

Date: 13 July 2016  
Our ref: 187359  
Your ref:



Programme Officer for the West Somerset Local Plan to 2032  
West Somerset Council

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**BY EMAIL ONLY**

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Dear Sir/Madam

### **The West Somerset Local Plan to 2032 – Proposed Modifications**

Thank you for your consultation on the above dated 03 June 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Having reviewed the relevant documents, we would wish to make the following comments:

#### **New Policy NH11 – Nationally Designated Landscape Areas**

- There is no requirement from paragraph 116 of the National Planning Policy Framework (NPPF) to include the major development test within the local plan, only in relation to development management. As we have a number of concerns that the proposed new policy NH11 as written is weaker than the major development test in paragraph 116 (as set out below), we advise that reference to this is removed to negate the risk that it causes confusion when determining applications. As it stands, Natural England is concerned that the policy is liable to render the plan unsound by either not being effective or not being consistent with the NPPF.
- Paragraph 116 of the NPPF states '*Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest*'. The proposed new policy NH11 refers to only supporting developments within the Quantock Hills Area of Outstanding Natural Beauty (AONB) where there is an '*overriding, essential need*'. We are concerned that this wording is not sufficiently consistent with the NPPF and that there is a risk that the policy could be misinterpreted.
- Paragraph 116 of the NPPF also states that '*any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated*' should be assessed. The proposed new policy NH11 does not seem to cover the assessment of the detrimental effect but only the extent to which it can be moderated, which we feel is not consistent with paragraph 116.
- In addition, we are also concerned that the proposed new policy NH11 does not appear to support the principle articulated in NPPF paragraph 9, namely that '*pursuing sustainable*



*development involves seeking positive improvements in the quality of the... natural... environment'. The policy relating to major developments outside the AONB does not appear to seek improvements but permits proposals which are not judged to have a significant impact. In this case, so long as any impact is judged not to be significant the policy provides no encouragement to reduce harmful impacts or increase positive impacts. We also consider that it would be desirable if the wording of the proposed policy made specific reference to the 'setting' of the protected landscape. In the policy relating to small scale developments outside of the AONB, the only requirement appears to be to minimise impacts, rather than potentially refuse small scale developments if they are significant albeit minimised. Whilst we understand the desire to have a policy which permits development which has negligible impacts on a protected landscape, we are concerned that there could be misinterpretation of the term 'significant'.*

Therefore, Natural England would recommend that this policy be redrafted to address the concerns raised above and we would be happy to advise further on this matter should you have any queries in relation to these issues.

For any queries relating to the specific advice in this letter only please contact John Gordon at [John.Gordon@naturalengland.org.uk](mailto:John.Gordon@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

We also welcome your feedback on Natural England's revised standing advice in terms of its usability (ease of access, presentation), quality of content and, its clarity and effectiveness as a tool in guiding decision-making. Please provide this, with any suggested improvements, by filling in the attached customer feedback form or by emailing your feedback direct to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

John Gordon  
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