

Chapter 5

The Environment

INTRODUCTION

5.1 This Chapter is concerned with the protection and enhancement of the natural and man-made environment of North Devon. Much of the environment receives statutory protection through a system of international and national designations with many other sites and features protected for their local value. Protecting and enhancing a diverse and quality environment is an essential part of sustainability and integral to economic prosperity and the quality of life.

LANDSCAPE CHARACTER AND COUNTRYSIDE

5.2 It is Government policy that the countryside should be safeguarded for its own sake and that non-renewable and natural resources should be afforded protection. The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance its environment. Development should therefore only be permitted in the countryside where it is demonstrated that a rural location is required. For the purposes of this Plan, 'countryside' is defined at paragraph 3.32.

5.3 In 1994 a Landscape Assessment for the whole of North Devon was produced. This Assessment has been informed by the Character Map of England Initiative undertaken by the Countryside Agency and English Nature with the assistance of English Heritage. It has also been produced in the context of the draft Devon County Landscape Strategy and Landscape Character Zones. Devon County Council are preparing a Historic Landscape Character Map for Devon which will be adopted as Supplementary Planning Guidance. The North Devon Landscape Assessment illustrates the diverse nature of the District's landscape. It identifies eight main landscape areas, each with their own characteristics, as illustrated in Diagram 2:-

- ◆ *Exmoor and North Devon High Coast*
- ◆ *North Devon Downs*
- ◆ *Barnstaple and Taw Torridge Estuary*
- ◆ *Exmoor Fringe*
- ◆ *High Culm Measures*
- ◆ *Witheridge/Rackenford Moor*
- ◆ *Taw Valley Systems*
- ◆ *Filleigh/Swimbridge/Landkey*

5.4 The Landscape Assessment contains a detailed description of each character area. It provides a framework to assess development proposals to ensure that the diversity and distinctiveness of the landscape is maintained or enhanced where appropriate. Any development should be sensitively related to the unique landscape characteristics of a specific area with particular attention paid to the siting, design and landscaping of the scheme to minimise any visual impact.

5.5 Within the countryside there are features that are of particular value to the scenic quality of the District which require protection. Trees, woodland, hedges, green lanes, river corridors, ponds, wetlands and physical features such as stone walls can all contribute to the attractiveness of the landscape in addition to maintaining biodiversity (see paragraphs 5.21 to 5.26). Some of these features are subject to special protection including Tree Preservation Orders, whilst the importance of hedgerows as a historical, cultural and wildlife resource were formally recognised with the introduction of the Hedgerow Regulations in 1997. Special emphasis will be given to the retention and management of any features that are important to the scenic or wildlife value of the countryside in order to help ensure that new development is well integrated into the landscape.

POLICY ENV1 (DEVELOPMENT IN THE COUNTRYSIDE)

DEVELOPMENT IN THE COUNTRYSIDE WILL ONLY BE PERMITTED WHERE:-

- A) A RURAL LOCATION IS REQUIRED;
 B) IT PROVIDES ECONOMIC OR SOCIAL BENEFITS TO THE LOCAL COMMUNITY; AND
 C) IT PROTECTS OR ENHANCES ITS BEAUTY, THE DIVERSITY OF ITS LANDSCAPE AND HISTORIC CHARACTER, THE WEALTH OF ITS NATURAL RESOURCES AND ITS ECOLOGICAL, RECREATIONAL AND ARCHAEOLOGICAL VALUE.**

LANDSCAPE DESIGNATIONS

5.6 Although the countryside should be protected for its own sake, there are areas within the District which by their nature are of particular value and require special protection. These areas, which are often the most vulnerable and least able to accommodate change, include the Area of Outstanding Natural Beauty, Heritage Coast, the fringes of Exmoor National Park, the Coastal Preservation Area and Areas of Great Landscape Value.

Landscapes of National Importance

The Area of Outstanding Natural Beauty

5.7 The North Devon Area of Outstanding Natural Beauty (AONB) was designated in 1959 and generally follows the coast. Whilst the extent of the AONB is shown on the Proposals and Inset Maps for information purposes, it is a national designation and not a proposal of the Local Plan. AONBs are England's finest landscapes and are therefore of national importance. A Landscape Assessment for the AONB has been prepared by the Countryside Agency. The statutory objective of this national designation is to conserve and enhance the natural beauty, wildlife and cultural heritage of these areas. To help achieve this purpose, a statutory Management Plan will be prepared for the AONB by April 2004 that will have the status of Supplementary Planning Guidance.

5.8 The environmental effects on the AONB will be a fundamental consideration in assessing new development proposals, although economic and social benefits will also be a factor. Development proposals that foster the social and economic wellbeing of the AONB, including those in connection with agriculture or forestry, may be permitted provided that they are compatible with the area's conservation. Only a proven national interest and lack of an alternative site can justify the siting of major industrial or commercial development in the AONB. Where possible, proposals in the AONB should be located within the development boundary of a settlement.

5.9 In order to conserve and enhance their natural beauty, the impact of development in close proximity to the AONB must also be considered. The impact on the AONB will vary depending on the local topography, existing vegetation and the nature and scale of the development proposed. Where development is permitted within or affecting an AONB, its siting, design and landscaping must reflect its character and minimise any impact on the natural beauty of the area.

POLICY ENV2 (THE AREA OF OUTSTANDING NATURAL BEAUTY)

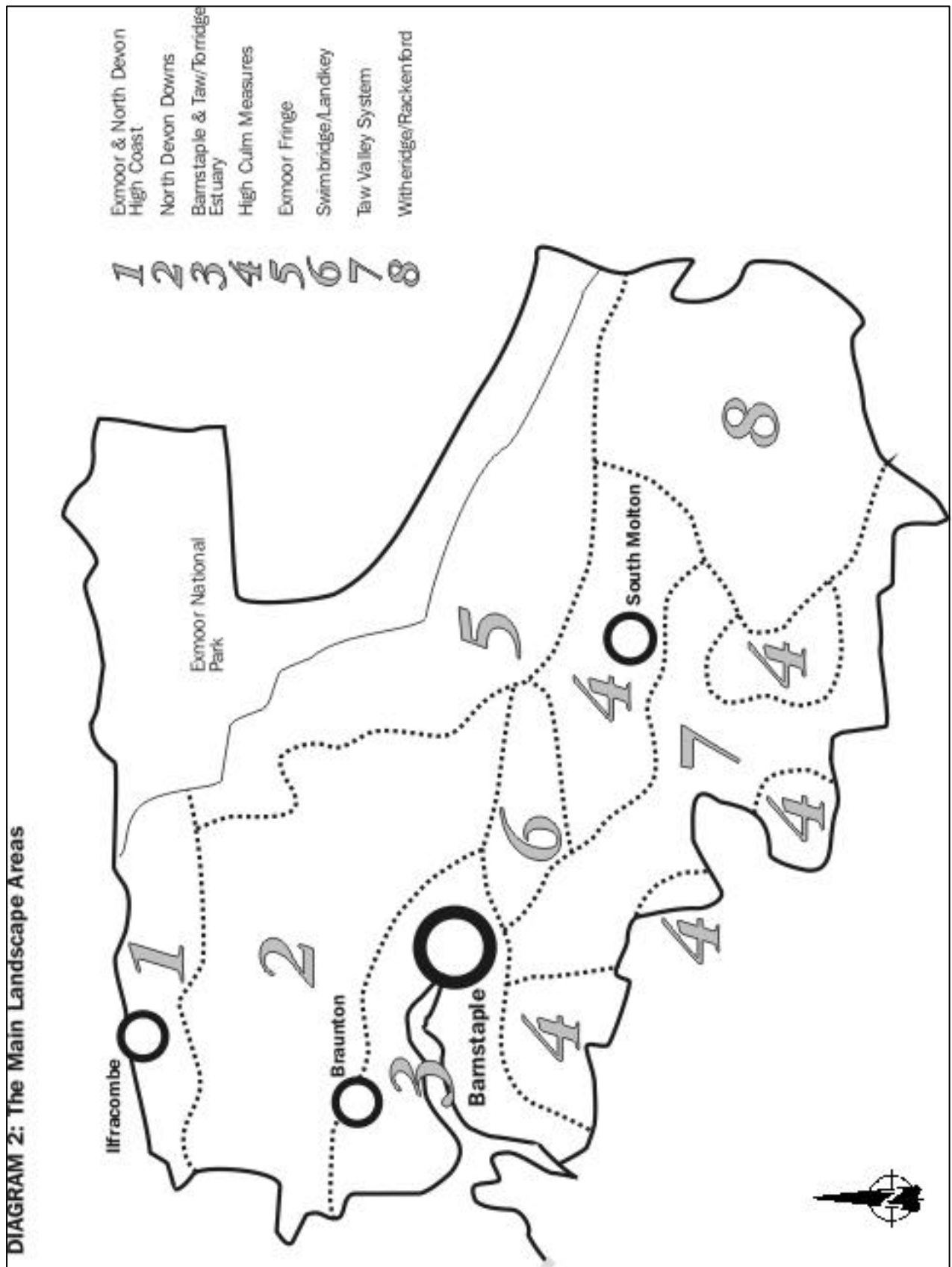
IN THE AREA OF OUTSTANDING NATURAL BEAUTY, AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT THAT CONFLICTS WITH THE CONSERVATION AND ENHANCEMENT OF ITS NATURAL BEAUTY, WILDLIFE AND CULTURAL HERITAGE WILL NOT BE PERMITTED. PARTICULAR CARE WILL ALSO BE TAKEN TO ENSURE THAT ANY DEVELOPMENT PROPOSED ADJACENT TO SUCH AREAS DOES NOT DAMAGE THEIR NATURAL BEAUTY.

The Heritage Coast

5.10 The coast from Combe Martin to Braunton has been defined as a Heritage Coast as shown on the Proposals Map. Heritage Coasts are defined by the Countryside Agency in conjunction with the local planning authority. The Heritage Coast is mainly within the AONB, but extends beyond it to include Braunton Great Field and Marsh.

5.11 Heritage Coasts are a non-statutory management designation. However, the Countryside Agency's main objectives for Heritage Coasts have been endorsed by the Secretary of State and are summarised below:-

- ◆ *To conserve, protect and enhance the natural beauty, species and ecosystems of the coast;*
- ◆ *To facilitate and enhance their enjoyment, understanding and appreciation by the public;*
- ◆ *To maintain, and improve where necessary, the environmental health of their inshore waters; and*
- ◆ *To take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of small communities on these coasts.*



POLICY ENV3 (THE HERITAGE COAST)

WITHIN THE HERITAGE COAST, AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT:-

- A) IS CONSISTENT WITH THE CONSERVATION, PROTECTION AND ENHANCEMENT OF ITS NATURAL BEAUTY; AND**
- B) FACILITATES AND ENHANCES THE ENJOYMENT, UNDERSTANDING AND APPRECIATION OF THE HERITAGE COAST BY THE PUBLIC; OR**
- C) PROVIDES A SOCIAL AND ECONOMIC BENEFIT TO THE COMMUNITIES WITHIN THE HERITAGE COAST; OR**
- D) IMPROVES THE ENVIRONMENTAL HEALTH OF INSHORE WATERS AND THE BEACHES WITHIN THE AREA.**

The Exmoor National Park

5.12 Exmoor was designated a National Park in 1954 and covers 693 sq km (267 sq miles), 29% of which lies within North Devon. The statutory purpose of National Parks is to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities. Policies to control development within Exmoor are contained in the Local Plan for the National Park and the Somerset and Exmoor National Park Joint Structure Plan Review. However, there may be situations when development outside the National Park could harm its special qualities. Policy ENV4 has therefore been formulated to reflect the close relationship of North Devon District and the National Park and to complement the policies contained in the Exmoor Local Plan. When assessing development proposals affecting Exmoor, the conservation of the National Park will always be given the greatest weight, although the social and economic benefits arising from a proposal will also be considered.

5.13 Where development is acceptable in principle, its impact on the National Park must be minimised through careful siting and design, including the use of appropriate materials and landscaping. In determining any planning application that may affect National Park interests, the District Council will work closely with the Exmoor National Park Authority.

POLICY ENV4 (EXMOOR NATIONAL PARK)

DEVELOPMENT AFFECTING THE EXMOOR NATIONAL PARK WILL ONLY BE PERMITTED WHERE IT DOES NOT HARM ITS NATURAL BEAUTY, WILDLIFE AND CULTURAL HERITAGE OR THE PUBLIC ENJOYMENT AND UNDERSTANDING OF ITS SPECIAL QUALITIES.

Landscapes of Local Importance

Coastal Preservation Areas

5.14 The primary purpose of the Coastal Preservation Area (CPA), which was first designated in Devon in 1966, is to protect the unspoilt stretches of coastline. The CPA is consistent with the advice in PPG20 'Coastal Planning' which introduces the concept of coastal zones. The inland boundary of the CPA is defined on the Proposals and Inset Maps and has been extended inland to include additional areas of the coastal fringe under increasing pressures for development. Much of the CPA is coincidental with the AONB and Heritage Coast where Policies ENV2 and ENV3 apply.

5.15 New development in the CPA will be strictly controlled. Generally, development will only be permitted where it does not detract from its unspoilt character and appearance. However, development may also be permitted where it benefits the social or economic wellbeing of the area which could include proposals in connection with agricultural or forestry, uses requiring a coastal location or schemes facilitating and enhancing the enjoyment, understanding and appreciation of the coast by the public. Whatever the type of development, it will not be permitted where it would result in flooding or coastal erosion in accordance with Policy DVS4 (Health and Safety) or Policy DVS6 (Flooding and Water Quality).

POLICY ENV5 (COASTAL PRESERVATION AREAS)

WITHIN THE COASTAL PRESERVATION AREA DEFINED ON THE PROPOSALS MAP, DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT DOES NOT DETRACT FROM THE UNSPOILT CHARACTER AND APPEARANCE OF THE AREA. ANY SUCH DEVELOPMENT SHOULD:-

- A) BE REQUIRED FOR THE BENEFIT OF THE COMMUNITY AT LARGE, OR FOR THE PURPOSES OF AGRICULTURE OR FORESTRY; OR**
- B) BE IN CONNECTION WITH PUBLIC ACCESS FOR INFORMAL RECREATIONAL; OR**
- C) REQUIRE A COASTAL LOCATION AND CANNOT BE REASONABLY LOCATED OUTSIDE THE PROTECTED AREA.**

Areas of Great Landscape Value

5.16 There are five Areas of Great Landscape Value (AGLV) of contrasting characteristics and size within North Devon as shown on the Proposals Map. These follow the valleys of the Taw, Yeo, Bradiford Water and their tributaries, Hares Down and Knowstone Moor and the area surrounding Exmoor National Park. As recognised in the Landscape Assessment, the Devon Structure Plan and a supplementary paper produced by the County Council on AGLVs, these landscapes display qualities and characteristics that are significant to Devon as a whole. As such they merit protection to ensure that the special qualities and characteristics which contribute to their 'sense of place' are not eroded.

5.17 The extent of the AGLV has been widened by extending two existing areas. The first extension relates to land in the Wistlandpound area. This area adjoins both the Exmoor National Park and the AONB and is flanked by AGLVs on two of its boundaries. This area is similar in character to the existing AGLV and forms an integral element of the rising land towards the Exmoor National Park. The second extension focuses on an area to the north of South Molton and south of North Molton and stretches along the boundary of the former Barnstaple to Taunton railway line. This area is both integral to and contributes to the character of this part of the Exmoor fringe and is characterised by a series of north-south valleys, woodland and bold rounded hills.

POLICY ENV6 (AREAS OF GREAT LANDSCAPE VALUE)

IN THE AREAS OF GREAT LANDSCAPE VALUE AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL NOT BE PERMITTED WHERE IT DETRACTS FROM THE PARTICULAR LANDSCAPE QUALITIES AND CHARACTERISTICS.

Agricultural Land

5.18 The amount of land in agricultural production is gradually being reduced. However, land is a finite resource that needs to be protected from irreversible developments for future generations. It is therefore in the national interest to protect the best and most versatile agricultural land (Grades 1 to 3a).

5.19 Most of the agricultural land in North Devon is relatively poor with the best and most versatile largely consisting of Grade 3a; there is no Grade 1 land and Grade 2 land is fairly scarce. Concentrations of the best and most versatile agricultural land are found in the vicinity of Georgeham, Croyde, Penhill (Fremington), Heanton and Braunton Great Field.

5.20 Development will generally be directed towards poorer quality agricultural land taking into account other factors including environmental and sustainability issues. Environmental issues to be considered include landscape character, biodiversity and archaeology whether or not there are any formal designations. Low-grade agricultural land often has the greatest ecological value.

POLICY ENV7 (AGRICULTURAL LAND)

1. DEVELOPMENT PROPOSALS NOT ASSOCIATED WITH AGRICULTURE WILL ONLY BE PERMITTED ON THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3A) WHERE:-

- A) THE ECONOMIC OR SOCIAL BENEFITS OF THE DEVELOPMENT OUTWEIGH THE LOSS OF LAND; OR**
- B) LAND OF A LOWER GRADE (GRADES 3B, 4 AND 5) IS EITHER UNAVAILABLE OR HAS A RECOGNISED ENVIRONMENTAL VALUE WHICH OUTWEIGHS THE AGRICULTURAL CONSIDERATIONS.**

2. IF THE BEST AND MOST VERSATILE AGRICULTURAL LAND NEEDS TO BE DEVELOPED AND THERE IS CHOICE BETWEEN SITES IN DIFFERENT GRADES, A PROPOSAL WILL ONLY BE PERMITTED IF THE LOWEST GRADE AVAILABLE IS USED UNLESS OTHER SUSTAINABLE AND/OR ENVIRONMENTAL CONSIDERATIONS OUTWEIGH THE AGRICULTURAL LAND QUALITY CONSIDERATIONS.

NATURE CONSERVATION

Biodiversity

5.21 Biodiversity is a term used to describe the variety of living things and the habitats and ecosystems that they form. The conservation of biodiversity was recognised as a priority at the 1992 Earth Summit. As part of its commitment to this Summit, the UK Government published the Biodiversity Action Plan (BAP) in 1994. This Plan recognises that biodiversity should be regarded as a key test of the sustainability of any development. A Biodiversity Action Plan has been produced for the South West Region, whilst the Devon Biodiversity Action Plan identifies County wide objectives, including 17 Habitat Action Plans (HAPs) and 20 Species Action Plans (SAPs).

5.22 The North Devon Biodiversity Forum has prepared a Biodiversity Action Plan and a series of Habitat Action Plans (HAPs) which have the status of Supplementary Planning Guidance. Each HAP focuses on an important and locally distinctive habitat to North Devon which are set out below:-

- ◆ *Parkland and Wood Pasture*
- ◆ *Estuary*
- ◆ *Sand Dunes*
- ◆ *Western Oak Woodland*
- ◆ *Ancient and Species Rich Hedgerows*
- ◆ *Coastal Heathland*
- ◆ *Rocky Foreshore*
- ◆ *Rocky Seabed*
- ◆ *Towns and Villages*
- ◆ *Farmland/Arable*

5.23 The Habitat Action Plans are based on an evaluation of the character of each area. They are designed to complement and interpret at the District level the South West and Devon BAPs. The HAPs identify those organisations and agencies considered to be the most appropriate for delivering the actions specified. They also include *'targets to be supported'* which are cross-referenced with the specific objectives of each plan.

5.24 The Habitats Regulations (1994) encourage the conservation of landscape features such as rivers and their banks, ponds, hedgerows and small woods, which are of major importance for wild flora and fauna and are essential for the migration, dispersal and genetic exchange of species. These landscape features are considered to be locally distinctive and important biodiversity habitats. The 1994 White Paper on Sustainability recognises the need to conserve the diversity of species.

5.25 To complement the BAPs, HAPs, SAPs and the Habitat Regulations, biodiversity networks have been identified in and around Barnstaple, Braunton, Fremington, Ilfracombe and South Molton. Due to the complexity of these networks, it is not possible to indicate them on the Proposals Map or Inset Maps although they are shown in detail in the document *'Local Nature Conservation Sites and Biodiversity Networks in North Devon'* produced by Devon Wildlife Trust (DWT). This document is adopted as Supplementary Planning Guidance. Biodiversity Networks have been established by the DWT using both scientific and community based criteria including naturalness, diversity, geographical position, physical access and education value. The networks are formed by a variety of linear and continuous landscape features that provide links or stepping stones from one habitat to another. By facilitating the migration, dispersal and genetic exchange, one of the principal functions of the network is to reduce the fragmentation that has occurred in habitats through development and cultivation. The Council is committed to ensuring that the functioning and integrity of the biodiversity networks is not prejudiced by new development. Wherever practicable, the role and function of the network will be strengthened by enhancing existing features and creating new connections and linkages. Environmental information is held by the Devon Biodiversity Records Centre (DBRC). The Council is committed to the ongoing identification of new sites of nature conservation value.

5.26 To ensure that the extent, diversity and local distinctiveness of the nature conservation resource of North Devon is either maintained or improved, development will not generally be permitted where it harms a locally distinctive and important biodiversity habitat as defined in the HAPs, a national, regional or county BAP, the Habitats Regulations or prejudices the functioning and integrity of a biodiversity network. In order to take proper account of the biodiversity interests of a site, additional information will be requested from developers in appropriate circumstances. Where development is permitted, any negative impact on the biodiversity value of a site should be minimised, mitigated and compensated through the use of conditions and planning obligations. The most appropriate location for habitat creation will be assessed as part of the mitigation of harm to the wider network, in consultation with key interest groups. Features of interest can often be retained and incorporated into the overall design of the scheme. Planning obligations may also be used to secure the long term management of a habitat or network.

POLICY ENV8 (BIODIVERSITY)

DEVELOPMENT WILL NOT BE PERMITTED WHERE IT HARMS A SUBSTANTIVE BIODIVERSITY HABITAT, SPECIES, NETWORK OR LANDSCAPE FEATURE. IF DEVELOPMENT IS PERMITTED, ANY CONSEQUENT LOSSES TO BIODIVERSITY MUST BE MINIMISED, FULLY MITIGATED AND COMPENSATED FOR BY THE CREATION OR ENHANCEMENT OF HABITAT.

International Nature Conservation Sites

5.26A The UNESCO Biosphere Reserve centred around Braunton Burrows is the first to be designated in Britain. The Core Area of prime conservation interest is Braunton Burrows SSSI, which is also designated as a Special Area of Conservation (SAC) as shown on the Proposals Map. The Buffer Zone to the Biosphere Reserve covers the Taw-Torridge Estuary, Braunton Marsh and Great Field, Saunton Down as far as Croyde Burrows as shown on the Proposals and Inset Maps, as well as Northam Burrows (within Torridge District). This Buffer Zone is a continuous area of conservation management where only activities compatible with the conservation objectives can take place. The wider Transition Zone seeks to promote more sustainable use of the environment with human interaction and education initiatives.

5.27 The EC Habitats Directive provides a Europe wide protection to certain rare and endangered habitats, plants and animals both on land and at sea. Together with the 1979 Directive on the Conservation of Wild Birds, it requires the establishment of a series of sites known as Natura 2000. These sites of international importance are designated as Special Protection Areas, Special Areas of Conservation or Ramsar Sites and will ensure that the unique and special wildlife of Europe is protected for future generations. The only designated site in North Devon is Braunton Burrows. The Biosphere Management framework for Braunton Burrows is contiguous with the Taw-Torridge Estuary Management Plan and will be used as Supplementary Planning Guidance.

5.27A In addition to the designated Special Area of Conservation (SAC) at Braunton Burrows, part of the Culm Grassland candidate SAC is at Hare's Down, Knowstone and Rackenford Moors SSSI. In addition, there is the candidate SAC covering Exmoor Heaths, the majority of which is within Exmoor National Park, although a small part of this SAC lies outside the National Park boundary to the north of Molland. All candidate SACs are shown on the Proposals Map.

5.28 The Habitats Directive imposes a series of obligations on member states to protect and manage internationally important nature conservation sites such as Braunton Burrows, all of which are also notified as Sites of Special Scientific Interest. There is also a requirement to monitor the condition of the conservation features and to assess the effectiveness of management measures taking into account the economic, social and recreational needs of the local community.

5.29 Proposals for development, either individually or in combination with others, that may affect any international nature conservation sites will be subject to the most rigorous examination. Development will not be permitted where it harms the integrity or nature conservation objectives of the site, including international nature conservation sites outside the District. According to PPG9, 'Nature Conservation', the integrity of a site is defined as *'the coherence of its ecological structure and function across its whole area that enables it to sustain the habitat, complexity of habitats and/or the levels of populations of the species for which it was classified'*.

5.30 PPG9 states that in exceptional circumstances, a development that affects a European nature conservation site may be permitted where there are no alternative solutions and where it is required for imperative reasons of overriding public interest. Where a site hosts a priority habitat or species listed in the EC Habitats Directive, the only justification for allowing development may be where it is related to human health, public safety or secures beneficial consequences of primary importance to the environment. In the rare case of permitting development, PPG9 states that mitigation and compensatory measures will be sought.

POLICY ENV9 (INTERNATIONAL NATURE CONSERVATION SITES)

DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD HARM THE INTEGRITY OR CONFLICT WITH THE NATURE CONSERVATION OBJECTIVES OF A DESIGNATED OR CANDIDATE SPECIAL AREA OF CONSERVATION OR UNESCO BIOSPHERE RESERVE.

National Nature Conservation Sites

5.31 Sites of Special Scientific Interest (SSSI) are notified by English Nature as representative examples of natural and semi natural habitats forming a nationally important set of nature conservation sites. After international designations, SSSIs are the most important sites for wildlife and geological or geomorphological interest. Within North Devon there are currently twenty-one SSSIs, of which ten are geological, as identified on the Proposals Map.

5.32 The Countryside and Rights of Way (CROW) Act 2000 imposes a duty on the Council to take reasonable steps, consistent with the proper exercise of its statutory functions, to further the conservation and enhancement of the special features for which SSSIs are designated. Due to their sensitive and fragile nature, a development proposal affecting a SSSI will rarely be acceptable. As well as resulting in direct habitat loss through physical damage, proposals can also harm nature conservation interests indirectly by creating excessive noise disturbance, causing atmospheric or water pollution, or raising or lowering the water table.

5.33 In very exceptional circumstances, development affecting the wildlife or geological interests of a SSSI may be permitted, but only where its benefits clearly outweigh the value of a site. If such development is permitted, the use of conditions or planning obligations will be sought to minimise any damaging impacts on wildlife habitats or important physical features, and to ensure environmental compensation of at least an equivalent scale and value to any losses. In appropriate circumstances, the use of planning conditions will also be sought to make a proposal acceptable by, for example, restricting operations or uses to specific times of the year where the presence of a species is seasonal. Planning obligations will be used to secure long term management of a SSSI.

POLICY ENV10 (SITES OF SPECIAL SCIENTIFIC INTEREST)

DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD HARM THE WILDLIFE, GEOLOGICAL OR GEOMORPHOLOGICAL INTEREST FEATURES OF A SSSI.

Protected Species

5.34 Certain plants and animals, which are rare or threatened in Europe, are listed in Annex IV of the EC Habitats Directive and are protected by the Conservation (Natural Habitats &c) Regulations 1994. Nationally rare or threatened species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 are also afforded different levels of protection. Other animals are protected by their own legislation including badgers.

5.35 The Council will consult English Nature on any planning application where it is suspected or known that a protected species or its habitat may be harmed by a development proposal. Additionally, any prospective developer should contact English Nature at an early stage for advice on the identification and methods of protection if the presence of a protected species is either known or suspected. Information on the distribution of protected species is available from the DBRC.

5.36 When considering relevant development proposals, the Council will act on the advice of English Nature or any other recognised wildlife conservation body in order to safeguard protected species and their habitats. Any development proposal potentially harming a European protected plant or animal species listed in Annex IV of the EC Habitats Directive requires a separate licence, which will not be permitted unless it is shown that:-

- ◆ *there is no satisfactory alternative to the development, including use of another site;*
- ◆ *the development will not be detrimental to maintenance of the protected species at a favourable conservation status in their natural range; and*
- ◆ *the development must be for imperative reasons of overriding public interest.*

Where mitigatory measures are required to ensure the protection of the species, such as the provision of alternative nesting and roosting sites, these will be secured through a condition or planning obligation.

5.36A The second largest population of Greater Horseshoe Bats in the UK is found around Braunton. In order to protect the important foraging areas and commuting routes for these bats, a Bat Sustenance Zone within 4 kilometres of the important maternity roost at Caen Valley Bats SSSI is shown on the Proposals and Inset Maps. Development proposals affecting foraging habitat, including river valleys, hedgerows and scrub land, or access to these foraging areas within the Bat Sustenance Zone will be considered against Policies ENV11 and ENV12.

POLICY ENV11 (PROTECTED SPECIES)

DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD DIRECTLY OR INDIRECTLY HARM A STATUTORILY PROTECTED ANIMAL OR PLANT SPECIES, OR WOULD DAMAGE, DESTROY OR LEAD TO THE DETERIORATION OF A BREEDING SITE, FORAGING AREA OR RESTING PLACE OF A EUROPEAN PROTECTED SPECIES.

Locally Important Wildlife and Geological Sites

5.37 In addition to statutory protected nature conservation sites, North Devon contains many other areas that are valued either locally or on a County wide basis for their wildlife or geological interests. Many of these locally important areas have been identified by the Devon Wildlife Trust as either confirmed or unconfirmed County Wildlife Sites using both scientific and community based criteria. Further County Wildlife Sites may be confirmed during the Plan period. These sites include ancient woodlands, culm grassland and neutral and acidic grasslands, although additional habitats of equivalent value may be identified. Other locally significant sites include County Geological Sites, also known as Regionally Important Geological and Geomorphological Sites (RIGS) that are defined by the Devon RIGS Group. Local Nature Reserves are designated under the Wildlife and Countryside Act and English Nature have a target of 1 hectare per 1000 population. The Council will support and facilitate establishment of new Local Nature Reserves promoted by local communities. Additionally, a Voluntary Marine Conservation Area (VMCA) has been designated along the coast, which stretches from Hangman Point (within Exmoor National Park) to Downend at Croyde. With the exception of the unconfirmed county wildlife sites, all the locally important wildlife and geological sites which have been identified to date within North Devon are shown on the Proposals and Inset Maps.

5.38 Development that harms any wildlife or geological site of local, County or Regional importance will only be permitted where the benefits of the development clearly outweigh any value of the site. Where development is permitted, the Council will impose conditions or seek a planning obligation to secure site or habitat creation or enhancement, including links between sites where appropriate, as compensation to any losses. Planning obligations may also be used to secure long term management of a site. In all cases damage to a site should be minimised with any existing wildlife and geological features incorporated within the overall design of a scheme.

POLICY ENV12 (LOCALLY IMPORTANT WILDLIFE OR GEOLOGICAL SITES)

DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD HARM A COUNTY WILDLIFE SITE, A COUNTY GEOLOGICAL SITE, A LOCAL NATURE RESERVE, THE BRAUNTON BAT SUSTENANCE ZONE, THE VOLUNTARY MARINE CONSERVATION AREA OR SITES OF EQUIVALENT VALUE UNLESS:-

- A) THE ECONOMIC OR SOCIAL BENEFITS OF THE DEVELOPMENT OUTWEIGH THE IDENTIFIED VALUE OF THE SITE;**
- B) ANY DAMAGE TO THE IDENTIFIED VALUE OF THE SITE IS MINIMISED;**
- C) THERE ARE NO REASONABLE, LESS DAMAGING ALTERNATIVES; AND**
- D) APPROPRIATE COMPENSATORY MEASURES ARE UNDERTAKEN.**

HISTORIC AND CULTURAL RESOURCES

5.39 North Devon contains a wealth and variety of archaeological remains and historic buildings and settlements, which contribute significantly to its visual character, identity and distinctive sense of place. These historic and cultural assets are a valuable link to the past and, in particular, provide a clearer understanding of our social, economic and architectural history. These assets are a finite and non-renewable resource and, in many cases, are fragile and vulnerable to change and damage.

5.40 The Government strongly supports the protection and enhancement of the historic environment in general. This approach applies to statutorily designated historic and cultural resources such as Scheduled Ancient Monuments, Listed Buildings and Conservation Areas. It is also *'fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment'* (PPG15, Para 1.1). Preserving the heritage and cultural assets for the benefit of future generations is a key aim of sustainability. As such, these assets should not be sacrificed for short term gain.

ARCHAEOLOGY

5.41 Archaeological remains are a valuable resource providing evidence of our past. They cannot be replaced once lost. The County Sites and Monuments Register, maintained by Devon County Council, forms the primary resource for information on known archaeological sites, including those that are scheduled and unscheduled.

5.42 Much of the archaeological importance of North Devon is inherent in the complex landscape and settlement pattern of the area and is not site specific. The earliest evidence of human occupation in the North of Devon dates from the Palaeolithic period although the Mesolithic dominates early records mainly in the form of flint scatters, prevalent on the coastal headlands and downs. More substantive evidence is provided from the Bronze Age, with a large number of barrow cemeteries, and the Iron Age with an abundance of hill forts and smaller settlement enclosures or farmsteads. Evidence from the Roman times includes extensive exploitation of the area's iron resources such as those found at Brayford. The Medieval period also provides a number of significant artefacts and sites. It is during this period that the present complex pattern of fields and settlements emerges. Barnstaple, the main settlement in North Devon during Anglo Saxon times and onwards, still preserves much of its Medieval street patterns. The town was especially prosperous in the 17th century when trade with the colonies, especially North America and the Caribbean, expanded. Town houses and pottery kilns survive from this period.

Nationally Important Archaeological Remains

5.43 Many nationally important archaeological sites are designated as Scheduled Ancient Monuments. There are 77 Scheduled Ancient Monument areas in North Devon and these are shown on the Proposals Map. Scheduling is not comprehensive. Much remains to be discovered whilst many nationally important sites are not scheduled. English Heritage recognises that the number of Scheduled Monuments is unrepresentative of the resource and is currently addressing this issue. A large number of sites could be scheduled during the Plan period. Developers are therefore advised to undertake early consultation with Devon County Council Archaeological Service.

5.44 The statutory objective for nationally important archaeological sites establishes a presumption for physically preserving their remains and setting. This objective applies to both scheduled and unscheduled nationally important sites. Development that alters or damages a nationally important site or detracts from its archaeological or historic context will not be permitted. In addition to requiring planning permission, once a monument has been scheduled the consent of the Secretary of State is needed before any works are carried out which have the effect of *'demolishing, destroying, damaging, removing, repairing, altering, flooding or covering up'* the monument. Where a development proposal is likely to affect any site of national importance, an evaluation will be required to determine its impact on the archaeological value of the site.

POLICY ENV13 (NATIONALLY IMPORTANT ARCHAEOLOGICAL REMAINS)

DEVELOPMENT WILL NOT BE PERMITTED WHERE IT HARMS A NATIONALLY IMPORTANT ARCHAEOLOGICAL SITE, OR ITS SETTING, WHETHER SCHEDULED OR NOT.

Locally Important Archaeological Sites

5.45 A significant amount of the archaeological remains in North Devon are not considered to be of national importance. However, these sites and features may justify protection from damaging development as they have local intrinsic value and are integral to the archaeological heritage of the District. In assessing development proposals affecting locally important sites, the archaeological importance of any remains and its setting will be weighed against the need for the development. If the remains do not merit permanent preservation, the developer will be expected to make provision for the excavation and recording of any archaeological remains and publish the results prior to the commencement of development. Such excavation and recording will be secured by a condition or planning obligation in accordance with an agreed project brief.

5.46 The County Sites and Monuments Register identifies known important archaeological sites. However, there are likely to be many sites and features in North Devon still to be identified and recorded. For example, World War II sites at Instow and Braunton are now gaining significance in archaeological terms, and evidence of a Roman iron smelting industry was discovered recently at Brayford. The existence of archaeological remains may only become apparent when development is proposed or commences. Where there are indications that important archaeological remains may exist but their extent is unclear, developers will be required to carry out an archaeological field evaluation prior to a planning application being determined.

5.47 Where a site with archaeological remains is included in a development, these features should be safeguarded as far as practicable. Additionally, development proposals may present an opportunity to secure benefits, particularly in terms of improving their education and recreation value. Such benefits could include improvements to public access, the interpretation of a site and the long term management of the remains. Planning permission may be refused in cases where developers do not seek to record, accommodate, manage or improve public accessibility and the interpretation of the archaeological remains.

POLICY ENV14 (LOCALLY IMPORTANT ARCHAEOLOGICAL SITES)

- 1. DEVELOPMENT THAT WOULD HARM THE REMAINS OR SETTING OF A LOCALLY IMPORTANT ARCHAEOLOGICAL SITE, EITHER RECORDED ON THE COUNTY SITES AND MONUMENTS REGISTER OR IDENTIFIED AS A RESULT OF PRIOR ARCHAEOLOGICAL INVESTIGATION, WILL ONLY BE PERMITTED WHERE:-**
 - A) THE ECONOMIC OR SOCIAL BENEFITS PROVIDED BY THE DEVELOPMENT OUTWEIGH THE VALUE OF THE SITE OR FEATURE;**
 - B) APPROPRIATE PROVISION IS MADE FOR AN ARCHAEOLOGICAL EXAMINATION AND RECORDING OF THE SITE OR FEATURES; AND**
 - C) ANY HARM IS MINIMISED.**
- 2. WHERE DEVELOPMENT IS PERMITTED, ARRANGEMENTS WILL BE SOUGHT TO SECURE THE PROVISION AND MANAGEMENT OF PUBLIC ACCESSIBILITY AND INTERPRETATION OF ANY ARCHAEOLOGICAL REMAINS OR FEATURES RELATING TO THE DEVELOPMENT SITE.**

The Archaeological Landscape

5.48 North Devon contains a variety of sites and features which add to the character and distinctiveness of the landscape itself, which is the cumulative product of generations of human activity. Particular sites relating to the landscape include medieval fields, most notable around Braunton and Combe Martin, and historic parks and gardens. Specific policies on Braunton Great Field and the medieval field strips east and west of Combe Martin are contained in the relevant area specific chapters (See Policies BRA1 and CBM1).

HISTORIC PARKS AND GARDENS

5.49 English Heritage has a non-statutory Register of Parks and Gardens of Special Historic Interest. The purpose of this register is to help protect the features and qualities of the landscape that have been identified as being of national importance. Historic parks and gardens are a fragile and finite resource and often contribute to the character of the wider landscape.

5.50 There are about 1300 registered sites in England, 30% of which are Grade II* and 10% Grade I. Six registered historic parks and gardens exist in the District as shown on the proposals map; Castle Hill at Filleigh (I), Tapeley Park (II*), Arlington Court (II*), Youlston Park at Shirwell (II), Kings Nympton Park (II) and Saunton Court (II). Research on historic parks and gardens is constantly being undertaken by English Heritage and the Garden History Society which may result in further sites being added to the register during the Plan period.

5.51 Historic parks and gardens will be protected from development that would harm their character or appearance. As many of these gardens were designed to take in wider views of the countryside, it is also important to protect their setting and long distance vistas. English Heritage are consulted on all development proposals affecting a Grade I or Grade II* registered site. The Garden History Society are consulted on all proposals affecting a registered site regardless of its grade.

POLICY ENV15 (HISTORIC PARKS AND GARDENS)

DEVELOPMENT WILL NOT BE PERMITTED WHERE IT WOULD HARM THE HISTORIC CHARACTER, APPEARANCE, SETTING OR FEATURES OF SPECIAL HISTORIC INTEREST OF AN HISTORIC PARK OR GARDEN, AS SHOWN ON THE PROPOSALS MAP.

5.52 In addition to those registered by English Heritage, the District also contains parks and gardens of local importance such as Marwood Gardens and Upcott House. It is desirable to safeguard historic parks and gardens from harmful development for their intrinsic historic and cultural value, the positive contribution they make to the character of the wider landscape and their educational, leisure and recreation value.

5.53 In addition to the historic parks and gardens, North Devon also contains a variety of other formal open spaces where it is also desirable to protect their character and setting from harmful development. These include gardens attached to large houses, urban parks and cemeteries. Examples are Rock Park in Barnstaple, Runnymede Gardens in Ilfracombe and South Molton Cemetery.

CONSERVATION AREAS

5.54 Conservation Areas are defined as ‘*areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*’. Generally the character or appearance of a Conservation Area will be preserved or enhanced through:-

- ◆ *Controlling and regulating development through the planning system;*
- ◆ *Applying the extra controls that designation provides over demolition, minor development and the protection of trees;*
- ◆ *Environmental enhancement schemes and providing financial assistance for the repair and restoration of specific buildings through area based regeneration initiatives such as the Ilfracombe Townscape Heritage Initiative; and*
- ◆ *Encouraging public bodies to improve the street scene through the appropriate design and sensitive siting of street furniture or the removal of eyesores and obtrusive features such as overhead wires.*

5.55 There are 39 Conservation Areas in the District of North Devon (excluding those in Exmoor National Park). The need for new Conservation Areas and amendments to existing boundaries will be reviewed during the Plan period.

5.56 The Council will commence a programme of character statements for the Conservation Areas as Supplementary Planning Guidance. These statements will identify features of special interest and describe and analyse the character of the areas. They will be particularly useful in assessing the impact of new development on their character and appearance.

Development in Conservation Areas

5.57 Any new development within or affecting a Conservation Area, including new buildings, alterations, change of use or demolition, must preserve or enhance their special architectural or historic character or appearance. In considering planning applications the Government indicates that ‘*Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (eg: the scale and spacing of window openings and the nature and quality of materials)*’ (PPG15 ‘*Planning and the Historic Environment*’, Para 4.18). Proposals should therefore respect the scale, architectural quality and features of the area. The use and application of materials and finishes should reflect local traditions including building techniques and craftsmanship.

5.58 In preserving or enhancing their character and appearance, the setting of a Conservation Area will be protected from new development. Protection will also be given to open spaces and green areas that contribute to their character and appearance and provide important viewpoints. Similarly, existing trees, hedgerows and other natural and manmade features will also be protected where these make a positive contribution. Article 4 directions will be considered, where appropriate, to control particular types of development in a Conservation Area that are normally permitted without the need for planning permission. Any new uses introduced into a Conservation Area should not detract from its character or appearance as a result of additional traffic generation, noise or other environmental nuisance.

5.59 To ensure that development proposals affecting a Conservation Area can be properly assessed, sufficient details must be submitted with all planning applications. Consequently, outline planning applications will not normally be acceptable.

Demolition in a Conservation Area

5.60 In determining development proposals involving the demolition of a non-listed building or structure in a Conservation Area, the following factors will be taken into account:-

- ◆ *its contribution to the architectural or historic interests of the area; and*
- ◆ *the wider impacts on the character of the surrounding area.*

5.61 There is a presumption in favour of retaining buildings or structures that make a positive contribution to the character and appearance of a Conservation Area having regard to the same criteria to demolish a Listed Building (see paras 5.63 and 5.64). Advice should be sought from a Structural Engineer if the repair of an important building is in doubt. Development involving the demolition of a

building that contributes to the character and appearance of a Conservation Area, or results in the creation of an unsightly vacant site, will not be permitted unless it is accompanied by a detailed redevelopment scheme that accords with Policy ENV16. The implementation of such a redevelopment scheme will be secured as part of the overall proposal by a planning condition or obligation.

POLICY ENV16 (DEVELOPMENT IN CONSERVATION AREAS)

DEVELOPMENT WITHIN OR AFFECTING A CONSERVATION AREA WILL ONLY BE PERMITTED WHERE IT PRESERVES OR ENHANCES THE CHARACTER OR APPEARANCE OF THE AREA.

LISTED BUILDINGS

5.62 Buildings and structures that represent the best of the nation's historic and architectural heritage are listed by the Department for Culture, Media and Sport. Listed buildings are placed in one of three grades to give an indication of their relative significance. Those of outstanding national architectural or historic interest are identified as Grade I and Grade II*. There are over 3,000 listed buildings in North Devon of which approximately 50 are Grade I and 130 Grade II*. Under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, there is a statutory requirement to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Listed buildings are protected from demolition, alterations, changes of use and any form of development which would affect their character or appearance as a building or special architectural or historic interest.

Demolition of a Listed Building

5.63 Listed buildings are a finite resource and as such there is a strong presumption against their demolition. Consequently, the demolition or partial demolition of a listed building will only be justified in very exceptional circumstances where :-

- ◆ *there is clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and that these efforts have failed;*
- ◆ *the preservation in some form of charitable or community ownership is not possible or suitable; or*
- ◆ *the development would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition.*

5.64 Proposals resulting in the complete or partial demolition of a listed building must therefore address the following considerations:-

- ◆ *The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;*
- ◆ *The adequacy of efforts to retain the building in use; and*
- ◆ *The merits of alternative proposals for the site.*

5.65 If consent is granted for the demolition or removal of any part of a listed building, then the building or features to be demolished should be fully recorded before being removed.

5.66 Most historic buildings remain capable of a beneficial use. With a little imagination there are few buildings that cannot be sympathetically adapted to modern needs. Arguments for demolition based on the dilapidated condition of a building are often the result of neglect and lack of proper maintenance. The Council has powers to secure either the emergency or full repair of a listed building by serving an Urgent Works Notice or a Full Repairs Notice on an owner who deliberately neglects a listed building. However, these powers will only be used as a last resort following a lack of co-operation from the owners of a building.

Alterations and Extensions

5.67 The alteration and extension of a listed building requires the greatest skill and care in order to avoid damage to historic structures and to ensure that any additions are in keeping with the other parts of the building. Alterations and extensions should avoid disturbing valuable historic features and must keep the character of the original building generally undisturbed. All new works should be sympathetic in scale, colour, materials, texture, form and detail with the existing building. Annex C to PPG15 provides more comprehensive guidance on these matters and will be used to assess applications to alter or extend listed buildings.

5.68 As well as alterations and extensions, smaller modern additions can also have a damaging effect on listed buildings. Such additions can include satellite dishes and replacement windows and doors using modern materials. Additions that conflict with the character of a building will be unacceptable.

Change of Use

5.69 The best use for a listed building will usually be for that which it was originally designed. Wherever possible the original use should be retained. In some cases the continuation of the original use is no longer practicable. To preserve the building it may be necessary to identify an appropriate new use that maintains the important architectural and historic features.

The Setting of a Listed Building

5.70 The setting of a listed building is often an essential feature of its character. In addition, many buildings are important not so much for their individual merit as for their value as a group. The impact of new development on the setting of a listed building will therefore be carefully assessed.

Planning Applications

5.71 Outline planning applications will not normally be acceptable for proposals affecting a listed building as sufficient details will be required to ensure development proposals can be thoroughly scrutinised and assessed. In all cases, applicants should justify their proposals. Where evidence exists to suggest that a proposed development may reveal hidden features, a condition will be applied requiring exploratory work and the prior recording and analysis of either the whole or part of the building and an agreed scheme of restoration and after works.

POLICY ENV17 (LISTED BUILDINGS)

DEVELOPMENT AFFECTING A LISTED BUILDING WILL ONLY BE PERMITTED WHERE IT PRESERVES THE ARCHITECTURAL OR HISTORIC INTEREST OF THE BUILDING, ITS FEATURES AND ITS SETTING.

Listed Building Consent

5.72 Listed building consent is required for alterations to the interior, exterior and structures within the 'curtilage' of a listed building. These alterations do not normally require planning permission as they do not constitute 'development'. However, any extensions to a listed building will require both listed building consent and planning permission. There is no statutory requirement to have regard to the provisions of this Plan in determining listed building consents. However, the guidelines set out in PPG15 will be used to assess proposals.

LOCALLY IMPORTANT BUILDINGS

5.73 Government guidance recognises that '*many buildings which are valued for their contribution to the local scene, or local historical associations, will not merit listing*' (PPG15, Para 6.16). The Council has drawn up a schedule of locally important buildings, which are listed in Appendix 1 of the Plan. This schedule will be subject to review during the lifetime of the Plan. Given that these buildings add character, diversity and local distinctiveness to North Devon, they will be protected from inappropriate development wherever possible. Considerations will be given to the relocation and rebuilding of a locally important building where this action is required to maximise the redevelopment potential of a site.

POLICY ENV18 (LOCALLY IMPORTANT BUILDINGS)

DEVELOPMENT WHICH HARMS THE HISTORICAL OR ARCHITECTURAL CHARACTER OR APPEARANCE OF A BUILDING WHICH IS INCLUDED ON THE LIST OF LOCALLY IMPORTANT BUILDINGS WILL ONLY BE PERMITTED WHERE:-

- A) THE ECONOMIC OR SOCIAL BENEFITS OF THE PROPOSAL OUTWEIGH ANY HARM TO THE HISTORICAL OR ARCHITECTURAL VALUE OF THE BUILDING; AND**
- B) THERE ARE NO ALTERNATIVE AND LESS HARMFUL SOLUTIONS.**