

DARTMOOR LOCAL PLAN 2018 – 2036

EXAMINATION HEARING

Statement of Common Ground between Dartmoor National Park Authority (DNPA) and Natural England

1. This Statement of Common Ground (SoCG) addresses matters raised by Natural England, through representations made to the Submission draft of the Dartmoor Local Plan 2018 - 2036 relating to policies 2.2(2), 2.3(2), 7.1(2), and the site allocation proposals.
2. The purpose of this SoCG is to establish the main areas of agreement between the signed parties before the commencement of hearing sessions to be held for the Dartmoor Local Plan Examination.
3. It has been prepared between Dartmoor National Park Authority and Natural England, and sets out the confirmed points of agreement with regard to the Submission draft of the Dartmoor Local Plan 2018 – 2036.
4. This Statement is provided without prejudice to other matters of detail that parties may wish to raise during the hearings.
5. The following table sets out the matters raised by Natural England, the response of the Authority, and identification of where there is common ground for the purposes of this SoCG.
6. The proposed changes to policy wording, agreed by the National Park Authority, are as follows:
 - Amend clause (1) of Policy 2.2(2) to strengthen the policy to require that development conserves and enhances (rather than conserves and/or enhances).
 - Delete “no net loss” from Policy 2.2 clause 1.
 - Policy 2.2 (clause 2 & 3) should make it clear that the mitigation hierarchy set out in 3(a) applies everywhere not just to designated sites.
 - Amend clause 3b of Policy 2.2 to clarify what constitutes ‘international protected sites’.
7. The proposed changes not agreed by the National Park Authority, are as follows:
 - Replace “no net loss” with “net gain for biodiversity” in Policy 2.2 clause 1.
 - Delete words “with the potential to impact on biodiversity” from Policy 2.3(2) to make it clear that the requirement for net gain applies to all development regardless of whether it has an adverse impact on biodiversity.
 - The need for evidence to support the identification of the settlement boundaries in Policy 7.1(2) where they include reasonably large undeveloped plots of land.

- The revision of the settlement boundary at Buckfast to exclude the South Hams SAC.
- The need for sufficient landscape evidence (LVIA) to demonstrate that the major development test in NPPF can be met in allocating sites for development, also needed to support the conclusions in the Sustainability Appraisal.
- Amendment to Plan text for relevant site allocations at Ashburton, South Brent, and Buckfastleigh to include reference to the South Hams GHB SAC HRA Guidance.

Signed on behalf of the following organisations:



| Signed on behalf of Natural England | | |
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| Name and Position | Signature | Date |
| Stephanie Parker-Stephenson Lead Advisor – Planning Policy Devon Cornwall and Isles of Scilly Team |  | 8 th February 2021 |
| Signed on behalf of Dartmoor National Park Authority | | |
| Name and Position | Signature | Date |
| Dan Janota Head of Forward Planning and Economy Dartmoor National Park Authority |  | 8 th February 2021 |

Table 1: Matters raised by Natural England in relation to the submission draft of the Dartmoor Local Plan 2018 – 2036 and the responses proposed by the National Park Authority

| Document | Policy, paragraph, map or diagram | Natural England’s comment or proposed change | Dartmoor National Park Authority’s response | Natural England’s response |
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| Dartmoor Local Plan 2018 – 2036 (SD01) | Policy 2.2 (2), Clause (1) | Strengthen policy to require that development conserves and enhances (rather than conserves and/or enhances). Ensure principle applies to other policies in Plan where applicable (e.g. 3.12 (f)) | Nothing further to add - see rep response and MMs. | Resolved & welcomed Policy revision included in MM07. |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Strategic policy 2.2, clause (1) | Delete “no net loss” and replace with “net gain for biodiversity” | The policy states ‘must’ therefore making anything which follows a requirement of all development. Not all development is required to deliver net gain (e.g. householder and small-scale development is only required to contribute towards enhancement), therefore it is not considered the policy should require net gain from all development. | Resolved in part MM07 shows that “no net loss” has been deleted but it has not been replaced with “net gain for biodiversity”. |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Policy 2.2, Clause (2) & (3). | Policy should make it clear that the mitigation hierarchy set out in 3(a) applies everywhere not just to designated sites. | Nothing further to add - see rep response and MMs. | Resolved & welcomed. MM08 shows that policy 2.2 has been reconfigured and a new clause 4 added which sets out the mitigation hierarchy as a general |

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| | | | | principle rather than a consideration for specific/designated sites. |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Policy 2.2, Clause 3(b) | Policy wording or Plan text should clarify what constitutes ‘international protected sites’. | Nothing further to add - see rep response and AM. | Resolved & welcomed. AM09 shows that section 2.3, para 2.3.4 has a footnote to this effect which also refers to definition in NPPF. |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Policy 2.3 (2) | Delete words “with the potential to impact on biodiversity” to make it clear that the requirement for net gain applies to all development regardless of whether it has an adverse impact on biodiversity. | Requiring all development to achieve net gain is problematic as sites may not have the scope to deliver. The Environment Bill is not yet enacted and does not set a requirement for Biodiversity Gain on all development. In the Plan, development is only required to deliver net gain where it has an impact on biodiversity. This ensures a proportionate approach which doesn’t unnecessarily burden minor development, such as changes of use. It will also allow the approach to be fully tested before any future requirement in the Environment Bill potentially applies it to all development. DNPA does not feel in a position to be able to apply net gain to all development and continue to | Unresolved Not addressed in ED05 or ED06. Natural England does not agree that the approach taken by the National Park Authority is consistent with the general requirement for net gain set out in the NPPF. |

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| | | | achieve determination deadlines. | |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Policy 2.3 (2) – Biodiversity Net Gain | Policy sets out a net gain requirement for small scale development. Advice provided that this will also be addressed by the Environment Bill. | DNPA’s policy approach does not require all development to achieve net gain, development below the threshold is only required to make a ‘proportionate contribution to biodiversity enhancement’, this is not equivalent to net gain as defined by the Natural England metric. DNPA is not aware of any provision for small scale development currently in the Environment Bill. The Biodiversity Metric 2.0 states it hopes to provide an alternative approach for small sites in the next version of the metric. In the absence of a broader approach, DNPA’s proposed approach provides an easy to follow method that will not unreasonably burden development. | Information provided for advice. |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Appendix A - monitoring | To ensure biodiversity net gain on allocated sites reflects existing (i.e. current) biodiversity value “existing biodiversity assets within site allocations” should be added as a monitoring indicator. | DNPA would welcome further input from NE on appropriate indicators. The proposed indicator may provide a baseline in respect of allocated sites, once they are all assessed, but as an indicator may not be | Not addressed in ED05 or ED06 Advisory, probably not a soundness issue. |

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| | | | meaningful and would not show 'gain'. The proposed indicator around Net new Biodiversity Units could be broken down to include those arising as a result of development on allocated sites. | |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Policy 7.1 (1) – Settlement boundaries | There does not appear to be evidence to support the settlement boundaries where they include reasonably large undeveloped plots of land. | Evidence (Vision and Spatial Strategy Topic Paper – SD104) has been provided previously to NE. The Methodology is set out in Section 4. NE has not provided any specific examples of where this may not have been applied. Regulation 18 consultation showed “General support for the principle of settlement boundaries and the clarity of policy interpretation they bring”. Some comments were received at Regulation 19 around specific sites, or indeed opportunities to 'loosen' further. | Unresolved DNPA view (meeting 20 May) that there is no presumption in favour of development within settlement boundaries. NE consider that policy does set out presumption in favour of development. |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Settlement boundary at Buckfast (7.9) | NE objects to inclusion of the SAC within the settlement boundary at Buckfast includes part of the South Hams SAC. This should be withdrawn to exclude the SAC. | The methodology we have used for drawing the settlement boundaries is available in the Vision and Settlement Strategy Topic Paper, at section 4. The methodology is unchanged from that used in the existing adopted development plan. Boundaries are drawn using settlement features, not planning | Unresolved 20 May meeting: DNPA view is that there is no presumption in favour of development within settlement boundaries NE seeks revision of settlement boundary to exclude SAC |

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| | | | <p>constraints. The boundaries are not development boundaries, and do not indicate where development is acceptable. The boundaries are used as a policy tool to indicate where certain policies do and do not apply. Development proposals coming forward within boundaries will be considered against all relevant policies in the Local Plan.</p> <p>As an equivalent, Settlement Boundaries would not be drafted to exclude areas of high flood risk, nor has the Environment Agency requested they are. Instead it is recognised that boundaries are a policy tool to indicate where a settlement begins and ends, and that robust policies exist in the plan to prevent development in inappropriate locations.</p> | |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Site Allocations | These should be supported by sufficient landscape evidence (e.g. a landscape and visual impact assessment) to demonstrate that the major development test (NPPF para 172) can be met. | DNPA does not consider, at plan stage, that development sites will be likely to constitute Major Development under NPPF para 172, although this would be screened for and determined at application stage. DNPA believes there is appropriate evidence | <p>Unresolved</p> <p>20 May meeting DNPA said: that officers had carried out landscape assessments and that reference to landscape impact and mitigation measures was referred to in site briefs. DNPA confirmed that full LVIA for allocations had not been carried out. NE agreed to look again at</p> |

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| | | | <p>relating to landscape sensitivity. This comprises the Landscape Sensitivity Assessment, the Landscape Character Assessment (LCA), the landscape appraisal undertaken for all sites through the Land Availability Assessment Process, and again referred to through the SA/SEA. Where sites have specific elements around landscape sensitivity identified which are considered such that they should be referred to in more detail, these are picked up in specific Proposals. In addition to this the Authority has prepared a series of Development Site Briefs. These respond in more detail with advice around landscape matters.</p> <p>NPPG Paragraph: 037 Reference ID: 8-037-20190721 states “To demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment can be used.” It is not a requirement, nor did Natural England comment earlier in the plan-making stage (including when it</p> | <p>landscape information in site briefs but likely to maintain advice that LVIA necessary to ensure plan robust.</p> |
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| | | | was engaged in the LCA) that this should be undertaken. | |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Site Allocation policies | Key hedgerow/areas of vegetation to be retained for individual site allocations should be identified in the Plan | 'Important' hedgerows will be taken into account under those Regulations. DNPA has not identified 'areas of vegetation to be retained' at a plan making stage, but would expect assessments undertaken to inform development proposals to inform and enable this, with those areas given due protection through policy. | Advisory. The net gain calculation for each site will identify existing biodiversity and will need to be taken into account in calculating net gain. |
| Dartmoor Local Plan 2018 – 2036 (SD01) | Site allocations | Development on allocated sites will need to deliver net gain measures. You may wish to suggest possible measures in the supporting text | Development Site Briefs have been prepared to provide further guidance to developers of allocated sites. They provide an overview of each allocated site's condition, habitats and the policies development will be expected to comply with, including net gain. | Advisory. Dependent upon the net gain calculation for each site. |
| Sustainability Appraisal and Strategic Environment Assessment Report and Appendix V Site Options Assessment (SD05 and SD10) | Site Allocations – landscape evidence in the Sustainability Appraisal (SA) | Landscape evidence within the Sustainability Appraisal (SA) identifies potential landscape impacts but not now these might be mitigated. E.g. proposals 7.6 (Holne Rd) and 7.7 (Lamb Park). | Where sites have specific elements around landscape sensitivity identified which are considered such that they should be referred to in more detail, these are picked up in Specific Proposals, for example Proposal 7.19(2) which refers to boundary treatment. In addition to this the Authority has prepared a series of Development Site Briefs. | Unresolved. 20 May meeting DNPA said: that officers had carried out landscape assessments and that reference to landscape impact and mitigation measures was referred to in site briefs. DNPA confirmed that full LVIA for allocations had not been carried out. NE agreed to look again at landscape information in site briefs but likely to maintain advice that LVIA necessary to ensure plan robust |

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| | | | <p>These respond in more detail with advice around landscape matters, for example referring to the Holne Road site raised in NE's Representation, noting, for example Design must accord with Strategic Policy 1.6(2) Delivering good design. Proposals should be distinctive and respect the Dartmoor vernacular, responding to materials, form and public realm. Standard house types or layouts with little modification will not meet the design requirements set out in policy. Boundary treatments and public realm should be focused on community and pedestrians, should be sympathetic with the National Park's traditional vernacular, and where possible support biodiversity, External lighting and glazing must be compatible with Strategic Policy 2.5(2) Protecting tranquillity and dark night skies".</p> | |
| Habitats Regulations Assessment and Addendum | Para 5.5 and Plan text (para 2.3.15) | NE does not concur with the conclusion that there could be significant adverse effects arising from recreational disturbance on South | Nothing further to add. | <p>Resolved.</p> <p>The addendum to the HRA (SD77) concludes, correctly, no likely significant effects on Dartmoor SAC and Dartmoor Woods SAC. See para 19, HRA Addendum Feb 2020 (SD77).</p> |

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| (SD77 to SD82) | | Dartmoor Woods SAC and Dartmoor SAC. | | |
| | Site specific proposals at Longstone Cross, Ashburton (proposal 7.3), South Brent (7.14, 7.15 & 7.16) and Buckfastleigh (7.5 & 7.6). | Para 4.29 in HRA identifies need for project level surveys to inform mitigation requirements to protect integrity of South Hams SAC (as referred to in HRA para 4.29). NE advise that need for project level surveys is set out in site specific policy. | <p>For all relevant sites, the proposal states that applications should be supported by “evidence to inform an appropriate assessment (Habitats Regulations) in order to establish that development of this site will have no adverse impact on the South Hams Special Area of Conservation.”.</p> <p>Section 2.3.9-2.3.11 of the Plan describes the features of the South Hams SAC and the requirements for protection, with reference to the joint Guidance Note.</p> <p>Relevant Site Development Briefs refer in constraints to South Hams SAC, and states ‘specific requirements for this site include Evidence to inform an Appropriate Assessment (Habitats Regulations) in order to establish that development of this site will have no adverse impact on the South Hams Special Area of Conservation. Evidence to include bat surveys. Must consider cumulative</p> | <p>Unresolved, but way forward was agreed on 20 May 2020.</p> <p>20 May meeting: NE suggested that more effective way forward could be for plan text (for relevant allocations) to refer to the ‘South Hams Bat Sac – guidance for applicants’ and that DNPA ensure this is available on the Authority’s website. This was agreed as way forward by DNPA. DNPA also mentioned that they were to update their validation checklist to ensure that applications not meeting information requirements were rejected. However suggested wording for plan text is not set out in ED05 or ED06.</p> |

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| | | | <p>impacts from other developments.” And as a Design Requirement “Greater Horseshoe Bat mitigation scheme; proposals to be accompanied by bat surveys and identify additional off-site foraging land, as necessary.”</p> <p>The Plan should be read as a whole, and DNPA does not consider additional advice in the policy is necessary.</p> | |
| Habitats Regulations Assessment and Addendum (SD77 to SD82) | Recreational impacts on Plymouth Sound and Estuaries SAC and Tamar Complex SPA. | The HRA needs to address recreational impacts arising from development falling within the Zone of Influence established through development of the adopted Plymouth and South West Devon Local Plan. | Nothing further to add. | <p>Resolved</p> <p>See para 7.6.12 on Duty to co-operate statement of common ground dated Feb 2020 (SD93).</p> <p>Adjoining LPAs agreed that contributions from those LPA areas would meet cost of mitigation without requiring contributions from DNPA area.</p> |