

## EXMOOR NATIONAL PARK LOCAL PLAN 5 YEAR POLICY REVIEW

### ENVIRONMENT TOPIC PAPER: INTERIM REPORT NOV 2021

#### 1. Introduction

The environment is at the heart of the statutory purposes for the National Park. This part of the topic paper relates to section 4 ‘Conserving and Enhancing Exmoor’ and section 5 ‘Responding to Climate Change and Managing Resources’ of the adopted Local Plan. The policies cover a whole range of subjects from nature, biodiversity, heritage, landscape and dark night skies to climate change, flood risk, coastal change, renewable energy, waste management and pollution. Design, sustainable construction and mineral development are also included because they are used in construction and the winning of them has a significant impact on the environment. The General Policies in section 3 of the Local Plan are relevant to all applications and cover National Park Purposes and Sustainable Development, the efficient use of land and buildings, the spatial strategy, and major development.

#### 2. National Planning Policy and Legislation

Changes to the NPPF have been made since the Local Plan was adopted. The Government has sought to reflect its priorities for the environment through these changes, in particular achieving the goals of the 25 Year Environment Plan (2018), see Appendix A. In addition, the Environment Act became law in November 2021, and introduces a number of new requirements relevant to planning, see Appendix B.

The 2021 NPPF continues to identify **National Park designation** as a strong reason for restricting development, that landscape and scenic beauty in National Parks, have the highest status of protection and to highlight that the conservation and enhancement of wildlife and cultural heritage should be given great weight. A change in the 2021 NPPF clarifies that the scale and extent of development within National Parks should be limited. New provisions have been added on development within their setting [outside the National Park boundary] which should be sensitively located and designed to avoid or minimise adverse impacts on National Parks.

There are a number of other amendments in the NPPF which strengthen **environmental protection** and the **response to climate change**. In particular, the definition of achieving sustainable development set out at the start of the NPPF has been amended to include reference to the United Nations 17 global sustainable development goals which address social progress, economic well-being and environmental protection. The ‘presumption in favour of sustainable development’ set out in the NPPF has also been refined to specifically refer to environmental improvement and climate change mitigation and adaptation, alongside meeting local needs: *‘all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and*

*infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects’.*



One of areas where the NPPF has been strengthened in relation to the environment is **biodiversity net gain**, reflecting the Government’s aspirations for nature recovery set out in the 25 Year Environment Plan and which are taken forward in the Environment Act 2021. The 2012 NPPF sought a biodiversity net gain *‘where possible’*, this is removed in the 2021 NPPF and there is now a stronger requirement for net gains to be sought at plan and development management decision levels. Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where appropriate. The Environment Act 2021 makes provision for biodiversity net gain to be a condition of planning permissions. The NPPF 2021 also introduces the concept of **natural capital**, requiring Local Plans to *‘plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries’* (para 175).

Another area of national policy that has been strengthened is in relation to **design and beauty**. Both versions of the NPPF seek high quality design and place creation, but the 2021 version takes this further stating that the *‘creation of high quality, beautiful and sustainable buildings and places is fundamental’*. This focus on quality and design is reflected in amendments to the overarching purposes of the planning system set out in in NPPF, where the social, economic and environmental objectives for achieving sustainable development are set out. The social objective has been amended so that it now includes the fostering of *‘well designed, beautiful and safe places’*, where the 2012 version referred to *‘a high quality built environment’*.

The link between design and ‘beauty’ in the NPPF is new and features in a number of places in the NPPF, not all of which are relevant to Exmoor (for example in relation to large scale residential developments and density of development). Of more relevance, is achieving

well-designed places, *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* The NPPF does not define 'beauty' or 'beautiful places', instead this is described as a 'policy ambition' rather than a test, and planning authorities are expected to work with local communities and developers to decide what this should look like in their areas.

The focus on design is underpinned by the introduction of a new test that development should be well-designed (paragraph 133), if not permission should be refused, especially where it fails to reflect local design policies and government guidance on design.

Conversely, *'significant weight'* should be given to development which does reflect local design policies and government guidance and to *'outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area'*.

Local Plans are expected to set out a clear design vision and provide maximum clarity about design expectations. The NPPF requires local planning authorities to create design guides or codes consistent with the National Design Guide and National Model Design Code which were published earlier this year. These can be produced as either part of a local plan or as a supplementary planning document. They can also be prepared at an area-wide, neighbourhood or site-specific scale, and can be prepared by landowners or developers for their own sites. The importance of community engagement in preparing design guides is emphasised, and they must reflect local aspirations for the development of their area.

Another area that is given greater emphasis in the NPPF is the role that **trees** play in contributing to local character, as well as helping in the response to climate change. Local plans and planning decisions are expected to ensure that new streets are tree-lined and to incorporate more trees in developments for example through local parks and orchards, as well as retaining existing trees. There is recognition that the right trees need to be planted in the right places and that these do not compromise highway safety.

There are also some significant changes to the NPPF in the light of the **climate emergency**. As set out above, the definition of sustainable development now includes specific reference to climate change mitigation and adaptation, and reference to the global sustainable development goals also highlights climate action. The Government has stated that further changes to the NPPF relating to climate change and net zero targets are being considered.

The 2012 and 2021 NPPFs both require planning authorities to take a proactive approach to climate change. This is strengthened in the 2021 NPPF and there is an expectation that planning authorities will increase the use and supply of **renewable and low carbon energy** and heat by providing a positive strategy for energy from these sources, identifying suitable areas for renewable and low carbon energy sources, and identifying opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers (para 155).

Specific changes in the NPPF relate to **flood risk and coastal change**. This includes updated requirements for the sequential test for assessing flood risk, which now must take into account all sources of flood risk (including surface water and groundwater flooding) *and the current and future impacts of climate change* (Paragraph 161), and to steer new development to those areas with the lowest risk of flooding from any source. Residual flood risk should be managed by using opportunities for green infrastructure and natural flood management. Applications for some minor developments and change of use would not be subject to the sequential or exception test. However, for sites which are not currently subject to a Sequential Test, the Local Planning Authority may require that this is undertaken so that the risk from all sources of flooding can be tested.

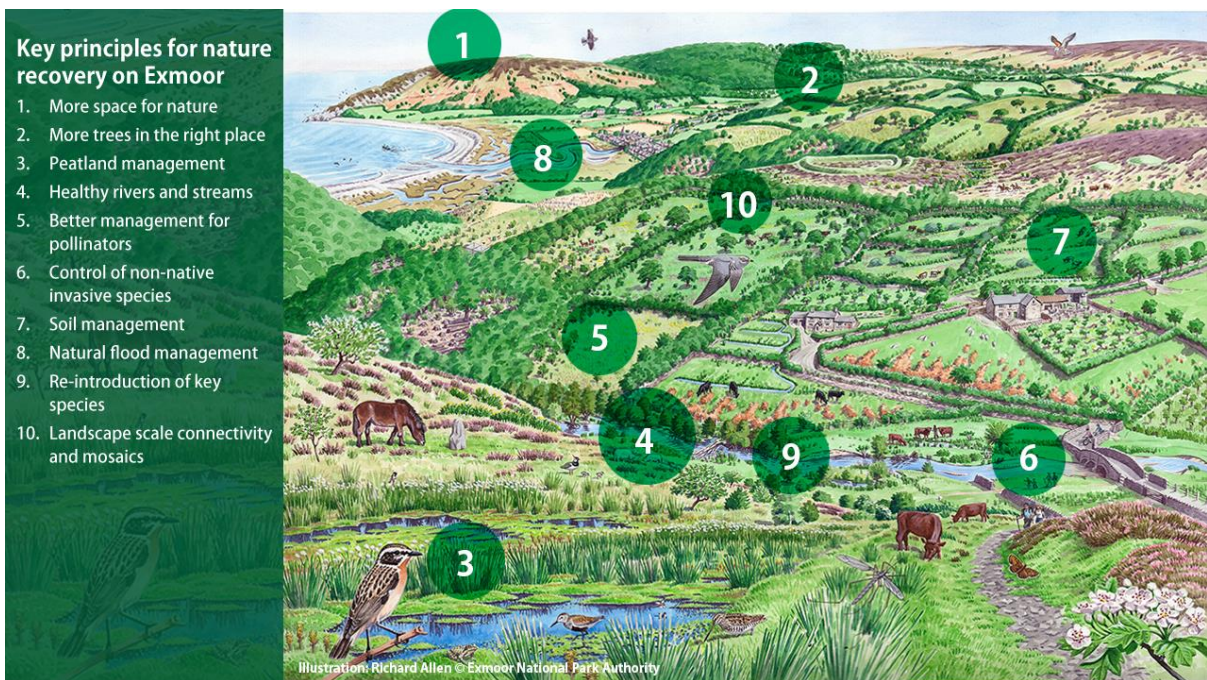
No significant changes to the NPPF policies in relation to the **historic environment** have been identified. However, the overarching objective for the environment has been strengthened so that achieving sustainable development is expected to protect and enhance the natural, built and historic environment, rather than just 'contributing' to their protection (para 8c). Changes relating to design and beauty and creating places are also relevant to the historic environment, including the positive contribution that heritage can make to local character and distinctiveness (para 190).

There are some changes to the NPPF policies on **minerals**, including 'great weight' given to the benefits of mineral extraction in determining applications for new quarries.

### 3. New and Updated Evidence

Since adoption of the Local Plan, Exmoor National Park Authority has declared a climate emergency, and has also adopted a Nature Recovery Vision. The climate emergency declaration commits the Authority to working towards carbon neutrality by 2030, and contributing to wider climate response activities in Somerset and Devon. Exmoor is also part of a commitment by all 15 UK National Parks to achieve net-zero as places by 2045. The National Park Authorities will lead collaborative efforts to pilot new technologies and strategies to reduce carbon emissions and increase carbon sequestration through land management and nature restoration.

The aim of Exmoor's Nature Recovery Vision is to increase the area for nature on Exmoor targets set out in the EU Biodiversity Strategy for 2030 and the Wildlife Trusts' 30 by 30 campaign, and to contribute to the government's national 'Nature Recovery Network'. Exmoor is already rich in nature with 38% of the National Park internationally protected for its habitats and rare species, and a major priority will be bringing these into the best possible condition as nature-rich hubs. Additional nature corridors and buffers will be created, along with nature friendly framing areas, and areas of the National Park will be wilder areas in which wetlands, scrub and woodland would be given space to regenerate.



Exmoor’s nature recovery vision, credit Richard Allen

Already on Exmoor, great progress has been made towards nature recovery and responding to climate change through for example the Exmoor Mires Partnership, which as re-wetted over 2,600 hectares of peatland. A new Trees and Woodland Strategy is being prepared to support new woodland creation and natural regeneration, towards the national target of 17% woodland cover, compared with 13% today.

A carbon footprint of the National Park was produced in 2010, and an updated version is planned, with further work to follow on the key sectors including farming and land management, travel, and domestic energy.

Since the current Local Plan was adopted, Exmoor’s Conservation Area appraisals have been updated, and a number of new Conservation Areas are being considered, although not yet designated. A five year update of the Buildings at Risk register has been completed, which shows that there are 46 Listed Buildings at risk, of which 43 are Grade II plus two Grade II\* Listed Buildings and one Grade II places of worship. An additional Grade II\* building is at risk but this is also a Scheduled Ancient Monument and so is not included in the figures to avoid double counting.

Sixteen scheduled or listed sites have been conserved across the National Park, funded by Historic England. These sites included prehistoric stone settings, a medieval packhorse bridge, and Barlynch Priory, just to the north of Dulverton.

The Exmoor Historic Environment Research Framework is currently being updated which may provide further information for consideration in future Local Plan reviews. Historic England has also published a range of new or updated advice since 2017 which would inform future reviews.

Work on an updated Exmoor National Park Design Guide has restarted, following a design seminar in 2018 and follow up workshop with local architects, agents and landscape professionals. This will be consulted on and adopted as Supplementary Planning Guidance.

#### 4. Duty to Co-operate Outcomes

A Duty to Co-operate meeting was held with local authority partners on 27 September 2021. No significant issues with the current adopted Local Plan environment policies were identified at the meeting. A number of topics were discussed including:

- nature recovery / local nature recovery strategies and opportunities for cross-boundary collaboration, potentially around biodiversity net gain and natural flood management
- the impact of phosphates on European designated nature sites in Somerset. This is currently restricting housing development in areas outside the National Park but it not anticipated to have a significant impact on Exmoor due to the very small part of the National Park affected. ENPA is also dealing with a number of applications where a SCAIL (Simple Calculation of Atmospheric Impact Limits) assessment is required, particularly for agricultural sheds close to European designated nature sites, which is slowing down the application process
- climate response and opportunities to work collaboratively on actions such as electric vehicle charge points, design guides and energy plans (including renewable energy)
- flood and coastal risk management and increasing impacts due to climate change
- minerals development, particularly the need for local stone
- sustainable development, building back beautiful and local character

Correspondence was also received from Historic England relating to how the historic environment should be considered as part of a Local Plan review, including highlighting the inter-relationships between housing, community, economy and heritage assets, as well as between the natural and historic environments. Any particular issues relating to the conservation and management of heritage assets located on or near to the boundary of Exmoor National Park should also be discussed with neighbouring authorities, but we are not aware of any such issues at this time.

## 5. The Exmoor National Park Authority Monitoring Report (AMR)

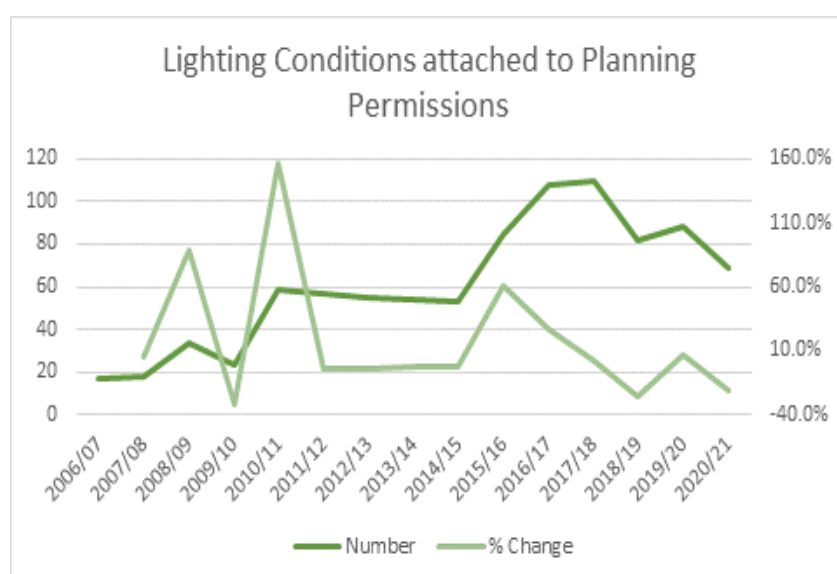
The Local Plan policies are monitored through the Authority Monitoring Report. Data is gathered on monitoring indicators linked to the objectives and the Plan’s policies. Since Local Plan adoption, AMRs have been published for 2017/18 - 2018/19<sup>1</sup>. The 2019/20 and 2020/21 AMR is nearing completion and relevant data is summarised in this paper.

### Landscape

The AMR monitoring indicates that the policies are successfully being used to conserve and enhance Exmoor’s landscape character. The number of new masts permitted demonstrates that ENPA continues to respond to applications for masts for telecommunications infrastructure which are important for digital connectivity, and that they can be designed and sited carefully to avoid detracting from the landscape character. One appeal has been lost on landscape grounds which is of concern to the NPA.

<b>Local Plan Indicator</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Number of planning applications refused on landscape grounds	6	9	9	9
Length of traditional hedgerow lost (approved via Hedgerow Removal Notices)	81m	30m	15m	4m
Number of new masts permitted	9	1	1	5

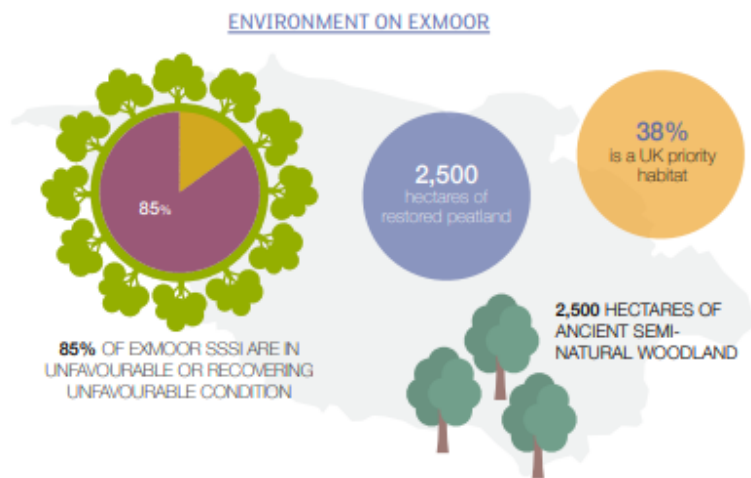
Exmoor’s designation as a Dark Skies Reserve means that we need to take care that these dark skies are protected from light pollution. The Local Plan policies promote good lighting management and design, and protect the core of the reserve from permanent illumination. Since 2017, 349 lighting conditions have been added to planning permissions to ensure that development does not detract from enjoyment of the dark night skies.



<sup>1</sup> [Exmoor - Annual Monitoring Reports \(exmoor-nationalpark.gov.uk\)](http://exmoor-nationalpark.gov.uk)

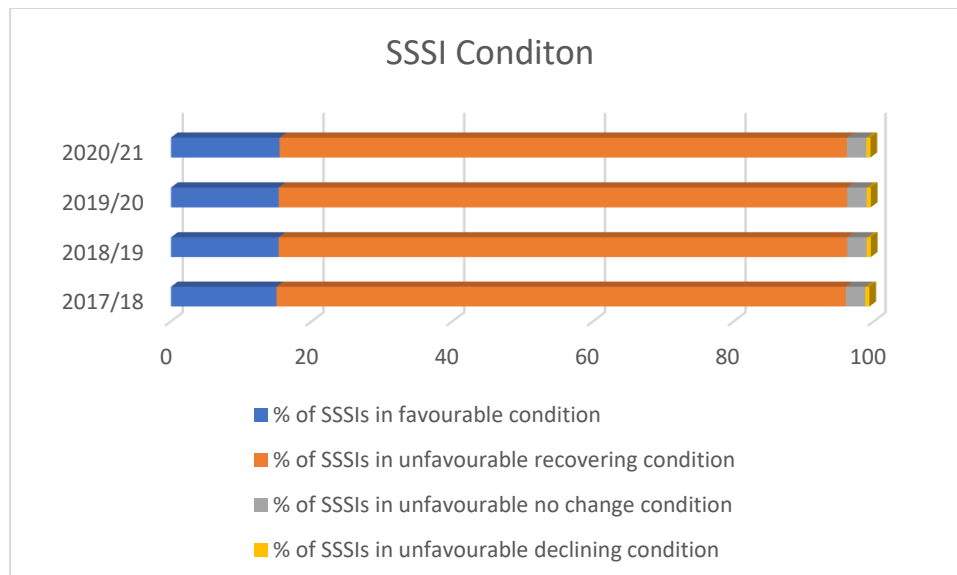
## Wildlife

Exmoor has a rich mosaic of wildlife habitats and associated diversity of species.



Source: Rural Enterprise Exmoor Vision

The condition of SSSIs has not really changed over the Plan period, however this is not considered to be due to the Local Plan policies, as most of the issues relating to SSSI condition are outwith the planning system, particularly in relation to land management. There also been a time lag in the SSSI condition assessments being updated. In 2019/20, a new SSSI was designated on ENPA land at Pinkworthy and Driver Farm, so the figures have been adjusted to include this new designation.



As of 2019, 51.4% of monitored watercourses with high or good ecological status. Surveys are conducted on a 3-year basis so the next results on monitored watercourses on Exmoor can be expected in the next AMR. The other AMR indicators suggest that the policies are helping to protect and enhance Exmoor's biodiversity, including the protection of important species and provision of green infrastructure.



<b>Table 2 Wildlife</b>				
<b>Local Plan Indicator</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Number and proportion of applications refused for reasons of harm to protected/important species	0	0	3	1
Number of developments with provision for protected/important species	36	42	54	47
Number of development incorporating green infrastructure provision (including enhancements for wildlife)	X	X	58	57
% of monitored rivers achieving good or high ecological status (under Water Framework Directive)	X	52%	51.40%	N/A
Number of recorded water pollution incidents on Exmoor	24	37	15	13

### **Historic Environment**

The AMR monitoring shows that the Local Plan policies are being used to protect heritage assets. The increase in listed buildings at risk is due to the updated survey done in 2018/19. There has been a reduction in conversions of traditional buildings.

<b>Table 3 Historic Environment</b>				
<b>Local Plan Indicator</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Number of scheduled monuments affected by development	0	0	1	1
Number of applications refused for reasons of harm to the setting or significance of a scheduled monument	0	0	0	0
Number of applications refused due to adverse impacts on heritage assets and/or their settings	5	2	2	4
Number and % of listed buildings on the 'at risk' register	27 (3.6%)	33 (4.4%)	47 (6.3%)	N/A
Number of applications refused due to adverse impact on historic parks or gardens	0	0	0	1
Number of applications refused due to adverse impact on listed buildings	2	1	2	5
Number of applications permitted for conversions of traditional buildings to different use classes (all classes)	10	8	4	2
Number of applications refused for conversions of traditional buildings to different use classes (all classes)	1	1	0	3

## Design

The AMR policies highlight that the policies are supporting high quality design, and that poor design is being refused. The use of traditional materials for roofing is now consistently being applied. In 2019-20 83% of new residential buildings were roofed in traditional materials. An exception to this is one building that was built with a green roof, incorporating native species. Although beneficial for biodiversity, green roofs are not considered 'traditional' across Exmoor.

<b>Local Plan Indicator</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
% of new residential building roofed in traditional materials	50%	100%	83%	100%
Number of planning applications refused on design grounds	10	6	4	8

## Climate change

The number of applications relevant to these policies is low, apart from the flood risk policies. Although these numbers seem high, this does not infer that these developments are new developments, but instead include a variety of approvals ranging from extensions, change of use, external alterations and internal alterations, among others. Each application was approved based on its location within a flood risk zone, with reasons for approval including:

- First floor level development only, would not constitute a more vulnerable use
- EA have no objection
- Submitted FRA has suitable mitigation to safeguard development
- No increase in building footprint
- Works only relate to roof

<b>Local Plan Indicator</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Number of applications refused on the grounds of flood risk or coastal change	0	1	1	0
Number of development (granted permission) located in Flood Risk Zones 2 and 3	X	X	31	16
Number of developments incorporating Sustainable Drainage Measures	X	X	2	0
Number of renewable energy/energy conservation projects permitted in named settlements (Wind, Solar, Hydro, Biomass)	2	2	2	0
Number of renewable energy/energy conservation projects permitted in the	1	0	1	3

Open Countryside (Wind, Solar, Hydro, Biomass)				
Number of buildings lost and/or replaced due to coastal change	0	0	0	0
Number of water storage facilities permitted	0	0	0	2

## Minerals

No applications have been received relating to minerals development.

<b>Table 6 Minerals</b>				
<b>Local Plan Indicator</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Number of quarries for local building materials permitted	0	0	0	0
Number of other mineral applications permitted	0	0	0	0

## Appendix A

### 25 Year Environment Plan (2018)

This 25 Year Environment Plan sets out government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first.

The Plan looks forward to delivering a Green Brexit – seizing this once-in-a lifetime chance to reform our agriculture and fisheries management, how we restore nature, and how we care for our land, our rivers and our seas.

The government claims these ambitious proposals will tackle the growing problems of waste and soil degradation – issues that affect our urban areas as well as our countryside. They seek to improve social justice by tackling the pollution suffered by those living in less favourable areas, and by opening up the mental and physical health benefits of the natural world to people from the widest possible range of ages and backgrounds.

They also set out how they will tackle the effects of climate change – still perhaps the most serious long-term risk to the environment given higher land and sea temperatures, rising sea levels, extreme weather patterns and ocean acidification, which harms marine species.

#### The 25 Year Goals

By adopting this Plan the government seeks to achieve:

1. Clean air.
2. Clean and plentiful water.
3. Thriving plants and wildlife.
4. A reduced risk of harm from environmental hazards such as flooding and drought.
5. Using resources from nature more sustainably and efficiently.
6. Enhanced beauty, heritage and engagement with the natural environment.
6. In addition, the government will manage pressures on the environment by:
7. Mitigating and adapting to climate change.
8. Minimising waste.
9. Managing exposure to chemicals.
10. Enhancing biosecurity.

#### Main Policies

The government have identified six key areas around which action will be focused:

- Using and managing land sustainably
- Recovering nature and enhancing the beauty of landscapes
- Connecting people with the 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 the global environment

## Analysis

There are key areas of this 25 Year Plan which are relevant to the national park which was produced after the ENP Local Plan was adopted in 2017. Many of the policy areas tie in with the purposes and aims of the national park, but also places a greater emphasis on safeguarding and improving the natural environment which is directly relevant to the national park.

It is considered that this approach lends greater weight and strength to the approach to the environment in the local plan.

## Appendix B

### Environment Act 2021

The Environment Bill received Royal Assent on 9 November 2021, meaning it is now an Act of Parliament.

Mandatory biodiversity net gain (BNG) as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory BNG:

- Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan
- Habitat secured for at least 30 years via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects (NSIPs)
- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections

The timelines for introduction of mandatory BNG are dependent on a number of factors. The below is our current understanding of the likely timetable towards mandatory BNG.

- 9 Nov - Environment Bill gets Royal Assent - now the Environment Act
- Government consultation on BNG statutory instruments and regulations
- Spring 2022: Government response to consultation
- Spring 2023: BNG site register and statutory credits sales platform go live
- Winter 2023: Biodiversity net gain expected to become mandatory for all planning developments

## Analysis

It is clear that this Act is seeking a step change in biodiversity net gain and there are to be a range of new approaches which will help deliver this through the planning system. This will also lead to new monitoring and ways to implement net gain on and off site with many details of the new regime to be resolved.