

East Devon Local Plan – Topic Paper

Chapter 13. Protecting and enhancing our outstanding biodiversity

Audit trail local plan evolution document and consultation statement

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1 Introduction

- 1.1 This is one of a series of topic papers that will sit behind and help explain the content of and evolution of the Publication draft of the East Devon Local Plan.
- 1.2 There may be new versions of this topic paper as plan making progresses into and through plan Examination.
- 1.3 This topic paper specifically addresses Chapter 13 of the plan – protecting and enhancing our outstanding biodiversity and geodiversity.

2 The Publication draft of the Local Plan

- 2.1 This report is a redraft of an earlier report and in revised form it is specifically concerned with supporting the local plan at the Regulation 19 stage of plan making work. There are specific Government regulations that apply to local plan making and these set out actions that need to be undertaken at different regulatory stages (this report specifically relates to Regulations 18, 19 and 20).
- 2.2 The proposed Publication draft text of the local plan is an edited and amended draft of the consultation draft plan published in November 2022. The draft plan was consulted on under plan making Regulation 18 with further limited additional consultation under this regulation in the Spring of 2024.

3 Summary of proposed redrafting of Chapter 13 of the consultation plan

Chapter 13 of the local plan (for the Regulation 19 plan) has seen policy changes made that seek to provide greater clarity in respect of addressing biodiversity matters, though with very limited changes around policies of relevance to geodiversity.

A draft plan policy in respect of designated sites has been split to separate internationally/nationally important sites in to one plan policy and regionally /locally important policies in to another policy. Other policies, on a general level, have been refined to be more precise and for example to highlight emerging matters such as air pollution from vehicles adversely impacting on the Pebblebed Heaths. Policies in the draft plan, Strategic Policy 89 – Ecological Impact Assessment and Strategic Policy 90 – Due Consideration of Protected and Notable Species,

have not been carried forward into the Regulation 19 plan as these were deemed to cover matters already addressed elsewhere. However, a new tree monitoring policy is now included.

4 Issues and options consultation

- 4.1 Prior to production and consultation on the draft local plan the Council consulted on a local plan Issues and Options¹ report. This included a series of questions that responses and comments were invited on. A feedback report was published².

5 Draft plan consultation

- 5.1 In the draft plan consultation Chapter 13 formed one of the plan chapters that was consulted on. A full feedback on the consultation can be viewed at - [accessible-reg-18-consultation-feedback-report-spring-2023.pdf \(eastdevon.gov.uk\)](https://www.eastdevon.gov.uk/accessible-reg-18-consultation-feedback-report-spring-2023.pdf)
- 5.2 This chapter has been reworked to form the Regulation 19 plan chapter 13.

6 Further Regulation 18 consultation Spring 2024

- 6.1 In the late Spring of 2024 there was further Regulation 18 consultation on selected topic matters. Biodiversity and geodiversity policy were not matters that were explicitly consulted on. However, in comments on such matters as Green Wedges, that were consulted on, there was feedback highlighting relevance and importance of biodiversity and wildlife and concerns over adverse impacts arising.

7 Sustainability Appraisal feedback

- 7.1 The draft local plan was supported by a Sustainability Appraisal³ (SA). This SA will be updated and refined as plan making progresses and it will be one of the documents that is submitted as part of the submission for Examination.
- 7.2 The SA report of the draft plan was largely supportive of the policy approach being taken forward for open space and recreation provision.

¹ [issuesandoptionsreport-jan2021.pdf \(eastdevon.gov.uk\)](https://www.eastdevon.gov.uk/issuesandoptionsreport-jan2021.pdf)

² [2a. Consultation feedback report Ver 03.pdf \(eastdevon.gov.uk\)](https://www.eastdevon.gov.uk/2a-consultation-feedback-report-ver-03.pdf)

³ [sa-of-pos-consultation-draft-lp_2022.pdf \(eastdevon.gov.uk\)](https://www.eastdevon.gov.uk/sa-of-pos-consultation-draft-lp-2022.pdf)

8 Habitat Regulation Assessment

- 8.1 The local plan will need to be assessed under the Habitat Regulations. At the time of drafting this paper a preliminary assessment of policies in the draft plan has been produced – [east-devon-local-plan-hra-110723-2013-doc-from-footprint.pdf \(eastdevon.gov.uk\)](#)

9 Assessment of policies in chapter 13

- 9.1 Chapter 13 of the draft plan set out a series of policies that are reviewed below along with other matters.

General issues raised on Chapter 13

Chapter 13 of the plan addresses biodiversity and geodiversity. There was a general picture of strong support for protection and enhancement of biodiversity in comments received, with some calling for stronger policies.

Issues and options consultation

Question 21 sought views on the approach you would favour to gain biodiversity improvements.

The most popular option is to utilise a combination of approaches to secure net gain for biodiversity with 38% response. 27% of people thought we should seek to secure habitats locally whereas 15% thought we should deliver net-gain on-site. The least popular option was to pay a cash tariff towards a strategic delivery scheme with just 3% support, although this was supported by the RSPB who felt it could deliver better gains to biodiversity than ad-hoc schemes. 5% of people felt that none of options were suitable or proposed alternatives.

Those who responded with option 4 regularly commented that different approaches would be needed in different locations and flexibility could allow for enhanced gains. Those proposing alternatives or supporting none of the options are touched on below:

- Protection of existing biodiversity should be considered first and foremost
- Need to work with landowners and farmers.
- Biodiversity gain should be legally enforceable

In and through policy it will be appropriate to apply a range of approaches to secure biodiversity net gain. Typically through application of plan policy a preference would be a preference to delivery biodiversity net gain on site or in close proximity to land being developed. However, there can be cases where there are positive grounds to look at wider solutions, especially where, for example linked to Nature Recovery Networks.

It is noted that there can be a tension between on/near site delivery and provision elsewhere that may offer greater overall gains, but may not be well linked, in close proximity to, the development going ahead. Indeed it may be very remote from it.

It is noted and agreed with that existing biodiversity should be protected and a range of plan policies seek this outcome. It will also inevitably be the case that a range of land owners will need to be worked with. Whilst financing matters are not explicitly and directly relevant to plan policy that have a relevance to implementation.

It is noted that the themes for the natural environment in the consultation were widely supported. Where other suggested were promoted these have, in many cases been picked up and addressed in policies in the plan.

- Existing trees need to be protected from development
- You can't put a cost on wildlife
- Need to spread biodiversity around the district and not focus on one particular area.
- Plan could also explore opportunities created through green financing

Paragraph 10.8 of the Issues and Options report identifies 10 additional themes for the natural environment that may benefit from policies in the local plan. We sought views on whether these were appropriate.

Although most respondents ticked the yes box, 69%, a number did suggest other objectives as well as did those ticking the no box. A wide range of responses and suggestions for additional natural environment objectives were received, including the following:

- All new homes should be built with nesting boxes for migrating birds.
- Should support 25% tree cover
- Should incorporate wildlife corridors between wild areas including a green bridge over major roads like the A30.
- Need to include SUDS
- Need to consider water quality and rivers
- Clyst Valley Regional Park will be critical achieving biodiversity objectives
- Expand Cranbrook County Park
- Provide better pedestrian access across the railway line

<ul style="list-style-type: none"> • Urban green spaces should be wilder and less manicured. • Need to integrate wildlife within new development better. • Need to protect exist trees and hedgerows better. • Green wedge policy needs to be reviewed. • Should include timescales for delivery. • Should mention the south marine plan. • Create more valley parks and nature reserves and deliver benefits in those areas. • Local Plan needs to take a key role in designating and protecting biodiversity areas. • Concern that if a minimum is set this will only ever be what's provided. • Pollution in rivers including the Yarty must be tackled • Nature Recovery Networks will be key to identifying opportunities 	
<p>Draft Plan consultation</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • The Environment Agency comment that the introduction to the chapter is a good start, but parts of the chapter and some of the policies seem disjointed and muddled. • Exeter City Council stress the importance of joint working with the City and Teignbridge in respect of mitigating in combination impacts on European (wildlife) sites. In terms of addressing these impacts, the updated Joint European Sites Mitigation Strategy will be key. • Devon Wildlife Trust are impressed with the breadth and detail provided within Chapter 13 'Protecting and 	<p>In respect of general matters highlighted in comments received many of these are addressed in plan policy, specifically in Chapter 13 on biodiversity and geodiversity, but also through other plan chapters.</p> <p>The need for joint working is recognised by the council and in the local plan, this specifically includes with neighbouring authorities of Teignbridge and Exeter (specifically on joint approach to habitat mitigation as explicitly referenced in plan policy).</p> <p>As a general approach the local plan seeks to support biodiversity and geodiversity interests and this extends to habitat improvements whether through BNG or thorough wider policy references such as including space for nature in new developments.</p>

enhancing our outstanding biodiversity and geodiversity' and applaud East Devon District Council for their commitment to exceed minimum national levels with regard to biodiversity net gain.

- Protection should extend to gardens
- New development should incorporate nest boxes for birds ie Swift bricks, House Martin nest boxes House Sparrow boxes a Super Highway for Hedgehogs to obtain access to gardens at night perhaps some hidden areas for them to sleep during the day.
- I also believe wild area with a good pond also Bat roosting boxes perhaps also a Kestrel nest box or two.
- Some native trees of course and hedgerows.
- Any new housing developments would be a marvellous opportunity to create a wildlife friendly eco system area, all you have to do is create the spaces and the creatures would colonised it over time.
- There is no provision for animals to migrate through urban areas. Connectivity is vitally important for biodiversity. If each site is assessed on its own, the effect will be to isolate populations which will lead to eventual annihilation.
- Credible checks should be put in place to ensure that required mitigation/habitat provision is delivered as part of/alongside development.
- Developers should be held accountable for adverse impacts.
- A respondent advised a tree does not become carbon neutral until it is 27-34 years old (EU research) so any tree negatively impacted by development or pollution cannot be

Trees get particular attention in plan policy and new planting and monitoring are addressed in policy. We would also seek to protect and retain existing trees and recognise the importance of native species being used.

It is recognised that enforcing policy can sometime be a challenge though this certainly does not negate the need for policy to be included in the plan.

<p>carbon offset in time for East Devon to become carbon neutral by 2040.</p> <ul style="list-style-type: none"> • A number of respondents commented on the challenges and failures of translocations. • New planting should be in keeping with natural habitat. • There was a call for a green doughnut economy. • A number of respondents were concerned about whether there was a real commitment to biodiversity or whether policies would or could be enforced in practice and whether development with adverse impacts may occur regardless. There were cases where representations cited past decision on past planning applications where they believed polices had not been applied. • A respondent suggested it was “<i>greenwashing</i>”. • Concern was expressed about the Council having sufficient resources to apply policies, ensure they are enforced and for monitoring. • A developer states that if development incorporates sufficient open space to offset any recreational impact, it should not be refused. 	
<p>Supplementary Regulation 18 consultation Spring 2024</p>	
<ul style="list-style-type: none"> • There was no direct consultation on biodiversity matters in the consultation. However it was noted that in respect of matters that were consulted on a number of respondents did reference biodiversity concerns and considerations. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • Concerns highlighted were noted and in respect to chapter 13 of the plan they highlight the importance people attach to wildlife matters and the relevance of robust policy coverage.
<p>Sustainability Appraisal</p>	

See Sustainability Appraisal table below.	
Commentary on policy redrafting for the Publication Plan	
See policy specific policies below.	

Strategic Policy 84 – Protection of Internationally and Nationally Important Wildlife Sites	
In the draft plan policy sought protection for internationally and nationally important wildlife sites as well as for regional and local ones.	
Draft Plan Consultation	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • The Environment Agency are concerned that the policy refers to ‘areas secured as compensation for damage to an internationally or nationally designated site’ and that it is not clear how broad the definition is and whether it would include areas like the Clyst Valley Regional Park, which have been identified as Suitable Alternative Natural Green Space as well as Environment Agency schemes such as the Lower Otter Restoration Project. • The Environment Agency support the provisions for the protection of wildlife sites but point out that the terms ‘Habitats of Principal Importance’ and ‘Priority Habitats’ are the same thing and suggest that one term should be used to avoid confusion. • Natural England advise - Internationally and Nationally Important Sites Point 3 – suitable measures should be secured rather than proposed. Point 4 - 20% BNG is not appropriate in this context as any mitigation or 	<ul style="list-style-type: none"> • In policy redrafting attention has been attached to ensure accuracy of wording used, specifically so in respect of Habitat Regulation work and references noting that the plan is supported by assessment under the Habitat Regulations. • BNG related comments are noted and in respect of redrafting is kept separate from Habitat Regulation mitigation in respect of approach to plan policy. • It is noted that the plan policy includes nationally/internationally important sites as well as local ones. A policy split in the Reg 19 plan is appropriate. • As a general policy approach the plan would not provide for development on or at designated sites, though very occasionally this may happen (or schemes may be proposed) and having relevant policies in place is essential to manage such circumstances.

compensation requirements required for statutory designated sites should be dealt with separately from BNG provision. Ecological relevance and connection to the affected site would be better added to Point 4 for Regionally and Locally important sites. The policy should refer to Habitats of Principal (not Principle) Importance.

- Agents for Bloor Homes:
 - The first part of the policy relates to internationally and nationally important sites so the first sub-heading needs to be amended to reflect this i.e. reference to locally-important sites should be removed from the sub-heading.
 - Reference is made to biodiversity net gain for impacts to all Wildlife Sites. It is considered that this duplicates policy requirements set out in Policy 87 – Biodiversity Net Gain, and should therefore, be removed.
 - Proposed avoidance, mitigation and, as a last resort, compensation measures for impacts to designated sites (refer also to Paragraph 2.4 below) should ensure that the integrity of these site is maintained and significant harm avoided e.g., in relation to the Conservation Objectives for National/International Wildlife Sites such as SACs, SPAs or Ramsar Sites, or the 'Favourable Condition' of sites such as SSSIs. There is no requirement to achieve a net gain for these sites, either in the National Planning Policy Framework (NPPF), legislation or elsewhere.

- The application of the ecological mitigation hierarchy for impacts to National/International Wildlife Sites such as SACs, SPAs and Ramsar Sites should be amended to reflect the due process that it required under the Conservation of Habitats and Species Regulations 2017 (as amended; the 'Habitats Regulations') for ensuring that the integrity of these sites is maintained.
- Habitats of Principal Importance (note Principal spelt incorrectly in the Policy and at other locations in the Consultation Local Plan) have been included in this Policy. These are not Wildlife Sites and it is considered that these habitats should be addressed through inclusion under Policy 85 to ensure a clear and consistent approach.
- Devon Wildlife Trust advise ...suitable biodiversity net gain of at least 20% is proposed' is repeated twice within this policy. We would like to see this strengthened to '25% is required'.
- Criteria in policy supported – though one responded advised they have been over-ridden in respect of solar energy and battery storage.
- In respect of point 2 in policy concern that loss should not happen under any circumstances – noting that many habitats can't be replaced (or take very long times to establish).
- Considered that policy needs to be rigorously applied.
- Concern that developments next/near to designated sites can cause harm and needs to be carefully controlled,

<p>including in respect to adverse impacts from occupants after construction.</p> <ul style="list-style-type: none"> • Development should not happen on or at designated sites, • Policy supported but should include local wildlife sites in neighbourhood plans. • Who decides what trees and hedges are “worthy of retention”? 	
<p>Sustainability Appraisal</p>	
<p>See Sustainability Appraisal table below.</p>	
<p>Commentary on policy redrafting for the Publication Plan</p>	
<p>Redrafted Policy title:</p> <ul style="list-style-type: none"> • Policy PB01 – Protection of Internationally and Nationally important wildlife sites and Policy PB02: Protection of regionally and locally important wildlife sites 	
<p>The draft plan policy has been split into two new policies in the Regulation 19 plan.</p>	

Strategic Policy 85 – Protection of Irreplaceable Habitats and Important Features

Policy seeks particular protection of the most important habitats and features.

Draft Plan Consultation

<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • The Environment Agency think that the wording of the policy should either be simplified to just refer to ‘Habitats of Principal Importance’ or the list of habitats expanded to include: Intertidal mudflats; Rivers and Streams; Estuarine 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • The policy lists a number of habitat types as these were seen to be of importance, but does not aim to be definitive of all possible types, as such it is generic in approach. To list all types would result in a very long policies and run the risk that some are nit referenced.
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habitats; Coastal and floodplain and grazing marsh; Broadleaved mixed and yew woodland; Traditional orchards; Lowland heaths and Maritime slopes and cliffs.

- The Environment Agency suggest that more emphasis should be given to restoring and expanding the habitats through partnership working and community projects.
- The Environment Agency highlight the importance of data gathering and monitoring of the condition and distribution of the habitats for ensuring their ongoing protection.
- South West Water support the policy but want water habitats included within the protections proposed, including seagrass.
- Devon Wildlife Trust advise 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.
- The SVBG would like to draw attention to the fact that ancient and veteran trees are included in the definition of irreplaceable habitat within the National Planning Policy Framework – making it all the more important to protect and enhance the distinctive network of hedgerows and hedgerow trees throughout the District.
- Policy is supported but needs enforcing.
- Hedgerows should be incorporated into development schemes and afforded greater protection.
- Agents for Bloor Homes - As set out above in Paragraph 2.5, Habitats of Principal Importance should be addressed by this policy.

- Whilst habitat restoring is seen as a potentially desirable outcome actual detailed policy reference is not seen as needed.
- We will aim to monitor plan policy and use the most up to date data in policy work. Noting, however, constraints on Council resources.
- We would support best approaches to replacement habitats but see limitations in how far policy should or can go and what should fall to implementation and best practice measures.
- It is noted that trees and hedgerows get a specific mention in policy (and elsewhere in the plan chapter and plan overall).
- Wilful destruction of habitats and interest features is recognised as important but is not seen as a matter that should be addressed through plan policy, rather it falls elsewhere.
- It is recognised and noted that there are some cases where some loss will inevitably happen, for example securing access to some sites, but under policies in the plan compensatory planting should occur.

<ul style="list-style-type: none"> • Care needs to be taken that trees and hedgerows are not cut down over night as has happened in the past. Could go further by emphasising the penalties for wilful destruction. • Policy should refer to protection of water meadows (and other habitats). • Positive that damaging impacts of light pollution are referenced in policy. • Concern that policy is not strong enough – the Exmouth Wildlife Group commented that the hedgerow element was lacking in clarity and is dated and could stipulate the retention of a certain (as yet unquantified) metreage of hedgerow in proportion to either the number of houses being built or size of development. • It should be acknowledged that there are instances where hedgerow removal cannot be avoided, such as needing to access a development site. 	
<p>Commentary on policy redrafting for the Publication Plan</p>	
<p>Redrafted policy title:</p> <ul style="list-style-type: none"> • Policy PB 03 – Protection of irreplaceable habitats and important features 	
<p>This policy is carried forward from the Reg 18 plan to the Reg 19 plan though with more detail included.</p>	

Strategic Policy 86 – Habitats Regulation Assessment	
Policy sets out the application of Habitat Regulation Assessment and highlights key themes and considerations.	
Draft Plan Consultation	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • Natural England support the aims of this policy. It should be noted that some intertidal land being created as part of the River Otter Restoration Project (LORP) will be designated as “6. Areas secured as sites compensating for damage to a European site” within the lifetime of this plan. It is suggested that much of the policy wording around the South-East Devon European Sites Mitigation Strategy (SEDESMS) could be moved to the justification. • Natural England considers the policy restricting development within the pinch points protecting Beer Quarry and Caves SAC to be overly restrictive. Only development which would restrict bat commuting e.g. by removal of hedgerows or trees, or by artificial lighting or wind energy development could cause an adverse impact on bats. We recommend removal of the words “planning permission will not be supported for any development proposals within the pinch points, and” but retaining the rest of the policy. • Natural England highlight that it is important that the reasoning behind the 400m zone around the East Devon Pebblebed Heaths SPA is fully explained – it is not and never has been solely about predation of ground-nesting birds by cats, but the restriction is also necessary to 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • The relevance of LORP is noted. • Whilst it would be an option to move some policy text to policy justification (not legal matters around Habitat Regulations) the significance of designated sites is such that retention in policy is seen, on balance, to be desirable. • Observations on bat pinch points are noted and policy wording has been amended. • Wording around the 400 metre buffer has been amended noting concerns highlighted. • Beer Quarry and Caves SAC guidance in amended plan wording. • The support of the Environment Agency is welcomed, however, it is not considered that a specific nutrient management policy is needed as established and be established practice will deliver mitigation and that such delivery is addressed through matters outside of the local plan. • Policy wording, as redrafted, highlights the importance of nutrient neutrality. • Whilst reference to adjoining LPSs is not included in policy the wording does refer to the catchment, which includes areas in Somerset and Dorset. • Actions by farmers are noted in respect of slurry storage (comment is read in context of impacts that farming can have on water quality and nutrients).

reduce direct recreational pressure and dog related impacts. For this reason, tourist accommodation should also be restricted within 400m. This revised wording is required to be consistent with SEDESMS.

- Natural England advise that in addition to mention of pinch points affecting Beer Quarry and Caves SAC, policy justification para 13.34 should also refer to the published Beer Quarry and Caves SAC Guidance and this document should be added to the Plan's evidence base.
- The Environment Agency support the approach set out in the policy and hope that work on the Axminster Nutrient Management Plan and new initiatives will help to provide solutions.
- The Environment Agency strongly support the approach set out in the supporting text that the Council will assess development and encourage measures to protect and where possible enhance water quality. However, given the specific pressures in East Devon, the agency would encourage a specific nutrient management policy that links potential for funding of upstream river restoration delivering phosphate stripping to achieve this. The Agency advocate a consistent district wide approach, drawing on experience gained from the Axe catchment, to see developments across East Devon offsetting their foul effluent derived nutrient inputs whilst at the same time achieving environmental betterment and net gains for nature.
- In terms of the requirement for water efficiency measures, the Environment Agency are concerned that as currently written, the impression is that this is about water quantity

- It is recognised that SANGs should appeal to more than just dog walkers, though a primary recreational group generating adverse impacts on international sites are dogs and their walking.
- Impacts of policy (and more specifically compliance with Habitat Regulations) are noted. However the regulations do set legal tests that need to be met and as such policy rightly refers to them. On a more general note policy is specifically a product of compliance with legal requirements associated with international sites and as such can't just be applied to other sites and areas not so designated.

rather than quality and suggest re-writing so development need to achieve nutrient neutrality not just wastewater minimisation.

- Devon County Council would like to discuss this policy to ensure the council is aware of the input that we can provide on planning applications in the River Axe SAC catchment.
- South Somerset District Council welcome the policy and recommend that the plan includes a reference to adjoining LPAs that are also impacted by the issue.
- Comment raised that the River Axe SAC is under particular threat from phosphate run off and it is unclear what measures EDDC is allowing to offset nutrient neutrality. Mitigation measures need to be guaranteed to work and transparent. Also calls for stronger links to the Environment Agency.
- National Farmers Union state farm businesses are making significant investments in slurry storage across England, either to meet regulatory requirements or to future proof the business. This allows them not only to meet Environment Agency requirements on storage and spreading windows, but also make best use of what is a very valuable resource.
- The Devon Countryside Access Forum advises that SANGS should recognise other needs, not just those of dog walkers, by appealing to young families and those with limited access to other nearby natural open space.
- In many cases this is not an 'intensification' of a farm business but just better management of the resource that

is already within the business. In these cases, it should not be treated as 'development' as it will not have any 'additional' impact on phosphate loading in the catchment (as relevant to the Axe catchment).

- Where businesses come forwards with developments to improve water quality these should be looked on positively.
- A developer advised that policy must be reconsidered in order to ensure that it does not unduly prevent or delay the delivery of the district's housing needs and to ensure there is the flexibility to respond to changes in legislation, policy and guidance – noting Defra-funded Nutrient Mitigation Scheme to be run by Natural England.
- Commented that compensation not acceptable, better to refuse on principle.
- One respondent said "well done".
- A call was made for Habitat Regulation Assessment to apply to all developments.
- The 400 metre cats buffer zone was challenge with evidence cited that cats will travel and predate further than this, comment that the buffer should be bigger. A further buffer was also called for that limits scale of developments in this buffer – 400-800 metres with development at a maximum of 3 dwellings per hectare.
- Considered that AONBs should also fall under this policy.
- The East Devon AONB team support these requirements as they apply to sites within the AONB
- Agents for Bloor Homes advise that policy is replicates legal requirements and is therefore unnecessary. it is recommended that the section of the Policy entitled 'HRA

<p>process and requirements’ is deleted. The Policy should then be changed to ‘HRA avoidance and mitigation strategies and guidance’.</p>	
<p>Supplementary Regulation 18 consultation Spring 2024</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • No specific issues identified as being raised. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • No comments.
<p>Commentary on policy redrafting for the Publication Plan</p>	
<p>Redrafted policy title:</p> <ul style="list-style-type: none"> • Policy PB04 – Habitats Regulation Assessment 	
<p>This Reg 19 policy is redrafted to provide greater clarity of use/application than the Reg 18 equivalent.</p>	

<p>Strategic Policy 87 – Biodiversity Net Gain</p>	
<p>Policy sets out local plan approach to establishing need and securing biodiversity net gain.</p>	
<p>Draft Plan Consultation</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • Natural England supports policy on Biodiversity Net Gain. We recommend 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. Only after that process is completed should BNG requirements be applied. Whilst recognising 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • We have sought top keep the BNG policy as succinct as reasonably possible whilst establishing a 20% provision component. The mitigation hierarchy is considered to be best addressed elsewhere. • In respect of the Local Nature Recovery strategy there is specific policy in the plan on this matter, but at this stage it is considered that insufficient evidence (or national policy support) exists to map areas on the policies map.

that the Devon Local Nature Recovery Strategy is still in an early development stage, it should still be possible through the current NRN mapping to identify key and priority areas for off-site BNG to be used for connecting and enhancing habitats. A suite of 'good practice principles' [Biodiversity Net Gain: Good Practice Principles for Development, A Practical Guide](#). | CIEEM for biodiversity net gain have been developed and published. This information may be useful in gathering evidence and developing policy. These same principles also form the basis of the BS8683:2021 Process for designing and implementing biodiversity net gain [BS 8683:2021 | 31 Aug 2021 | BSI Knowledge \(bsigroup.com\)](#) which is also available and may be of use.

- The Environment Agency fully support the policy, but recommend that the plan sets out how Biodiversity Net Gain will be achieved, especially of offsite compensation and enhancement schemes.
- The Environment Agency recommend that Biodiversity Net Gain be maintained for 100 years in line with national planning guidance for the development lifetime of residential development to be 100 years.
- Policy welcomed and supported with reference that developers who embrace the spirit and letter of the policy in creative ways.
- The East Devon AONB team support the details of paragraph 13.36 and Policy 87 which refers to East Devon Council recognising biodiversity net gain and support that EDDC are seeking to exceed national levels.

- The policy, by intent, does not seek to go into detail of implementation. This is not considered as needed and can be addressed elsewhere and through other means. The council has and will develop guidance and advice, outside of the local plan, on BNG delivery.
- Our understanding is that a 30 year time horizon for a Habitat
- Management and Monitoring Plan is appropriate.
- 20% BNG, in what is now a strategic policy, is considered to be reasonable and appropriate on major developments sites – especially larger green field sites. Though with policy caveat around viability concerns. On some smaller (non-major) sites it is appreciated that challenges may arise, hence policy cut-off thresholds.
- National guidance does not stop LPAs exceeding the 10% figure and with so many green field sites being allocated within the plan (noting these can be amongst the easiest to secure higher BNG levels, the 20% figure is seen as appropriate.
- The 20% level also represents the strong support and commitment to biodiversity interest that exist in the district.
- The intent is to put in place measures to ensure policy compliance, avoid habitat destruction ahead of application and to monitor deliver.
- Policy does refer to application of the metric, this will be the most up to date version.

- Sidmouth Arboretum - Paragraph 13.41 refers to the many important sites and habitats in East Devon that are small, sporadic and exist in isolation. This is one of the reasons that our hedgerows are so important and the Local Plan should contain strong restrictions on their removal and possibly include obligations on developers to increase the lengths of hedgerows associated with their sites.
- Devon Wildlife Trust advise that they are delighted to see the Council include the requirement to exceed minimum national levels with regard to biodiversity net gain. However, in order to ensure that biodiversity net gain is delivered in a meaningful way, further information is required either within the Local Plan, or as a supplementary planning document. In representation they set out further detail of implementation.
- Call for 20% net gain to apply to all development sites.
- A respondent advocated a higher figure – 40%.
- A call that 20% should be within a defined time period for establishment and colonisation with either replacement species or those that will support a wider range of habitat and off-site mitigation is to be within East Devon.
- Concern that there is a loss period before biodiversity enhancement happens and policy should address this time lag period.
- Query why this is only a policy and not a Strategic Policy and why it does not refer to the Biodiversity Net Gain Metric Tool referred to in Strategic Policy 88 and to refer to the mitigation hierarchy cited in Policy 89.

- Concern that the starting point will be from when site is destroyed by development and not before. Concern also raised that development will invariably lead to biodiversity losses.
- It was cited that the biggest challenge will be monitoring and ensuring developers actually comply. It will require EDDC to put in place suitable resources to make sure this policy aim is achieved. A respondent suggested that this should be at the developers expense.
- Policy should state “there will be a requirement to use the latest version of the Biodiversity Metric.”
- Beaver introduction should form an explicit part of policy.
- Swift nest boxes should be allowed for as part of net gain.
- 20% net gain objected to in policy with a call for a 10% figure to match and reflect legislation.
- A 20% figure is seen as unsound as it is inconsistent with National Standards and may impact on the viability of developments and the delivery of housing across the district.
- It was considered that there is no evidence to justify a 20% figure with 10% being seen as appropriate.
- Registered provider considers 10% BNG would halt decline of natural capital and enhance it in a measurable way. Has concerns about viability and long-term housing delivery (affordable and general) if BNG is above 10%.
- A 10% requirement should be maintained in order to ensure that the requirement is ‘fairly and reasonably

related in scale and kind to the development’ (para 57, NPPF).

- Policy should not require biodiversity net gain to be delivered in the district – noting cases such as where development occurs close to district boundaries and may be more appropriate outside East Devon.
- Should be provided on site except in exceptional circumstances.
- A Policy requirement of at least 20% Biodiversity Net Gain (BNG) is unjustified and unreasonable. There is no rationale provided for a figure that is double the national requirement. There is only reference to DEFRA Evidence Base and Impact Assessment Report (2017) for biodiversity net gain relating to viability. The DEFRA evidence base is from 2017 and does not provide an up to date portrait of viability, particularly as land prices and construction costs have increased exponentially since 2017. The policy fails to consider additional land take required to achieve 20%, such as where any habitat mitigation is required in the form of nutrient neutrality or Suitable Alternative Natural Green Space - this could include a large land area yet as it forms mitigation it can not be relied upon in BNG calculations – it can contribute up to a point of no net loss but not beyond. In these scenarios it would be difficult for sites to achieve 10% BNG let alone 20%. The policy should be revised to accord with the national 10% figure and encourage any increase beyond that rather than set a minimum figure of 20% that presents an additional barrier to development.

- Home Builders Federation states that there is no justification for requiring a higher percentage of Biodiversity Net Gain which could add significantly to development cost particularly where this would need to be delivered through offsite credits. Overall plan viability study needs to consider this matter, including sensitivity analysis of costs
- Housing Association planning consortium emphasise that a threshold greater than 10% must be robustly viability tested. The 20% requirement has the potential to significantly reduce affordable housing delivery
- Housing Association planning consortium wants guidance to be provided or signposted on how to practically achieve Biodiversity Net Gain, so it can be designed into processes at early stage
- Barratt David Wilson Homes urge EDDC to consider the lessons learnt from planning application 22/1532/MOUT when considering the most appropriate level of net gain. If the 20% level remains in the Local Plan, it could necessitate additional land to be identified to deliver the objectively assessed need for housing, or an increase in density. Both could result in undesirable outcomes. Any increase over that required by the Environment Act would impact on the quantum of developable land, and impact on development viability
- Policy needs to included in the overall plan viability assessment
- Agents for Bloor Homes consider that to ensure consistency with the proposed legislation, it is

recommended that the Policy aligns with the legal net-gain requirement in place at that time, with 10% net gain set as the initial default position. This flexible and consistent approach would obviously allow the Policy net-gain requirement to increase above 20%, should the legislation set a higher requirement in the future.

- Agents for Bourne Leisure advise - the requirement set out in draft Policies 84 and 87 for development proposals to result in a biodiversity net gain (BNG) of at least 20% is not justified. Draft Policies 84 and 87 should be amended to “at least 10% net gain”, in line with emerging national legislation as set out in the Environment Act 2021. Moreover, there should be further flexibility in Policies 84 and 87 as to how developers can achieve a BNG, including a mechanism for financial contributions to off-site habitats if on-site delivery is not possible. They say - East Devon already operates a well-conceived financial contribution approach for recreational impacts upon European designations. This should be extended to create funds for strategic projects which can bring wider benefits to the area.
- C G Fry express concern that 20% requirement for BNG is not supported by technical evidence and takes no account of viability and should be amended in line with the provisions of the Environment Act.
- Barratt Homes object to 20% and lack of viability evidence. Evidence base is out-of-date and partly based on another District, which has yet to be examined. Policy not justified or sound. Barratt Homes have committed to deliver 10%

<p>BNG on all developments but would support a quantum that is appropriately evidence based.</p> <ul style="list-style-type: none"> • A site promoter claims that there is no justification for pursuing a target figure in excess of the national standard (10%) and that the national policy will have a significant detrimental impact on delivery and will produce little in the way of substantive ecological benefits that would not occur anyway. • Other agents for developers object to the 20% figure. • Various landowners state that they would make a significant contribution towards biodiversity net gain through their development proposals. 	
<p>Supplementary Regulation 18 consultation Spring 2024</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • No matters highlighted. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • No comments.
<p>Commentary on policy redrafting for the Publication Plan</p>	
<p>Redrafted policy title:</p> <ul style="list-style-type: none"> • Policy PB05 – Biodiversity Net Gain 	
<p>With refinement this policy is carried forward from the Reg 18 plan to the Reg 19 plan.</p>	

Strategic Policy 88 – Local Nature Recovery Strategy and Nature Recovery Network

Policy sets out a commitment to Local Nature Recovery Strategy work and specifically enhancement of Nature Recovery Networks, though noting that these are not defined on the policies map and that work is insufficiently advanced to seek to do so.

Draft Plan Consultation	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • The Environment Agency support the intentions of this policy and suggest that the Lower Clyst, The Exe Estuary Nature Recovery Area and the National Trust’s Three Rivers Recovery scheme at Killerton are good options for targeting nature recovery efforts. • Call for a ban on development in defined areas. • There is scope to link with work the AONBs are doing in relation to nature recovery (and review of the management plans). • Concern that more information and training is needed about the network and strategy to fully understand the benefits of this policy. • EDDC should not allow proposals for allocated sites to be put forward if they contravene this policy. • The East Devon AONB team support the policy and welcome the addition to the protection of biodiversity. AONBs are developing Nature Recovery Plans as part of their Colchester Declaration commitment, and these are to be included in the pending review of AONB Management Plans (2025) which will align with this Policy and may be considered as supporting evidence. • Sid Valley Biodiversity Action Group welcome this policy in support of the Nature Recovery Green Paper. • Agents for Bloor Homes advise - clarification is required as to the meaning of ‘proposals’, which, as per the proposed 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • At this point in time we are not in a position to refer to specific areas for policy to apply to. Further refinement and work on designation of areas is needed. Rather policy can usefully set out key generic messages. • In policy wording we would not see it as appropriate to have a policy ban in development in defined areas, rather policy sets out standards for mitigation that lead to net improvements. • Wording ion the Reg 19 plan is tightened up to ensure application.

Policy, ‘must contribute to the strategic objectives of the Local Natural Recovery Strategy....’.	
Supplementary Regulation 18 consultation Spring 2024	
Key issues raised in consultation: <ul style="list-style-type: none"> No matters noted. 	Officer commentary in response: <ul style="list-style-type: none"> No comments.
Commentary on policy redrafting for the Publication Plan	
Redrafted policy title: <ul style="list-style-type: none"> Strategic Policy PB06 – Local Nature Recovery Strategy and Nature Recovery Network 	
This Reg 19 policy is a redraft of the Reg 18 policy to provide greater clarity of its application and use.	

Strategic Policy 89 – Ecological Impact Assessment

This policy featured in the draft plan and set out information on EIAs.

Draft Plan Consultation

Key issues raised in consultation: <ul style="list-style-type: none"> The Environment Agency consider the policy to be comprehensive, but does not refer to BNG and LNRS so that the ecological policies seem disjointed. They recommend that these policies are reviewed to determine how they can be better integrated with one another and to avoid possible duplication or conflict. Devon Wildlife Trust state ‘Surveys should not be conditioned as part of a granted permission’. We would like 	Officer commentary in response: <ul style="list-style-type: none"> Whilst qualifying comments on policy and its application are noted it was not deemed appropriate to carry the policy forward into the Reg 19 plan noting existing legislative requirements around the subject matter.
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to see the use of stronger language in this sentence; ‘will or must’ would be more robust, with additional comment stating ‘Unless in exceptional cases’.

- EIAs must be implemented not should as is written at the beginning of this policy.
- This assessment should be conducted by an independent assessor on all proposed developments.
- This will only work with effective, informed oversight: both review of the reports submitted by developers to ensure they are accurate and monitoring of the actual implementation.
- Some surveys miss out specific species. E.g. if a survey is completed outside of the 12 week period swifts are in the UK they won't be included in a wildlife survey.
- On respondent said “This is an essay, not a Policy.”
- Agents for Bloor Homes consider that policy text could be rationalised in this section e.g. text on deviation from best practice could be included in the ‘Justification’ section, which follows the Policy. It is recommended that the heading ‘Protected and notable species’ before paragraph 13.53 on the Consultation Local Plan is deleted. Text within paragraph 13.53 can simply be included within the ‘Justification’ sub-section above. This will avoid confusion with the following policy, Policy 90, which relates to protected and notable species.
- Agents for Bourne Leisure object to the inclusion of ‘the precautionary principle’ within the policy, and particularly “increasing public participation in decision making”. Public participation can be helpful in the planning process but in

<p>relation to applying the precautionary principle, there are significant risks that citizen intervention could result in overly risk averse approaches being taken on the whim of a single person. Decision making must be undertaken by, and in consultation with, professionals.</p> <ul style="list-style-type: none"> • A developer does not agree with policy text stating ecology surveys cannot be conditioned, as the long time scales on large scale applications can mean some ecological surveys become out of date, so should be able to condition survey updates. 	
<p>Supplementary Regulation 18 consultation Spring 2024</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • Not applicable. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • No comments.
<p>Commentary on policy redrafting for the Publication Plan</p>	
<p>Redrafted policy title:</p> <ul style="list-style-type: none"> • Not applicable – policy not included in the Reg 19 plan. 	
<p>This policy was not carried forward from the Reg 18 plan to the Reg 19 plan as it addressed matters for which consideration will fall outside of the needs of local plan coverage.</p>	

Strategic Policy 90 – Due Consideration of Protected and Notable Species

Policy sought to set out approach to Protected and Notable Species.

Draft Plan Consultation

<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • The Environment Agency recommend that the policy should unambiguously require that developers remove invasive species from their land to reduce abundance and prevent future spread into the wild. The policy could proscribe what circumstances this may not be achievable and list them as exemptions. • The policy needs to be clear on how protection will be implemented. • There should be no exceptions which lead to degradation of wildlife and loose interpretation of the policies. • Good to note that birds of conservation concern on the amber as well as the red list are included. • Requiring applicants to demonstrate full removal of invasives in perpetuity is unachievable. Policy needs to be stronger. • Should apply to all protected species not just European. • Agents for Bloor Homes advise - reference is made to the consideration of European Protected Species, defined as species listed under Annex II and IV of the Habitats Directive. It is considered that this should be modified and defined as species listed under Schedules 2 and 5 of the Habitats Regulations. The fifth bullet point in the first series of bullet points (defining protected and notable species) should be modified to text only i.e. not a bullet point. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • Whilst qualifying comments on policy and its application are noted it was not deemed appropriate to carry the policy forward into the Reg 19 plan noting existing legislative requirements around the subject matter.
Supplementary Regulation 18 consultation Spring 2024	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • Not applicable. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • No comments.

Commentary on policy redrafting for the Publication Plan	
Redrafted policy title:	
<ul style="list-style-type: none"> • Not applicable – policy not included in the Reg 19 plan. 	
This policy was not carried forward from the Reg 18 plan to the Reg 19 plan as it addressed matters for which consideration will fall outside of the needs of local plan coverage.	

Strategic Policy 91 – Ecological Enhancement and Incorporation of Design Features to Maximise the Biodiversity Value of Proposals

Policy majored on promoting biodiversity benefits in development.

Draft Plan Consultation

<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • There was general support in responses received for the policy. • However, the Environment Agency did not think it was clear what the policy adds to the BNG and LNRS policies and suggest it should be made clear what it applies to . For example, it should be clarified whether the policy exists for developments of such as small-scale that BNG does not apply such as conversions and changes of use. • Devon Wildlife Trust advise 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. Gap provision for small mammals should be specified as 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • Policy seeks to go beyond BNG and LNRS policy and objectives. It seeks to set local aspirations and expectations that can be incorporated inti development as normal practice, rather than meeting the more rigorously defined policy requirements. • Policy would not preclude other habitat measures being incorporated into developments but is considered to find an appropriate balance as worded/reworded. • Whilst it is not seen as needed for policy to refer to experts in the field in respect of delivery many developers will do so and more generally good quality schemes should be supported by expert assessment. • Whilst we would not want to get into detail of specifying particular materials the points made are noted. This is a matter better addressed at application stage.
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13cm to account for hedgehogs. This section should include reference to the Building with Nature accreditation.

- A number of respondents called for specific mitigation features to be set out in policy, these included Swift bricks/tubes, holes in fences, ponds, long grass and wildflower areas, open green space, tree cover, amphibian-friendly drain covers, dropped kerbs and nesting boxes for predatory birds such as peregrines.
- There was a call for the first paragraph should be redrafted to make it simpler for developers to understand what is required of them.
- A respondent considered that the policy should also refer to the need to retain any trees felled (with the necessary permission) to retain and provide natural biodiversity habitats on site.
- It was commented that policy should specify that policy application/use requires Input from a qualified horticulturist/ecologist.
- It was felt that trigger point for policy application needs to be low and very clear.
- Where farm buildings that have previously held nesting swallows, suitable nesting sites should also be incorporated.
- For item 4 it was agreed that overhanging eaves for the purpose stated are appropriate but if they're made of the wrong materials then the houses built by house martins will drop off after a couple of weeks, often after eggs have been laid or hatched. The RSPB needs to be asked to specify the correct materials.

- Policy is seen as an addition to tree planting and hedgerow provision and as such these are matters that can fall to other plan policies.

- There was a call that natural boundaries (e.g. hedges) to be made compulsory in as many instances as possible, rather than man-made, with a ban on clear glass.
- The East Devon AONB team supports the provision of ecological impact assessments and recognises these will contribute to conserving the detailed interests within AONB.
- Newton Poppleford and Harpford Parish Council would like bat and bee boxes to be included and for swift boxes to be specified instead of bird boxes in line with RSPB guidance. The Parish Council would also like RSPB advise on the correct materials for overhanging eaves and for all boundaries to incorporate holes and for all these items to be compulsory.
- Agents for Bloor Homes seek clarification as to the meaning of ‘proposals’ within policy.
- Agents for Bourne Leisure advise that it is essential that measures to maximise the biodiversity value of proposals and to mitigate adverse impacts of new developments on biodiversity be assessed on a site-by-site basis. The requirements for net biodiversity gain should then be the basis for enhancing features for a project. Therefore, Bourne Leisure suggests that draft Policy 91 is removed from the Plan.
- Sidmouth Arboretum - Most of the design features listed are associated with the buildings. Sidmouth Arboretum suggests the small number of site features should include the planting of trees and hedgerows explicitly to reinforce their importance.

<ul style="list-style-type: none"> • Sidmouth Arboretum would welcome the opportunity to contribute to the development of design guidelines for all development and comment on developers’ proposals to ensure that retention of trees and hedgerows is prioritised wherever possible and any replacement will provide appropriate mitigation to maintain current, and enhance future levels, of biodiversity. 	
Supplementary Regulation 18 consultation Spring 2024	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • Not applicable. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • No comments.
Commentary on policy redrafting for the Publication Plan	
<p>Redrafted policy title:</p> <ul style="list-style-type: none"> • Policy BN07 – Ecological enhancement and biodiversity in the built environment 	
<p>This Reg 19 policy is a redraft of the Reg 18 policy to provide greater clarity of its application and use.</p>	

Strategic Policy 92 – Tree Policy	
<p>Policy was specifically written to protect trees on development sites.</p>	
Draft Plan Consultation	
<p>Key issues raised in consultation:</p>	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • Support for policy is welcomed.

- There was a broad level of support for policy though some respondents did not consider that it went far enough in respect of protecting existing trees and supporting or requiring additional planting, there were calls for tree planting targets in all new developments and opposition to any loss.
- The Environment Agency supported the requirement to take account of climate change when selection appropriate trees to plant;
- Devon Wildlife Trust advise ‘Development schemes should seek to’. Again, we would prefer to see ‘will’ or ‘must’ utilised here. We would like to see the requirement for native species referred to here – please see General Comments above. It is unclear whether this may be an early draft with missing information as sentences appear incomplete. We would recommend this policy is rewritten to be more user friendly.
- There was a call for policy to specifically cover Ancient Orchards, Woodland and Veteran Trees with avoidance of loss to development with the view that as these assets are irreplaceable it would be inappropriate for loss to occur through the development process. Retaining habitat rather than replacing was seen as appropriate.
- There was comment that policy should extend to hedgerows, with opposition to their loss and recognition needed for their wildlife corridor importance. A minimum number of standard trees for new hedgerows was sought.
- There were a range of comments on minimum standards or levels of new planting in developments with a call for

- Support for tree planting is welcomed though it will not always be appropriate for all development schemes.
- Appropriate trees being planted, noting changes to climate, is clearly relevant.
- In policy and redrafting we have sought to establish appropriate standards and requirements.
- Planting of native trees is typically going to be appropriate but given other wording in policy and requirements explicit reference is not seen as needed in policy wording.
- It is not seen as needed for policy to specifically mention Ancient Orchards, Woodland and Veteran Trees (and also hedgerows) as by default these are covered in policy and come up in other plan policies.
- In policy and redrafting we have sought to set out standards for planting of trees.
- Policy, especially through redrafting, sets out standards and approaches for new planting.
- It is seen as appropriate for policy to be in place before tree strategy work is completed.

overall canopy levels (eg 30% coverage), a new tree in every new domestic garden, a minimum number of trees stated to be planted for developments with larger green spaces.

- It was highlighted that planting small trees is better in health and carbon neutrality terms –with a preference for native UK grown trees and also trees appropriate for specific locations, noting climate change considerations. A respondent advised that moving big trees around with associated soil presents a significant plant health risk
- It was suggested we could have more tree plantations in the AONBs and to protect current woodland there already.
- There was a call for street planting to be incorporated into all new developments with minimum planting standards specified. A respondent advised that we should also consider including a management plan for street trees - to discourage residents from carrying out 'pruning' and to make sure trees are replaced if/when necessary.
- It was suggested trees should be encased (below ground) ensuring roots are adequately restrained so as not to lead to pavement "heave", once mature. Or species chosen with downward growing roots (such as Hawthorn). Similar concerns were expressed about Proximity of tree planting to buildings.
- Design guides to guide developers (and individuals) to plant appropriately resistant and diverse species is critical.
- Having the necessary staffing at the council was seen as critical to policy success and it was highlighted that policing of trees is required before developers move in.

- There was, however, scepticism in that a tree does not become carbon neutral until 27-34 years old. There is no possible way of offsetting canopy cover or where trees are negatively impacted by development within the timespan of this plan. And also scepticism that protection had not been afforded in the past to trees and as such concern about future application.
- A view was expressed that TPOs should mean proper tree protection but in many cases trees are cut down or pollarded close to death without any enforcement being implemented. There was also a call for more TPO's on veteran trees.
- Dead wood was also highlighted as important and leaving dead trees where practical provides vital habitat for wood peckers and other dead wood users, with opposition to wood chipping.
- Newton Poppleford Parish Council want the policy strengthened to protect hedgerows and trees, set a minimum specification for street trees, minimum of one tree per garden, minimum number of trees for new hedgerows, minimum distances between buildings and trees set and presumption of refusal for developments that harm ancient orchards, woodland and veteran trees.
- Support policy in principle, but concerned that there is a lack of clarity about the term 'provide potential net gain in canopy cover and contribution towards local canopy cover goals'.

<ul style="list-style-type: none"> • Barratt Homes and Vistry do not consider the policy as worded can be adopted until the Devon Tree Strategy is published and then policy will need further consultation. • Various landowners state that they would make a significant contribution towards tree planting through their development proposals. 	
<p>Supplementary Regulation 18 consultation Spring 2024</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • No matters noted. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • No comments.
<p>Commentary on policy redrafting for the Publication Plan</p>	
<p>Redrafted policy title:</p> <ul style="list-style-type: none"> • Policy PB08: Tree, hedges and woodland on development sites 	
<p>This Reg 19 policy is a substantive redraft of the Reg 18 policy to give greater clarity.</p>	

<p>Strategic Policy 93 – Protection and Enhancement of the Jurassic Coast World Heritage Site</p>	
<p>Policy seeks to protect the setting of the world heritage site.</p>	
<p>Draft Plan Consultation</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • There was support for policy for protection and enhancement of the Jurassic Coast World Heritage site, noting its tourism importance and non-replaceability, with more prominence sought. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • Support for policy is noted, though also noted is concern around the nature of some big development projects that have occurred. • Policy wording is deemed to be reasonable.

<ul style="list-style-type: none"> • There were, however, concerns that some recent development and big developments in general were incompatible with policy and policy and the status of the world heritage site. • A respondent considered the first paragraph is incompatible with the second paragraph, and the third paragraph is unnecessary. • A further responded advised “Policy 94 is the wording I would choose to deal with applications impacting the Jurassic Coast World Heritage site. Policy 93 would then be redundant.” • Bourne Leisure advise that draft Policy 93 does not currently allow for mitigation to be provided where it would offset adverse impacts from development within the Jurassic Coast World Heritage Site. Bourne Leisure requests that the draft Policy is amended to allow for mitigation or compensation to be provided where it would offset harm and adverse impacts in relation to the Jurassic Coast World Heritage Site. • Sid Vale Association - Agreed though protection of the Jurassic Coast, a UNESCO ‘World Heritage Site’ (comparable to Stonehenge) should be given more weight and prominence as it is a key attraction to the Sid Valley and its tourist industry. 	<ul style="list-style-type: none"> • It is not deemed appropriate to refer to ‘mitigation’ or ‘compensation’ in policy. Should an application promote a scheme where these factors for part of a development proposal they will be taken into account at the planning application stage in respect of overall policy wording. • Overall the World Heritage Site is recognised as being of universal and international importance.
<p>Supplementary Regulation 18 consultation Spring 2024</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • No matters raised. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • No comments.

Commentary on policy redrafting for the Publication Plan
Redrafted policy title: Policy PB10 - Protection and Enhancement of the Jurassic Coast World Heritage Site
This Reg 19 policy is a redraft of the Reg 18 policy to give greater clarity.

Strategic Policy 94 – Protection of Designated Geological Sites	
Policy protects nationally geological sites.	
Draft Plan Consultation	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • Policy received limited comments though general support. With some comments that no development/adverse impacts should be allowed on or at designated site. • Under point 2 it was suggested that the wider network of natural habitats and designated sites is far more important than the unspecified definition of ‘public benefits’. This woolly bullet gives developers far too much room for argument. • A respondent advised that the AONB needs to be considered as an area of importance for native wildlife and woodlands. • A respondent advised policy is sufficient to protect the Jurassic Coast, so Policy 93 is not needed. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • Support for policy is noted. • ‘Public benefits’ reference is considered reasonable for inclusion in policy. It is a matter of relevance that needs to be taken in the balance when determining applications. • Policy is seen as needed nothing that the Jurassic coast is special, of international importance, and warrants its own bespoke policy.

<ul style="list-style-type: none"> Newton Poppleford and Harford Parish Council want the policy strengthened to reduce scope for developers to argue in favour of development for public good. 	
Supplementary Regulation 18 consultation Spring 2024	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> Not applicable. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> No comments.
Commentary on policy redrafting for the Publication Plan	
<p>Redrafted policy title:</p> <ul style="list-style-type: none"> Policy PB11: Protection of designated geological sites 	
<p>This Reg 19 policy is rolled forward from the Reg 18 plan.</p>	

Strategic Policy 95 – Regionally Important Geological and Geomorphological Sites

Policy seeks to protect local sites.

Draft Plan Consultation

<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> There was general support for policy from the limited number of comments, though a view was expressed that if adverse impacts would arise planning permission should just be refused. There was comment, as well, that considered that Policy 94 is sufficient and this policy is unnecessary and confusing duplication. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> Support for policy is welcomed. Policy is for sites that fall below national designations so is seen as needed. There is a planning balance to be struck that in some cases may mean that adverse impacts can be acceptable.
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<ul style="list-style-type: none"> Newton Poppleford and Harford Parish Council consider that such sites should be fully protected and development not permitted. 	
Supplementary Regulation 18 consultation Spring 2024	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> No comments noted. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> No response provided.
Commentary on policy redrafting for the Publication Plan	
<p>Redrafted policy title:</p> <ul style="list-style-type: none"> Policy PB12: Regionally Important Geological and Geomorphological Sites 	
<p>This Reg 19 policy is rolled forward from the Reg 18 plan.</p>	

Policy omissions from Chapter 13

Set out below are matters raised as what were seen as policy omission from the local plan.

Draft Plan consultation

<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> Omission of policy reference to green corridors, noting role played by country lanes but vehicular damage that is occurring to these. Would be good to have a dead wood policy. Call for a policy regarding light/noise pollution and its impacts e.g. bats. See National Planning Policy Framework July 2021 (Para 185, 2021). 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> There were a wide range of comments received in respect of policy omissions around biodiversity and geodiversity. Many of these referred to particular habitat types of specific localised matters. On a general level we have sought to not get into excessive detail on local plan policy coverage, noting that many generic local plan references can apply to specific detailed matters.
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<ul style="list-style-type: none"> • I would like to see some reference to the need to protect the experience of those using the South West Coast Path National Trail, soon to be part of the Round England Coast Path. This is how so many local residents and visitors get to see our wonderful coastline. • AONB should be covered in this chapter of the plan and given great nature conservation and landscape protection. • The Woodland Trust advise - Work is underway to create a tree and woodland strategy for Devon. This plan should make space to ensure that it can deliver on the planting targets for East Devon. • The Devon Wildlife Trust consider that there should be a dedicated overarching policy for the protection and creation of wildlife corridors. Furthermore, it is key that the balance between wider Natural Infrastructure and Natural Green Space/Natural Corridors is made to ensure benefits are genuinely enabled for wildlife and people. Functionally effective corridors with a minimum width of 20m should be encouraged in all developments to benefit biodiversity. • Devon Wildlife Trust would welcome a commitment to use only native and locally appropriate species for landscape planting, which are locally sourced – from Devon and preferably East Devon - and, to enable this, a commitment to developing local tree nurseries and see hubs 	<ul style="list-style-type: none"> • References to wildlife corridors are specifically noted though it is considered that these should be accounted for through application of plan policies more generally. • By default AONBs are addressed through application of plan policy. Noting that AONBs are a landscape designation whilst biodiversity and geodiversity considerations go wider. •
<p>Supplementary Regulation 18 consultation Spring 2024</p>	
<p>Key issues raised in consultation:</p> <ul style="list-style-type: none"> • No specific points noted. 	<p>Officer commentary in response:</p> <ul style="list-style-type: none"> • No comments.

Commentary on policy redrafting for the Publication Plan
<p>In the Regulation 19 plan there are new policies added that run over and above Regulation 18 policies, these are:</p> <ul style="list-style-type: none"> • Policy PB02: Protection of regionally and locally important wildlife sites • Policy PB09: Monitoring requirements for new planting schemes <p>PB02 is a product of splitting a Regulation 18 policy and PB09 was deemed as needed to ensure trees are planted and protected and thrive in new developments.</p>

Sustainability Appraisal	
<p>Policy number/title:</p> <ul style="list-style-type: none"> • 84. Policy – Protection of internationally and Nationally important wildlife sites • 85. Policy – Protection of irreplaceable habitats and important features • 86. Policy – Habitats Regulations Assessment • 87. Policy – Biodiversity Net Gain • 88. Strategic Policy – Local Nature Recovery Strategy and Nature Recovery Network • 89. Policy – Ecological Impact Assessment • 90. Policy – Due consideration of protected and notable species • 91. Policy – Ecological enhancement and incorporation of design features to maximise the biodiversity value of proposals • 92. Policy – Tree policy • 93. Policy – Protection and enhancement of the Jurassic Coast World Heritage site • 94. Policy – Protection of designated geological sites • 95. Policy – Regionally Important Geological and Geomorphological Sites 	
Outcome of sustainability appraisal:	Officer commentary in response:

Preferred alternative: Policies 84-95

Reasons for alternatives being preferred or rejected:

- Policies 84-95 are preferred due to numerous and wide-ranging benefits relating to biodiversity, landscape, the historic and built environment, land/water resources and health
- 84A. Do not include a policy on the matters covered by policies in chapter 13 – this is rejected as, whilst many matters are covered by legislation and national policy, the positive effects would be more uncertain as it would reduce the scope to highlight issues of local importance, including specific localised mitigation measures.
- 87A. Require 10% Biodiversity Net Gain – this would reflect The Environment Act 2021, and would enable more developer contributions to be directed towards other issues such as affordable housing. However, evidence indicates that 10% is the minimum necessary to halt biodiversity loss, and this alternative has less positive and more uncertain effects on biodiversity, and is therefore rejected.
- 87B. Require higher than 20% Biodiversity Net Gain – this is rejected as it would limit developer contributions towards obligations such as affordable housing, open/play space, and sustainable travel measures. Viability issues could also inhibit housing supply in general.

- SA comments are noted and have informed policy refinement.

10 Conclusions

10.1 Policy redrafting has been made in the Publication, Regulation 19, Local plan.