

Appendix VII: SA & HRA Consultation Representations & Responses

Consultation Representations to SA Scoping Report & HRA Screening Report (August 2017)

Consultee Section of SA Scoping Report	Consultee Comments	Enfusion Responses & Action Taken
Environment Agency		
PP Review (2.2)	The regional or local lists should also include our relevant Catchment Flood Management Plans/Flood Risk Management Plans and the lead local flood authority's Local Flood Risk Management Strategy.	Agreed
(3.6)	We are pleased to see that the report recognises the importance of Dartmoor's landscape in storing carbon and water (3.6). Equally we welcome the recognition of the multifunctional benefits provided by the moor's rivers in terms of managing water flows, quality and supply as well as their contribution to landscape character, recreation and biodiversity	Noted, with thanks
(3.21-3.38)	Similarly, with regard to Biodiversity, Geodiversity and Green Infrastructure we are pleased to see the recognition of the multifunction benefits provided by Green Infrastructure. The report has also identified of the priority habitats and species of importance to us.	Noted, with thanks
	We are pleased to see the acknowledgement of Water Framework Directive (WFD) and the positive role that local planning policy can make towards achieving WFD objectives.	Noted, with thanks
(3.64)	The report recognises the potential risk to water-bodies from sewage treatment facilities and the potential information gap that exists. it is important that increases in foul flows from new development does not result in a deterioration in the ecological status of a water-body. Whilst a sewage treatment plant may have capacity, within the terms of its Environmental Permit, to accept new flows, if that permit does not require the operator to strip out nutrients prior to discharge then it could cause a new failure in terms of nutrient levels or simply add to an existing nutrient failure.	Agreed & noted

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(3.120-3.123)	With regard to energy and climate change we consider it would be good if this section acknowledged the function the moor plays as a carbon store as has been recognised in the landscape section. The protection of this carbon store is essential.	Agreed and additional text provided in Section 3
Tables 4.1, 4.2 & 4.3 Issues & SA Framework	Notwithstanding the comments above, we support the key sustainability issues presented in Table 4.1 and the SA objectives and indicators set out in Table 4.2 especially with regard to the themes of biodiversity, water, climate change and waste. We also support the SA Framework set out in Table 4.3.	Noted, with thanks
Initial HRA Screening	We are satisfied that the initial HRA screening report has, like the SA Report, identified the key Priority habitats and species of interest to the Environment Agency on Dartmoor. This includes Atlantic Salmon as well as Otters and Blanket Bog, all of which we are a lead partner for.	Noted, with thanks
Historic England		
SA	It is important that the historic environment is broadly defined and that the baseline considers all designated heritage assets and their settings, together with potential impacts on non-designated features of local historic or architectural interest and value since these can make an important contribution to creating a sense of place and local identity. We therefore welcome the references to designated and non-designated heritage assets.	Noted, with thanks
Issues & Table 4.1	We agree with the key issues identified in Table 4.1 under "Historic Environment", but suggest that the main key issue is how to conserve and enhance the historic environment of the National Park and the heritage assets (significance as well as its setting and both designated and undesignated, including historic landscapes) within, while seeking to meet the objectively assessed development needs of the NP. This will be an important consideration given that the policies of the National Planning Policy Framework for the conservation and enhancement of the historic indicate that development should be restricted (paragraph 14). The key messages cited from the National Planning Policy Framework should include the requirement for Local Plans to contain a " <i>clear strategy for</i>	Noted & agreed, with thanks Issue added to Section 3

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	<p>enhancing the natural, built and historic environment" and to "identify land where development would be inappropriate, for instance because of its environmental or historic significance" (paragraph 157). Correctly identifying this point, along with those already identified, would better help you achieve the SA objective 4, on page 58: <i>To protect, conserve and enhance the historic environment and its setting</i>; an objective we support.</p>	
SA method for site options	<p>We note that this point is picked up later in Table 4.3, in the column decision aiding questions. We welcome this.</p> <p>We also welcome the reference to "setting". We understand that the Red/Amber/Green thresholds are intended to be a simple indication rather than a detailed assessment, but we should make the point that the impact of a development within the setting of a heritage asset on the significance of that asset depends on the particular relationship between the asset and its setting: using, for example, the same arbitrary set distance for each asset is very simplistic.</p>	Noted with thanks & agreed
SA framework decision-aiding questions	<p>The Council should be aware that some archaeological assets may be of national significance equivalent to Scheduled Monuments, even if not designated as such, as recognised by paragraph 139 of the National Planning Policy Framework. We would also like to see a criterion based on Historic Landscape Character in accordance with paragraph 170 of the Framework, with a reference to impact on landscapes and landscape features of historic significance.</p>	Agreed with thanks, & including landscapes added to criterion 2 for Historic Environment Theme in the Strategic Framework and SA Objective No 4. in the Sites Framework
Proposed monitoring	<p>As regards possible indicators/measures, the Historic England advice contains a range of possible indicators.</p>	Noted with thanks. The SA will seek to share the monitoring with the Local Plan (and in line with Government guidance)
Natural England		
	<p>The reports are generally thorough and clear.</p>	Noted, with thanks
HRA	<p>Vulnerabilities for each European site - it is stated whether the threat is from inside or</p>	Noted.

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Appendix 1	outside. This would benefit from some clarification. Is this from within the European site or within the National Park? Under Human intrusions and disturbances (p.2/16) it is stated that this is a threat from inside. Is recreational pressure not mainly a pressure from outside the site and the National Park?	Explanatory footnote added in Appendix I to clarify meaning of Inside & Outside
Page 6/16	Spelling mistake: <i>Erica tetralix</i>	Corrected
SA para 2.2	Under regional plans and programmes, it would be useful to add the GI strategy for the submitted Plymouth, South Hams and West Devon Joint Local Plan, as well as to mention the newly emerging GI strategy for the Greater Exeter Strategic Plan.	Agreed & added Plymouth GI strategy. No version of GI strategy for the Greater Exeter Strategic Plan in public domain, but will be considered when available.
Chapter 3 baseline	The baseline in most cases identifies general trends that <i>could</i> be an issue, not whether something is an issue now. It is acknowledged that data are not always available but the baseline would be more robust if the text would be clearer on what the current state is and whether that poses a problem, and where, in relation to the identified issue.	Agreed & the key current issues are made more explicit.
Devon County Council		
SA	Pleased that the sustainability appraisal framework has been thoroughly prepared and addresses the significant issues identified through the description and analysis of the baseline situation on Dartmoor.	Noted, with thanks
HRA	The HRA screening report is also well prepared and we have no additional comments to make.	Noted, with thanks

Consultation Representations to Initial SA Report (January 2018)

SA, HRA, EqIA	None received at this initial stage	
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Appendix VII: SA and HRA Representations to Regulation 18 Consultation

Regulation 18 Consultation (3 December 2018 – 4 February 2019)

Representations to SA & HRA/AA Reports (September 2018)

Consultee Section of Report	Consultee Comments	Responses & Actions Taken
Natural England (NE)		
SA Para 8.3	<p>0046-14 SEA para 8.3 states that 'the SA identified some concern regarding the cumulative effects from additional recreational access and use of the National Park arising from the proposed major development around the boundary of the Park. It is considered that there could be risks for cumulative negative effects on both European protected sites and the wider biodiversity resource.</p> <p>The SA suggested that continuing collaboration with the relevant local planning authorities to develop a shared strategic mitigation approach could provide sufficient mitigation measures. We would welcome some information on the approach taken to this mitigation.</p>	<p>Noted. The SA/SEA has incorporated the key findings of the HRA.</p> <p>DNPA continue to liaise with relevant LPAs, including through the duty to cooperate.</p>
SA para 6.23	<p>0046-06 The SEA identifies in paragraph 6.23 that for all site options: 'There is the potential for cumulative loss of undesignated habitat (hedgerow, trees and grassland) across the site options, which could have a negative effect on local wildlife movement and habitat linkages. However, it is expected that development will be able to retain existing hedgerows and vegetation where possible and supported by Local Plan Policy.'</p> <p>Based on this and in the interest of transparency we advise that you identify in each relevant site specific allocation policy what existing hedgerows and/or vegetation is to be retained. This will provide information for developers and landowners and the earliest stage and will inform developer, landowner and community expectations of the development.? All allocations in the plan need to provide robust, deliverable biodiversity net gain measures. You may wish to suggest possible net gain measure in the supporting text.</p>	<p>Noted with thanks. Matter for plan-making.</p>

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HRA	No detailed comments at this stage but indicated that the recreational disturbance issue is the greatest concern - NE advised that it is not clear about a solution at present. No specific comments on HRA and the sites. [email correspondence NE to DNPA 24 April 2019]	Noted. Noted.
HRA	0046-07 We advise that the policy makes clear that as well as a Habitats Regulations Assessment, a reliable and comprehensive bat survey will also be required to be submitted with the application in this location.	Noted with thanks. Matter for plan-making.
Environment Agency		
SA & HRA	No comments on the SA or HRA at this stage.	
Historic England		
SA	No comments on the SA at this stage.	
Devon County Council		
SA	No comments on the SA at this stage.	
Teignbridge District Council		
HRA Potential allocations in Buckfastleigh, Ashburton & Buckfast	The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that there will be no adverse effect from the plan or project on the integrity of the habitats site. This would then accord with proposed development land policies in Buckfastleigh, Ashburton and Buckfast and in line with the emerging South Hams SAC SPD (in post consultation draft) which gives guidance to which developments are likely to be considered as having a potential likely significant effect requiring a more detailed 'appropriate' Habitats Regulations Assessment. Furthermore, following additional examination of evidence in light of consultation representations the joint LPA steering group is proposing to increase the South Hams SAC SPD consultation area to up to 10km from designated roosts (applying the precautionary principle to areas that are known to have possible functional linkages to the SAC (e.g. significant satellite roosts). This proposed extension of the consultation area may catch other additional proposed policies (where previously no LSE has been considered).	Understood. Matters for plan-making & the next version of the HRA Report will be updated to reflect the ongoing liaison with NE & LPAs regarding bats and recreational pressures; also, the emerging South Hams SAC SPD.

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	<p>It is possible that the HRA (September 2018) for the Regulation 18 draft will also require further assessment in light of the implications of recent judgments still emerging during this consultation period. The TDC Local Plan policies for specific allocations were required to refer to South Hams SAC bat assessment and, in many cases, specify features such as buffer corridors and lighting regulation. I would suggest this also applies to your allocation policies 7.5(1) and 7.6 (1) in Buckfastleigh and 7.3(1) and 7.4 (1) in Ashburton. It may be necessary to state a maximum number of units 'up to x units' in recognition that a subsequent Appropriate Assessment may require limits on the developable area. We would recommend that policy includes a requirement for settlement level mitigation plans to be produced for Buckfastleigh and Ashburton.</p> <p>'The [Teignbridge District] Council will work with Dartmoor National Park Authority to ensure that development and infrastructure proposals for Ashburton and Buckfastleigh continue to reflect the duty to co-operate and the role of Teignbridge District Council as the local authority and infrastructure provider within the towns. Policies of this [Teignbridge]Local Plan which refer to settlement limits will be read to include settlement boundaries for Ashburton and Buckfastleigh defined in the Dartmoor National Park's Development Plan.</p>	<p>The Regulation 18 draft included screening & appropriate assessment that considered the implications of recent CJEU's such as the Sweetman case. Embedded policy mitigation was not considered at the screening stage.</p> <p>Noted. Matter for plan-making.</p>