

neighbourhood plans

From: Adam Davison <adam.davison@southdevonaonb.org.uk>
Sent: 15 December 2017 11:24
To: neighbourhood plans
Cc: Roger English
Subject: Brixham Peninsula Neighbourhood Plan consultation
Attachments: BPNP SDAONB response.docx

To whom it may concern

In accordance with the appropriate regulations, please accept comments on behalf of the South Devon AONB to be forwarded for consideration by an Independent Examiner.

Regards Adam



Adam Davison | South Devon AONB Project Officer
Follaton House, Plymouth Rd, Totnes, Devon, TQ9 5NE
01803 861142 | 07985729750
adam.davison@southdevonaonb.org.uk
www.southdevonaonb.org.uk

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The South Devon AONB Unit,
Follaton House,
Plymouth Road, Totnes,
Devon. TQ9 5NE

T: 01803 861384

E: enquiries@southdevonaonb.org.uk

Strategic Planning
Torbay Council
Electric House,
Castle Circus,
Torquay, TQ1 3DR

By email: neighbourhood.plans@torbay.gov.uk

Date: 15th December 2017

South Devon AONB response to Brixham Peninsula Neighbourhood Plan consultation,

Regulation 16 of the of the Neighbourhood Planning (General) Regulations 2012.

We wish to be notified of an Examination Hearing if one is called

1. Thank you for the opportunity to provide comments on the Brixham Peninsula Neighbourhood Plan. The AONB unit recognises that a lot of hard work has gone into the preparation of the plan and we hope that the working group find the comments made are useful in securing a robust policy document.
2. South Devon AONB staff members (past and present) have worked with BPNP working group members for some years in the development of this plan.
3. This is the response of the South Devon AONB staff Unit and agreed by Roger English, the South Devon AONB Manager. It does not necessarily represent the views of individual member organisations of the wider South Devon AONB Partnership Committee, some of which may be involved in making their own separate representations.
4. The principle purpose of the AONB Unit's response is to provide professional judgement on the Plan's approach to the conservation and enhancement of the South Devon AONB and it is not compromising the Local Planning Authority duty towards the AONB under section 85 of the Countryside and Rights of Way Act 2000¹. We have also made comments where we feel that other areas of the plan can be made clearer.
5. The high-level principles of the BPNP generally accord with the South Devon AONB designation. Although the plan references the '*South Devon AONB Planning Guidance*' document it could align itself further. This document details the legal framework and national planning policy for Areas of Outstanding Natural Beauty (AONBs) and how it should be properly understood, interpreted and applied so that the local planning process conserves and enhances the South Devon AONB in line with Parliament's intended approach to these nationally protected landscapes.
6. We welcome the joined up strategic approach being taken through combined work with Torbay Council and its compatibility with the Torbay Local Plan 2012–2030 "A Landscape for

Success". The Strategic Environmental Assessment adequately details the relationship between proposed development allocations and their impact on the integrity of the AONB.

As the highest form of landscape designation in the plan area it would be useful to indicate the SD AONB boundary on the policy map and other relevant maps within the submission. Policy E1 provides a helpful reference to the importance of the designated protected landscape in the area and in context how the setting of this area is also considered to be of relevance and of high importance. Reference to its special qualities detailed in the SDAONB Management Plan would further support this.

Advisory action – consider map change

7. The plan could take the opportunity to acknowledge the contribution of the high-quality environment of the South Devon AONB to the economic prosperity of the plan area.

Advisory action – consider text change

8. The document supplementary to the AONB Management Plan, the South Devon AONB Planning Guidance Policy V1 document was formally adopted by the South Devon AONB Partnership as an annex to the South Devon AONB Management Plan in March 2017. As part of the statutory AONB Management Plan this guidance is now a 'material consideration' in planning.²

Action required - update BPNP policy E1, 5.3.

9. The AONB Unit acknowledges the need for appropriately scaled, well-located housing, community facilities and employment sites to foster the social and economic wellbeing of the area; and recognises the real challenges faced in identifying sites which are both suitable and available. The lack of clear boundary mapping in the allocation of new sites and confirmed sites in respect to the AONB is unclear.

Advisory action – consider map change

10. A map showing confirmed and proposed housing sites (Housing Allocation site assessment) in relation to the plan area and wider landscape would ease the interpretation of impacts. This would also be relevant in the Employment sites allocation assessment with both benefitting from the SD AONB boundary being recognised and clearly depicted. The Design statements all fail to reference the SD AONB or Planning Guidance document V1.

Advisory action – consider map and text change

11. The vision for development in and around the South Devon AONB, as set out in the statutory AONB Management Plan, which formulates Torbay Councils' policies for the management of the AONB and for the carrying out of their functions in relation to it,¹ is that: 'Growth in AONB settlements, the neighbouring rural South Hams and adjoining urban centres has been achieved without compromising the integrity of the AONB.'²

¹ See section 89(2) Countryside and Rights of Way Act 2000

² See Department of Communities and Local Government, 'Planning Practice Guidance' Paragraph: 004 Reference ID: 8-004-

³20140306 Revision date: 06 03 2014 available at <https://www.gov.uk/guidance/natural-environment>

<http://www.devon.gov.uk/dlpg-advice-note-4.pdf>

12. Justification for Policy E7, 5.31 relates to a single recorded sighting in 2008 and is not particularly relevant to the Plan although the value of Berry Head as a location to observe and survey seabirds and cetaceans is worth mentioning.

Advisory action – consider text change

13. Justification for Policy E8, 5.38 could be more accurate and concise.

E.g. The South Hams SAC has been designated for its population of Greater Horseshoe Bats. This species is identified as an Annex II species in the Habitats Directive (1992) because it is one of the rarest/most threatened animals in Europe. The SAC holds the largest population of greater horseshoe bat in the UK, with over 1,000 adult bats (31% of the UK population). It includes both maternity and hibernation roosts, and contains the largest known maternity roost in the UK and possibly in Europe.

Advisory action – consider text change

14. Justification for Policy E8, 5.42 could be made more relevant and accurate.

E.g. Cirl Buntings are an attractive and iconic Devon species. Once widespread across southern England, changes in farming practice resulted, by the late 1980s, in almost the entire UK population being restricted to South Devon. Dedicated conservation effort since then has halted and reversed their catastrophic decline. However, Cirl Buntings remain rare (862 pairs recorded in last national survey in 2009) and very restricted in range, with most of the population in South Devon, confined to suitable farmland between Exeter and Plymouth.

In 2016 (the latest systematic Cirl Bunting survey), showed that Torbay now supports 7.4% of the UK population. The UK Cirl Bunting population has increased by 25% between 2009 and 2016.

Advisory action – consider text change

15. The BPNP should reference Torbay Council using CIL to help fund items set out in the Regulation 123 List. Impacts on South Hams SAC arising from recreational impacts on limestone grassland. 10% of CIL, up to £30,000 per year will be ring-fenced to address this. £384,000 (Equal to £29,500 per year over the Local Plan period).

Action required - update BPNP policy E1, 5.3.

16. Policy S&L1: S&L1.1 could reference the launch of the *iTree* trail at Battery Park in 2017 as a positive example.

Advisory action – consider text change

17. A1.2 could reference concerns relating to issues relating to increasing loss of trees to diseases e.g. Ash Die Back/Sudden Oak Death.

Advisory action – consider text change

18. The 'section 85 duty' applies to Parish and Town Councils, neighbourhood forums or community organisations preparing neighbourhood plans within the AONB and to those adjoining the AONB, which lie within the AONB's setting. This means that it must have regard to the conservation and enhancement of the natural beauty in the South Devon AONB during the preparation of its Neighbourhood Plan.

19. The National Planning Policy Framework (NPPF) sets out guidance specifically for Neighbourhood Plan-making in paragraphs 183 to 185. But guidance relevant to plan-making occurs throughout the NPPF.

The Planning Practice Guidance states that Neighbourhood Plans should actively set out to demonstrate how communities and partners are contributing to protected landscapes. The SD AONB is a nationally protected landscape that the BPNP references although it could be clearer in acknowledging the special qualities of the AONB relevant to the plan's area and further refer to the South Devon AONB Management Plan policies and objectives.

20. The Devon Landscape Policy Group has produced Advice note 4, Using Landscape Character Assessments in Neighbourhood Planning³.

Action required - update BPNP to ensure consistency with county landscape character types and Torbay Council Landscape Character references

21. The AONB staff unit have been working with stakeholders and land owners/managers to develop the Brixham Kingswear Peninsula delivery plan project. Proposed and potential projects support the need to work closely with the Kingswear Neighbourhood Plan group and Parish Council to recognise the peninsula as a whole and deliver benefits across the district boundaries.

22. **Advisory action** – consider including additional text

23. The Plan should where possible use established terminology to ensure consistency of meaning e.g. the use of the term ecologies.

Advisory action – consider text change

General notes.

1. *This response presents the views of the South Devon AONB Unit following an assessment of the plan. It does not necessarily represent the views of member organisations of the wider AONB Partnership Committee, some of which may be involved in making their own separate representations.*
2. *Although Torbay Council is a member of and funding contributor to the South Devon AONB Partnership, this response should be treated by the neighbourhood plan group and planning authorities as a representation from an outside body, rather than an internal officer comment.*
3. *This response is based on the NPPF, adopted development plan policies, the policies and objectives of the statutory South Devon AONB Management Plan and South Devon AONB Planning Guidance.*

Adam Davison



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