

# 5. Planning Policy Context

## 5.1. Introduction

This chapter of the Environmental Statement (ES) sets out the planning policy context for the Scheme. It summarises the main policy documents that are relevant to the Scheme and have been considered during the development of the design. Details of the applicable policies are provided in the relevant topic chapters along with a summary of how they have been taken into account during the development of the Scheme. A full review of the Scheme against these policies is provided in the Planning Statement and is not repeated here.

The Scheme requires planning permission under Section 57 of the Town and Country Planning Act 1990. As detailed in chapter 4 The Environmental Assessment Process of this ES, it falls within the scope of projects described in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and The Marine Works (Environmental Impact Assessment) Regulations 2017 requiring an EIA.

Schedule 4 and Schedule 3 of these Regulations (respectively) set out the information that should be included within the ES. Although these Schedules do not make reference to the inclusion of an assessment of planning policy, it is good practice to include a section on policies and plans which are relevant to the environmental assessment of the Scheme. This helps to demonstrate how relevant policies have been taken into account during the development of the Scheme and sets out the decision-making context in which the environmental impacts will be evaluated. This supports the Government's commitment to a plan-led system with the development plan forming the basis of all planning decisions.

## 5.2. National Planning Policy

The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The core principles of the NPPF state that the planning system should be plan-led, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

The NPPF emphasises that planning decisions must be taken in accordance with the relevant development plan unless material considerations indicate otherwise. In developing their policies, Local Planning Authorities should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts. This could include providing space for physical protection measures or making provision for the possible future relocation of vulnerable development and infrastructure.

In coastal areas, planning decisions should also take account of the UK Marine Policy Statement and Marine Plans. Integrated Coastal Zone Management is encouraged to ensure effective alignment of the terrestrial and marine planning regimes and Local

Plans should identify Coastal Change Management Areas and set out what development is appropriate for such areas.

### 5.3. Marine Planning Policy

The UK Marine Policy Statement (2011) provides a framework for preparing Marine Plans and taking decisions affecting the marine environment. Through this it aims to:

- Promote sustainable economic development;
- Enable the UK's move towards a low-carbon economy, in order to mitigate the causes of climate change and ocean acidification and adapt to their effects;
- Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets; and
- Contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.

The South Inshore and South Offshore Marine Plan (2018) covers the south coast between the River Dart in Devon and Folkestone in Kent. The vision set out for the area states:

*“By 2038, the south marine plan areas’ iconic and unique qualities, characteristics and culture will be conserved, promoted and where needed enhanced, through good management of its marine space. The natural beauty of the coastline and busy coastal and offshore waters are qualities that make the south marine plan areas distinctive. By 2038, the south marine plan areas will have maintained this distinctive natural beauty and diversity while sustainable economic growth, protection of the natural and historic environment, as well as the well-being of those who live, work and visit the south coast, will have been enhanced through balanced and sustainable use of its resources.”*

A number of objectives (supported by detailed policies which are described in the Planning Statement) detail how this vision will be achieved. The objectives of relevance to this Scheme include:

**Objective 1:** To encourage effective use of space to support existing, and future sustainable economic activity through co-existence, mitigation of conflicts and minimisation of development footprints.

**Objective 3:** To support diversification of activities which improve socio-economic conditions in coastal communities.

**Objective 5:** To avoid, minimise, mitigate displacement of marine activities, particularly where of importance to adjacent coastal communities, and where this is not practical to make sure significant adverse impacts on social benefits are avoided.

**Objective 6:** To maintain and enhance inclusive public access to, and within, the south marine plan areas appropriate to its setting.

**Objective 7:** To support the reduction of the environmental, social and economic impacts of climate change, through encouraging the implementation of mitigation and adaptation measures that:

- avoid proposals' indirect contributions to greenhouse gas emissions
- reduce vulnerability
- improve resilience to climate and coastal change
- consider habitats that provide related ecosystem services.

**Objective 8:** To identify and conserve heritage assets that are significant to the historic environment of the south marine plan areas.

**Objective 9:** To consider the seascape and its constituent marine character and visual resource and the landscape of the south marine plan areas.

**Objective 10:** To support marine protected area objectives and a well-managed ecologically coherent network with enhanced resilience and capability to adapt to change.

**Objective 11:** To complement and contribute to the achievement or maintenance of Good Ecological Status or Potential under the Water Framework Directive (WFD) and Good Environmental Status under the Marine Strategy Framework Directive, with respect to descriptors for marine litter, non-indigenous species and underwater noise.

**Objective 12:** To safeguard space for, and improve the quality of, the natural marine environment, including to enable continued provision of ecosystem goods and services, particularly in relation to coastal and seabed habitats, fisheries and cumulative impacts on highly mobile species.

## 5.4. Local Planning Policy

Applications for planning permission must be determined in accordance with the relevant local development plan unless material considerations indicate otherwise. The development is located within the administrative area of East Devon District Council (EDDC). The East Devon adopted development plan comprises:

- The Local Plan 2013-2031;
- The Villages Plan (does not cover the area affected by this development); and
- Any 'made' Neighbourhood Plans (proposed development is covered by Budleigh Salterton Neighbourhood Plan and the East Budleigh with Bicton Neighbourhood Plan, with a draft Neighbourhood Plan having been prepared for Otterton).

EDDC has produced a number of Supplementary Planning Guidance (SPG) documents that add additional detail to the Policies of the Local Plan. The only SPG of relevance to this development is the Trees and Development SPG.

Devon County Council as the local Waste Planning Authority has also prepared the Devon Waste Plan 2011-2031 which is of relevance to the development.

### 5.4.1 Local Plan 2013-2031

The East Devon District Council Local Plan 2013-2031 (adopted 28th January 2016) sets out the strategy for the future development of East Devon while also promoting the conservation of the natural environment. It promotes the protection of the Area of Outstanding Natural Beauty (AONB) by retaining the semi-rural character of the areas on the edge of Budleigh Salterton.

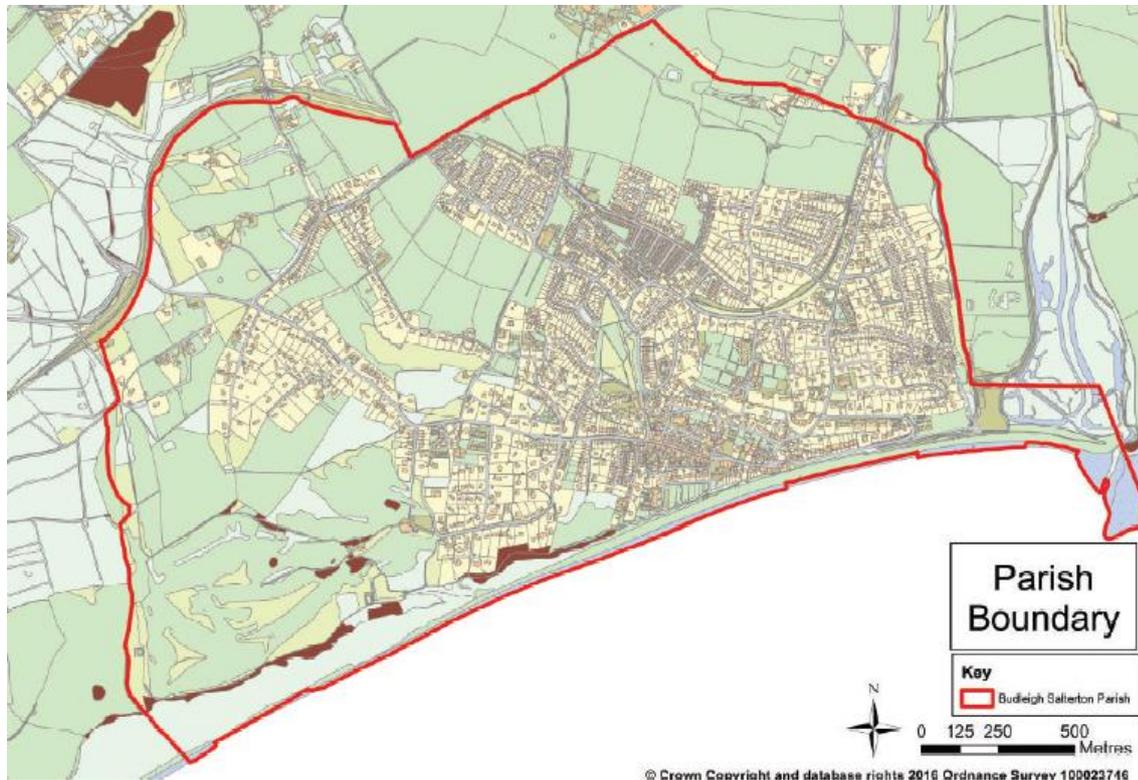
The Local Plan supports proposals for managed realignment provided it does not have an unacceptable adverse economic, social or environmental impact including an unacceptable detrimental visual impact on a protected landscape.

The key strategies and policies identified as being relevant to the Scheme are listed below:

- Strategy 5 - Environment;
- Strategy 7 - Development in the Countryside;
- Strategy 21 - Budleigh Salterton;
- Strategy 44 - Undeveloped Coast and Coastal Preservation Area;
- Strategy 45 - Coastal Erosion;
- Strategy 46 - Landscape Conservation and Enhancement and AONBs;
- Strategy 47 - Nature Conservation and Geology;
- Strategy 49 - The Historic Environment;
- EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites;
- EN5 - Wildlife Habitats and Features;
- EN6 - Nationally and Locally Important Archaeological Sites;
- EN7 - Proposals Affecting Sites which may potentially be of Archaeological Importance;
- EN8 - Significance of Heritage Assets and their Setting;
- EN9 - Development Affecting a Designated Heritage Asset;
- EN14 - Control of Pollution;
- EN16 - Contaminated Land;
- EN21 - River and Coastal Flooding;
- EN18 - Maintenance of Water Quality and Quantity;
- EN22 - Surface Run-Off Implications of New Development;
- EN25 - Development Affected by Coastal Change;
- D2 - Landscape Requirements;
- D3 - Trees and Development Sites;
- TC4 - Footpaths, Bridleways and Cycleways;
- TC7 - Adequacy of Road Network and Site Access;
- RC1 - Retention of Land for Sport and Recreation; and
- RC4 - Recreation Facilities in the Countryside and on the Coast.

### 5.4.2 Budleigh Salterton Neighbourhood Plan

The Budleigh Salterton Neighbourhood Plan policies, objectives and actions reflect the current views of residents and business owners in the parish of Budleigh Salterton for the period from 2017 – 2031. It covers the coastal section of the Scheme as shown in Figure 5.1 below.



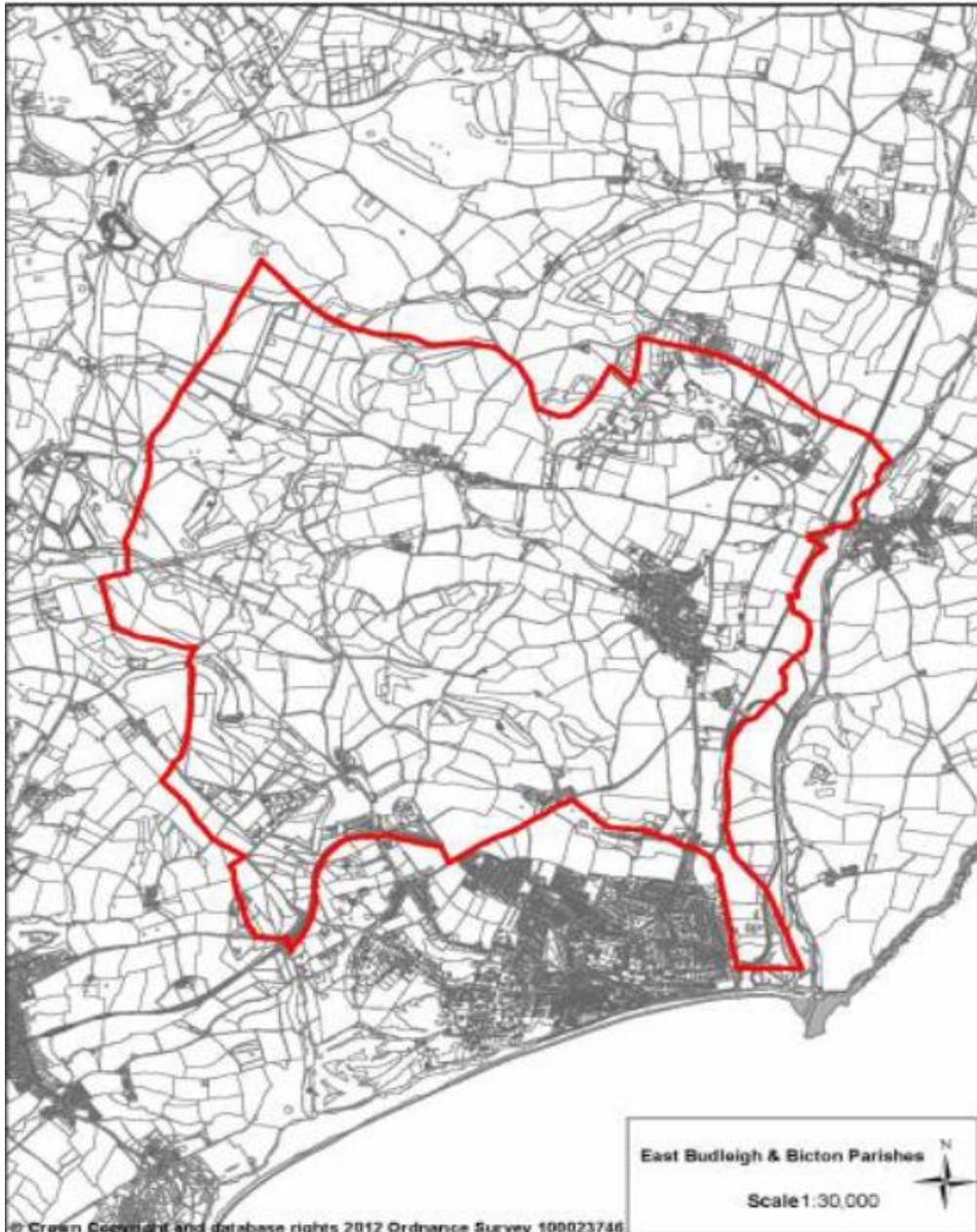
**Figure 5.1 Budleigh Salterton Parish Boundary – Extract from Budleigh Salterton Neighbourhood Plan**

The Budleigh Salterton Neighbourhood Plan policies identified as relevant to the Scheme are listed below:

- Policy NE1 - Conservation of the Natural Environment;
- Policy NE3 - Conservation of Biodiversity;
- Policy NE4 - Maintain Trees and Hedgerows;
- Policy NE5 - Development within the Coastal Preservation Area;
- Policy B3 - Heritage Assets;
- Policy CLW1 - Protecting and Enhancing Recreational Facilities; and
- Policy CLW2 - Relocation of Budleigh Salterton Cricket Club.

### 5.4.3 East Budleigh with Bicton Neighbourhood Plan

The East Budleigh with Bicton Neighbourhood Plan policies set out the vision for the future of the community up to 2031. It covers the lower section of the site, including the existing Budleigh Salterton Cricket Club (BSCC) as shown on Figure 5.2 below.



**Figure 5.2. East Budleigh and Bicton Parishes – Extract from East Budleigh with Bicton Neighbourhood Plan**

The East Budleigh with Bicton Neighbourhood Plan policies identified as relevant to the Scheme are listed below:

- Policy N1 - Protecting and enhancing the landscape, biodiversity and local countryside character;
- Policy F1 - Flood Risk Assessment;
- Policy F2 - Surface Water Run-off;
- Policy F3 - SuDS Design & Management;
- Policy B1: Heritage Assets and their Setting;
- Policy L1 - Enhancing Recreational Facilities;

- Policy L2 - Budleigh Salterton Cricket Ground; and
- Policy G1 - To protect and enhance the network of public rights of ways and bridleways around the Parish.

### 5.4.1. Otterton Neighbourhood Plan

The Draft Otterton Neighbourhood Plan seeks to preserve and protect the best and distinctive features of Otterton Parish, while recognising the need for evolution, measured growth and careful development to allow the community to thrive. It covers the eastern and northern areas of the Lower Otter Restoration Project (LORP) as shown in Figure 5.3 below.



**Figure 5.3. Otterton Parish – Extract from Otterton Neighbourhood Plan.**

The relevant policies identified to the Scheme are listed below:

- ONP1 - Sustainable Development
- ONP2 - Protecting and Enhancing the Conservation Area and other Heritage Assets
- ONP3 - Protecting and Enhancing the Built Environment
- ONP4 - Protecting and Enhancing the Natural Landscape
- ONP5 - Protecting and Enhancing Wildlife in the Natural Environment
- ONP8 - Traffic and Travel Around the Parish

#### **5.4.4 Trees and Development Supplementary Planning Guidance (SPG)**

The Trees and Development SPG seeks to ensure that trees are effectively and sustainably integrated into new development. Policy D3 (Trees and Development Sites) of the Local Plan is relevant to the scheme.

The SPG provides further guidance about the level of information required to be submitted with a planning application in order to meet the requirements of this policy.

#### **5.4.2. Devon Waste Plan**

The Devon Waste Plan identifies that the largest quantities of waste generated in Devon arise from construction. The policies contained in the Plan set out Devon County Council's (DCC) strategy for managing waste and largely relate to developments specifically relating to waste management. Policy W4 applies to major construction projects and seeks to ensure that waste generation from construction projects is minimised and that any waste generated is managed through the waste hierarchy.

### **5.5. Other Plans and Strategies**

#### **5.5.1. National Flood and Coastal Erosion Risk Management Strategy for England (2020)**

National Flood and Coastal Erosion Risk Management Strategy for England sets out the long-term delivery objectives England should take over the next 10 to 30 years as well as shorter term, practical measures risk management authorities should take working with partners and communities. The Strategy's long-term vision is for a nation ready for, and resilient to, flooding and coastal change – today, tomorrow and to the year 2100. It has 3 long-term ambitions:

- Climate resilient places: working with partners to bolster resilience to flooding and coastal change across the nation, both now and in the face of climate change.
- Today's growth and infrastructure resilient in tomorrow's climate: making the right investment and planning decisions to secure sustainable growth and environmental improvements, as well as infrastructure resilient to flooding and coastal change.
- A nation ready to respond and adapt to flooding and coastal change: ensuring local people understand their risk to flooding and coastal change, and know their responsibilities and how to take action

#### **5.5.2. Durlston Head to Rame Head Shoreline Management Plan Review (SMP2) (2011)**

The Shoreline Management Plan (SMP) provides a large-scale assessment of the risks associated with coastal evolution. It includes a policy framework to address these risks in a sustainable manner with respect to people and the developed, historic and natural environment.

The preferred option for the Otter estuary is managed realignment, allowing the shoreline position to move backwards with management to control movement. This will encourage natural development of the estuary, offers habitat creation potential and

may also be beneficial for reducing flood risk in other parts of the estuary whilst maintaining reduced flood risk to developed areas.

A SMP Refresh has commenced to ensure the Plan is up to date and is due to be completed in summer 2020, however further details are not available at the time of writing this document.

### **5.5.3. South West River Basin Management Plan 2015 – 2021**

The South West River Basin Management Plan fulfils the requirements of the WFD and provides a framework for protecting and enhancing the water environment. The East Devon catchment partnership has produced a catchment action plan that aims to improve ecological status, achieve protected area objectives and prevent deterioration with the catchment which includes the River Otter. Future opportunities identified include river restoration and habitat creation that can provide multiple benefits, including green infrastructure, flood resilience and river basin management measures. The action plan lists LORP as a key project supported by the catchment partnership.

### **5.5.4. Dorset and East Devon Coast World Heritage Site Management Plan 2014-2019**

The Dorset and East Devon Coast World Heritage Site Management Plan aims to:

1. Protect the site's Outstanding Universal Value and setting.
2. Conserve and enhance the site and its setting for science, education and public enjoyment.
3. Strengthen understanding and awareness of the Outstanding Universal Value of the site, and of World Heritage.
4. Support communities in realising the economic social and cultural opportunities and benefits that World Heritage Status can bring.
5. Improve sustainable access to the site and enable visitors to enjoy a welcoming experience and high quality facilities.
6. Support and demonstrate exemplary World Heritage Site (WHS) Management.

The Jurassic Coast Trust is currently creating a new Partnership Plan in collaboration with a wide variety of stakeholders. The new Partnership Plan will guide management of the World Heritage Site over the next five years and will replace the current Site Management Plan. The aims of the new Partnership Plan as set out in the draft document broadly align with the aims of the Site Management Plan described above.

### **5.5.5. A Green Future: Our 25 Year Plan to Improve the Environment (Defra, 2018)**

The Green Future plan sets out to achieve a number of goals including clean and plentiful water; thriving plants and wildlife; a reduced risk of harm from environmental hazards such as flooding; using resources more sustainably; and enhanced beauty, heritage and engagement with the natural environment. The plans actions are formed around the following areas:

- Using and managing land sustainability.
- Recovering nature and enhancing the beauty of landscape.
- Connecting people with environment to improve health and wellbeing.

- Increasing resource efficiency, and reducing pollution and waste.
- Securing clean, productive and biologically diverse seas and oceans.
- Protecting and improving and global environment.

#### **5.5.6. Biodiversity 2020: A strategy for England's wildlife and ecosystem services (Defra, 2011)**

The Scheme aims to contribute positively to the Biodiversity 2020 strategy which sets out “*to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.*”

#### **5.5.7. East Devon AONB Partnership Plan 2019-24**

The East Devon AONB Partnership Plan aims to conserve, manage and enhance the natural beauty of the AONB to support and benefit present and future generations. Its aims and objectives are centred around three themes:

1. Place – to conserve and enhance the natural beauty of the AONB.
2. People and Prosperity – to encourage and support economic development, social engagement and recreational activity that conserves and enhances the natural beauty of the AONB.
3. Communication and Management – to ensure the AONB is recognised and valued as a national, regional and local asset and is effectively managed in partnership with stakeholders.

The plan is supported by a delivery plan to achieve these aims. The delivery plan includes a range of priorities including:

- Work with partners on the East Devon Catchment Partnership to deliver climate change adaptation measures and promote sustainable management of our natural resources.
- Play an active role in the Lower Otter Restoration Project.
- Encourage and support safe off-road access routes for all users.

#### **5.5.8. The Nature of Devon: A Biodiversity and Geodiversity Action Plan (Devon County Council, 2009)**

The Nature of Devon: A Biodiversity and Geodiversity Action Plan identifies the key wildlife and geological features in Devon and sets priorities for nature conservation. It details action plans for 17 terrestrial and freshwater habitats and 20 species.

#### **5.5.9. Natural Devon (Devon Local Nature Partnership)**

Natural Devon is an umbrella body that brings together everyone with an interest in securing the benefits of the natural environment in Devon. LORP aligns with a number of priorities set out in their Prospectus for Natural Devon (2014-2019) including:

- Naturally Healthy - by creating opportunities for everyone in Devon to be ‘naturally active’.
- Green Connections – by promoting green infrastructure.

- Farming with Nature – by balancing the needs of farming with the wider benefits including flood management, access to the countryside and wildlife benefits.
- Resilient Wetlands – by improving resilience to flooding while increasing areas of wetland in favourable condition.

#### **5.5.10. East Devon Playing Pitch Strategy (2015)**

Based on the findings of the Exeter and East Devon Playing Pitch Strategy Needs Assessment (prepared by Bennet Leisure and Planning Ltd for East Devon District and Exeter City Councils jointly), the East Devon Playing Pitch Strategy seeks to ensure sufficient provision of good quality playing pitches and protect playing pitches from development. It identifies that BSCC floods regularly and sets out an action to explore the possibility of developing a new ground with extra capacity and reduced/no flooding.

### **5.6. Abbreviations**

AONB	Area of Outstanding Natural Beauty
BSCC	Budleigh Salterton Cricket Club
EDDC	East Devon District Council
ES	Environmental Statement
DCC	Devon County Council
SMP	Shoreline Management Plan
SPG	Supplementary Planning Guidance
LORP	Lower Otter Restoration Project
NPPF	National Planning Policy Framework
WHS	World Heritage Site
WFD	Water Framework Directive