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Dear Forward Planning Team

Thank you for your consultation on the above dated 28 January 2022. We welcome the opportunity to provide input to the process at this early stage.

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. Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

**Plan Mid Devon (PMD) – Issues Paper & Sustainability Appraisal – Regulation 18**

**Issues Paper**

We support the situation of Priority 1 *“Responding to the climate emergency and moving to a net-zero carbon future”* as an umbrella with which to focus the other 5 priorities identified for Plan Mid Devon (PMD), and welcome the consideration given to protecting and enhancing the natural environment within Priority 3.

It is noted that PMD will have a relationship alongside the Economic Strategy for Mid Devon 2019-2024, A Housing Strategy for Mid Devon 2021-25 and “other plans, programmes and strategies.” We advise additionally the plan should have a complementary relationship with the Devon Carbon Plan, the Devon Minerals and Waste Plan, the Devon Local Nature Recovery Strategy, and the Local Plans of Neighbouring Authorities.

In line with paragraph 31 of the National Planning Policy Framework (NPPF), local plans, and their subsequent reviews, must be informed by relevant and up-to-date evidence. We note that PMD proposes evidence gathering and technical studies to inform its development; we include the list in Annex A which provides sources of evidence that may be useful in supporting the evidence gathering for PMD, and may assist in meeting Strategic Environmental Assessment (SEA) requirements.

Please note that we have not provided comments in response to the specific questions posed, only where the topics proposed were considered to be relevant to our remit, along with additional information that we hope will be useful. Please don't hesitate to raise any matters that we have not addressed.

**Site Allocations and Sustainable Distribution of Development:** Natural England advises that any PMD

development strategy should address impacts on, and opportunities for, the natural environment, and set out the environmental ambition for the plan area. The plan should take a strategic approach to the protection and enhancement of the natural environment, including providing a net gain for biodiversity, considering opportunities to enhance and improve connectivity. Where relevant there should be linkages with the Biodiversity Action Plan, Local Nature Partnership, National Park/Area of Outstanding Natural Beauty Management Plans, Rights of Way, Improvement Plans and Green Infrastructure Strategies.

In accordance with the paragraph 175 of NPPF, the plan should allocate land with the least environmental or amenity value. Natural England expects sufficient evidence to be provided, through the SA and HRA, to justify the site selection process and to ensure sites of least environmental value are selected, e.g. land allocations should avoid designated sites and landscapes and significant areas of best and most versatile agricultural land, and should consider the direct and indirect effects of development, including on land outside designated boundaries and within the setting of protected landscapes.

Where the plan seeks to 'reuse' previously developed land (statements 2.12, 6.45), we advise that brownfield sites of high environmental value should be avoided. Natural England expects the Plan to include strategic policies to protect and enhance valued landscapes, as well criteria based policies to guide development. We welcome the intention of PMD to be informed by a new Landscape Character Assessment.

We highlight that the PMD consultation process should provide an opportunity for stakeholders to formally challenge the sites chosen, or to offer up alternatives.

For specific guidance relating to the section 14 of PMD, we refer you to our comments in response to the 2019 Culm Garden Village proposal (our reference 270500).

**Biodiversity and Geodiversity:** Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing, as well as creating attractive and sustainable places to live and work in. The NPPF highlights the role of policies and decision making in 'minimising impacts on and providing net gains for biodiversity' (paragraph 174(d)).

Planning Practice Guidance describes net gain as an 'approach to development that leaves the natural environment in a measurably better state than it was beforehand' and applies to both biodiversity net gain and wider environmental net gains. For biodiversity net gain, Defra's Biodiversity Metric 3.0, can be used to measure gains and losses to biodiversity resulting from development. We advise you to use this metric to implement development plan policies on biodiversity net gain. Any action, as a result of development, that creates or enhances habitat features can be measured using the metric and as a result count towards biodiversity net gain. We welcome the ambition of PMD to assess the feasibility of setting a biodiversity net gain target higher than the national minimum.

Natural England focusses our advice on embedding biodiversity net gain in development plans, since the approach is better developed than for wider environmental gains. However your authority should consider the requirements of the NPPF (paragraph 73, 104, 120 and 174) and seek opportunities for wider environmental net gain wherever possible. This can be achieved by considering how policies and proposed allocations can contribute to wider environment enhancement, help adapt to the impacts of climate change and/or take forward elements of existing green infrastructure, open space or biodiversity strategies.

There should be consideration of geodiversity conservation in terms of any geological sites and features in the wider environment.

**Water Quality and Resources and Flood Risk Management:** Natural England expects the Plan to consider the strategic impacts on water quality and resources as outlined in paragraph 174(e) of the NPPF. We would also expect the plan to address flood risk management in line with the paragraphs 159-169 of the NPPF.

The Local Plan should be based on an up to date evidence base on the water environment and as such the

relevant River Basin Management Plans should inform the development proposed in the Local Plan. These Plans implement the Water Framework Directive and outline the main issues for the water environment and the actions needed to tackle them. Local Planning Authorities must in exercising their functions, have regard to these plans.

The Local Plan should contain policies which protect habitats from water related impacts and where appropriate seek enhancement. Priority for enhancements should be focussed on European sites, SSSIs and local sites which contribute to a wider ecological network.

As noted in sections 9.22-9.24, the Somerset Levels and Moors Ramsar site has been identified as a catchment requiring a nutrient neutral approach to development. Nutrient neutrality is a strategic approach to mitigation, designed to enable Local Planning Authorities (LPAs) to grant development permissions without harming European Protected Sites through elevated nutrient levels. In addition to referring to guidance issued to your planning team regarding nutrient neutrality, you may also wish to refer to the guidance and workshops provided by The Planning Advisory Service (PAS) - [Nutrient neutrality and the planning system](#).

Plans should positively contribute to reducing flood risk by working with natural processes and where possible use Green Infrastructure policies and the provision of SUDs to achieve this.

**Renewable and Low Carbon Energy:** Where PMD seeks to develop a renewables and low carbon energy approach, we recommend that the landscape and visual impacts of any proposals should be proportionately addressed. We note that the Mid Devon Landscape Sensitivity Assessment is ageing, and recommend that more robust evidence is provided to support any the siting of renewable technologies and used to inform any associated policies presented within the new local plan.

**Green/Blue Infrastructure:** We welcome and support statement 9.27, which identifies the opportunity alongside PMD to develop new Green and Blue Infrastructure Strategy. A strategic approach for green infrastructure is required to ensure its protection and enhancement, as outlined in paragraph 175 of the NPPF. Green Infrastructure should be incorporated into the plan as a strategic policy area, supported by appropriate detailed policies and proposals to ensure effective provision and delivery. Evidence of a strategic approach can be underpinned by a corresponding Green Infrastructure Strategy that reflects the current ambitions of the plan. We encourage the provision green infrastructure to be included as a specific policy in PMD and integrated into relevant other policies, for example biodiversity, green space, flood risk, climate change, tree planting - reflecting the multifunctional benefits of green infrastructure.

Whilst the Green Infrastructure Framework<sup>1</sup> is set for full launch in autumn 2022, the released mapping system provides a useful tool to aid the identification of areas for opportunity and delivery. Furthermore, any green infrastructure strategy should consider people's access to nature as a core focus – an ANGSt assessment would help identify this for the plan area and can inform the delivery of green/blue infrastructure going forward.

**Priority Habitats, Protected Species and Ecological Networks:** Paragraph 179 of the NPPF states that Plans should '*promote the conservation, restoration and enhancement of priority habitats, ecological networks ... and the protection and recovery of priority species*'. This should include any proposed opportunities for habitat enhancement, restoration or creation in the local nature recovery strategy, and will require the authority to work collaboratively with the Devon Local Nature Partnership and adjoining authorities. The Plan should specify the types of development that may be suitable within each of the Nature Areas identified through the LNRS.

Planning positively for ecological networks will also contribute towards a strategic approach for the creation, protection, enhancement and management of green infrastructure, as identified in paragraph 175 of the NPPF.

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<sup>1</sup> <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

**Air Quality:** We would expect PMD to address the impacts of air quality on the natural environment<sup>2</sup>. In particular, it should address the traffic impacts associated with new development, particularly where this impacts on European sites and SSSIs. The environmental assessment of the plan (SA and HRA) should also consider any detrimental impacts on the natural environment, and suggest appropriate avoidance or mitigation measures where applicable.

Natural England advises that one of the main issues which should be considered in the plan and the SA/HRA are proposals which are likely to generate additional nitrogen emissions as a result of increased traffic generation, which can be damaging to the natural environment.

The effects on local roads in the vicinity of any proposed development on nearby designated nature conservation sites (including increased traffic, construction of new roads, and upgrading of existing roads), and the impacts on vulnerable sites from air quality effects on the wider road network in the area (a greater distance away from the development) can be assessed using traffic projections and the 200m distance criterion followed by local Air Quality modelling where required. We consider that the designated sites at risk from local impacts are those within 200m of a road with increased traffic<sup>3</sup>, which feature habitats that are vulnerable to nitrogen deposition/acidification. APIS<sup>4</sup> provides a searchable database and information on pollutants and their impacts on habitats and species.

**Agricultural land and soil:** Where the plan advocates for the protection of best and most versatile agricultural land, we advise that PMD should additionally give appropriate weight to the roles performed by the area's soils. Soils should be valued as a finite multi-functional resource which underpin our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon and water, the infiltration and transport of water, nutrient cycling, a buffer against pollution and provision of food. Plan policies should therefore take account of the impact on land and soil resources and the wide range of vital functions (ecosystem services) they provide in line with paragraph 174 of the NPPF.

We strongly advise that at a minimum, PMD includes core policies for:

- the protection of best and most versatile (BMV) agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification (ALC)); and
- for the protection of and sustainable management of soils as a resource for the future.

Soils of high environmental value (e.g., wetland and carbon stores such as peatland, low nutrient soils; or soils of high environmental value in the local context) should also be considered as part of ecological connectivity (Nature Recovery Network / Green Infrastructure).

**Ancient woodlands:** Where a plan area contains irreplaceable habitats, such as ancient woodland, and ancient and veteran trees, there should be appropriate policies to ensure their protection. Natural England and the Forestry Commission have produced standing advice on ancient woodland, and ancient and veteran trees.

**General comments on the natural environment:** PMD should contain a clear strategy for protecting and enhancing the natural environment, which sets out the general principle of firstly avoiding harm, then mitigating, and as a last resort compensating for adverse impacts on biodiversity.

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<sup>2</sup> <https://www.gov.uk/guidance/air-quality--3>

<sup>3</sup> The ecological effects of diffuse air pollution (2004) English Nature Research Report 580 Design Manual for Roads and Bridges Volume 11, Section 3 Part 1 (2007), Highways Agency

<sup>4</sup> <http://www.apis.ac.uk/>

In particular, the Plan should set criteria based policies to ensure the protection of designated biodiversity and geological sites. Such policies should clearly distinguish between international, national and local sites. Natural England advises that all relevant Sites of Special Scientific Interest (SSSIs), Habitats sites (Special Areas of Conservation and Special Protection Areas) and Ramsar sites should be included on the proposals map for the area so they can be clearly identified in the context of proposed development allocations and policies for development. Designated sites should be protected and, where possible, enhanced.

## **Sustainability Assessment (SA)**

We welcome the opportunity to comment on the scope of the Sustainability Appraisal. Determining the scope of the SA is an important step in ensuring that it will robustly assess the long term sustainability of the PMD. As statutory consultee under Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) we are providing advice in relation to the proper legal application of these regulations in particular, with a view to protection and enhancement of the natural environment.

**2. Policy context:** Natural England has not reviewed the plans listed. However, we advise that the following types of plans relating to the natural environment should be considered where applicable to your plan area;

- Green infrastructure strategies
- Biodiversity plans
- Rights of Way Improvement Plans
- River basin management plans
- AONB management plans.
- Relevant landscape plans and strategies
- Devon Climate Emergency Plan
- Water Resource Management plans
- Emerging Environment Bill

**3. Baseline Evidence:** Please see the attached annex for our advice on sources of local plan evidence on the natural environment.

**4. Likely future changes without implementation:** No comment.

**5. Sustainability issues and challenges:** We note that there is no specific reference to the loss of Best and Most Versatile agricultural land. Additionally we note that there is no reference to improving people's access to nature (be that to linear routes or open space). This should be included as a key issue.

**6. Framework to assess sustainability:** We recommend that objective 'A' should encompass 'enhancement and restoration' of the natural environment, in addition to 'protection'. Furthermore, whilst the framework identifies 'elements' to be considered through the sustainability appraisal process, we recommend that further sub-objectives, or questions are developed to help guide a more detailed the analysis into the sustainability of the plan.

As set out in Planning Practice Guidance<sup>5</sup>, you should be monitoring the significant environmental effects of implementing the current local plan. This should include indicators for monitoring the effects of the plan on biodiversity.

Existing environmental evidence can be gathered from various sources including online data sources like MAGIC, Local Environmental Record Centres (LERCs) and strategies for green infrastructure, open space provision, landscape character, climate and ecosystem services and biodiversity opportunity mapping.

Biodiversity data can also be obtained from developments that were subject to Environmental Impact Assessment (EIA). This can help establish a baseline to understand what assets exist and how they may relate

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<sup>5</sup> <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

to wider objectives in the plan area. Cross boundary environmental opportunities can also be considered by working with neighbouring authorities, local nature partnership and the local enterprise partnership.

The natural environment metrics in the baseline information are largely driven by factors other than the plan's performance. They are thus likely to be of little value in monitoring the performance of the Plan. It is important that any monitoring indicators relate to the effects of the plan itself, not wider changes. Whilst it is not Natural England's role to prescribe what indicators should be adopted, the following indicators may be appropriate.

**Biodiversity:**

- Number of planning approvals that generated any adverse impacts on sites of acknowledged biodiversity importance.
- Hectares of biodiversity habitat delivered through strategic site allocations.

**Landscape:**

- Amount of new development in AONB/National Park/Heritage Coast with commentary on likely impact.

**Green infrastructure:**

- Percentage of the population having access to a natural greenspace within 400 metres of their home.
- Length of greenways constructed.
- Hectares of accessible open space per 1000 population

**Appendix 4:** We note that Objective A in Appendix 4 appears to focus predominantly on impacts to landscape, rather than on biodiversity. We would advise that rather than assessing the sustainability of a site based upon its visibility, proposals should instead be cross-referenced with the proposed updated Landscape Character Assessment.

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 Naomi-Beth Dixon at [naomi.dixon@naturalengland.org.uk](mailto:naomi.dixon@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondence to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Kind Regards,



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## Annex A - Sources of local plan evidence on the natural environment.

**National Character Areas (NCAs):** NCAs divide England into 159 distinct natural areas. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan.

Natural England has also published downloadable natural capital maps. These are a suite of ten maps, of different aspects of natural capital, contributes to our understanding of where our natural capital is.

The Magic website will provide you with much of the **nationally held natural environment data** for your plan area in downloadable GIS format. Specific data sets are listed under the environmental topics below. Local environmental record centres may hold a range of additional information on the natural environment, principally ecological.

The following local organizations may also hold environmental information where applicable: Local Nature Partnerships, Wildlife trusts, Areas of Outstanding Natural Beauty, and Nature Improvement Areas. Evidence relating to the **significant environmental effects of the current local plan** should be available (in line with SEA legislation), as should suitable biodiversity evidence for any plan adopted after the NPPF came into effect (27 March 2012), usually through the current plan's Annual Monitoring Report.

**Landscape:** The Magic website provides data on the extent of protected landscapes (**National Parks and Areas of Outstanding Natural Beauty**).

**National Park/Area of Outstanding Natural Beauty Management Plans** may also be a source of useful evidence. These are usually found on these organisations' websites.

Most areas have local **landscape character assessments**. These are tools to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area.

Data on **tranquillity** is held by CPRE. They also hold mapping data on light pollution.

**Biodiversity and geodiversity:** The most relevant layers on Magic for you to consider are **Ancient Woodland, Local Nature Reserves, Priority Habitat Inventory, Sites of Special Scientific Interest (including their impact risk zones), Special Areas of Conservation, Special Protection Areas, and Ramsar Sites** (including, where relevant, marine designations).

You may also wish to draw on more detailed information on specific **Sites of Special Scientific Interest** and the **Conservation Objectives** and **Site Improvement Plans** for **Special Areas of Conservation** and **Special Protection Areas**.

**Priority habitats and species** are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Larger areas of priority habitat will usually be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites or Local Geological Sites. Local wildlife site data is usually held by local planning authorities themselves as is local geological site data. Local Environmental Record Centres and local wildlife and geo-conservation groups are also a source of information on Local Sites.

Natural England maintains the Open Mosaic Habitat on Previously Developed Land Inventory (a priority habitat dataset currently not integrated into the Priority Habitat Inventory on Magic) and is available on request from Natural England via email; [NaturalEnglandGIDataManagers@naturalengland.org.uk](mailto:NaturalEnglandGIDataManagers@naturalengland.org.uk).

**Local Biodiversity Action Plans (LBAPs)** identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful

blueprint for biodiversity enhancement in any particular area. Local Geodiversity Action Plans (LGAPS) identify agreed local action for geodiversity, a list of active LGAPs can be found at UK Geodiversity Action Plan (<http://www.ukgap.org.uk/getting-involved/lgaps.aspx>).

Some areas have identified Biodiversity Opportunity Areas or similar for spatially targeting biodiversity restoration work.

**Access:** The Magic website holds the following access related data: **National Trails, Public Rights of Way** (on the Ordnance Survey base map), **Open Access Land** (the Countryside and Rights of Way Act 2000 layer), together with **national and local nature reserves, country parks** and the **England Coast Path**.

Locally held data will include the definitive **Public Rights of Way**, and may include **Rights of Way Improvement Plans** where they exist, and any locally mapped open space audits or assessments.

Natural England's work on **Accessible Natural Greenspace Standards (ANGSt)** may be of use in assessing current level of accessible natural greenspace and planning improved provision.

**Green infrastructure:** Green infrastructure strategies may comprise or contain useful evidence sources where they exist.

**Soils:** A provisional Agricultural Land Classification (ALC) map is on Magic, and the GIS layer 'Likelihood of Best and Most Versatile Land' is available on request from Natural England via email; [NaturalEnglandGIDataManagers@naturalengland.org.uk](mailto:NaturalEnglandGIDataManagers@naturalengland.org.uk).

Some areas already have detailed ALC maps. The coverage of existing detailed MAFF post 1988 ALC surveys is shown on Magic. The MAFF post 1988 ALC survey reports and maps themselves are available from Natural England or from Gov.UK.

Our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) may also be of help.

General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the Magic website and also from the LandIS website, which contains more information about obtaining soil data.

**Climate change:** The Climate Change Adaptation Manual provides evidence to support nature conservation in a changing climate.

The National Biodiversity Climate Change Vulnerability Assessment Model provides a spatially explicit assessment of the relative vulnerability of priority habitats. The data files can be accessed here: National Biodiversity Climate Change Vulnerability Assessment data.

The LWEC Climate Change Impacts Report Cards present the latest evidence on how climate change is affecting different aspects of our environment, economy and society.

#### ***Water Quality and Resources and Flood Risk Management:***

The Planning Practice Guidance provides guidance on information sources for the water environment, such as:

- Water Industry National Environment Programme
- Water Cycle Studies
- Water and Sewerage Company Drainage Strategies and business plans
- Water Resource Management Plans
- Flood and Coastal Risk Management Plans and Strategies

- Abstraction Management
- Groundwater Vulnerability maps
- Location of Source Protection Zones
- Information from Environmental Statements
- Diffuse Water Pollution Plans
- Nutrient Management Plans