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Mid Devon Local Plan Review: Proposed Main Modifications

Habitats Regulations Assessment Addendum

Prepared by LUC
October 2019

Project Title: Habitats Regulations Assessment of the Mid Devon Local Plan Review

Client: Mid Devon District Council

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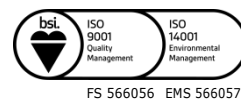
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Introduction

- 1.1 In March 2017 Mid Devon District Council submitted the Mid Devon Local Plan Review for independent examination by a Planning Inspector appointed by the Secretary of State. A Habitats Regulations Assessment (HRA) Report was submitted alongside the Plan. As well as the main HRA Report for the Publication Draft Local Plan Review (March 2015)¹, a HRA Addendum (August 2016)² was also submitted which related to the Submission Draft version of the Local Plan Review. An Appropriate Assessment Report (December 2016)³ relating specifically to the Junction 27 proposals within the Local Plan Review was also submitted.
- 1.2 Preliminary public examination hearings were held in September 2018, followed by the main hearings which took place between 14th and 20th February 2019. The Council has now prepared a Schedule of Proposed Main Modifications to the Local Plan Review which will be published for a six-week consultation period in early 2020. The proposed modifications take into account the matters raised during the examination by the Inspector and participating representors. Some of the proposed modifications were previously included in the Schedule of Minor Modifications (examination document SD14) which was submitted with the Local Plan Review in 2017; however, on the advice of the Inspector they have now been reclassified as Main Modifications.
- 1.3 This HRA Addendum presents an assessment of the proposed Main Modifications and considers their implications for the HRA findings reported previously. In combination with the HRA Report (March 2015), HRA Addendum (August 2016) and J27 Appropriate Assessment Report (December 2016) that were submitted alongside the Local Plan Review for examination, this Addendum represents an HRA of the Local Plan Review as proposed to be modified, updating the findings presented in the HRA documents which accompanied the examined Local Plan Review. This addendum should therefore be read alongside those HRA documents.
- 1.4 This HRA Addendum focusses on the 'Main Modifications' to the Local Plan Review only. Additional Modifications have also been prepared to address non-substantive matters such as typographical, factual and grammatical errors. These Minor Modifications are not subject to HRA as they do not have the potential to lead to adverse effects on the integrity of European designated sites.

The requirement to undertake Habitats Regulations Assessment of development plans

- 1.5 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007⁴; the currently applicable version is the Conservation of Habitats and Species Regulations 2017⁵ (as amended). Therefore, when preparing its Local Plan Review, Mid Devon District Council is required by law to carry out a Habitats Regulations Assessment.
- 1.6 HRA refers to the assessment of the potential effects of a development plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
 - SACs are designated under the European Habitats Directive and target particular habitat types (Annex 1) and species (Annex II). The listed habitat types and species (excluding birds) are those considered to be most in need of conservation at a European level.

¹ Mid Devon Local Plan Review Publication Draft: Habitats Regulations Assessment Report (LUC, March 2015) https://www.middevon.gov.uk/media/343218/6026_habitatsregulationsassessmentreport_20150310_v6.pdf

² Mid Devon Local Plan Submission Draft: Habitats Regulations Assessment Addendum (LUC, August 2016) <https://www.middevon.gov.uk/media/343217/mid-devon-local-plan-submission-hra-addendum.pdf>

³ Mid Devon Local Plan – J27 Proposals. Habitats Regulations Assessment: Appropriate Assessment Report (LUC, December 2016) <https://www.middevon.gov.uk/media/342724/j27-appropriate-assessment-report.pdf>

⁴ *The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007* (2007) SI No. 2007/1843. TSO (The Stationery Office), London.

⁵ *The Conservation of Habitats and Species Regulations 2017* (2017) SI No. 2017/1012, TSO (The Stationery Office), London.

- SPAs are classified in accordance with Article 4(1) of the European Union Birds Directive⁶ for rare and vulnerable birds (as listed in Annex I of the Directive), and under Article 4(2) for regularly occurring migratory species not listed in Annex I.
- 1.7 Potential SPAs (pSPAs)⁷, candidate SACs (cSACs)⁸, Sites of Community Importance (SCIs)⁹ and Ramsar sites should also be included in the HRA.
- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- 1.8 For ease of reference during HRA, these designations can be collectively referred to as European sites¹⁰ despite Ramsar designations being at the international level.
- 1.9 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or the whole development plan, would adversely affect the integrity of the European site in question either alone or in combination with other plans and projects. This is judged in terms of the implications of the plan for the 'qualifying features' for which the European site was designated, i.e.:
- SACs – Annex I habitat types and Annex II species¹¹;
 - SPAs – Annex I birds and regularly occurring migratory species not listed in Annex I¹²;
 - Ramsar sites – the reasons for listing the site under the Convention¹³.
- 1.10 Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.
- 1.11 Details about how the HRA process has informed the preparation of the Local Plan Review can be found in the HRA Report for the Publication Draft version of the Local Plan Review (March 2015) and supplemented by the August 2016 HRA Addendum and the December 2016 J27 Appropriate Assessment Report.

Stages of HRA

- 1.12 The HRA of development plans is undertaken in stages (as described below) and should conclude whether or not a proposal would adversely affect the integrity of the European site in question.
- 1.13 The HRA should be undertaken by the 'competent authority', in this case Mid Devon District Council. LUC has been commissioned by Mid Devon District Council to carry out the HRA work for the Local Plan Review on the Council's behalf, although this is to be reported to and considered by Mid Devon District Council, as the competent authority, before adopting the Local Plan Review.
- 1.14 The HRA also requires close working with Natural England as the statutory nature conservation body¹⁴ in order to obtain the necessary information, agree the process, outcomes and mitigation proposals.

⁶ Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the codified version of Council Directive 79/409/EEC, as amended).

⁷ Potential SPAs are sites that have been approved by the Minister for formal consultation but not yet proposed to the European Commission, as listed on the [GOV.UK website](#).

⁸ Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted, as listed on the JNCC's [SAC list](#).

⁹ SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the UK Government.

¹⁰ The term 'Natura 2000 sites' can also be used interchangeably with 'European sites' in the context of HRA, although the latter term is used throughout this report.

¹¹ As listed in the site's citation on the JNCC website (all features of European importance, both primary and non-primary, need to be considered).

¹² As identified in sections 3.1, 3.2 and 4.2 of the SPA's standard data form on the JNCC website; species for which the site assessment of population (abbreviated to 'Pop.' in table at section 3.1 and 3.2) is 'D' (non-significant population) are not qualifying features and are only relevant to the HRA if qualifying features are dependent on them. Information from SAC and SPA Standard Data Forms is also published by the JNCC in the [Natura 2000 site details - spreadsheet](#). At sites where there remain differences between species listed in the [2001 SPA Review](#) and the extant site citation in the standard data form, the relevant country agency (Natural England or Natural Resources Wales) should be contacted for further guidance.

¹³ As set out in section 14 of the relevant 'Information Sheet on Ramsar Wetlands' available on the JNCC website.

¹⁴ Regulation 5 of the Habitats Regulations 2017.

Requirements of the Habitats Regulations

- 1.15 In assessing the effects of a Local Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended), there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which would inform the 'Integrity Test'. The relevant sequence of questions is as follows:
- 1.16 Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, as is the case for the Mid Devon Local Plan Review, proceed to Step 2.
- 1.17 Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects (the 'Significance Test'). If yes, proceed to Step 3.
- [Steps 1 and 2 are undertaken as part of Stage 1: HRA Screening in Table 1 below.]*
- 1.18 Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the European site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public.
- [This step is undertaken during Stage 2: Appropriate Assessment shown in Table 1 below.]*
- 1.19 Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use plan only after having ascertained that the plan would not adversely affect the integrity of a European site.
- 1.20 Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a European site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it must be carried out for 'imperative reasons of overriding public interest' (IROPI).
- 1.21 **Table 1** below summarises the stages and associated tasks and outcomes typically involved in carrying out a full HRA of a development plan, based on various guidance documents^{15 16 17}.

Table 1 Stages of HRA

Stage	Task	Outcome
Stage 1: HRA Screening	<p>Description of the development plan and confirmation that it is not directly connected with or necessary to the management of European sites.</p> <p>Identification of potentially affected European sites and their conservation objectives¹⁸.</p> <p>Review of other plans and projects.</p> <p>Assessment of likely significant effects of the development plan alone or in combination with other plans and projects, prior to consideration of avoidance or</p>	<p>Where effects are unlikely, prepare a 'finding of no significant effect report'.</p> <p>Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.</p>

¹⁵ UK Government Planning Practice Guidance, available from <https://www.gov.uk/guidance/appropriate-assessment>

¹⁶ European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

¹⁷ The HRA Handbook. David Tyldesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/European>

¹⁸ [Conservation objectives](#) are published by Natural England for SACs and SPAs.

Stage	Task	Outcome
	reduction ('mitigation') measures ¹⁹ .	
Stage 2: Appropriate Assessment (where Stage 1 does not rule out likely significant effects)	Information gathering (development plan and European Sites ²⁰). Impact prediction. Evaluation of development plan impacts in view of conservation objectives of European sites. Where impacts are considered to directly or indirectly affect qualifying features of European sites, identify how these effects will be avoided or reduced ('mitigation').	Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided or reduced, including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

- 1.22 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid or reduce effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.

HRA conclusions for the examined Mid Devon Local Plan Review

HRA Report for the Publication Draft Local Plan Review (March 2015)

- 1.23 HRA screening of the Publication Draft version of the Local Plan Review was undertaken in accordance with available guidance and was based on a precautionary approach, as required under the Habitats Regulations. The HRA screening conclusions for the Publication Draft Local Plan Review were that, although none of the policies in the Local Plan were considered likely to have significant effects on European sites, a number of the policies may result in likely significant effects on European sites, in relation to potential offsite damage/disturbance to habitats and non-physical disturbance, increased air pollution and increased recreation pressure. These issues were examined in more detail through an Appropriate Assessment and it was concluded that, provided the mitigation identified in the Mid Devon Local Plan Review is implemented, adverse effects on the integrity of any of the European sites considered are not expected.

HRA Addendum for the Submission Draft Local Plan Review (August 2016)

- 1.24 The HRA Addendum that was prepared in August 2016 in relation to the Submission Draft version of the Local Plan Review concluded that the changes that were proposed to be made to the Publication Draft version did not affect the conclusions of the March 2015 HRA Report. The findings of the Appropriate Assessment of the Publication Draft Local Plan Review therefore

¹⁹ In line with the CJEU judgment in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening.

²⁰ In addition to European site citations and conservation objectives, key information sources for understanding factors contributing to the integrity of European sites include (where available) conservation objectives supplementary advice and [Site Improvement Plans](#) prepared by Natural England.

remained valid, and as such it was still able to be concluded that the Submission Draft version of the Local Plan Review would not have an adverse effect on the integrity of European sites.

Appropriate Assessment Report for the J27 Proposals (December 2016)

- 1.25 The December 2016 Appropriate Assessment report considered the potential for air pollution effects on the Culm Grasslands SAC as a result of the proposed Junction 27 site allocation. It concluded that the allocation (in combination with other proposals in the Local Plan Review) would increase NO_x levels immediately adjacent to the A361 over the plan period; however, the effects would be very localised within the SAC. The J27 site allocation would cause a negligible increase in nutrient nitrogen and acid nitrogen deposition, although critical loads for these are already being exceeded and will continue to do so in 2022, despite expected decreases in background concentrations. The most appropriate mitigation for the effects of air pollution at the Culm Grasslands SAC was found to be to target agricultural sources of nitrogen (which is outside the remit of the Local Plan Review), although improvements to vehicle emissions nationally and sustainable transport initiatives, for example those encouraged in the Local Plan Review, will also contribute to the mitigation of impacts on the SAC's qualifying features. The J27 site allocation, alone or in combination with the Local Plan proposals, was therefore concluded not to have an adverse effect on the integrity of the Culm Grasslands SAC through increased air pollution.

Assessment of Proposed Main Modifications

- 1.26 **Table 2** overleaf presents the schedule of Proposed Main Modifications and the Council's reasons for proposing each one, with a final column added to record the implications of each Proposed Main Modification for the HRA conclusions reported previously.
- 1.27 The HRA implications have been considered based on whether each Main Modification changes the conclusions of the HRA Report for the Publication Draft Local Plan Review, as updated in the August 2016 HRA Addendum and also taking into account the December 2016 J27 Appropriate Assessment Report.

Table 2: Assessment of Proposed Main Modifications in relation to the HRA conclusions reported previously

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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<td>87</td><td>78</td><td>44</td><td>98</td><td>238</td><td>91</td><td>71</td><td>114</td><td>150</td><td>137</td><td>238</td><td>275</td><td>376</td><td>313</td><td>300</td><td>300</td><td>300</td><td>300</td><td>225</td><td></td><td>4035</td> </tr> <tr> <td colspan="23">Credition</td> </tr> <tr> <td>Red Hill Cross</td> <td>CRE2</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>50</td><td>50</td><td>23</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>135</td> </tr> <tr> <td>Woods Group</td> <td>CRE4</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td> </tr> <tr> <td>Pedlarspool</td> <td>CRE5</td> 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<td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>3</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>15</td> </tr> <tr> <td>Commitments</td> <td></td> <td></td><td></td><td></td><td></td><td></td><td>103</td><td>99</td><td>54</td><td>29</td><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>295</td> </tr> <tr> <td>Completions</td> <td></td> <td>58</td><td>31</td><td>18</td><td>17</td><td>12</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>136</td> </tr> <tr> <td>Credition Total</td> <td></td> <td>58</td><td>31</td><td>18</td><td>17</td><td>12</td><td>103</td><td>99</td><td>90</td><td>65</td><td>59</td><td>183</td><td>175</td><td>69</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>979</td> </tr> <tr> <td colspan="23">Rural sites</td> </tr> <tr> <td>Newton Square</td> <td>BA1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>5</td> </tr> <tr> <td>Hollywell</td> <td>BO1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Hele Road</td> <td>BR1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>7</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>7</td> </tr> <tr> <td>Barton</td> <td>CH1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Land off Church Lane</td> <td>CB1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Barnhill Close</td> <td>CF1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>7</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>7</td> </tr> <tr> <td>Linhay Close</td> <td>CL1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>6</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>6</td> </tr> <tr> <td>Land adj Fishers Way</td> <td>HA1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10</td> </tr> <tr> <td>Greenway</td> <td>MO1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Former Tiverton Parkway Hotel</td> <td>SP1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10</td> </tr> <tr> <td>Higher Town</td> <td>SP2</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>25</td><td>23</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>60</td> </tr> <tr> <td>Fannys Lane</td> <td>SA1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td> </tr> <tr> <td>Old Butterleigh Road</td> <td>SI1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td> </tr> <tr> <td>The Garage</td> <td>SI2</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>5</td> </tr> <tr> <td>South of Broadlands</td> <td>TH1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>25</td><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td> </tr> <tr> <td>Land east of MS</td> <td>WI1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>25</td><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>42</td> </tr> <tr> <td>Commitments</td> <td></td> <td></td><td></td><td></td><td></td><td></td><td>273</td><td>242</td><td>255</td><td>26</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>796</td> </tr> <tr> <td>Completions</td> <td></td> <td>82</td><td>137</td><td>128</td><td>100</td><td>124</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>571</td> </tr> <tr> <td>Rural Sites Total</td> <td></td> <td>82</td><td>137</td><td>128</td><td>100</td><td>124</td><td>273</td><td>255</td><td>339</td><td>124</td><td>65</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>1627</td> </tr> <tr> <td>Total (Mid Devon - all areas)</td> <td></td> <td>320</td><td>316</td><td>288</td><td>304</td><td>502</td><td>574</td><td>695</td><td>519</td><td>439</td><td>604</td><td>631</td><td>583</td><td>438</td><td>500</td><td>497</td><td>400</td><td>400</td><td>400</td><td>250</td><td>9234</td> </tr> <tr> <td>Five year totals</td> <td></td> <td></td><td></td><td></td><td></td><td>1730</td><td></td><td>2801</td><td></td><td></td><td></td><td>2756</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>1947</td><td></td> </tr> <tr> <td>Cumulative five year totals</td> <td></td> <td></td><td></td><td></td><td></td><td>1730</td><td></td><td>4531</td><td></td><td></td><td></td><td>7287</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>9234</td><td></td> </tr> </tbody> </table>	Location/Site	Policy	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total	Tiverton																							Eastern Urban Extension	TIV1-TIV5														25	100	100	100	100	100	25	550	Howden Court	TIV9									10												10	Roundhill	TIV10									12	8											20	Phoenix Lane	TIV12							4														60	Tidcombe Hall (contingency)	TIV13										25	31										0	Blundells School	TIV16								12	25	25	50	50	38								200	Commitments							107	149	136	143	135	108	100	100	100	100	97					1275	Completions		93	70	98	89	128																478	Tiverton Total		93	70	98	89	128	107	149	152	180	178	183	181	138	125	200	197	100	100	100	25	2593	Cullompton																							NW Cullompton	CU1-CU6							49	100	100	150	150	176	100	100	100	100	100	100	25		1350	East Cullompton	CU7-CU12											50	125	175	200	200	200	200	200	200	200	1750	Ware Park and Footlands	CU14												25	13								38	Colebrook	CU21								12	25	25	38										100	Commitments							91	71	53	25	12											252	Completions		87	78	44	98	238																545	Cullompton Total		87	78	44	98	238	91	71	114	150	137	238	275	376	313	300	300	300	300	225		4035	Credition																							Red Hill Cross	CRE2									12	50	50	23									135	Woods Group	CRE4									8												8	Pedlarspool	CRE5							12	25	25	50	50	38									200	Sports Fields	CRE6								12	50	50	8										120	Stonewall Lane	CRE7										25	25										50	Land at Barn Park	CRE8								12	8												20	Alexandra Close	CRE9								12	3												15	Commitments							103	99	54	29	10											295	Completions		58	31	18	17	12																136	Credition Total		58	31	18	17	12	103	99	90	65	59	183	175	69	0	0	0	0	0	0	0	979	Rural sites																							Newton Square	BA1										5											5	Hollywell	BO1								12	8												20	Hele Road	BR1								7													7	Barton	CH1									12	8											20	Land off Church Lane	CB1									12	8											20	Barnhill Close	CF1								7													7	Linhay Close	CL1								6													6	Land adj Fishers Way	HA1								10													10	Greenway	MO1									12	8											20	Former Tiverton Parkway Hotel	SP1									10												10	Higher Town	SP2									12	25	23										60	Fannys Lane	SA1									8												8	Old Butterleigh Road	SI1							8														8	The Garage	SI2							5														5	South of Broadlands	TH1								12	25	5											12	Land east of MS	WI1									12	25	5										42	Commitments							273	242	255	26												796	Completions		82	137	128	100	124																571	Rural Sites Total		82	137	128	100	124	273	255	339	124	65	0	0	0	0	0	0	0	0	0	0	1627	Total (Mid Devon - all areas)		320	316	288	304	502	574	695	519	439	604	631	583	438	500	497	400	400	400	250	9234	Five year totals						1730		2801				2756									1947		Cumulative five year totals						1730		4531				7287									9234		<p>To update the housing trajectory following the Inspector’s post hearings advice note.</p> <p>A detailed explanation of the replacement Table 6: Housing Forecast 2013 – 2033 is provided in the Council’s “Housing Land Supply Update – Addendum to January 2019 update in response to the Inspector’s Post Hearings Advice Note (June 2019)” which is appended to this schedule of Proposed Main Modifications.</p>	<p>No change to HRA findings: The proposed modification relates to the supporting information for policy S2 and certain housing site allocation policies, changes to which are considered separately below in terms of their implications for the HRA findings.</p>
Location/Site	Policy	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
MM02	S1: Sustainable Development Priorities		Amend criterion i) as follows: <p>“...recreational trails, and accessible land, and other green infrastructure, and opportunities....”</p>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed to reflect representation made by Natural England during the 2017 modifications consultation.	No change to HRA findings: The proposed additional text relating to green infrastructure provision does not affect the overall scale or location of development proposed through the Local Plan Review.
MM03	S2: Amount and Distribution of Development	32	“The diverse needs of the community will be met through the provision of a minimum of approximately 7,860 7,200 dwellings and 147,000 154,000 square metres of commercial floorspace between 1 st April 2013 and 31 st March 2033.”	In response to the Inspector’s post hearings advice note: <p>“...content that the OAN figure of 78 (393pa) is soundly derived, as is the extent of commercial development envisaged. That said, while I appreciated the headroom allowed for, to comply with the (2012 version of) the Framework, these figures must be expressed as a minima in Policy S2.”</p>	No change to HRA findings: Although the housing figure is now proposed to be expressed as a minimum figure, meaning that more homes could in theory be provided, any provision above the minimum figure is not expected to be of such a scale that the HRA conclusions are affected.
MM04	S3: Meeting Housing Needs	34	Amend criterion a) as follows: <p>“The diverse needs of Mid Devon will be met through the provision of a minimum of approximately 7,860 7,200 dwellings between 1st April 2013 and 31st March 2033.”</p>	In response to the Inspector’s advice note: <p>“...content that the OAN figure of 78 (393pa) is soundly derived, as is the extent of commercial development envisaged. That said, while I appreciated the headroom allowed for, to comply with the (2012 version of) the Framework, these figures must be expressed as a minima in Policy S2”</p>	No change to HRA findings: Although the housing figure is now proposed to be expressed as a minimum figure, meaning that more homes could in theory be provided, any provision above the minimum figure is not expected to be of such a scale that the HRA conclusions are affected.

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
MM05	2.31	36	<p>Amend paragraph 2.31 of the supporting text as follows:</p> <p>“....The need for gypsy and traveller pitches will be accommodated by pitches within larger housing sites, for example at Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and Pedlerspool in Crediton. <u>The Council’s preferred approach is for on-site provision as part of larger housing proposals TIV1, CU1, CU7 and CRE5. Provision off-site will only be accepted where it is demonstrated that provision on a different site would achieve a more favourable outcome for Gypsies and Travellers as described in Policy DM7. Where such a more favourable outcome can be demonstrated, off-site provision must meet the requirements of Policy DM7, and a mechanism must be put in place to ensure that the pitches are delivered. This will usually be through a s106 agreement requiring the developer to identify and obtain planning permission (which will not be unreasonably withheld by the Council) for the required number and standard of pitches. The pitches will be provided by the development itself or where the land is transferred for a nominal value, by an agreed third party Registered Provider or other agreed private provider, for the sole purpose of occupation and ancillary business by Gypsies and Travellers. The off-site provision of pitches must be provided and made available for occupation before the</u></p>	<p>In response to the Inspector’s post hearings advice note and to ensure consistency with MM proposed for Policy DM7.</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale of Gypsy and Traveller pitch provision through the Local Plan Review. The Council’s preferred approach is to focus pitch provision within the larger housing proposals TIV1, CU1, CU7 and CRE5, which have been assessed separately as part of the HRA. While offsite provision may be made, any development of this nature would be very small-scale and so would not affect the conclusions of the HRA in terms of the impacts of increased air pollution or recreation pressure. There are no European sites within the District that could be directly affected by the development of Gypsy and Traveller sites outside of the main settlements.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p>occupation of a specified proportion of the provision of on-site open market dwellings as part of the larger housing proposal at TIV1, CU1, CU7 or CRE5. Where the off-site provision of pitches generates additional infrastructure needs, developers of the larger housing proposal at TIV1, CU1, CU7 or CRE5 will be expected to contribute fairly towards the cost in accordance with Policies S8 and DM7 of this Plan. The Council is working with the travelling showpeople community to approve a large site near Cullompton which would meet the need requirements set out in the GTAA. Policy DM7 (gypsy and traveller accommodation) manages the development of specific sites"</p>		
MM06	S8: Infrastructure	46	<p>Modification to include following text at the end of the policy text:</p> <p><u>"Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be subject to satisfactory mitigation having regard to the latest infrastructure plan"</u>.</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	<p>No change to HRA findings: The proposed modification does not affect the overall scale or location of infrastructure development proposed through the Local Plan Review.</p>
MM07	S9: Environment	48	<p>Amend criterion e) as follows:</p> <p>"The preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified</p>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed in response to the representation made by	<p>No change to HRA findings: The proposed modification to this landscape-related policy criterion does not affect the</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			within the landscape character areas. Within or adjoining the Blackdown Hills Area of Outstanding Natural Beauty, and within the setting of the Blackdown Hills Area of Outstanding Natural Beauty , and Exmoor and Dartmoor National Parks, the primary objective will be to protect the special environmental qualities of that landscape and its setting.”	Natural England during the 2017 modifications consultation.	overall scale or location of development proposed through the Local Plan Review.
MM08	S9: Environment	48	Amend criterion f) as follows: “The protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species populations and linking habitats. <u>If significant harm resulting from development cannot be avoided providing impacts should be adequately mitigated mitigation and</u> . Compensation measures <u>will only be considered</u> where appropriate <u>as a last resort;</u> and”	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed in response to the representation made by Natural England during the 2017 modifications consultation and to reflect the hierarchy in NPPF para 118.	No change to HRA findings: The proposed modification does not affect the overall meaning of the policy criterion or the strength of the mitigation that the policy provides in terms of the potential impacts of development on European sites.
MM09	S11: Cullompton	52	Amend criterion a) as follows: “Make any necessary improvements to the M5 motorway including junction 28 strategic mitigations to maintain highway capacity, and safety, <u>integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans;</u> ”	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall meaning of the policy and does not affect the scale or location of development proposed through the Local Plan Review.

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
MM10	S12: Crediton	55	Add to the end of clause e) “- , including green infrastructure ”	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed in response to the representation made by Natural England during the 2017 modifications consultation.	No change to HRA findings: The proposed additional text relating to green infrastructure does not affect the overall scale or location of development proposed through the Local Plan Review.
MM11	S14: Countryside and paragraph 2.82	59	Amend criterion a) as follows: <p>“a) Affordable and low cost housing to meet local needs, gypsy and traveller accommodation, gypsy and traveller accommodation, residential conversion of appropriate existing buildings...”</p> <p>Amend the last two sentences of supporting text in para 2.82 as follows:</p> <p>“National policy requires that new sites for travellers should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. In certain circumstances the development of such sites outside of settlement limits will be appropriate, providing it can meet the criteria set out within Policy DM7 (gypsy and traveller accommodation).”</p>	In response to the Inspector’s post hearing advice note: <p>“Make Policy S14 permissive of G&T sites in the countryside while decoupling allocated G&T sites from general housing allocations and deleting the stipulation in relation to need in Policy DM7”</p>	No change to HRA findings: While the proposed modification could mean that Gypsy and Traveller sites are more likely to come forward in the countryside, the overall scale of Gypsy and Traveller site provision proposed through the Local Plan Review is unchanged. Any proposals for such sites would be small-scale and so would not affect the conclusions of the HRA in terms of the impacts of increased air pollution or recreation pressure. There are no European sites within the District that could be directly affected by the development of Gypsy and Traveller sites outside of the main settlements.
MM12	TIV3: Eastern Urban Extension	70	Amend criterion e) as follows:	Taken from Submission Document SD14. Included as a main modification in	No change to HRA findings: The proposed

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
	Environmental Protection and Green Infrastructure		"Appropriate provision of sewerage system to serve the development and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance ; "	accordance with the Inspector's post hearing advice note. Modification proposed following the 2015 Proposed Submission consultation in response to request by the Environment Agency. Reference to Sustainable Urban Drainage is now included in criterion f).	modification does not affect the overall scale or location of development proposed through the Local Plan Review. Reference to SuDS is still included in another policy criterion; therefore the overall meaning of the policy is unchanged.
MM13	TIV4: Eastern Urban Extension Community Facilities	72	Add additional policy criterion as follows: <u>"f) Contributions towards a new recycling centre to serve Tiverton"</u>	Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.	No change to HRA findings: The proposed modification makes reference to a new recycling centre which could result in an increase in vehicle traffic; however any traffic generation would not be of such a scale to affect the existing HRA conclusions that traffic generated by the Local Plan Review will not adversely impact upon European sites as a result of air pollution. While the location of any new recycling centre is not currently known, it is assumed that it would be in the vicinity of Tiverton which is not within close proximity of any European sites. In any case, other policies within the Local Plan Review provide mitigation to avoid adverse effects on the integrity of

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
					European sites.
MM14	TIV4: Eastern Urban Extension Community Facilities	72	Replace criterion b) as follows: “Construction cost for one primary school of 410 places and early years provision <u>Provision of a 420-place primary school with early years provision and a children’s centre service delivery base funded by appropriate contributions from developers;”</u>	Modification proposed following Devon County Council’s hearing statement, and MDDC’s acceptance of Devon County Council’s position at the hearings.	No change to HRA findings: The proposed modification does not significantly affect the scale of development proposed at this site.
MM15	TIV15: Tiverton Infrastructure	83	Add additional policy criterion as follows: <u>“1) Provision of a replacement recycling centre facility”</u> .	Modification proposed following Devon County Council’s hearing statement, and MDDC’s acceptance of Devon County Council’s position at the hearings.	No change to HRA findings: The proposed modification makes reference to a new recycling centre which could result in an increase in vehicle traffic; however any traffic generation would not be of such a scale to affect the existing HRA conclusions that traffic generated by the Local Plan Review will not adversely impact upon European sites as a result of air pollution. While the location of any new recycling centre is not currently known, it is assumed that it would be in the vicinity of Tiverton which is not within close proximity of any European sites. In any case, other policies within the Local Plan Review provide mitigation to avoid adverse

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
					effects on integrity of European sites.
MM16	TIV16: Blundells School	84	<p>Add additional criterion as follows:</p> <p><u>"k) The creation of additional/compensatory floodplain should secure wider environmental and sustainability benefits."</u></p> <p>Amend paragraph 3.60c to insert at the end of the sentence <u>"subject to the provision of wider environmental and sustainability benefits"</u>.</p>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed to reflect the representation made by the Environment Agency (6734) which notes that this is a key consideration of the Environment Agency when consulted on development within the floodplain.	No change to HRA findings: The proposed modification does not affect the scale or location of development proposed at this site.
MM17	Paragraph 3.70	89	<p>Amendment to proposed modified text within paragraph 3.70 as follows:</p> <p>"Traffic management measures on Willand Road and Tiverton Road will also be required. Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact on the junction's capacity through implementation of <u>an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under policy CU7 of the Cullompton Town Centre Relief Road.</u>"</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or location of development proposed through the Local Plan Review.
MM18	CU2: North West Cullompton Transport	90	<p>Amendment to criterion (h) as follows:</p> <p><u>"Financial contributions towards C capacity improvements at Junction 28 of the M5, to</u></p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or location of

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
	Provision		<u>deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site.</u>		development proposed through the Local Plan Review.
MM19	Paragraph 3.75	90	Amendment to proposed modified text within paragraph 3.75 as follows: "The Development will need to mitigate its impact upon capacity at junction 28 of the M5 by financial contributions towards junction improvements. "	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or location of development proposed through the Local Plan Review.
MM20	CU4: North West Cullompton Community Facilities	93	Replace criterion b) as follows: "Construction costs for 300 places that arise from the development to contribute to a 420 place primary school with provision for early years; Provision of a 420-place school with early years provision and a children's centre service delivery base funded by appropriate contributions from developers."	Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.	No change to HRA findings: The proposed modification does not significantly affect the scale of development proposed at this site.
MM21	CU4: North West Cullompton Community Facilities	93	Add additional policy criterion as follows: <u>"e) Contributions towards a new recycling centre to serve Cullompton"</u>	Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.	No change to HRA findings: The proposed modification makes reference to a new recycling centre which could result in an increase in vehicle traffic; however any traffic generation would not be of such a scale to affect the existing HRA conclusions that traffic generated by the Local Plan Review will not adversely

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
					<p>impact upon European sites as a result of air pollution. While the location of any new recycling centre is not currently known, it is assumed that it would be in the vicinity of Cullompton which is not within close proximity of any European sites. In any case, other policies within the Local Plan Review provide mitigation to avoid adverse effects on integrity of European sites.</p>
MM22	CU6: North West Cullompton Phasing	95	<p>Replacement policy text for criterion (i) of the policy as follows:</p> <p>Provision of M5 access improvements before any dwellings are occupied and thereafter broadly in step with development.</p> <p><u>Occupation of no more than 600 dwellings prior to the completion of the Cullompton Town Centre Relief Road</u></p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	<p>No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.</p>
MM23	Paragraph 3.94	96	<p>Amendment to proposed modified text within paragraph 3.94 as follows:</p> <p>“Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact upon the junction’s capacity through implementation of an improvement scheme, either to the existing junction or in the form of more</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	<p>No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under Policy CU7. No more than 600 dwellings should be occupied before the Cullompton Town Centre Relief Road is completed and open to traffic. The provision of the Town Centre Relief Road provides increased capacity at J28 M5.		
MM24	CU7: East Cullompton	97	Amendment to criterion (f) as follows: "f) Transport provision to ensure appropriate accessibility for all modes, including a new or improved access and egress onto the M5 motorway Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 28 and pedestrian and cycle links across the motorway to the existing town;"	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.
MM25	CU8: East Cullompton Transport Provision	99	Replacement policy text for criterion (a) of the policy as follows: Provision of mitigation measures to ensure only acceptable impacts occur to J28 of the M5 as a result of traffic generated from the site Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site;	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.
MM26	CU10: East	102	Amend criterion a) as follows:	Modification proposed following Devon	No change to HRA

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
	Cullompton Community Facilities		<p>a) A site of 2.5 hectares for a new primary school at no cost to the Local Education Authority A serviced site of 2.5ha for a new 630 place primary school, or alternatively 3ha of serviced land in two parcels of 1.1ha and 1.9ha appropriately located for the delivery of two new primary schools, at no cost to the Local Education Authority;</p> <p>Amend criterion c) as follows: "Construction costs for a 650 place primary school or two 325 place primary schools, including provision for early years education. Construction costs for a primary school capacity of for at least 630 places plus additional early years provision, including the requisite land to deliver these facilities. The required primary school capacity should be delivered through the provision of either one or two schools;"</p>	County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.	findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.
MM27	CU10: East Cullompton Community Facilities	102	<p>Add additional policy criterion as follows: <u>"g) Contributions towards a new recycling centre to serve Cullompton"</u></p>	Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.	No change to HRA findings: The proposed modification makes reference to a new recycling centre which could result in an increase in vehicle traffic; however any traffic generation would not be of such a scale to affect the existing HRA conclusions that traffic generated by the Local Plan Review will not adversely impact upon European sites

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
					as a result of air pollution. While the location of any new recycling centre is not currently known, it is assumed that it would be in the vicinity of Cullompton which is not within close proximity of any European sites. In any case, other policies within the Local Plan Review provide mitigation to avoid adverse effects on integrity of European sites.
MM28	CU12: East Cullompton Phasing	104	Replacement policy text for criterion (f) as follows: f) Provision of the first phase of comprehensive M5 access improvements before any dwellings are occupied, followed by strategic highways infrastructure broadly in step with development Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site; and	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.
MM29	Paragraph 3.116	105	Delete penultimate sentence within paragraph 3.116 of the supporting text as follows: "The first phase referred to in criterion (f) above therefore only relates to the subsequent highway works set out in the Devon County Council Report."	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
MM30	CU12: East Cullompton Phasing	106	Paragraph 3.120, amend as follows: "Subject to viability, affordable housing will be provided at a rate of approximately 25% <u>28%</u> , in step with the market housing".	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed to correct typographical error and to ensure supporting text is consistent with policy.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.
MM31	CU17: Week Farm	110	Replacement policy text for proposed criterion (g) as follows: (g) " Provision of M5 access improvements before any commercial floorspace is brought into use <u>Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site;</u> "	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.
MM32	CU18: Venn Farm	111	Replacement policy text for proposed criterion (g) as follows: (g) " Provision of M5 access improvements before any commercial floorspace is brought into use <u>Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site;</u> "	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.
MM33	Paragraph 3.143a	114	Amend paragraph 3.143a as follows: "...the final scheme will need to incorporate design solutions which mitigate such impacts. <u>Any loss of floodplain at this location should be mitigated by the creation of</u>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed in response to the representation made by the Environment Agency during the 2017	No change to HRA findings: The proposed modification does not affect the nature or location of the relief road to be delivered

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<u>additional/compensatory floodplain which should secure wider environmental and sustainability benefits including the provision of appropriate ecological and biodiversity enhancements.</u>	modifications consultation.	through this policy.
MM34	CU20: Cullompton Infrastructure	114	Add additional policy criterion as follows: <u>"n) Provision of a replacement recycling centre facility"</u> .	Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.	No change to HRA findings: The proposed modification makes reference to a replacement recycling centre which could result in an increase in vehicle traffic; however any traffic generation would not be of such a scale to affect the existing HRA conclusions that traffic generated by the Local Plan Review will not adversely impact upon European sites as a result of air pollution. While the location of any new recycling centre is not currently known, it is assumed that it would be in the vicinity of Cullompton which is not within close proximity of any European sites. In any case, other policies within the Local Plan Review provide mitigation to avoid adverse effects on integrity of European sites.
MM35	CU21: Land at	115	Remove contingency status. Modifications	Contingency status removed in response to	No change to HRA

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
	Colebrook		<p>proposed as follows:</p> <p>Land at Colebrook CONTINGENCY SITE</p> <p>A site of 4.8 hectares at Colebrook is identified as a contingency site allocated for residential development to be released in accordance with Policy S4, subject to the following:</p> <ul style="list-style-type: none"> a) 100 dwellings with 28% affordable housing; b) The development shall not commence until the Town Centre Relief Road has been provided, completion of the North West Cullompton through route linking Tiverton Road to Willand Road and provision of the first phase of comprehensive M5 access improvements; c) Provision of two points of access from Siskins Chase; d) Provisions of 1.1 hectares of green infrastructure, to include the retention of land in the floodplain as informal amenity open space and for Sustainable Urban Drainage provision; e) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside; f) Archaeological investigation and appropriate mitigation; and g) Transport assessment and implementation of travel plans and other measures to minimise carbon footprint and air quality impacts. 	<p>the Inspector’s post hearing advice note.</p> <p>Devon County Council has advised the timing of the development of the site is not dependent on the Cullompton Town Centre Relief Road coming forward as long as financial contributions are made towards the delivery of the relief road. Please refer to the updated housing land supply statement.</p> <p>Criterion b) deleted following Devon County Council’s highway consultation response to MDDC in March 2019, to the current planning application reference 19/00118/MOUT (outline application for up to 105 dwellings on land at Colebrook Lane). Devon County Council has updated its previous highways advice and there is no longer a requirement for the prior completion of the North West Cullompton distributor road (Tiverton Road to Willand Road link).</p>	<p>findings: The proposed modification involves removing the contingency status of this housing site and including it as an allocation within the Local Plan Review; however the location of the site and the nature of the development proposed to be delivered there (as already assessed through the HRA) are unchanged.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p>Delete paragraph 3.148 from the supporting text.</p> <p>Delete penultimate sentence from paragraph 3.149 as follows:</p> <p>"Site commencement will also need to be deferred until after the completion of the through route linking Willand Road to Tiverton Road, which is being provided as part of the North West Cullompton allocation."</p> <p><i>Modify the Policies Map as shown on Plan MM35.</i></p>		
MM36	Paragraph 3.149	116	<p>Amend paragraph 3.149 of the supporting text as follows:</p> <p>3.149 If this site comes forward for development, it must contribute to the provision of offsite highways infrastructure. Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Devon County Council has therefore stipulated that development should only take place providing there is sufficient network capacity. If released, the site will need to be phased to come forward after further M5 access improvements are implemented. Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no significant adverse impacts which cannot be mitigated. Site commencement will also need to be deferred until after the completion of the through route linking</p>	<p>Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.</p> <p>Further amendment to remove the words "...which cannot be mitigated" to improve clarity.</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p>Willand Road to Tiverton Road, which is being provided as part of the North West Cullompton allocation. The site is expected to contribute to the provision of off-site highways infrastructure.</p> <p>Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route.The development would also be expected to provide two points of access from Siskins Chase.</p>		
MM37	CRE5: Pedlerspool, Exhibition Road	121	<p>Amendment to criterion (b) to include reference to <u>"with early years provision and children's centre service delivery base"</u>.</p>	<p>Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.</p>	<p>No change to HRA findings: The proposed modification does not significantly affect the scale or nature of development proposed at this site.</p>
MM38	J27: Land at Junction 27 of the M5 Motorway	128	<p>Replace criterion b) as follows:</p> <p><u>"Provision of transport improvements to ensure appropriate accessibility for all modes, including new or improved access and egress onto the M5 motorway and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station. Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 27 and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station"</u></p>	<p>Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or nature of development proposed at this site.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
MM39	J27: Land at Junction 27 of the M5 Motorway and paragraph 3.184d	128	<p>Delete criterion e):</p> <p>"Prior to the approval of any planning permission for the site any required mitigation measures for the Culm Grasslands Special Area of Conservation shall be identified and agreed together with a time scale for their provision and a mechanism for their maintenance."</p> <p>Para3.184d, amend as follows:</p> <p>"The proposals for a major facility of this nature needs to be considered carefully in terms of its impacts and the policy makes provision for detailed transport assessments, environmental protection and green infrastructure, energy conservation, provision of improved public transport, pollution and drainage considerations, phasing and importantly, master planning with full public consultation prior to any planning applications being approved. <u>Any loss of floodplain at this location should be mitigated by the creation of additional/compensatory floodplain which should secure wider environmental and sustainability benefits including provision of appropriate ecological and biodiversity enhancement.</u> Section 106 planning obligations will also make provision for any necessary infrastructure and public transport improvements and would need to ensure appropriate mechanisms are in place to ensure that the integrity of the Culm Grasslands SAC will not</p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Deletion of the reference to mitigation measures with regard to the Culm Grasslands Special Area of Conservation to reflect the latest evidence in the J27 proposals: Habitat Regulations Assessment Appropriate Assessment Report (2016) and representation made by Natural England (6242). Reference to floodplain in response to representation made by the Environment Agency (6734) to the 2017 modifications consultation.</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or nature of development to be provided at this site. The removal of the text relating to possible mitigation measures for the Culm Grasslands SAC reflects the findings of the December 2016 Appropriate Assessment Report for the J27 site, which concluded that the allocation would not have adverse effects on the integrity of the Culm Grasslands SAC in relation to increased air pollution.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			be adversely affected."		
MM40	J27: Land at Junction 27 of the M5 Motorway	128	Include additional criterion in policy as follows: <u>"a) Any planning application which includes a 'designer outlet shopping centre' should be accompanied by a full Retail and Leisure Impact Assessment"</u> .	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed to ensure the potential impact is appropriately and adequately assessed at the planning application stage. Amendment also reflects comments made by The Crown Estate and TH Real Estate c/o Montagu Evans (6234).	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development proposed at this site.
MM41	J27: Land at Junction 27 of the M5 Motorway Paragraph 3.184d	129	Include the following text at the end of the paragraph 3.184d: <u>"Priority habitats exist within the site and in line with criterion c) of Policy J27 should be protected and enhanced."</u>	Amendment as agreed with Natural England (see Statement of Common Ground SCG-6 MDDC and Natural England)	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development proposed at this site.
MM42	SP2: Higher Town Sampford Peverell	146	Amend Policy SP2 as follows: "A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, to come forward following the commencement of development of the M5 Junction 27 allocation, subject to the following:"	In response to the Inspector's post hearings advice note: "...Given that the Policy SP2 allocation is designed to address part of that overall housing requirement, the tie serves no purpose. Reference to it should be removed."	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development proposed at this site.
MM43	SP2: Higher Town, Sampford Peverell and paragraph 3.224c	146	Delete criterion b) and re-label the remaining criteria accordingly. b)No development until the completion of improved access works to the A361; Delete paragraph 3.224c of the supporting text.	In response to the Inspector's post hearings advice note: "It was clear from the helpful submissions of the Highway Authority, that the limitation on development until the completion of improved access works to the A361 is	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development proposed at this site.

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			3.224c The Highway Authority has advised that any development of the site should only commence once improvements to the A361 junction at Sampford Peverell have been implemented to create west facing slip roads to enable direct access to and from the west. The site is required to meet additional housing need arising from the allocation at Junction 27 of the M5 motorway. Accordingly it shall only come forward following the commencement of development on that site.	unnecessary. Criterion b) needs to be removed."	
MM44	SP2: Higher Town, Sampford Peverell	146	Include new criterion: <u>"Improved access to the village for pedestrians and cyclists"</u>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed to provide greater clarity in response to a number of representations from individuals and through agreement of inclusion of criterion by Devon County Council.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development proposed at this site.
MM45	SP2: Higher Town, Sampford Peverell	146	Amend criterion g) as follows: "2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space." <i>Modify the Policies Map as shown on Plan MM45.</i>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. The area of Green Infrastructure has been further extended to limit the impact of the setting of the listed building.	No change to HRA findings: The proposed modification does not affect the overall scale or nature of development proposed at this site.
MM46	DM1: High Quality Design	153-	Insert additional criteria as follows:	In response to the Inspector's post hearings	No change to HRA findings: The proposed

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
	and new paragraph 4.5b	154	<p><u>“g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;</u></p> <p><u>h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and</u></p> <p><u>i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M ‘access to and use of dwellings.’</u></p> <p>Insert additional supporting text as follows:</p> <p><u>“4.5b National policy states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is particularly important for the design of the homes that people live in and the spaces that surround those homes. The aim in Mid Devon is to deliver high quality buildings and spaces that meet the needs of users, taking account of an aging population whilst ensuring compatibility with surrounding development and uses. Though compliance is delivered through buildings regulations, criterion i) will be implemented through a condition attached to the planning permission.”</u></p>	<p>advice note:</p> <p>“Criteria a) and c) [of DM12] seem to me to be more about design and might find a more comfortable home as part of Policy DM1. I take a similar view in relation to criterion b).”</p> <p>“the general size and configuration of a dwelling, and the proper handling of recycling, refuse and cycle storage, are design-based considerations and the reference to the Nationally Described Space Standard seems to be unnecessary.’ If these criteria are adjusted to make plain that they refer to the design of new housing, and relocated in Policy DM1, then that would be a more efficient way of dealing with the matter.”</p> <p>“I am not convinced that the requirement for 30% of houses on sites of 10 houses or more to be built to Level 2 of Building Regulations Part M has been made out. I believe 20, as a carry forward from the existing policy that refers to Lifetime Homes standards is reasonable but again, this requirement could be moved into Policy DM1.”</p> <p>Reference to the Nationally Described Space Standard is retained in the policy. This is since MDDC’s experience of applying minimum size standards for decision making purposes on development proposals requires that the Nationally Described Space Standards are explicit in local plan policy.</p>	<p>modification does not affect the overall scale or location of development proposed through the Local Plan Review.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
MM47	DM2: Renewable and Low Carbon Energy	154	<p>Amend the third sentence in Policy DM2 as follows:</p> <p>“Proposals must demonstrate that impacts are or can be made acceptable in relation to: and that the development will preserve.”</p>	<p>In response to the Inspector’s post hearings advice note:</p> <p>“I have some concerns about the wording of Policy DM2 because the first part seeks to avoid any significant adverse impacts, but the second part requires renewable and low carbon energy to preserve (which I take to mean cause no harm to) landscape character, the setting of heritage assets, living conditions, and so on. The former is the correct approach and the second part needs to be adjusted to remove the contradiction. This will require a MM.”</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or location of development proposed through the Local Plan Review.</p>
MM48	DM7: Traveller Sites and paragraph 4.29	164-165	<p>Amend Policy DM7 as follows:</p> <p>1) <u>Planning applications for Pitches and Plots</u></p> <p>Planning applications for gypsy and traveller pitches, or plots for travelling showpeople, will be permitted where:</p> <p>a)The need cannot be met on another suitable site in Mid-Devon which has consent or is allocated for gypsy and traveller pitches;</p> <p>b)Local services can be accessed without the use of a car;</p> <p>a) Suitable onsite facilities will be provided including space for children’s play;</p> <p>b) The proposal will have suitable environmental quality for residents including non-isolating boundary</p>	<p>In response to the Inspector’s post hearings advice note on the provision for Gypsies and Travellers.</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale of Gypsy and Traveller pitch provision through the Local Plan Review. The Council’s preferred approach is to focus pitch provision within the larger housing proposals TIV1, CU1, CU7 and CRE5, which have been assessed separately as part of the HRA. While offsite provision may be made, any development of this nature would be very small-scale and so would not affect the conclusions of the HRA in terms of the impacts of increased air pollution or</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p>treatments;</p> <p>c) <u>The site will not cause unacceptable landscape or ecological impact and is not located in an area at high risk of flooding;</u></p> <p>d) Occupation will be limited to those who meet the Government’s published definition of gypsies and travellers, including travelling showpeople <u>or their dependents; and</u></p> <p>e) <u>Safe and convenient access to local facilities is provided</u></p> <p>Where development proposals are considered under S13 “Villages”, local services can be accessed without the use of a car.</p> <p>Where development proposals are considered under S14, the need cannot be met on another suitable site in Mid Devon which has consent or is allocated for gypsy and traveller pitches.</p> <p>Sites with associated employment or storage elements may will be permitted where there is specific justification and the location, scale, and nature of the proposed development will not have harmful impacts on local amenity or the local environment. Gypsy and traveller accommodation may be included as part of the affordable housing requirement.</p>		<p>recreation pressure. There are no European sites within the District that could be directly affected by the development of Gypsy and Traveller sites outside of the main settlements.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p><u>2. Provision on allocated sites</u></p> <p><u>Gypsy and Traveller pitches on allocated sites (sought by Policies TIV1, CU1, CU7 or CRE5) should be provided on site unless it is demonstrated that off-site provision will achieve a more favourable outcome for Gypsies and Travellers taking into account:</u></p> <ul style="list-style-type: none"> <u>i) Pitch numbers;</u> <u>ii) Site facilities;</u> <u>iii) Accessibility to services, including health and education;</u> <u>iv) Early delivery of serviced pitches or plots which are available for occupation; and</u> <u>v) The provision of an effective mechanism for delivery.</u> <p><u>Such sites must also meet the requirements of part 1 of Policy DM7 above.</u></p> <p>Amend supporting text in paragraph 4.29 as follows:</p> <p>"4.29 There is a need for 35 new pitches for gypsies and travellers for the period 2014-34, <u>and 11 plots for travelling showpeople for the period 2014-34. The majority of this</u> This need is proposed to be met on the largest strategic allocations. The travelling showpeople community is predominately based in one large site at Cullompton, which</p>		

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p>is at capacity. A need for 11 plots has been identified and the Council is in discussions with a landowner to grant permission for one additional site near to the town which will meet the outstanding requirement. The need for gypsy and traveller accommodation is identified to be in the region of 25 pitches across the plan period. These are to be included within allocated developments at Tiverton Eastern Urban Extension, North West Cullompton, and Pedlerspool in Crediton. <u>Pitches must be provided on-site unless the more favourable outcome described by Policy DM7 is demonstrated. Any proposals for more favourable off-site provision must identify and provide serviced sites in accordance with Policy DM7. A clear mechanism to ensure that pitches or plots are delivered in such a way as to achieve a more favourable outcome for the travelling community must be identified.</u></p> <p><u>This will usually be through a s106 agreement requiring the developer to identify and obtain planning permission (which will not be unreasonably withheld by the Council) for the required number and standard of pitches. The pitches will be provided by the development itself or where the land is transferred for a nominal value, by an agreed third party Registered Provider or other agreed private provider, for the sole purpose of occupation and ancillary business by Gypsies and Travellers. The off-site provision of pitches must be provided and</u></p>		

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p><u>made available for occupation before the occupation of a specified proportion of the provision of on-site open market dwellings as part of the larger housing proposal at TIV1, CU1, CU7 or CRE5.</u> Where gypsy and traveller pitches are provided on-site on housing allocations, these are to be counted against the affordable housing targets for that site. There are also existing consented sites in Mid Devon. Proposals for gypsy and traveller accommodation will not be permitted in other locations, unless it is demonstrated that the existing consented or allocated sites will not be available to the prospective occupiers in a reasonable timescale."</p>		
MM49	DM12: Housing Standards	170	<p>Delete Policy DM12 Housing Standards (incorporating proposed modifications in the 2017 consultation) and move its content, with amendments in accordance with the Inspector's post hearings advice note, to Policy DM1.</p> <p>Policy DM12</p> <p>Housing Standards</p> <p>New housing development should be designed to deliver:</p> <p>a) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;</p> <p>b) Suitably sized rooms and overall floorspace which allows for adequate storage and movement</p>	In response to the Inspector's post hearings advice note. Please refer to MM46.	<p>No change to HRA findings: The proposed deletion of this policy and incorporation of the criteria into policy DM1 does not affect the overall scale or location of development proposed through the Local Plan Review.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p>within the building together as set out in the Nationally Described Space Standard with external space for recycling, refuse and cycle storage;</p> <p>c) Private amenity space that reflects the size, location, floorspace and orientation of the property; and</p> <p>d) On sites of 10 houses or more the provision of 30% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'</p>		
MM50	DM19: Protection of Employment Land and paragraph 4.60	179	<p>Delete Policy DM19 criterion c)</p> <p>c) A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing:</p> <p>i) Mixed use of the site that incorporates an employment-generating use, then</p> <p>ii) Non-employment use.</p> <p>Amend para 4.60 of the supporting text as follows:</p> <p>... "If there is no interest in the site as a result of marketing, the potential of the site for mixed use development including employment must be considered in preference to the total loss of employment. This will involve determining whether the</p>	<p>In response to the Inspector's post hearings advice note:</p> <p>"There was some discussion about criterion c) of Policy DM19 which deals with the protection of employment land. In my view, if criterion b is satisfied, and suitable marketing (which might include for mixed use purposes) has taken place at an appropriate price, for at least 18 months without any interest, then an alternative use (which may take the form of a mixed use) should be allowed to come forward. Criterion c) which requires an additional sequential viability test is far too onerous a requirement and should be removed through a MM."</p> <p>Supporting text deleted to accord with proposed MM.</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or location of development proposed through the Local Plan Review.</p>

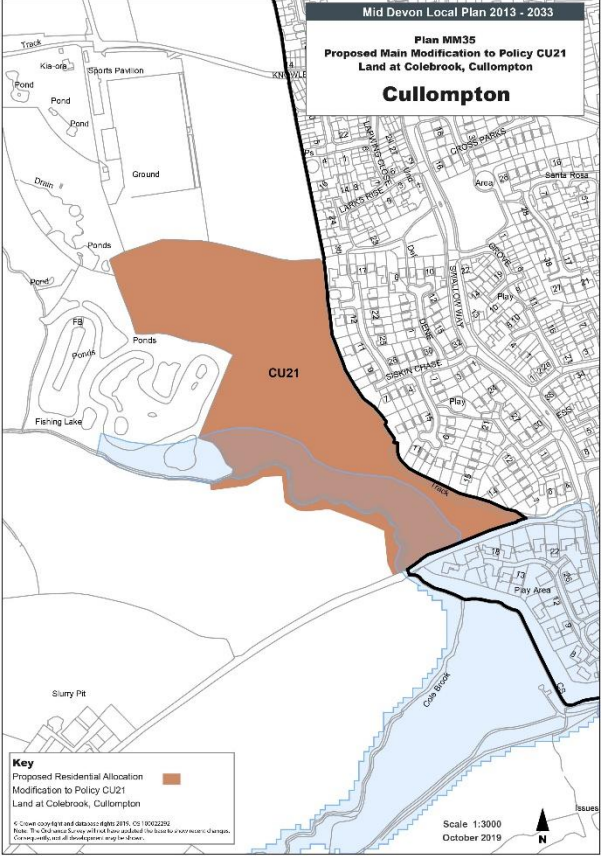
No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p>site still has the potential to be developed viably for mixed use development or can only be viable if the whole site is developed for non employment uses. In all cases, the proposed use must not significantly harm any other existing uses in the area, or be harmed by those uses. For example, housing development may not be acceptable in close proximity to general industry, depending on the nature and scale of the industrial use."</p>		
MM51	DM25: Development Affecting Heritage Assets	186	<p>Amend Policy DM25 as follows:</p> <p>"a) Apply a presumption in favour of preserving or enhancing all designated preservation in situ in respect of the most important heritage assets and their settings;</p> <p>b) Require development proposals likely to affect the significance of heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;</p> <p>c) Only approve proposals that would lead to substantial harm to or total loss of significance of a designated heritage assets where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss be likely to substantially harm heritage assets and their settings if substantial public benefit</p>	<p>In response to the Inspector's post hearings advice note:</p> <p>"To comply with statute, criterion a) should apply a presumption in favour of preserving or enhancing all designated heritage assets, not just the most important ones. A reference to their setting would assist too".</p> <p>"Criterion b) needs to refer to the significance of heritage assets rather than heritage assets and their settings."</p> <p>"Criterion c) needs to properly reflect the wording of paragraph 133 of the (2012 version of the) Framework by referring to significance. The direct reference to paragraph 133 should be removed because planning applications will be determined using the latest version of the Framework."</p> <p>"Criterion d) should properly reflect paragraph 134 of the (2012) Framework and refer to significance."</p> <p>"Criterion e) could confine itself to 'require</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or location of development proposed through the Local Plan Review.</p>

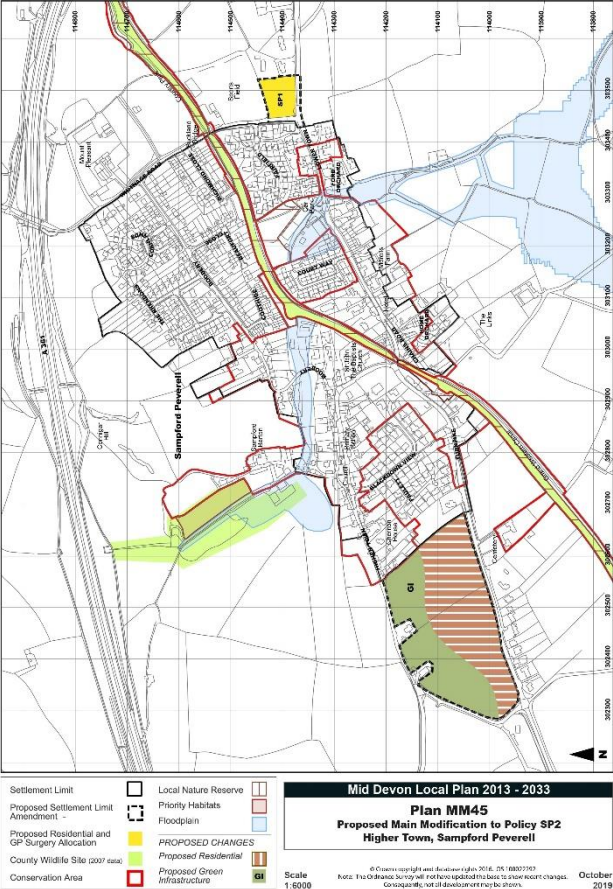
No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p>outweighs that harm or the requirements of paragraph 133 of the National Planning Policy Framework are met;</p> <p>d) Where a development proposal would will lead to less than substantial harm to the significance of a designated heritage asset, this that harm will should be weighed against the public benefits of the proposal any public benefit, including securing its optimum viable use; and</p> <p>e) Require developers to make a proportionate but systematic assessment of the any impact on the setting and thereby the significance of heritage asset(s) down in the guidance from English Heritage: "The Setting of Heritage Assets" Historic England: "The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3."</p>	<p>developers to make a proportionate and systematic assessment of any impact on the setting and thereby the significance of heritage asset(s)' Pointing to HE guidance in the manner proposed seems to me to run the risk of that guidance changing."</p>	
MM52	Paragraph 4.88	189	<p>Amend paragraph 4.88 as follows:</p> <p>... "Green Infrastructure functions can coexist in one place, so the land coverage does not have to be extensive in every case, although developments should recognise that floodplain cannot necessarily provide year-round amenity access."</p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed following representation made by the Environment Agency (673) which provides greater clarity of the ability of floodplain to be considered as Green Infrastructure but with limitations of year-round amenity access.</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or location of development proposed through the Local Plan Review.</p>
MM53	Paragraph 4.88	189	<p>At the end of paragraph 4.88 include the following sentence:</p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing</p>	<p>No change to HRA findings: The proposed modification does not affect</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p><u>"Development incorporating green infrastructure will be required to submit management and maintenance details for the proposed green infrastructure."</u></p>	<p>advice note. Modification proposed following the representation made by the Environment Agency to ensure green infrastructure is protected and managed beyond the initial construction/development.</p>	<p>the overall scale or location of development proposed through the Local Plan Review.</p>
MM54	DM27: Protected Landscapes, and paragraph 4.94	190	<p>Amend Policy DM27 as follows:</p> <p>"Development proposals within or affecting the Blackdown Hills, Area of Outstanding Natural Beauty, Dartmoor National Park, Exmoor National Park and the North Devon Biosphere Reserve must demonstrate that:.."</p> <p>Amend paragraph 4.94 as follows: "Where major developments are proposed within or adjoining protected landscapes <u>or within the setting of or adjoining the protected landscapes or the</u> National Parks, "</p>	<p>In response to the Inspector's post hearings advice note:</p> <p>"The phrase 'development proposals within or affecting' at the beginning of Policy DM27 is a little confusing. A development proposal within a protected landscape will obviously affect it. If the intention is to offer some protection to views into or out of the protected landscape, which seems reasonable, then it may be clearer to make a specific reference to such views. This would mean a MM. Alternatively, reference could be made to the setting of a protected landscape but that is more difficult and require some form of definition in the explanatory text."</p> <p>The Council has considered the Inspector's post hearings advice note and proposes a modification accordingly.</p> <p>The retention of the word "affecting" in the opening sentence of amended Policy DM27 is consistent with Section 62 of the Environment Act 1995, section 11A (2 in respect of National Parks, and also Section 85 (1) of the Countryside and Rights of Way Act 2000 in respect of Areas of Outstanding Natural Beauty.</p> <p>Section 62 of the Environment Act 1995</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or location of development proposed through the Local Plan Review.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
				<p>places a duty on the Council to have regard to the purposes of National Parks in exercising any functions in relation to or <u>affecting</u> land in a National Park. Similarly, Section 85 of Countryside and Rights of Way Act imposes a duty on the Council to have regard to the purpose of conserving and enhancing the natural beauty within an AONB in exercising any functions in relation to or <u>affecting</u> land in an AONB.</p> <p>Modification proposed following representation made by Natural England (6242) to reflect the fact that the special character of protected landscapes includes the setting rather than only the adjoining land and follows National Planning Policy Guidance.</p>	
MM55	DM28: Other Protected Sites and paragraphs 4.102 and 4.95		<p>Amend Policy DM28 as follows:</p> <p>Delete the final paragraph:</p> <p>"Where development proposals would lead to an individual or cumulative adverse impact on Natura 2000 sites, planning permission will be refused unless the proposal complies with criteria b) and c) above, and the fundamental integrity of the features of the Natura 2000 site would not be affected</p> <p>Replace the deleted final paragraph with:</p> <p><u>"Where development proposals are likely (leaving aside mitigation measures) to have a significant effect on a European site (as defined in regulation 8 of the Conservation</u></p>	<p>In response to the Inspector's post hearings advice note:</p> <p>"I have a concern that Policy DM28, and in particular the way it approaches mitigation and compensation in criterion c), fails to comply with 'People over Wind' and subsequent judgements. I suggest at this stage that the Council checks this point with their expert advisors."</p> <p>MDDC has taken expert legal advice that has considered the wording of Policy DM28 and its supporting text at paragraph 4.102 require modification.</p> <p>Two modifications will be required to paragraph 4.95 to make this consistent with</p>	<p>No change to HRA findings: The proposed modification does not affect the overall scale or location of development proposed through the Local Plan Review. The mitigation provided through this policy (in terms of the impacts of development on European sites) is strengthened by the amendments, which are made to reflect recent case law relating to HRA.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
			<p><u>of Habitats and Species Regulations 2017), an appropriate assessment will be required. In such cases, planning permission will be refused unless it has been ascertained that with mitigation measures in place the development will not adversely affect the integrity of the site.</u></p> <p>Amend supporting paragraph 4.102 as follows: Delete the sentence: “... In the case of Natura 2000 sites, compensatory measures may only be considered if the proposal is deemed to be of overriding public interest and would involve engagement with both Central Government and European Commission.”</p> <p>Replace the deleted sentence with: <u>“... In the case of European sites, where the risk of harm to the integrity of a site has not been ruled out in an appropriate assessment planning permission may be granted for the development only if there is no alternative solution and the development must be carried out for imperative reasons of overriding public interest. In such cases, any necessary compensatory measures must be secured.”</u></p> <p>Amend the paragraph 4.95 through the deletion of the words “Natura 2000 sites” and “Natura 2000 site” and the replacement of these words with the words “<u>European Sites</u>” and “<u>European Site</u>”.</p>	<p>the modifications to Policy DM28 and paragraph 4.102.</p> <p>Modification to paragraph 4.94 taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note.</p>	

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
Plan MM35	CU21: Land at Colebrook	Policies Map		<p>Contingency status removed in response to the Inspector’s post hearing advice note.</p> <p>The notation on the Policies Map has been modified to show site allocation CU21 as a proposed residential allocation. This modification is necessary to reflect the proposed Main Modification to the wording of site allocation Policy CU21.</p> <p>Please refer to proposed Main Modification MM35.</p>	<p>No change to HRA findings: The proposed modification to the Policies Map reflects the changes proposed to policy CU21, which have been considered separately above (see MM35) in terms of their implications for the HRA findings reported previously.</p>

No.	Policy/ Paragraph	Local Plan Page	Proposed Changes	Reason	Implications for HRA findings reported previously
Plan MM45	SP2: Higher Town, Sampford Peverell	Policies Map		<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. The area of Green Infrastructure has been further extended to limit the impact of the setting of the listed building.</p> <p>The notation on the Policies Map has been modified to show the increased area of Green Infrastructure to reflect the proposed Main Modification to criterion g) in the site allocation Policy SP2 Higher Town, Sampford Peverell</p> <p>Please refer to proposed Main Modification MM45.</p>	<p>No change to HRA findings: The proposed modification to the Policies Map reflects the changes proposed to policy SP2, which have been considered separately above (see MM45) in terms of their implications for the HRA findings reported previously.</p>

Updated assessment of in-combination effects

- 1.28 A number of Mid Devon's neighbouring authorities were considered relevant for identifying potential in-combination effects as part of the original HRA for the Publication Draft Local Plan Review (March 2015). The in-combination effects assessment has been updated to reflect the most recent version of those neighbouring plans and the findings are set out below.

Greater Exeter Strategic Plan

- 1.29 Since the assessment of in-combination effects was previously carried out, work has commenced on the preparation of the Greater Exeter Strategic Plan (GESP) which will set out the overall spatial strategy and the level of housing and employment land to be provided up to 2040 within the Plan area, which covers East Devon, Exeter, Mid Devon and Teignbridge. As yet, no HRA work has been carried out in relation to the GESP.

West Somerset and Taunton Deane

- 1.30 The West Somerset Local Plan was adopted in November 2016.
- 1.31 Work has started on the preparation of a new Local Plan to cover the Somerset West and Taunton Area but no HRA work has yet been carried out.

North Devon and Torrridge

- 1.32 The North Devon and Torrridge Local Plan was adopted in October 2018.
- 1.33 The final HRA update document (November 2017) identified the potential for a cumulative effect with the Mid Devon Local Plan in relation to air quality impacts on the Culm Grasslands SAC and this issue was considered through an Appropriate Assessment. Following that stage of the HRA it was concluded that there would be no adverse effect on the integrity of the SAC as a direct result of the North Devon and Torrridge Local Plan, either alone or in combination with other plans and programmes including the Mid Devon Local Plan. The HRA also concluded that there would be no adverse effects on the integrity of other European sites in and around North Devon and Torrridge.

West Devon

- 1.34 The Plymouth and South West Devon Joint Local Plan was adopted by West Devon Borough Council in March 2019.
- 1.35 The Updated Habitats Regulations Assessment for the Local Plan (February 2018) concluded that the Joint Local Plan would not have adverse effects on the integrity of European sites, either alone or in combination with other plans or projects.

Teignbridge

- 1.36 No further updates to the Local Plan - no further in-combination effects to consider.

East Devon

- 1.37 The East Devon Local Plan was adopted in January 2016.
- 1.38 The submitted HRA report (dated November 2012) concluded that, with the identified mitigation in place, the Local Plan would not have adverse effects on the integrity of European sites either alone or in combination with other plans and projects.

Exmoor National Park

- 1.39 The Exmoor National Park Local Plan was adopted in July 2017.
- 1.40 The HRA Report for the Publication Draft Local Plan (May 2015) was updated by an HRA Addendum in December 2016 which considered Main Modifications. It was concluded that the Local Plan would not have adverse effects on the integrity of European sites either alone or in combination with other plans and projects.

Dartmoor National Park

- 1.41 Dartmoor National Park Authority is currently consulting on the Regulation 19 version of its Local Plan Review.

- 1.42 The HRA Report for the Local Plan Review (June 2019) concluded at the screening stage that adverse effects on the integrity of European sites outside of the National Park were not expected in relation to air quality changes, disturbance, changes to water quality or levels or habitat loss/fragmentation. However, there was uncertainty with regards to the potential for likely significant effects associated with air quality, disturbance and habitat loss or fragmentation on the three SACs located within the National Park boundary (Dartmoor, South Dartmoor Woods, and South Hams SACs). These issues were considered in more detail through an Appropriate Assessment and it was concluded that, taking into account the mitigation within the Local Plan, adverse effects on integrity could be ruled out in relation to air quality and habitat loss or fragmentation. In relation to recreation, while adverse effects on the integrity of European sites were ruled out in relation to effects arising from the Dartmoor National Park Local Plan Review alone, there was some uncertainty regarding the potential for in-combination effects on the Dartmoor, South Dartmoor Woods, and South Hams SACs from increased recreation pressure resulting from the growth planned outside the National Park boundary. However, those SACs are outside of the scope of the Mid Devon Local Plan Review HRA due to their distance from the District; and in-combination effects with the Mid Devon Local Plan are not therefore expected.

Exeter City

- 1.43 No further updates to the Local Plan - no further in-combination effects to consider.

Devon Waste Plan

- 1.44 The Devon Waste Plan was adopted in December 2014.

- 1.45 The final HRA Report (July 2014) concluded through a screening exercise that Appropriate Assessment was not required, as no likely significant effects on European sites were identified for any element of the Plan. In-combination effects with the Mid Devon Local Plan Review are therefore not expected.

Devon Minerals Plan

- 1.46 The Devon Mineral Plan was adopted in February 2017.

- 1.47 The final HRA Report (April 2016) for the Minerals Plan (and updated by the June 2016 screening document to address Main Modifications) concluded that the Minerals Plan would have no likely significant effects on European sites and therefore in-combination effects with the Mid Devon Local Plan Review are not expected.

Devon and Torbay Local Transport Plan

- 1.48 No further updates to the Local Transport Plan – no further in-combination effects to consider.

Somerset Future Transport Plan

- 1.49 No further updates to the Local Transport Plan – no further in-combination effects to consider.

Conclusions

- 1.50 This HRA Addendum has assessed the Proposed Main Modifications to the submitted Mid Devon Local Plan Review. As shown in detail in **Table 2**, the Proposed Main Modifications have no implications for the conclusions reported previously in the HRA Report for the Publication Draft Local Plan (March 2015), and updated in the HRA Addendum (August 2016) and the J27 Appropriate Assessment Report (December 2016).
- 1.51 Therefore, the conclusions of the HRA for the Mid Devon Local Plan Review remain that the Local Plan Review (taking into account the Proposed Main Modifications) is not likely to have adverse effects on the integrity of European sites, either alone or in-combination with other plans or projects, providing that the mitigation set out in the Local Plan Review is implemented.

Next Steps

- 1.52 This HRA Addendum will be available for consultation alongside the Proposed Main Modifications to the Local Plan Review.
- 1.53 Following the consultation on the Proposed Main Modifications and this HRA Addendum (as well as the separate Sustainability Appraisal Addendum), the Inspector will consider the representations raised and report on the modified Local Plan Review's soundness.
- 1.54 If the Local Plan Review is found to be 'sound', it can be formally adopted by Mid Devon District Council.

LUC
October 2019