



Dartmoor Local Plan 2018-2036 Examination

Matter 3 – The Environment

Natural England's Written Statement to Address the Inspector's Questions

8th February 2021

Q2. Overall, are modifications to that policy and supporting text required, for soundness, to ensure it is effective, being clear as to how a decision maker should react to it, that it appropriately reflects the requirement to conserve and enhance biodiversity and geodiversity and the tests and mitigation hierarchy in relation to designated and protected sites? Would it be consistent with national policy in these respects?

Natural England supports the modification to this policy (MM07 within ED05) in that it now reads 'conserve and enhance' instead of 'conserve and/or enhance'.

Natural England supports the removal of 'no net loss' from Policy 2.2(2) (see MM08 within ED05) but notes that it has not been replaced with 'net gain for biodiversity'. Natural England's reason for requesting that this Strategic Policy includes a general net gain principle is because this approach would be consistent with the NPPF. In addition, the emerging Environment Bill is expected to insert a new section 90A in the Town & Country Planning Act. Exemptions to the requirement are likely to be set out in future Regulations but as a general principle, with respect to development as a whole and not just individual projects, a net gain approach should be adopted.

Relevant extracts from the NPPF and the emerging Environment Bill:

NPPF (para.170) – "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..."

Environment Bill – Sch 14, Part 2, para. 13(1) – "Every planning permission granted for the development of land in England..." and Sch 14, Part 2, para. 17 – "Paragraph 13 does not apply in relation to— (a) development for which planning permission is granted— (i) by a development order, or (ii) under section 293A (urgent Crown development), or (b) development of such other description as the Secretary of State may by regulations specify"

Natural England supports modification MM08 which shows that policy 2.2 has been reconfigured and a new clause 4 added which sets out the mitigation hierarchy as a general principle rather than a consideration for specific/designated sites.

Natural England supports modification AM09 which shows that section 2.3, para 2.3.4 has a footnote to clarify what constitutes 'international protected sites', and which also refers to the definition in the NPPF.

Q3. Would SP 2.3(2), in not requiring all development to deliver net gain regardless of impact on biodiversity, be consistent with national policy? Should the scope of the policy be extended to undesignated habitats to ensure soundness?

Again, Natural England advises that to be consistent with national policy, the general principle is that net gain applies to all development, not just development "with the potential to impact on biodiversity".

It is the Government's intention to keep small sites in scope of the mandatory net gain approach, but to consider whether minor residential developments should be subject to longer transition arrangements or a lower net gain requirement than other types of development. This is set out in the Government's response to consultation on Net Gain (page 4):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf

Q4. Overall, would these policies, together, provide adequate protection for biodiversity and geodiversity, be effective and consistent with national policy? Would they, together, provide adequate protection for the South Hams SAC?

Natural England welcomes the amendments made to policy as set out in MM07, MM08 and AM09 above but considers that plan policy should set out the principle that biodiversity net gain will be required as a general principle whether or not development is likely to have an impact on biodiversity. The principle will apply to all development unless expressly excluded by forthcoming legislation or as may be defined in regulation.

Stephanie Parker-Stephenson
Natural England