially weakened following review of the draft 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.: We urge the council to reinstate the text within the policy which states that

development within the NRN will not be supported. The Nature Recovery Network is central to the government's 'apex goal' of improving nature; development within this area will not advance this goal and should be heavily discouraged.

Full name: Robert Jones

Organisation (where relevant): River Otter Fisheries Association

Other party name (if relevant): -

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(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 / NATURE RECOVERY NETWORK – The River Otter should be identified as a subject of a Nature Recovery Network due to it's currently proven poor health, poor water quality, declining natural habitat and it's generally stressed condition.

Full name: Helene Jessop

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.: PB06

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.: The RSPB supports the strategic and integrated approach of this policy for nature recovery using BNG etc. The RSPB recommends that buffering, linking and restoring heathland is included in this.

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: Andrew Ross

Organisation (where relevant): Turley

Other party name (if relevant): Bloor Homes Exeter

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.:

Policy PB07: Ecological enhancement and biodiversity in the built environment

[OBJECT]

2.45 There are two parts of Policy PB07 which are of concern as drafted and should be modified or deleted to ensure that the policy is justified, effective and sound.

2.46 Part C of the policy requires that all major planning application should provide an integrated bat loft, if ecologically relevant. The basis for this policy (to require one integrated bat loft on any size major development, from two houses on a site area over 0.5ha or 1,000s of new homes proposed as a major development, seems to be irrational and not clearly justified. There is also a lack of clarity around how, where and why this feature might be considered to be “ecologically relevant”. The potential delivery implications of this feature, including ongoing management/maintenance (and enforcement of this), does not seem to have been considered as part of devising the policy wording. It would seem preferable to omit this element and use Part B in order to secure appropriate features for the use of bats within new development. This part of the policy could even possibly be strengthened to prescribe the rate at which new bat box provision should be made.

2.47 Part E of the policy requires that all major developments should provide overhanging eaves suitable for nesting house martins. This requirement provides no flexibility and assumes that all developments (or all scales and typologies) will be able to provide this feature and that it would be architecturally appropriate to do so. This will not always be the case and so the requirement needs to be omitted as it is not justified. In any event

the provision of integrated bird boxes is dealt with by Part A of the policy.

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 elaborate on issues raised and respond as appropriate during hearings.

Full name: Bethan Haigh

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

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 support the overall principle of this policy, and the importance for new development to deliver ecological enhancements.

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 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.: 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.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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.: 3.45

This policy requires the provision of biodiversity features in new developments, suggesting that as a minimum the following features are required:

- 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

3.46 The policy is supported in general, however, the current wording of the policy does not offer sufficient flexibility in terms of the location of the above-mentioned features and implies that bird boxes are to be provided on each dwelling. It is suggested that bird boxes located on existing trees may be more beneficial rather than the provision of one integrated bird box per dwelling. The policy should be reworded to acknowledge this and additional clarity provided.

3.47 Concerns are also raised regarding Part C of the Policy due to uncertainties about enforcement and monitoring post-construction, which would complicate property sales. To address these concerns, it is recommended to strengthen the requirements of Part B by requiring one bat box per dwelling, or on an existing tree.

3.48 In regard to Part E of the policy, the requirement for overhanging eaves suitable for nesting house martins might not be appropriate from a design perspective. Additionally, bird box provisions are already covered under Part A of the policy, rendering Part E redundant.

3.49 These provisions should also only be provided where there is evidence that the relevant species is found at the site. Given that ecological appraisals are submitted alongside planning applications, these reports should be used in determining what biodiversity features should be provided for.

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

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.:

4.129. This policy covers ecological features to be delivered as part of the development. Two parts are of potential concern:

- C. An integrated bat loft within all major planning applications, if ecologically relevant (that is, if the site is a suitable location for a bat loft to be constructed - not too isolated or within unsuitable habitat such as heavily urbanised well-lit areas). It would be unclear as to how this could be enforced and monitored post-construction; and
- E. Provision of overhanging eaves suitable for nesting house martins in all major development.

It is Bloor Homes' view that it would be better to strengthen Part B of the policy, which requires a minimum equivalent of 1 bat box per dwelling (to be sited on a building or tree) than have the requirements as set out in Part C of the policy whilst Part E might not be appropriate from a design perspective and should be removed.

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.:

4.130. Bloor Homes objects to this policy and suggests that Criterion C can be addressed in Part B of the policy whilst Part E should be removed.

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

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

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: A supporting Statement has been submitted on behalf of Bloor Homes in respect of the Land to the South of Littleham, Exmouth. It has been submitted in respect of Policy SP01 but considers Policy PB07 and others

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.: Please see Supporting Statement

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.: -

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.:
Please see Supporting Statement

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 see Supporting Statement

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

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.: -

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.: Please see Supporting Statement

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.: The matters raised in our representations affect matters of strategic importance that run to the heart of the East Devon Local Plan 2020 to 2042. In our capacity as a major housebuilder, we would welcome the opportunity to partake in the hearing session(s).

Full name: Frances Lennon

Organisation (where relevant): Turley

Other party name (if relevant): Bloor Homes Exeter [Land off Ottery Road, Feniton]

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(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 PB07: Ecological enhancement and biodiversity in the built environment [OBJECT]

2.47

There are two parts of Policy PB07 which are of concern as drafted and should be modified or deleted to ensure that the policy is justified, effective and sound.

2.48

Part C of the policy requires that all major planning application should provide an integrated bat loft, if ecologically relevant. The basis for this policy (to require one integrated bat loft on any size major development, from two houses on a site area over 0.5ha or 1,000s of new homes proposed as a major development, seems to be irrational and not clearly justified. There is also a lack of clarity around how, where and why this feature might be considered to be “ecologically relevant”. The potential delivery implications of this feature, including ongoing management/maintenance (and enforcement of this), does not seem to have been considered as part of devising the policy wording. It would seem preferable to omit this element and use Part B in order to secure appropriate features for the use of bats within new development. This part of the policy could even possibly be strengthened to prescribe the rate at which new bat box provision should be made.

2.49

Part E of the policy requires that all major developments should provide overhanging eaves suitable for nesting house martins. This requirement provides no flexibility and assumes that all developments (or all scales and typologies) will be able to provide this feature and that it would be architecturally appropriate to do so. This will not always be the case and so the requirement needs to be omitted as it is not justified. In any event the provision of integrated bird boxes is dealt with by Part A of the policy.

Full name: Jess Perminter

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): CR Down Farming Ltd and 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.: PB07

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.: The delivery of ecological mitigation for each development proposal should be based on evidence submitted in connection with the relevant planning application:

C - A blanket requirement for the provision of an integrated bat loft with all major planning applications, without any reference to such a feature being required is not justified. The provision of such feature does give rise to design and management implications and may be hard to deliver on every scheme.

E – A mandatory requirement to provide overhanging eaves suitable for nesting house martins in all major development is too prescriptive and would not allow different architectural design approaches, for example more contemporary design may not be suitable but could be fully appropriate for the context

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 requirements C and E

Full name: Laura Grimason

Organisation (where relevant): Gillings Planning

Other party name (if relevant): Frontier Estates 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

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(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 respectfully requested that the following comments on the detail of this policy are reflected in the plan

as it progresses towards adoption.

The main change is requested to provide flexibility for features to be provided where feasible, determined

on a case by case basis.

The suggested alternative wording for PB06 is as follows:

‘In addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals

are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local

receptors and in accordance with best practice to maximise potential benefits.

As a minimum, the following features are required within new proposals where feasible:

A. Integrated bird boxes (e.g. swift bricks) in suitable locations at a ratio of one per dwelling, or a relevant

number to be agreed for flats or non-dwelling applications, to be provided in accordance with

BS42021:2022111;

B. Provision of integrated bat boxes in locations suitable for use by bats (i.e., adjacent to suitable habitats

and not significantly impacted on by artificial lighting);

C. An integrated bat loft within all major planning applications, if ecologically relevant (i.e., if the site is a

suitable location for a bat loft to be constructed - not too isolated or within unsuitable habitat such as

heavily urbanised well-lit areas);

D. Gaps (13 cm x 13 cm) in the bases of garden fences, between gardens, and within fences between

gardens and wider ecological networks, to facilitate movement of hedgehogs and other protected and

notable species; and

E. Provision of overhanging eaves suitable for nesting house martins in all major development

The location and specification of biodiversity features should be designed with input from a qualified

ecologist and informed by the most up to date research and guidance at the time of application. Bat and

bird boxes should be integrated within the fabric of the building to ensure longevity and retention when

ownership changes (to avoid removal by new owners).

This policy applies across the whole plan area including the Cranbrook Plan area'.

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 discuss in detail the proposed changes

Full name: Nick Guildford

Organisation (where relevant): C G Fry & Son

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.: 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 delivery of ecological mitigation for each development proposal should be based on evidence submitted in connection with the relevant planning application:

C - A blanket requirement for the provision of an integrated bat loft with all major planning applications, without any reference to such a feature being required is not justified. The provision of such feature does give rise to design and management implications and may be hard to deliver on every scheme. E – A mandatory requirement to provide overhanging eaves suitable for nesting house martins in all major development is too prescriptive and would not allow different architectural design approaches, for example more contemporary design may not be suitable but could be fully appropriate for the context

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 requirements C and E

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Obsidian Strategic Asset Management

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(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 delivery of ecological mitigation for each development proposal should be based on site specific evidence submitted in connection with the relevant planning application.

The blanket requirement for integrated bat lofts with all planning applications for major developments – irrespective of need or site suitability – is not justified.

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.: Omit reference to bat lofts.

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Cavanna Homes (Cavanna)

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 delivery of ecological mitigation for each development proposal should be based on evidence submitted in connection with the relevant planning application:

C - A blanket requirement for the provision of an integrated bat loft with all major planning applications, without any reference to such a feature being required is not justified. The provision of such feature does give rise to design and management implications and may be hard to deliver on every scheme.

E – A mandatory requirement to provide overhanging eaves suitable for nesting house martins in all major development is too prescriptive and would not allow different architectural design approaches, for example more contemporary design may not be suitable but could be fully appropriate for the context.

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 requirements C and E

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): CarneySweeney

Other party name (if relevant): Taylor Wimpey Exeter

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(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 delivery of ecological mitigation for each development proposal should be based on evidence submitted in connection with the relevant planning application rather than a mandatory requirement:

C - A blanket requirement for the provision of an integrated bat loft with all major planning applications, without any reference to such a feature being required is not justified. The provision of such feature does give rise to design and management implications and may be hard to deliver on every scheme.

E – A mandatory requirement to provide overhanging eaves suitable for nesting house martins in all major development is too prescriptive and would not allow different architectural design approaches, for example more contemporary design may not be suitable but could be fully appropriate for the context.

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.:

Delete requirements C and E

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): C R Down Farming Ltd and 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.: PB07

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 delivery of ecological mitigation for each development proposal should be based on evidence submitted in connection with the relevant planning application:

C - A blanket requirement for the provision of an integrated bat loft with all major planning applications, without any reference to such a feature being required is not justified. The provision of such feature does give rise to design and management implications and may be hard to deliver on every scheme.

E – A mandatory requirement to provide overhanging eaves suitable for nesting house martins in all major development is too prescriptive and would not allow different architectural design approaches, for example more contemporary design may not be suitable but could be fully appropriate for the context.

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 requirements C and E

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): C G Fry & Son 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

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 delivery of ecological mitigation for each development proposal should be based on evidence submitted in connection with the relevant planning application:

C - A blanket requirement for the provision of an integrated bat loft with all major planning applications, without any reference to such a feature being required is not justified. The provision of such feature does give rise to design and management implications and may be hard to deliver on every scheme.

E – A mandatory requirement to provide overhanging eaves suitable for nesting house martins in all major development is too prescriptive and would not allow different architectural design approaches, for example more contemporary design may not be suitable but could be fully appropriate for the context

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 requirements C and E

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Other party name (if relevant): -

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(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 would be worth clarifying whether applications for changes of use are expected to comply with the requirements of this policy.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation (HBF)

Other party name (if relevant): -

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

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.: 121. The policy needs to be clear how it links to mandatory BNG.

Full name: -

Organisation (where relevant): -

Other party name (if relevant): -

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.:

Pegasus Group, on behalf of Taylor Wimpey Strategic Land

Objection is raised to this policy as it is overly prescriptive and unnecessary. The need for ecological enhancement features in each case should be informed by the site-specific ecological appraisal reports submitted with any planning application. These reports confirm the habitats existing on and around the

site and the presence or otherwise of protected species. Specific mitigation and enhancement measures are identified in these reports. Blanket minimum policy requirements could add to development costs without necessarily delivering biodiversity enhancements.

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: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Other party name (if relevant): -

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(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 welcome the inclusion of the requirement for a minimum of one bird box per dwelling, but would like to see this extended to cover both bat and invertebrate boxes/bricks in addition to bird boxes. Interventions that support key local species (e.g. swifts, horseshoe bats) should be supported by preference rather than simplest, most generic or cheapest options.

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 include reference to the Building with Nature accreditation.

Full name: Robert Jones

Organisation (where relevant): River Otter Fisheries Association

Other party name (if relevant): -

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(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.:
ECOLOGICAL ENHANCEMENT PB07 – features of biodiversity value to the river Otter should be included in policy including:- 13.37

- the removal of migratory fish barriers
- diversion of flood water from foul sewers
- mitigation of siltation of spawning areas by poor agricultural practices
- enhancement of spawning areas by gravel cleaning

Full name: Helene Jessop

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.: PB07

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.: The RSPB supports this policy. It will help several species, including birds of conservation concern. Providing opportunities for wildlife in new developments accords with the National Planning Policy Framework (December 2024) where para 187d requires that planning policies and decisions provide net gains for biodiversity, including by "incorporating features which support priority or threatened species such as swifts, bats and hedgehogs." Being able to experience nature is also proven beneficial to people's physical and mental health, and enactment of this policy will enable residents to have some nature on their doorstep.

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: Mr Michael John Priaux

Organisation (where relevant): Swifts Local Network: Swifts & Planning Group

Other party name (if relevant): -

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

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 Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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.: PB07 reference to swift bricks is welcome to implement NPPF and NPPG, but not sound as not effective due to inflexibility on best-practice guidance for maximum availability and to allow for any future updates, and lack of clarity on scope.

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 add to PB07 first bullet point "best-practice guidance equivalent to" BS42021:2022, and also add "including extensions with a roof commencement height of at least 5m".

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.: -

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.: -

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: Sara Davies

Organisation (where relevant): Lympstone Water Quality Group

Other party name (if relevant): -

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

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 Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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 PB07 on ecological enhancement and biodiversity in the built environment is so limited (bat and bird boxes, etc). Opportunities with multiple benefits should be encouraged, e.g., bioretention ponds and wetlands which increase biodiversity, improve water quality, and reduce flood risk.

In PB04 on Habitats Regulations Assessment, the strategy for the Exe Estuary needs to be updated since it does not consider the vital importance of water quality to wildlife in this protected site. This is a local priority and a legal requirement.

In the Introduction, Paragraphs 13.1 and 13.2 don't make sense (a lot of words pulled together with no clear meaning).

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.: A more joined up, integrated approach is needed - considering biodiversity, water quality, flood risk, and human health and wellbeing.

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

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.: -

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 this chapter is out of date indicates that there has been limited cooperation with other organisations 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)?: No, I do not 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.: -

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Other party name (if relevant): -

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(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 relation to policy PB07 swift boxes should be mandatory in all appropriate buildings.

Full name: mayara moreira

Organisation (where relevant): -

Other party name (if relevant): -

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

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 Introduction chapter, please use this box to set out your comments.: Yes it is legally compliant but there needs to be more weight given to biodiversity and features that are already in existence and have been there for a number of years. You can't replace an ancient orchard with its old and decaying structures with some saplings and say that because more saplings have been planted than the original trees there is a net gain. Insects and animals can't wait around for 30 years for these trees to mature. We live in a special and unique environment in East Devon and we should not be afraid to say that our trees and wildlife should take president over housing if necessary.

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.: -

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.: -

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.: -

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.: -

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.: -

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.: -

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.: -

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)

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

Full name: Bethan Haigh

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.: PB08

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 this policy, particularly the recognition that there may be instances where tree and hedgerow removal is unavoidable. In such instances, loss of trees must be justified with mitigation and replacement planting to support biodiversity net gain.

The proposals at Addlepool Farm will seek to minimise tree and hedgerow loss, in addition to substantial new habitat creation measures, including species-rich wildflower meadows and dense woodland and thicket buffer planting. This will deliver biodiversity net gain and improve habitat diversity on the Site.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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

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.: -

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.: -

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.: 1.1

It is agreed that development proposals must retain healthy trees, hedges, and woodlands, especially those of ecological, historical or aesthetic value following BS 5837 standards, with detailed tree assessments and protection plans. It is also agreed that the loss of trees must be justified, with mitigation and replacement planting to support biodiversity net gain and the draft LP policy recognises that there may be instances where tree and hedgerow removal is unavoidable.

1.2 It is noted that the draft policy states “woodland, trees and hedges are to be removed they should be accurately identified, with a clear justification set out for their loss, together with details of any mitigation or replacement planting as part of an overall approach to achieving biodiversity net gain”. We support EDDC’s acknowledgement that development may require some loss of trees and hedgerows.

1.3 The policy is considered overly prescriptive, potentially resulting in future planning applications that seek to remove more existing trees due to stringent guidelines governing the relationship between buildings and trees. Instead of preserving trees, the policy encourages replacing them elsewhere on the site, which is not considered the most optimal approach.

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.: As drafted the Policy is extensive in its restrictions and could benefit from a shift to a more flexible, general approach.

Full name: Jess Perminter

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): CR Down Farming Ltd and 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

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 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and

submitted.

Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees

lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had

significant amounts of ash dieback.

Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.

Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.

Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a 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.: The policy should be significantly simplified.

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.: PB08

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 emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB08 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

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.: SUGGESTED CHANGES

"Where trees are present on a development site proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This is to specifically include protection of : ancient woodland; ancient and veteran trees; those

with visual amenity value; those that support wildlife."

And

"All development proposals where trees over 75mm diameter at 1.5m and native hedges are present, or where trees outside of the boundary are within the root protection area or the crowns of which overhang the development boundary will need to be informed by relevant British

Standards for trees in relation to design, demolition and construction (or the most up to date version), the recommendations of which will be taken fully into account in the scheme design.”

And

“No building, hard surfacing, drainage or underground works will be permitted that does not accord with relevant national guidelines unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.”

And

"The provision of new trees and hedges shall be based on the principles outlined in the latest local guidance for trees, hedgerow and woodland and other relevant national guidance.”

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: Nick Guildford

Organisation (where relevant): C G Fry & Son

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.: 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.:

Policy PB08 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.

Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had significant amounts of ash dieback.

Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.

Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.

Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a local plan. At best

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 amended

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

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.:

Introduction

1. This representation is submitted by Savills on behalf of Mac Mic Strategic Land (from hereon referred to as 'Mac Mic'). Mac Mic is a strategic land promoter with a strong reputation for delivering planning permissions that lead to high-quality development.

2. Mac Mic has instructed Savills on their behalf to submit a series of representations to the relevant policies of the Regulation 19 Local Plan, including this policy.

Policy PB08

3. 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.

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 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: 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

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 Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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 attached.

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 attached.

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.: -

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.: -

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)

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

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson 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.: PB08

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.: 9.89

The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004

Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB08 could inadvertently afford them development plan status, which is clearly not the intent.
Reference

to these documents should only be included within the Policy's supporting text.

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.: Suggested changes

"Where trees are present on a development site proposals will need to be designed, and schemes

implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows.

This is to specifically include protection of : ancient woodland; ancient and veteran trees; those with visual amenity value; those that support wildlife (such as some appropriate U category trees

as part current BS 5837..."

And

"All development proposals where trees over 75mm diameter at 1.5m and native hedges are

present, or where trees outside of the boundary are within the root protection area or the crowns

of which overhang the development boundary will need to be informed by relevant British Standards for trees BS 5837 Trees in relation to design, demolition and construction (or the most

up to date version), the recommendations of which will be taken fully into account in the scheme

design.”

And

“No building, hard surfacing, drainage or underground works will be permitted that does not accord with relevant national guidelines the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the

trees concerned or there are overriding reasons for development to proceed.”

And

“The provision of new trees and hedges shall be based on the principles outlined in the Devon Tree Strategy, the Tree, Hedge, and Woodland Strategy for East Devon, Devon County Right Tree Right Place Guidance, and New Devon Hedges and relevant guidance provided by Trees and Design Action Group (TDAG). latest local guidance for trees, hedgerow and woodland and other relevant national guidance.”

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: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Obsidian Strategic Asset Management

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(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 is entirely too prescriptive and onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.

The retention and provision of trees is embedded in good design, but flexibility is needed with tree impacts having to be balanced with other considerations, particularly the requirements of services and easements.

Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.

Tree planting and maintenance is a detailed matter, and it is not appropriate for this to be controlled by a land use planning policy in a 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.: The policy needs to be significantly simplified.

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): WainHomes (South West) 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

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 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.

Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had significant amounts of ash dieback.

Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.

Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.

Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a 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.: The policy should be significantly simplified.

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Cavanna Homes (Cavanna)

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(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 PB08 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.

Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.

Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.

Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a local plan.

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 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): CarneySweeney

Other party name (if relevant): Taylor Wimpey Exeter

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.:

Policy PB08 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.

www.carneysweeney.co.uk

Imposing such strict guidelines are so strict about the relationships between buildings and trees, could have an unintended effect of applications proposing to remove more existing trees and instead look to replace them elsewhere on the site which is not the optimal approach.

Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had significant amounts of ash dieback.

Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.

Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.

Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a 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.: The policy should be significantly simplified retaining only the first five paragraphs.

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): C R Down Farming Ltd and 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

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 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.

Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had significant amounts of ash dieback.

Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.

Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.

Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a 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.: The policy should be significantly simplified.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): C G Fry & Son 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

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 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.

Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had significant amounts of ash dieback.

Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.

Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.

Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a 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.: The policy should be amended

Full name: James McMurdo

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

Other party name (if relevant): -

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.:

[McMurdo Land Planning & Development Ltd on Behalf of Stuart Partners Ltd relating to Strategic Land at the “West End” of East Devon District made in the context of significant land holdings in this area. Representation to be read in conjunction with representations made by Turley on behalf of Stuart Partners Ltd and Bloor Homes Exeter on the proposed new and an expanded Hill Barton Business Park, and by Carney Sweeney on behalf of Stuart Partners Ltd and Down, relating to land being promoted for a village for up to 2,000 houses between Clyst St George and Clyst St Mary]

[See also/to be read with submission for Policy PB03]

Object singularly and cumulatively to policies:

- PB03: Protection of irreplaceable habitats and important features
- PB08: Tree, hedges and woodland on development sites

Policy PB08 is complicated, and it is difficult to decipher exactly what it requires and of whom.

There is no evidence (bar Bristol City Council papers) presented as to why this policy has to be part of the Local Plan.

Nearly all planning applications for strategic development schemes are accompanied by detailed arboricultural reporting, in any case.

Asking applicants to commit to such expensive detail (at outline stage) is unjustified and inappropriate.

The Council has other tools available to it should it deem it necessary to protect trees and/or vegetation of merit (singular trees and grouped vegetation).

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:

1.delete the policies; or,

2.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: Harriet Fuller

Organisation (where relevant): Environment Agency

Other party name (if relevant): -

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(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 refers to habitat connectivity which we support. However, the policy wording is weak where it states ‘... protected assets will need to be incorporated into the overall design and landscape scheme, within public spaces where possible’. It would be stronger to remove ‘where possible’ from that sentence, to require developers to design development around existing constraints.

We welcome the reference to the Right Tree Right Place Guidance in this policy.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation (HBF)

Other party name (if relevant): -

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

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.: 122. The policy needs to be clear how it links to mandatory BNG.

Full name: -

Organisation (where relevant): -

Other party name (if relevant): -

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.:

Pegasus Group, on behalf of Taylor Wimpey Strategic Land

This policy, spanning three pages, is overly prescriptive and detailed, and may have the unintended harmful consequence of encouraging tree removals in advance of development proposals being prepared.

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 reduced in length and simplified, perhaps linked to an SPD.

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: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Other party name (if relevant): -

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(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 refers to the presentation of the minimum compensation requirements for trees within a table, however no table is present and the link provided does not link to a specific document. A table detailing the compensation requirements for trees should be included.

No minimum compensation requirements are provided for either hedgerows or woodland. Given the time taken for these habitats to mature, it is important that detailed compensation requirements are provided within the local plan to ensure no net loss of habitat.

We would like to see the requirement for native species referred to here – please see General Comments above.

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 refers to the presentation of the minimum compensation requirements for trees within a table, however no table is present and the link provided does not link to a specific document. A table detailing the compensation requirements for trees should be included.

No minimum compensation requirements are provided for either hedgerows or woodland. Given the time taken for these habitats to mature, it is important that detailed compensation requirements are provided within the local plan to ensure no net loss of habitat.

We would like to see the requirement for native species referred to here – please see General Comments above.

Full name: David Morgan

Organisation (where relevant): -

Other party name (if relevant): -

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(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, hedges and woodland on development sites. (pages 232-4). Quote: “Where justifiable and unavoidable tree and hedge losses occur, there will need to be adequate compensation for on the development site or on publicly accessible land in accordance with the minimum compensation requirements for trees.”

Comment: Where ever possible, “compensation” must prioritise the replacement of trees and hedges lost on the development site with suitable comparable replacement species. This is to maintain and enhance landscapes, help reduce the visual impact of new build development, provide wildlife habitats, support sustainable drainage, and improve public health such as wellbeing through delivering a more localised connection with green nature. “Compensation” must not actively promote financial compensation for the loss of trees and hedges as an alternative preference, or the relocation of comparable species of trees and hedgerows to alternative publicly accessible land.

Full name: Oliver Keates

Organisation (where relevant): OBK Land and Planning Ltd

Other party name (if relevant): -

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

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 Introduction chapter, please use this box to set out your comments.: I support this policy. It is important that where tree/ hedge losses are justifiable and unavoidable to access a site for instance, it is appropriate to compensate elsewhere either on or off-site.

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.: -

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.: -

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

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.: -

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.: -

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.: -

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

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.: -

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.: -

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.: -

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Other party name (if relevant): -

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(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 PB08 - Tree, shrub and hedge planting should be undertaken with native species appropriate to the changing climate conditions relevant to the species expected life span.

Full name: Helene Jessop

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.: PB08

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.: The RSPB supports this policy.

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: Andrew Ross

Organisation (where relevant): Turley

Other party name (if relevant): Bloor Homes Exeter

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. 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 PB09: Monitoring requirements for new planting schemes [OBJECT]

2.48 Policy PB09 as drafted introduces a requirement on major developments for the placement of a financial bond (prior to the commencement of construction), equal to 25% of the calculated planting cost for the scheme (or agreed phase). The bond would be released only following the certified completion of relevant planting works and following 5 years of monitoring by a landscape architect. This requirement is onerous and unjustified and presents a potentially significant financial burden on development that has not been accounted for in the Council's viability assessment.

2.49 On very large or even moderately sized major development schemes, the financial bonds required could be sizeable – many hundreds of thousands of pounds. Whilst the Council's financial viability assessment seems to have accounted for the need for planting schemes as part of the standard landscaping (plot or site infrastructure) costs (as would be expected), the additional costs associated with bonds have not been.

2.50 Bloor Homes is an experienced developer of new homes and major new developments across various parts of the South West and rest of England. There are nearly always controls imposed on the grant of relevant planning permissions to ensure that the design, implementation and maintenance of new landscape planting is secured. However, in no locations has Bloor Homes experienced the need to provide a financial bond to underwrite this provision.

2.51 Notwithstanding issues relating to cost/viability (and the robust assessment and testing of this), the supporting text for Policy PB09 does not seek to provide any reasoned

justification for the requirement in the policy for a financial bond. The use of planning conditions can appropriately secure the implementation of landscaping as part of new development, with provisions identified (where necessary) for the longer-term management and maintenance of new landscaped spaces (either via transfer for adoption to relevant public authorities, or the use of appropriate management companies). There is no supporting evidence or justification for the Council's proposed policy requirement for financial bonds to secure the implementation of planting schemes.

2.52 Policy PB09 should be deleted or substantially modified in order to be sound, it is not necessary (so not positively prepared or effective) and not justified.

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 elaborate on issues raised and respond as appropriate during hearings.

Full name: Bethan Haigh

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

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.: Vistry object to this policy, which is not justified and therefore not sound.

The draft policy requires annual inspection reports to be prepared and issued to the LPA for a period of 5 years following completion of the planting works. It should be acknowledged that developers will often transfer the ownership of a scheme's public open space 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, whom will no longer have any ownership of the land, to be held accountable for submitting annual inspection reports to the LPA, as alluded to within Part B of this draft LP 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 of the policy is omitted.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

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. 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.: 3.54

We object to this draft LP policy requirement, which requires annual inspection reports to be prepared and issued to the LPA for a period of 5 years following completion of the planting works. This is not considered to be justified. Developers will often transfer the ownership of the public open space to a Management Company, whom would be responsible for the on- going maintenance of the scheme's planting. At this point in time, the developer will no longer have any ownership of the land and therefore cannot be held accountable for submitting annual inspection reports to the LPA, as alluded to within Part B of this draft LP policy.

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. 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.:

4.131. This policy requires placement of a pre-construction financial bond (25% of total planting cost) with the Council, which could be reclaimed at end of five-year period, following approval of planting by the Local Planning Authority. However, there is a lack of detail on how this work in practice in terms of the financial arrangement associated with bond and enforcement. It is also unclear as to whether the Council has the capacity to manage this additional work stream.

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.: 4.132. Bloor Homes object to this policy and suggested it should be removed.

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

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

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: -

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.: A supporting Statement has been submitted on behalf of Bloor Homes in respect of the Land to the South of Littleham, Exmouth. It has been submitted in respect of Policy SP01 but considers Policy PB09 and others

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.: Please see Supporting Statement

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.: -

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.:
Please see Supporting Statement

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 see Supporting Statement

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

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.: -

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.: Please see Supporting Statement

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.: The matters raised in our representations affect matters of strategic importance that run to the heart of the East Devon Local Plan 2020 to 2042. In our capacity as a major housebuilder, we would welcome the opportunity to partake in the hearing session(s).

Full name: Frances Lennon

Organisation (where relevant): Turley

Other party name (if relevant): Bloor Homes Exeter [Land off Ottery Road, Feniton]

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.: 1

Policy PB09: Monitoring requirements for new planting schemes [OBJECT]

2.50

Policy PB09 as drafted introduces a requirement on major developments for the placement of a financial bond (prior to the commencement of construction), equal to 25% of the calculated planting cost for the scheme (or agreed phase). The bond would be released only following the certified completion of relevant planting works and following 5 years of monitoring by a landscape architect. This requirement is onerous and unjustified and presents a potentially significant financial burden on development that has not been accounted for in the Council's viability assessment.

2.51

On very large or even moderately sized major development schemes, the financial bonds required could be sizeable – many hundreds of thousands of pounds. Whilst the Council's financial viability assessment seems to have accounted for the need for planting schemes as part of the standard landscaping (plot or site infrastructure) costs (as would be expected), the additional costs associated with bonds have not been.

2.52

Bloor Homes is an experienced developer of new homes and major new developments across various parts of the South West and rest of England. There are nearly always controls imposed on the grant of relevant planning permissions to ensure that the design, implementation and maintenance of new landscape planting is secured. However, in no locations has Bloor Homes experienced the need to provide a financial bond to underwrite this provision.

2.53

Notwithstanding issues relating to cost/viability (and the robust assessment and testing of this), the supporting text for Policy PB09 does not seek to provide any reasoned justification for the requirement in the policy for a financial bond. The use of planning conditions can appropriately secure the implementation of landscaping as part of new development, with provisions identified (where necessary) for the longer-term management and maintenance of new landscaped spaces (either via transfer for adoption to relevant public authorities, or the use of appropriate management companies). There is no supporting evidence or justification for the

Council's proposed policy requirement for financial bonds to secure the implementation of planting schemes.

2.54

Policy PB09 should be deleted or substantially modified in order to be sound, it is not necessary (so not positively prepared or effective) and not justified.

Full name: Jess Perminter

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): CR Down Farming Ltd and 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.: PB09

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 of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the

implications on housing delivery. It also imposes additional administrative burdens on the Council and the

applicant at a time when local authorities are under increasing financial and resourcing pressures.

The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction has been completed is unreasonable.

A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, 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: 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.: PB09

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 Cherwell Group note that the Policy requires developers of major developments to provide a financial bond prior to the commencement of development, which will be realised on fulfilment of the requirements set out in the Policy. However, there appears to be little evidential basis for this

requirement and it has not been demonstrated that a conventional approach to monitoring and replacement planting could not continue to be used, or is not presently working.

Moreover, the Policy does not appear to be clearly written and therefore contrary to national planning policy, for no information is provided about when and how the bond will be returned to the developer (i.e. does the Local Planning Authority need to visit the site after five years and what

happens at the end of the monitoring period if there is a disagreement over whether the works are satisfactory).

Consequently, the emerging Policy, as currently drafted, is unjustified and not consistent with national planning policy. The Policy is capable of being sound if the requirement for a bond is removed.

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.: Remove "For major developments..." (second sentence, first paragraph) through to and including the third paragraph of the policy.

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.: Due to the significant policy issues concerned.

Full name: Nick Guildford

Organisation (where relevant): C G Fry & Son

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

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 of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the implications on housing delivery. It also imposes additional administrative burdens on the Council and the applicant at a time when local authorities are under increasing financial and resourcing pressures.

The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction

has been completed is unreasonable.

A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, 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: 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

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.:
Introduction

1. This representation is submitted by Savills on behalf of Mac Mic Strategic Land (from hereon referred to as 'Mac Mic'). Mac Mic is a strategic land promoter with a strong reputation for delivering planning permissions that lead to high-quality development.

2. Mac Mic has instructed Savills on their behalf to submit a series of representations to the relevant policies of the Regulation 19 Local Plan, including this policy.

Policy PB09

3. 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. This policy should be deleted.

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 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. 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)?: No, I do not wish to participate in hearing session(s)

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

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 Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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 attached.

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 attached.

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.: -

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.: -

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)

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

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson 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

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(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.: -

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.: 9.90 DWH note that the Policy requires developers of major developments to provide a financial bond

prior to the commencement of development, which will be realised on fulfilment of the requirements set out in the Policy. However, there appears to be little evidential basis for this requirement and it has not been demonstrated that a conventional approach to monitoring and replacement planting could not continue to be used, or is not presently working.

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9.91 Moreover, the Policy does not appear to be clearly written and therefore contrary to national

planning policy, for no information is provided about when and how the bond will be returned to the developer (i.e. does the Local Planning Authority need to visit the site after five years and what

happens at the end of the monitoring period if there is a disagreement over whether the works are satisfactory).

9.92 Consequently, the emerging Policy, as currently drafted, is unjustified and not consistent with

national planning policy. The Policy is capable of being sound if the requirement for a bond is removed.

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.: Suggested changes

“For major developments this will also require the placement of a financial bond by the developer

prior to the commencement of construction, equal to 25% of the calculated planting cost for the

scheme, or agreed phase, to be released on fulfilment of the following to the satisfaction of the planning authority:

A. Within 1 month of the completion of planting works, the issue of a signed certificate by the developer’s landscape architect or other appropriately qualified/ experienced professional consultant confirming that the planting works have been overseen by them and completed in accordance with the approved details.

B. For years 1-5 thereafter, the issue of an annual inspection report by the developer’s landscape

architect confirming that maintenance of the scheme has been carried out in accordance with the approved details and identifying any plant failures or other defects that require rectification together with a program for their implementation at the earliest opportunity. The annual certificate shall also confirm the satisfactory rectification of any defects identified during the previous year’s inspection.”

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.: Due to the significant policy issues concerned.

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Obsidian Strategic Asset Management

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.: The requirement for a developer to place a bond equal to 25% of the calculated scheme planting costs for all major developments is wholly unreasonable.

The need for this has not been justified with reference to the normal methods of securing and managing landscaping – standard landscaping conditions, requirements for LEMPs, Section 106 landscape management – and the financial implications of this have not been tested in terms of scheme viability and the implications on housing delivery.

Such a requirement is disproportionate on small major schemes and will be potentially significant for large major and strategic schemes and its implications on cash flow and wider scheme viability has not been

assessed. This process will also place considerable additional administration burdens on both applicants and the Council where cashflow and resources are already stretched. The retention of the bond for what in

effect will be 5 years after construction has been completed is unreasonable.

A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, no evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority utilising standard landscape conditions / Section 106 obligations.

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.

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): WainHomes (South West) 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

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 of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the implications on housing delivery. It also imposes additional administrative burdens on the Council and the applicant at a time when local authorities are under increasing financial and resourcing pressures.

The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction has been completed is unreasonable.

A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, 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): CarneySweeney

Other party name (if relevant): Cavanna Homes (Cavanna)

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. 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 of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the implications on housing delivery. It also imposes additional administrative burdens on the Council and the applicant at a time when local authorities are under increasing financial and resourcing pressures.

The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction has been completed is unreasonable.

A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, 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): C R Down Farming Ltd and 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.: 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.: The introduction of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the implications on housing delivery. It also imposes additional administrative burdens on the Council and the applicant at a time when local authorities are under increasing financial and resourcing pressures.

The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction has been completed is unreasonable.

A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, 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): C G Fry & Son 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

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 of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the implications on housing delivery. It also imposes additional administrative burdens on the Council and the applicant at a time when local authorities are under increasing financial and resourcing pressures.

The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction has been completed is unreasonable.

A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, 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: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

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. 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 requires a financial bond by a developer prior to commencement of construction for 25% of the planting cost of a scheme. No justification for this policy is contained in the Plan nor the evidence base and this requirement is considered entirely inappropriate and unreasonable. Any condition or planning obligation requiring such a bond would fail to meet the relevant tests. It presumes a failure to deliver a consented scheme when other powers exist to ensure compliance. Again, it is simply adding unnecessary (and unjustified) additional requirements into the planning process that will create delay and increase costs and resources.

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 PB09 introduces a bond requirement that is unreasonable and would fail the relevant tests for applying conditions and planning obligations. It should be modified to remove reference to a financial bond.

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 elaborate on these and previous representations made on the Plan.

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

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. 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 requires a financial bond by a developer prior to commencement of construction for 25% of the planting cost of a scheme. No justification for this policy is contained in the Plan nor the evidence base and this requirement is considered entirely inappropriate and unreasonable. Any condition or planning obligation requiring such a bond would fail to meet the relevant tests. It presumes a failure to deliver a consented scheme when other powers exist to ensure compliance. Again, it is simply adding unnecessary (and unjustified) additional requirements into the planning process that will create delay and increase costs and resources.

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 PB09 introduces a bond requirement that is unreasonable and would fail the relevant tests for applying conditions and planning obligations. It should be modified to remove reference to a financial bond.

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

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. 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.: (PCL Planning on behalf of Waddeton Park Limited (Honiton)):

This policy requires a financial bond by a developer prior to commencement of construction for 25% of the planting cost of a scheme. No justification for this policy is contained in the Plan nor the evidence base and this requirement is considered entirely inappropriate and unreasonable. Any condition or planning obligation requiring such a bond would fail to meet the relevant tests. It presumes a failure to deliver a consented scheme when other powers exist to ensure compliance. Again, it is simply adding unnecessary (and unjustified) additional requirements into the planning process that will create delay and increase costs and resources.

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 PB09 introduces a bond requirement that is unreasonable and would fail the relevant tests for applying conditions and planning obligations. It should be modified to remove reference to a financial bond.

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 provide greater elaboration of the detail of these representations

Full name: Will Ridalls

Organisation (where relevant): PCL PLANNING LTD

Other party name (if relevant): Simon Stokes

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. 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 requires a financial bond by a developer prior to commencement of construction for 25% of the planting cost of a scheme. No justification for this policy is contained in the Plan nor the evidence base and this requirement is considered entirely inappropriate and unreasonable. Any condition or planning obligation requiring such a bond would fail to meet the relevant tests. It presumes a failure to deliver a consented scheme when other powers exist to ensure compliance. Again, it is simply adding unnecessary (and unjustified) additional requirements into the planning process that will create delay and increase costs and resources.

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 PB05 goes above and beyond the statutory framework without justification. As the PPG suggests there is no requirement to duplicate the mandatory BNG requirements and so the policy should be deleted. Policy PB09 introduces a bond requirement that is unreasonable and would fail the relevant tests for applying conditions and planning obligations. It should be modified to remove reference to a financial bond.

Conclusion [whole letter]

The Regulation 19 version of the Emerging Local Plan raises a number of concerns regarding the ability of the Plan to be found sound.

It is clear that the Council are facing significant housing challenges which the Government is clear in its expectation that it will need to be met through the delivery of substantially more housing. This does mean a step change in approach is required to ensure a balanced and comprehensive approach towards identifying sufficient sites to meet identified needs and considering this in the round with designations and requirements is essential.

Otherwise, the Plan will fail to demonstrate that it is based on an effective strategy underpinned by clear evidence, does not seek to appropriately meet identified needs and will limit the opportunity to deliver sustainable development.

Alongside the comments on spatial strategy and detailed policies, we do believe that additional growth should be provided to support overall Plan resilience and that our clients' site at Castle Lane, Woodbury should be re-considered given the role it can play in making Plan resilient and the inaccuracies that appear to have directly led to its exclusion.

Given the comments we have raised above, we do wish to attend the Examination Hearings relevant to all the points raised in order to provide greater elaboration of the detail of these representations.

I would be very grateful if you could please keep me informed of the outcome of these representations and the progress of the Plan via the email address: planning@pclplanning.co.uk. Should the Council wish to discuss any of these matters. Then please do not hesitate to contact me.

Full name: James McMurdo

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

Other party name (if relevant): -

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. 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 & Development Ltd on Behalf of Stuart Partners Ltd relating to Strategic Land at the “West End” of East Devon District made in the context of significant land holdings in this area. Representation to be read in conjunction with representations made by Turley on behalf of Stuart Partners Ltd and Bloor Homes Exeter on the proposed new and an expanded Hill Barton Business Park, and by Carney Sweeney on behalf of Stuart Partners Ltd and Down, relating to land being promoted for a village for up to 2,000 houses between Clyst St George and Clyst St Mary]

Object

Reasons:

There is no evidence at all for analysis to justify the main elements of this policy (especially the bond element).

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:

1. delete the policy;
2. provide detailed, reasoned justification for analysis for the policy as written and reconsult.

Full name: James McMurdo

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

Other party name (if relevant): -

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. 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 Mr P and Mrs A Broom]

There is no evidence at all for analysis to justify the main elements of this policy

(especially the bond element).

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:

1. delete the policy;

2. provide detailed, reasoned justification for analysis for the policy as written and reconsult.

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Other party name (if relevant): -

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. 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.:

Resources are needed for monitoring developments after completion to check landscaping (policy PB09 – excellent) and other ecological facilities have been installed. (Reference Lost Nature Report December 2024 commissioned by Wild Justice. Findings from surveys of new development sites only half ecological enhancements had been provided which fell to a third when tree planting was discounted.)

Full name: Kim Miller

Organisation (where relevant): Historic England

Other party name (if relevant): -

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?: 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 and supporting text should draw the attention of applicants and decision makers to UNESCO's Guidance and Toolkit for Impact Assessments in a World Heritage Context. This should be used to assess any proposals that may impact on the World Heritage Site.

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.: Add text to draw attention to the UNESCO Guidance and Toolkit for Impact Assessments, and to require this to be used in cases affecting the World Heritage Site.

Full name: Sam Scriven

Organisation (where relevant): Jurassic Coast World Heritage Site (hosted by Dorset Council)

Other party name (if relevant): -

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

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 Introduction chapter, please use this box to set out your comments.: -

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.: -

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.: -

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.: -

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.:
Incomplete information regarding the justification for the policy - no reference to the World Heritage Convention from which all obligations to protect OUV are derived.

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.: Under the justification for policy I recommend inserting the following as an additional paragraph - This policy aligns with and supports the obligations and duties of the UK Government for the implementation of the UNESCO World Heritage Convention.

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.: -

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.: -

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)

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

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

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 Landowner supports the objective to protect and enhance the natural environment and supports biodiversity net gain (BNG). However, our client objects to draft Strategic Policy PB05, which requires a minimum of 20% BNG for major development proposals. This is on the basis that:

- 1 The national legislative framework requires the provision of 10% BNG.
- 2 There is no justification for the increased requirement of 20% BNG.

This policy is therefore, not 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: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

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.:

Strategic Policy PB06 addresses the Local Nature Recovery Strategy and Nature Recovery Network (NRN).

The accompanying EA notes that the limitation of provision of off-site biodiversity provision within the NRN areas only could limit opportunities to deliver otherwise important ecology and biodiversity gains in alternative locations.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

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?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

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

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

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?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

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?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

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?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

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

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR03

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR04

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Meeting Housing Needs chapter does your representation relate?:
Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN01

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Meeting Housing Needs chapter does your representation relate?:
Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN02

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?: Yes