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**BY EMAIL ONLY**

Dear Dan

### **Planning consultation: Dartmoor Local Plan, Regulation 19 consultation**

Thank you for your consultation on the above dated 16 September 2018

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's comments on the Regulation 19 version on the Local Plan are set out below. We would welcome the opportunity of discussing these comments with you prior to formal submission of the Plan to the Secretary of State.

### **General policy**

#### Strategic policy 2.2 (2) Conserving and enhancing Dartmoor's biodiversity and geodiversity

Clause (1). This policy should be strengthened to require that development conserves and enhances (instead of conserves and/or enhances) Dartmoor's biodiversity and geodiversity, in accordance with paragraph 170 of the National Planning Policy Framework (NPPF). The same applies to some individual policies, such as policy 3.12 (f) – Low Impact Residential Development. We also advise that "no net loss" be replaced with "net gain for biodiversity" to reflect the NPPF para 170 (d).

Clause (2) and (3). We note that the mitigation hierarchy as set out in NPPF paragraph 175 a) is applied to designated sites, but the policy does not apply the hierarchy to all biodiversity in the plan area. We advise that the policy makes clear that the mitigation hierarchy in 3.a) applies everywhere.

Clause 3(b). We suggest that Policy wording or Plan text clarifies what constitutes "international protected sites" as set out in the NPPF para 176. These include "potential Special Protection Areas (SPAs), possible SACs, listed or proposed RAMSAR sites and sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites".

#### Strategic policy 2.3 (2) Biodiversity Net Gain

We welcome the inclusion of a policy to address Net Gain & biodiversity enhancement but advise that it should require that all new development, regardless of whether or not it has a direct adverse impact on biodiversity, should make a contribution to enhancement/provide for net gain. We advise that the words "with the potential to impact in biodiversity" are deleted from the policy.



We note that the policy 2.2 (3) sets out an indicative and net gain requirement for small scale development (Tables 2.2 and 2.3). We recognise the benefit in seeking to provide clarity on what would be considered proportionate net gain for small scale development. We also draw your attention to the Government's emerging approach the Environment Bill which introduces a mandatory requirement for all developments under the Town and Country Planning Act (TCPA) to achieve a minimum 10% biodiversity net gain as measured by the biodiversity metric which is to be maintained for a minimum of 30 years post-development.

To ensure monitoring of biodiversity net gain on allocated sites reflects the existing (i.e. current) biodiversity value of the site we advise that the following indicator is added as a monitoring indicator for the environment in Appendix A – Monitoring: "Existing biodiversity assets within site allocations."

#### Policy 7.1(1) Settlement boundaries

We note the settlement boundaries as identified in Policy 7.1 (1) and shown on the Proposals maps. We have not been able to locate the evidence that underpins these boundaries. We are concerned that the settlement boundaries are drawn very generously at a number of settlements, to include very large gardens and apparently undeveloped spaces at the edge of settlements.

At Buckfast (map 7.9) the settlement boundary includes part of the South Hams Special Area of Conservation (SAC). Natural England objects to inclusion of the SAC within the settlement boundary and advises strongly that the settlement boundary is withdrawn to exclude the SAC.

#### **Site specific allocations.**

##### Landscape and Visual Impact Assessments to support site allocations.

We note that the Dartmoor Landscape Sensitivity Assessment (July 2017) provides a comparative assessment of landscape quality around key settlements but does not assess the visual impact/impact or landscape character of developing proposed allocations or other undeveloped sites within the settlement boundary.

The sensitivity of proposed allocations is referred to within the Sustainability Appraisal (SA) but a more thorough landscape and visual impact assessment does not appear to have been undertaken. In addition where negative impacts are identified in the SA no measures to mitigate these impacts appear to have been suggested. For example for proposal 7.6 (land at Holne Road, Buckfastleigh) the SA states that *"this is a sloping site ..... and will potentially have a negative effect on views across the settlement and the rural nature of the local landscape and is therefore considered to have a minor negative effect"*. Similarly for allocation 7.7 (Lamb Park, Chagford) the SA states that *"the site is particularly visible from the north where the land is higher, and development may have an effect on views across the Teign Valley and loss of scenic value, both valued attributes for the area"*. However no mitigation measures are suggested to mitigate/ameliorate potential negative impact.

We advise that the Plan should be supported by sufficient evidence to demonstrate that it has met the major development test, as set out in NPPF para 172.

##### Protecting & enhancing biodiversity at site specific level

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.'* Based on this and in the interest of transparency we advise that you identify in each relevant site specific allocation policy key hedgerows/areas of vegetation 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.

Development at all allocations within the plan will need to provide robust, deliverable biodiversity net gain measures. You may wish to suggest possible net gain measures in the supporting text.

Please also see comments regarding site specific allocations in relation to Habitats Regulations Assessment set out below.



## Habitats Regulations Assessment

### South Dartmoor Woods SAC and Dartmoor SAC

Para 5.5. We **do not concur** with the conclusion that there could be significant adverse effects arising from recreational disturbance on Dartmoor SAC and South Dartmoor Woods SAC. We advise that recreational impacts are not identified as a pressure or threat for South Dartmoor Woods (SAC) or Dartmoor SAC (see [Site Improvement Plan: South Dartmoor Woods - SIP222](#) and [Site Improvement Plan: Dartmoor - SIP054](#)). The HRA and plan text (para 2.3.15) addressing this issue should therefore be revisited.

### South Hams SAC

Para 4.29 states that mitigation measures are in place to address potential impacts of Dartmoor Local Plan on loss or fragmentation of supporting habitats for greater Horseshoe bats (associated with the South Hams SAC) but that some uncertainty remains until further studies are undertaken at the project level. For this reason we advise that the need for project level surveys is referred to in relevant site specific policy as set out below.

- Proposal 7.3 (1) Land at Longstone Cross, Ashburton 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.
- South Brent – We advise that policy for all South Brent development sites should make clear that development proposals will be assessed on their potential impacts on greater horseshoe bats (informed by supporting bat surveys), in line with the emerging South Hams SAC SPD.
- Buckfastleigh - We would like to emphasise the sensitivity of development sites in and around Buckfastleigh/Buckfast. Whilst allocations at Buckfastleigh are relatively minor, any development in this location has the potential to result in adverse effect on the integrity of a European site and upon greater horseshoe bats. As Buckfastleigh has the most important roost for greater horseshoe bats in North West Europe, all development proposals will need to be underpinned by reliable and comprehensive survey (based upon local guidance and best practice). We advise that this requirement is set out in site specific policy.

### Plymouth Sound and Estuaries SAC & Tamar Complex SPA

The HRA needs to address the impact of recreational disturbance arising from proposed housing within the plan area at Yelverton, on the Plymouth Sound and Estuaries SAC/Tamar Complex SPA. Yelverton falls within the zone of influence established through development of the adopted Plymouth and South West Devon Local Plan (JLP), within which development is considered to have a likely significant impact on the SAC/SPA. Evidence developed for the JLP should be referred to in undertaking this assessment together with the strategic solution put forward to mitigate impacts. We are not able to concur with the screening conclusion set out in paras 3.23 and 3.25 that there will be no likely significant effect on these European sites.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Carol Reeder on 0208 225 6245 / 07721 108902 or [carol.reeder@naturalengland.org.uk](mailto:carol.reeder@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

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