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# Habitats Regulations Assessment of the Cranbrook Plan 2013-2031

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## Summary

This report is the Habitats Regulations Assessment (HRA), in accordance with the Conservation of Habitats and Species Regulations 2017, of the Cranbrook Plan 2013-2031. The Cranbrook Plan will form part of the East Devon Local Plan, in accordance with the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended).

A plan level HRA considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan. This HRA report draws on a background evidence, understanding of the European sites, and the South-East Devon Mitigation Strategy in place to protect European sites from the impact of new residential growth in terms of recreation pressure.

All aspects of the emerging plan that influence sustainable development for the continued development of Cranbrook are checked through this assessment for risks to European sites. Risks need to be identified in order to inform the screening for likely significant effects, which is an initial stage of assessment to establish whether there is any possibility of the implementation of the plan causing significant effects on any European site. Where the potential for significant effects is identified, or there are uncertainties, a more detailed appropriate assessment is to be undertaken.

This report has regard for relevant case law, including a European Court of Justice Judgment that highlights the need for appropriate use of avoidance and mitigation measures at the correct stage of HRA.

The screening table has identified recreation as the key theme for more detailed assessment at the appropriate assessment stage. The appropriate assessment provides a check of the applicability of the South-East Devon Mitigation Strategy for the 4,170 new dwellings allocated within the Cranbrook Plan that continues the development of the new town. Other potential impacts that are areas wide, such as air quality from increased road traffic, water quality and resources, should be dealt with through higher tier plan level HRA.

The HRA conclusion is that the South-East Devon Mitigation Strategy provides the necessary framework for mitigating for recreation pressure, but that there should be some strengthening of policy, supporting text and the Cranbrook SANGS delivery document to give greater confidence in securing the necessary measures.

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## Acknowledgements

Footprint Ecology is grateful to Thea Billeter at East Devon District Council for her assistance during the preparation of this HRA report.

# 1. Introduction and Background Information

## Context

- 1.1 This report is the Habitats Regulations Assessment (HRA) of the Cranbrook Development Plan Document 2013 – 2031, referred to hereafter as the Cranbrook Plan. This section provides the background context for this HRA.
- 1.2 This HRA report has been prepared by Footprint Ecology, on behalf of East Devon District Council. It has been written with the benefit of discussions with planning officers within the District Council, and forms part of the evidence base for the emerging new Cranbrook Plan, which is currently being prepared by East Devon District Council in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.3 HRA is an assessment of the implications of a plan, or where relevant a project, for European wildlife sites. An explanation of European wildlife sites and the HRA process is provided within this section below. This report provides the HRA of the Cranbrook Plan prior to its finalisation and adoption.
- 1.4 A HRA considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan or project, which could occur as a result of the plan or project being put in place. In this instance, the HRA is undertaken at plan level, for a development plan document that forms part of the East Devon Local Plan, adopted in 2016 and itself the subject of HRA. Project level HRA will also be required for development projects coming forward in the future in accordance with the Cranbrook Plan. An explanation of the HRA assessment process is summarised in this section below, and also described in greater detail in Appendix 1.
- 1.5 The East Devon administrative area is located to the east of the Exe Estuary, and is taking forward a new town at Cranbrook as part of the East Devon Local Plan, and this is the main location for housing growth over the plan period. Cranbrook has been planned for over a considerable timeframe, and in recent years has come to fruition with rapid development. By the beginning of 2019 approximately 1,800 new dwellings had been built and occupied from consents totalling around 3,500. The Cranbrook Plan allocates land for an additional 4,170 dwellings, which is spread across four key expansion areas and will result in the town having around 7,750 dwellings.
- 1.6 The East Devon District has the benefit of a high-quality natural environment, including being located along the eastern shore of the Exe Estuary, and internationally important site for its migratory birds. Cranbrook is in close

proximity to the East Devon Pebblebed Heaths, which is the most expansive area of lowland heathland in Devon.

- 1.7 When embarking on new HRA work, it is important to take stock of previous HRA work undertaken, and any relevant ongoing HRA work. In order to adequately assess potential impacts and secure protection for European sites through the Local Plan, any changes in circumstances, evidence, statutory advice or local understanding of the issues needs to be considered. Where a previous HRA has been prepared for a Local Plan it is beneficial to consider how well the measures recommended or put in place to protect European site interest in previous plan iterations have progressed, and what evidence there is available to support the continuation of such measures, or to indicate that they may need modification. This HRA therefore refers to measures currently in place to protect European sites in the vicinity of East Devon and a summary of relevant HRA work is provided in this section below.

## Habitats Regulations Assessment process

- 1.8 A 'Habitats Regulations Assessment,' normally abbreviated to HRA, is the step by step process of ensuring that a plan or project being undertaken by, or permitted by a public body, will not adversely affect the ecological integrity of a European wildlife site. Where it is deemed that adverse effects cannot be ruled out, a plan or project must not proceed, unless exception tests are met. This is because European legislation, which is transposed into domestic legislation and policy, affords European sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.
- 1.9 The relevant European legislation is the Habitats Directive 1992<sup>1</sup> and the Wild Birds Directive 2009<sup>2</sup>, which are transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2017. These Regulations are normally referred to as the 'Habitats Regulations' and the most recent update consolidates previous versions and corrects some minor errors in transposition. The 2017 Regulations have not changed any of the requirements in relation to European sites.
- 1.10 The legislation sets out a clear step by step approach for decision makers considering any plan or project. In England, those duties are also supplemented by national planning policy through the National Planning Policy Framework (NPPF). This national planning policy also refers to Ramsar sites, which are listed in accordance with the international Ramsar Convention. The NPPF requires

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<sup>1</sup> Council Directive 92/43/EEC

<sup>2</sup> Council Directive 2009/147/EC

decision makers to apply the same protection and process to Ramsar sites as that set out in legislation for European sites. Formally proposed sites, i.e. sites proposed for European designation and going through the designation process, and those providing formal compensation for losses to European sites, are also given the same protection. This report refers to all the above sites as 'European sites' for assessment purposes, as the legislation is applied to all such sites, either directly or as a result of policy.

- 1.11 It should be noted that the European Directives operate on the basis that sites are in place to serve as an ecologically functioning network, and ultimately it is the preservation of that network as a whole that is the overall aim of the European Directives. The network is often referred to as the Natura 2000 Network or 'N2K.'
- 1.12 The duties set out within the Habitats Regulations apply to any public body or individual holding public office with a statutory remit and function, referred to as 'competent authorities.' The requirements are applicable in situations where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. A more detailed guide to the step by step process of HRA is provided in this report at Appendix 1.
- 1.13 In assessing the implications of any plan or project, in this case a development plan document that forms part of a Local Plan, for European sites in close proximity, it is essential to fully understand the sites in question, their interest features, current condition, sensitivities and any other on-going matters that are influencing each of the sites. Every European site has a set of 'interest features,' which are the ecological features for which the site is designated or classified, and the features for which Member States should ensure the site is maintained or, where necessary restored. Each European site has a set of 'conservation objectives' that set out the objectives for the site interest, i.e. what the site should be achieving in terms of restoring or maintaining the special ecological interest of European importance. These objectives are set by Natural England and published for each European site in high level generic form and then with supplementary advice that relates to the interpretation of these at each individual site.
- 1.14 The site conservation objectives are relevant to any HRA, because they identify what should be achieved for the site, and HRA may therefore consider whether any plan or project may compromise the achievement of those objectives. A summary of relevant European sites is provided within this section below. Further information on European site interest and links to the conservation objectives can be found at Appendix 2 of this report. The European sites of relevance to this HRA are discussed below.

## The Cranbrook Plan

- 1.15 A Local Plan consists of one or more development plan documents and is produced by a local planning authority to set the quantum and direction of sustainable development for the forthcoming plan period. The National Planning Policy Framework (NPPF) 2018<sup>3</sup> states that sustainable development is the achievement of social, economic and environmental aspirations, and these three dimensions of sustainable development are mutually dependant. For the natural environment, the NPPF advises that sustainable development should include protecting, enhancing and improving biodiversity, and moving from a net loss of biodiversity to achieving net gains. This provides the relevant context for consideration of European sites within a HRA as part of the evidence base for any Local Plan document.
- 1.16 The Cranbrook Plan provides the planning framework for the continuing development of a new community in East Devon. Until the preparation of this specific plan, the development of the new town was incorporated within the planning policies of the Local Plan. Planning permission for the new community was given by East Devon District Council in 2010. The outline planning permission allowed for 2,900 dwellings and was subsequently amended to around 3,500 as a result of a standalone planning permission, and also included a town centre and local centre, retail, leisure, employment, schools, railway station and all necessary infrastructures, including green infrastructure in the form of a country park. Progression of the development of the new town, including the first phases of house building, and the construction of infrastructure and community facilities that make the town has now led to the preparation of the Cranbrook Plan to expand on and continue to provide a policy framework for development at Cranbrook.
- 1.17 The concept of the new town is based on strong sustainability foundations, with an aspiration for zero carbon, a district heating network, fibre optic broadband across the community, an innovative 'all through' school and an emphasis on residents actively participating in community living. It is also a NHS England Healthy New Towns demonstrator site and a Sport England Local Delivery Pilot demonstrator site. Open spaces and recreation are therefore an integral part of the main aspirations for the new town.
- 1.18 The key plan objectives include an objective for landscape and biodiversity, which strongly focusses on green infrastructure throughout the new town. It is recommended that this objective is strengthened with regard to the importance

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<sup>3</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

of designated sites in the vicinity of Cranbrook as well as the current positive emphasis given to wider biodiversity.

- 1.19 The recently published Defra 25 year plan<sup>4</sup> sets out an ambitious programme for improving the natural environment, including the achievement of environmental net gains through development, of which biodiversity is an important part. It is now increasingly recognised that urban biodiversity opportunities have a critical role to play in wildlife restoration and ecological connectivity, as well as bringing important wellbeing and economic benefits to an area.
- 1.20 The Defra strategy follows on from the review of England's wildlife sites and ecological network, set out in the report to Defra in 2010 entitled 'Making Space for Nature',<sup>5</sup> which was prepared by a group of national experts chaired by Professor Sir John Lawton. Within this report, it is identified that in order to make our ecological networks and wildlife sites capable of future resilience, there is a need for more wildlife sites, and that existing networks need to be bigger, better and more connected. The future health of designated sites is very much dependant on the future health of wider biodiversity and the ecological networks that sustain them. In planning for the long-term sustainability of designated sites, it is therefore necessary to protect and enhance wider biodiversity through the planning system as well as the designated sites.
- 1.21 Policies that not only protect but also seek to enhance, restore and expand the biodiversity assets of the District and wider area are an important and integral part of the Local Plan, and are essential to enable development projects coming forward to meet the international and national legislative and policy duties for biodiversity, both designated and non-designated.
- 1.22 The Cranbrook Plan makes specific reference to biodiversity net gain, which is a very positive addition to the plan and concurs with the new NPPF. This HRA includes recommendations for strengthening policy wording and supporting text within the emerging Cranbrook Plan in relation to opportunities where biodiversity enhancement and biodiversity net gain could be referenced. A clearer link to the importance of restoring and re-creating biodiversity assets to support and underpin designated sites could be made.

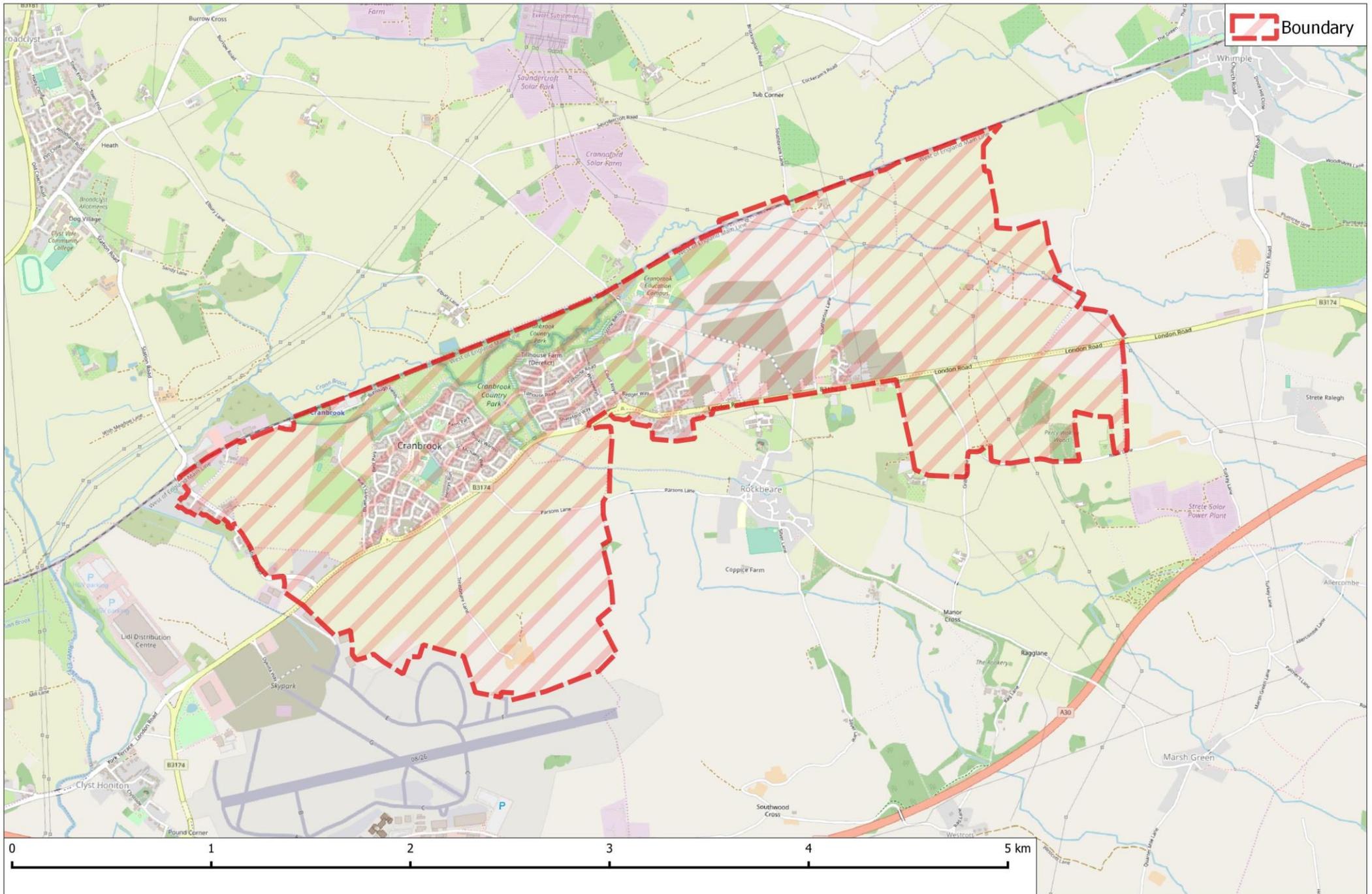
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<sup>4</sup> <https://www.gov.uk/government/publications/25-year-environment-plan>

<sup>5</sup> <https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today>

- 1.23 The Cranbrook Plan is shown in Map 1. This illustrates both the expansion areas and the overall plan boundary which is the full extent of the area covered by policies within the Cranbrook Plan.
- 1.24 It should be noted that an initial HRA report for the Cranbrook Plan at Issues and options stage was prepared (Liley 2016), which assessed high level objectives and scenarios for growth. At Issues and Options stage, the Cranbrook Plan was intended to gather opinion and present a range of options, rather than clear policy. It is now that the plan is finalised that the full suite of policies is checked within this HRA report.

# Map 1: Cranbrook Plan Area



## Relevant HRA work and other evidence and assessment

1.25 The following documents are of relevance to this HRA due to their consideration of the natural environment in the vicinity of Cranbrook and their adherence to HRA requirements for plans and projects.

### *The adopted East Devon Local Plan and its HRA*

1.26 The East Devon Local Plan includes planned provision for a minimum of 17,100 new homes between 2013 and 2031. It includes strategic policy that ensures the protection of European sites, with a strong emphasis on providing a network of attractive and desirable greenspace. The Clyst Valley is one area highlighted within policy which could accommodate the provision of Suitable Alternative Natural Greenspace (SANGs) that is designed and managed to provide a recreation experience that offers a viable alternative to visiting European sites.

1.27 For the development of Cranbrook as part of the 'West End' growth area, Local Plan policy makes clear that adherence to the South-East Devon Mitigation Strategy is necessary, and this includes provision of SANGs as an essential part of the development of Cranbrook.

1.28 HRA of the East Devon Local Plan (Liley & Underhill-Day J. 2015) considered five key impacts of development on nearby European sites, namely:

- Urbanisation
- Recreational pressure,
- Water resources
- Water quality
- Air quality

1.29 At the proposed changes consultation for the Local Plan in 2015, Natural England raised concern that there has been a slow rate of progress to date with the delivery of mitigation for recreation impacts (mitigation is set out in the South-east Devon Mitigation Strategy, Liley *et al.* 2014) despite planning approvals being given for new growth. As such Natural England was concerned that the additional housing growth in the proposed changes could not necessarily be accommodated without adverse effects on European sites. Further concerns from Natural England related to the Exmouth Masterplan (cross-referenced in the East Devon Plan) and outstanding issues identified in the HRA of the Exmouth Masterplan. Following Natural England's comments and additional detailed assessment work, wording within the East Devon Local Plan was strengthened to ensure mitigation would be closely linked to development and timely delivery secured. The Local Plan HRA was then able to conclude that the Local Plan would not adversely affect any European sites.

- 1.30 In terms of Cranbrook, the HRA work for the East Devon Local Plan considered potential impacts on European sites and narrowed down the potential recreation impacts of the Cranbrook new town to relate to the Exe Estuary and the East Devon Pebblebed Heaths, noting that the South-East Devon Mitigation Strategy, discussed below, also covers potential recreation impacts of residential growth on Dawlish Warren.
- 1.31 The platform for mitigating for recreation impacts arising from residential growth at Cranbrook is therefore established in the Local Plan as being in conformity with the South-East Devon Mitigation Strategy, and as part of that, the particular importance of adequate provision of SANGs in proportion with the level of growth coming forward.
- 1.32 To date, development at Cranbrook has been supported by HRA, and this Cranbrook Plan HRA continues the assessment work undertaken thus far for the new town.

### *The South-East Devon Mitigation Strategy 2014*

- 1.33 Recognising the levels of growth coming forward in the vicinity of the Exe Estuary, East Devon Pebblebed Heaths and Dawlish Warren European sites, the local planning authorities within South-east Devon collaborated to undertake the necessary evidence gathering and preparation of the South-East Devon Mitigation Strategy. The strategy was published in 2014 and is now being implemented by the relevant local planning authorities for Exeter City, Teignbridge and East Devon. It is available on the local planning authority websites, including East Devon.<sup>6</sup>
- 1.34 The strategy provides a means by which sustainable housing growth can be delivered in the local planning authority areas in accordance with growth set out within their adopted Local Plans, whilst adequately protecting the Exe Estuary and the East Devon Pebblebed Heaths and Dawlish Warren European wildlife sites. It was developed, and is now being implemented, as a strategy that provides a solution to the additional recreation pressure risks highlighted by each of the local plan HRAs for the authorities. The strategy includes an integrated suite of avoidance and mitigation measures that are supported by comprehensive evidence and experience gained from other European site mitigation strategies. The strategy was prepared by Footprint Ecology, commissioned by and working closely with the local planning authorities and

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<sup>6</sup> <http://eastdevon.gov.uk/planning/planning-policy/environment-and-green-infrastructure/biodiversity/>

other relevant stakeholders including Natural England. More detail relating to the evidence base for the strategy is provided at Appendix 3.

### *Greater Exeter Strategic Plan and revision of the South-East Devon Mitigation Strategy*

- 1.35 In accordance with current central Government objectives for a more co-ordinated approach to Local Plan making, particularly in areas of focused growth and regeneration, the East Devon, Exeter, Mid Devon and Teignbridge local planning authorities are working together to produce a Greater Exeter Strategic Plan, which will provide high level policies and land allocations for growth that enables the delivery of strategic objectives for the area. This overarching plan will sit above, but be interlinked with the Local Plans for each authority.
- 1.36 Preparation of the Greater Exeter Strategic Plan is underway, and provided a timely opportunity for the review of the South-East Devon Mitigation Strategy. The review of the strategy by Footprint Ecology is similarly underway at the time of preparing this HRA for the Cranbrook Plan. The review serves to refresh the strategy and is discussed further in the appropriate assessment section of this HRA.

### *Sustainability Appraisal for the Cranbrook Plan*

- 1.37 A sustainability appraisal is undertaken by local planning authorities on local planning documents to assess whether the economic, environmental and social needs of the local area are being met. This includes appraising the options being taken forward and whether alternatives might have a greater positive or lesser negative effect on economic, environmental and social objectives. Sustainability appraisal also incorporates the requirements of the European Strategic Environmental Assessment Directive (2001/42/EC).
- 1.38 There are some elements of cross over between HRA and the sustainability appraisal. The appraisal will consider environmental sustainability in terms of natural resources such as air and water, and how they may be affected by the plan. These are similarly important supporting aspects of European site ecological integrity. The sustainability appraisal normally includes biodiversity objectives, and indicators within that objective normally include both designated sites and wider biodiversity.
- 1.39 The sustainability appraisal may therefore cross reference to the HRA and the application of the South-East Devon Mitigation Strategy as the most optimal means of mitigating for potential risks to European sites.

## European sites

- 1.40 In undertaking HRA it is necessary to gather information on the European sites that could be potentially affected by the plan or project. A precautionary and large buffer from the edge of the District was used to initially identify sites that may be potentially affected. A 20km buffer is normally used by Footprint Ecology for Local Plan HRAs as it is deemed precautionary enough to capture most potential impact pathways (i.e. the means by which a European site may be affected) between plan implementation within a local planning authority's administrative area. Distances of 5km and 10km are also evaluated on a map as there are differing distances at which risks might be present, depending on site sensitivities and impact pathways, i.e. the means by which a risk may interact with a site.
- 1.41 European sites are shown in Map 2 (SPAs), Map3 (SACs) and Map 4 (Ramsar sites). A combined map of sites in relation to the Cranbrook area is also shown on Map 5. Sites are listed in Table 1.
- 1.42 In accordance with the Local Plan level HRA work and policies within the East Devon Local Plan, it has already been ascertained that the potential impacts arising from the Cranbrook new town relate to the Exe Estuary SPA and Ramsar site and the East Devon Pebblebed Heaths SAC and SPA. Growth at Cranbrook is at a distance from other European sites identified on the maps to enable impact pathways to be ruled out. District wide matters such as air and water quality that relate to the whole district should be dealt with at the higher level, and indeed are now being considered within the HRA for the Greater Exeter Strategic Plan.

**Table 1: European Sites within a 20km radius**

SAC	SPA	Ramsar
	Exe Estuary	Exe Estuary
East Devon Pebblebed Heaths	East Devon Heaths	
<b>Sites excluded due to distance:</b>		
South Dartmoor Woods		
South Hams		
Dawlish Warren		
Beer Quarry and Caves		
Sidmouth to West Bay		

- 1.43 In assessing the implications of any plan or project for European sites, it is essential to fully understand the ecology and sensitivity of the sites, in order to identify how they may be affected. Every European site has a set of ‘interest features’ which are the ecological features for which the site is designated or classified, and the features for which Member States should ensure the site is maintained or, where necessary restored.
- 1.44 Each European site also has a set of ‘conservation objectives’ for the site interest, i.e. what the site should be achieving in terms of restoring or maintaining the special ecological interest of European importance. Also relevant to the HRA is the consideration of how a plan or project may affect the achievement of conservation objectives for each European site. The site conservation objectives are relevant to any HRA, because they identify what should be achieved for the site, and a HRA may therefore consider whether any plan or project may compromise the achievement of those objectives. The background to conservation objectives and key considerations are explained in Appendix 2.
- 1.45 The Habitats Directive requires competent authorities to ‘maintain and restore’ European sites. Where sites are meeting their conservation objectives, the requirement is to maintain this position and not allow deterioration. Where a site requires restoration, competent authorities should work to bring site interest features back to a status that enables conservation objectives to be met.
- 1.46 In addition to conservation objectives, Natural England produces Site Improvement Plans (SIPs) for each European site in England as part of a wider programme of work under the ‘Improvement Programme for England’s Natura 2000 sites.’ Each plan includes a set of actions for alleviating issues that are impeding the delivery of conservation objectives, with lead delivery bodies identified and indicative timescales. The SIPs can provide an additional useful reference for HRA work, identifying where there are site sensitivities. These identify recreation pressure as a threat to the relevant sites that are considered within this HRA.
- 1.47 Details of the interest features for each site are summarised below. For completeness, this includes Dawlish Warren SAC as this is the third site included within the South-East Devon Mitigation Strategy. This site is also of relevance to the Greater Exeter Strategic Plan and its associated HRA. Due to its location to the north of the Exe Estuary, the Cranbrook new town is at a distance at which adverse effects in relation to recreation pressure on Dawlish Warren can be ruled out due to travel distance. However, the current and revised mitigation strategy seeks to ensure that the package of mitigation measures work effectively together for the three European sites, and some measures span all of the sites.

### *The Exe Estuary*

1.48 The Exe Estuary is of international importance for wintering and migratory wetland birds which use the intertidal sand and mud flats and associated saltmarshes, reedbeds and grazing marshes.

1.49 The Estuary is classified as an SPA for the following non-breeding birds:

- A141 *Pluvialis squatarola* Grey Plover
- A046a *Branta bernicla bernicla* Dark-bellied Brent Goose
- A132 *Recurvirostra avosetta* Pied Avocet
- A156 *Limosa limosa islandica* Black-Tailed Godwit
- A149 *Calidris alpina alpina* Dunlin
- A007 *Podiceps auritus* Slavonian Grebe
- A130 *Haematopus ostralegus* Eurasian Oystercatcher
- And in addition, for the wintering waterbird assemblage

1.50 The estuary is also a Ramsar site, listed for the following:

- Assemblage of international importance (under criterion 5); wintering waterfowl assemblage
- *Branta bernicla bernicla* Dark-bellied Brent Goose (under criterion 6)

1.51 The SPA and Ramsar have the same boundaries and cover some 2,345.71ha. Full details of the SPA and Ramsar can be accessed on the Natural England website<sup>7</sup>.

### *The East Devon Pebblebed Heaths*

1.52 The East Devon Pebblebed Heaths form the largest block of lowland heath in Devon, and they are internationally important for the wet and dry heathland habitats present. The diversity of heathland reflects the varied topography, geology, hydrology and water chemistry of the area, and supports associated plant and animal communities. Among the 21 breeding dragonfly species recorded at the site is the southern damselfly and there is an important assemblage of birds, including breeding Nightjar and Dartford Warbler.

1.53 The Heaths are designated as an SAC ('The East Devon Pebblebed Heaths SAC') for:

- H4030 European dry heaths;
- S1044 *Coenagrion mercuriale* Southern damselfly;

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<sup>7</sup> See [Natural England website](#)

- H4010 Northern Atlantic wet heaths with *Erica tetralix*.

1.54 The Heaths are classified as an SPA ('The East Devon Heaths SPA') for

- A302(B) *Sylvia undata* Dartford Warbler;
- A224(B) *Caprimulgus europaeus* European Nightjar.

1.55 The SPA and SAC boundaries are identical and cover 1,119.94ha. Conservation objectives, site condition and the relevant citations are available on the Natural England website<sup>8</sup>.

### *Dawlish Warren*

1.56 Dawlish Warren is a geomorphologically important sand spit which protects the mouth of the Exe estuary. The spit holds a mosaic of sand dune, grassland and wetland habitats and supports several rare plants.

1.57 Dawlish Warren is designated as an SAC for:

- H2190 Humid dune slacks;
- S1395 *Petalophyllum ralfsii* Petalwort
- H2120 Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes");
- H2130 Fixed dunes with herbaceous vegetation ("grey dunes").

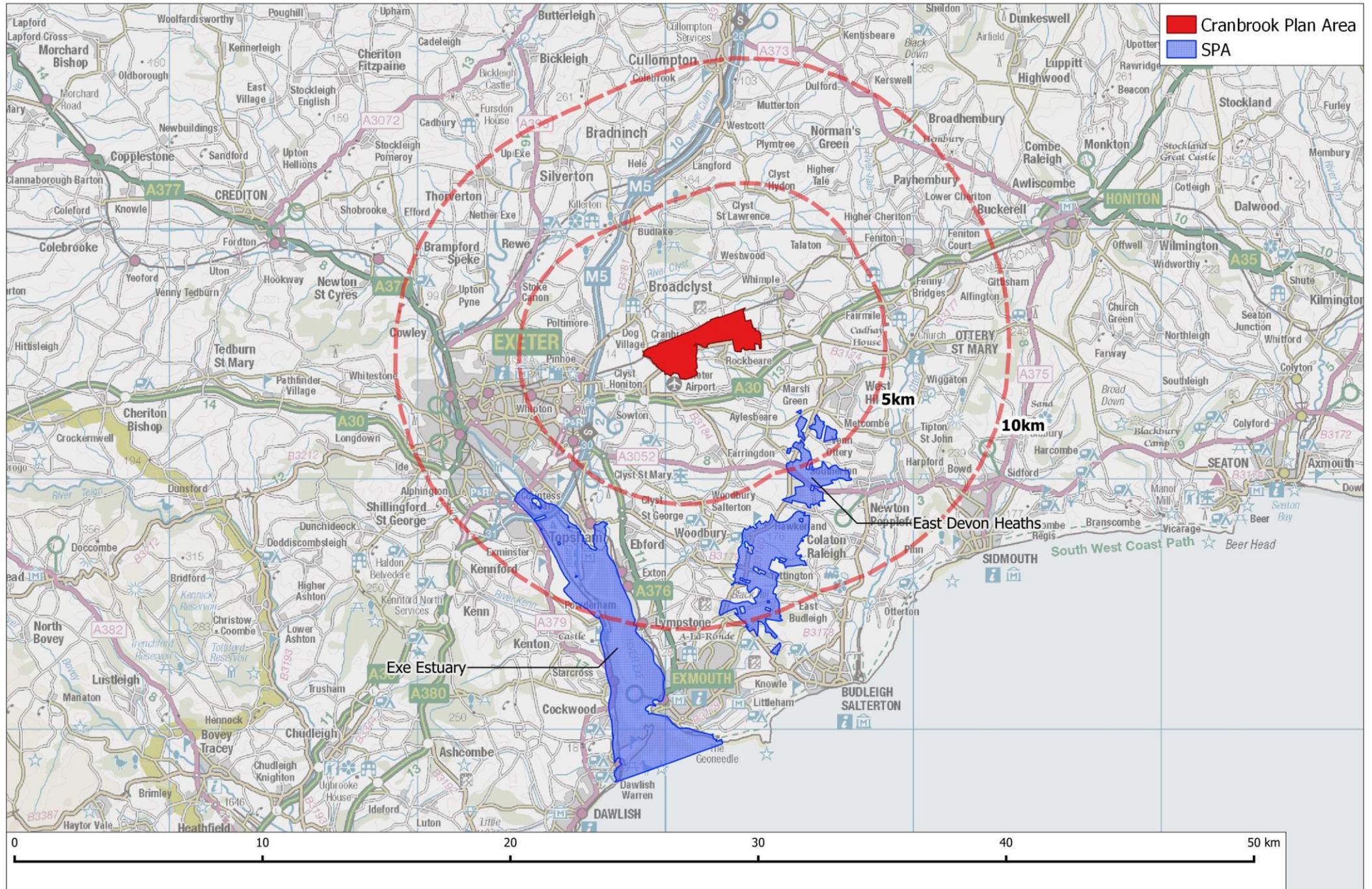
1.58 The SAC (58.84ha) falls within the Exe Estuary SPA and Ramsar. Full details of Dawlish Warren and its interest features can be accessed on the Natural England website<sup>9</sup>.

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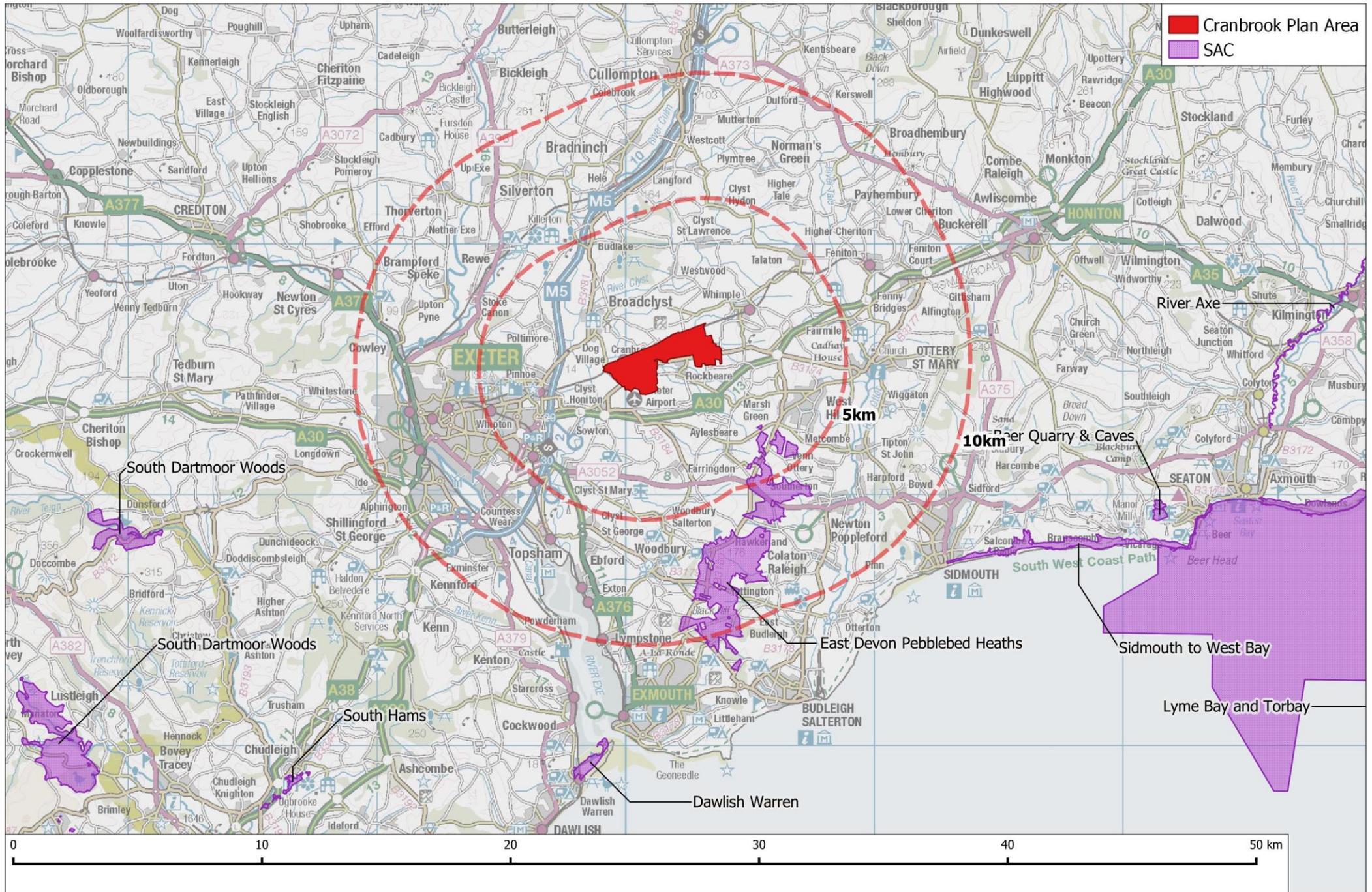
<sup>8</sup> See [Natural England website](#)

<sup>9</sup> See [Natural England website](#)

## Map 2: Special Protection Areas



### Map 3: Special Areas of Conservation



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## 2. Screening for likely significant effects

- 2.1 HRA is a step by step process, with the competent authority required to undertake screening for likely significant effects on European sites, after determining that the plan or project in question is not one that is entirely necessary for site management. Once relevant background information and potential impact pathways are understood, the HRA can progress to the screening for likely significant effects stage, fully informed by the background research undertaken. The screening for likely significant effects is undertaken on all policies within the plan. It is an initial check, made on a precautionary basis, to determine whether any part of the plan poses a risk to European sites in terms of its future implementation.
- 2.2 All aspects of the emerging plan are checked through the screening for likely significant effects check, looking for potential risks to European sites. European sites are at risk if there are possible means by which any aspect of a plan can, when being taken forward for implementation, pose a potential threat to the wildlife interest of the sites. This is often referred to as the 'impact pathway' as it is an identifiable means by which the plan or project could potentially affect the European site.
- 2.3 The Cranbrook Plan steers the continued sustainable development of this new town in East Devon up to 2031. Whilst protection and enhancement of the natural environment is an integral part of sustainable development, the Cranbrook Plan is not singularly focussed on European site management. The plan is therefore identified as not being for the management of European sites and HRA steps must be undertaken. This commences with the screening for likely significant effects.
- 2.4 When a HRA is being undertaken on a plan or project that is initiated by the competent authority themselves, there is greater opportunity to identify potential issues arising from the plan or project in the initial stages of design or preparation. Where a competent authority is approving a project being proposed by another party, the application for permission is usually made when the proposal has already been designed and all details finalised, thus the opportunity to identify issues early on is more limited unless an applicant chooses to hold early discussions with the competent authority.
- 2.5 For the Cranbrook Plan, East Devon District Council is both the plan proposer and the competent authority, thus allowing the HRA to influence the plan in its formative stages, up to submission for Examination.

## What constitutes a likely significant effect?

- 2.6 At the screening stage of HRA, there is the opportunity to identify changes to the plan that could be made to avoid risks to European sites. Any requirement for assessing the effectiveness of changes should be made at the appropriate assessment stage. The screening for likely significant effects is an initial check to identify risks or uncertainties in policy wording and recommend any obvious changes that can avoid those risks with clarifications, corrections or instructions for development project level HRA. Any recommendations that need to be justified in terms of effectiveness and applicability should be considered within the appropriate assessment stage of HRA. As described in Appendix 1, screening for likely significant effects is an initial check to identify risks and uncertainties that could potentially be significant for the European sites, and to recommend any obvious changes that can avoid those risks. Where risks cannot be avoided with simple clarifications, corrections or instructions for project level HRA, a more detailed assessment is undertaken to gather more information about the likely significant effects and give the necessary scrutiny to potential mitigation measures. This is the appropriate assessment stage of HRA.
- 2.7 The screening check of each aspect of the plan is essentially looking for two things to enable a conclusion of no likely significant effect;
- Whether it is possible to say with certainty that there are no possible impacts on European sites, or
  - Whether, in light of a potential risk, simple clarifications can be built into the policy and/or its supporting text, which serve to avoid any likely impacts.
- 2.8 If one of these can be met, it enables a competent authority to screen a policy out from further stages of assessment, subject to further checks as policies are refined. Where there is the potential for European sites to be affected, or mitigation measures need to be checked to ensure they are effective and appropriate, more detailed consideration is required and this then screens those aspects of the plan in to the appropriate assessment.
- 2.9 A likely significant effect could be concluded on the basis of clear evidence of risk to European site interest, or there could be a scientific and plausible justification for concluding that a risk is present, even in the absence of direct evidence. The latter is a precautionary approach, which is one of the foundations of the high-level of protection pursued by EU policy on the environment, in accordance with the EU Treaty.<sup>10</sup> The precautionary principle should be applied

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<sup>10</sup> Article 191 of the Treaty on the Functioning of the EU. Previously Article 174 of the Treaty of the EC.

at all stages in the HRA process and follows the principles established in case law relating to the use of such a principle in applying the European Directives and domestic Habitats Regulations. In particular, the European Court in the ‘Waddensee’ case<sup>11</sup> refers to “*no reasonable scientific doubt*” and the ‘Sweetman’ case<sup>12</sup> the Advocate General identified that a positive conclusion on screening for likely significant effects relates to where there “*is a possibility of there being a significant effect*”.

- 2.10 An additional recent European Court of Justice Judgment in 2018 (Case C-323/17) clarified the need to carefully explain actions taken at each HRA stage, particularly at the screening for likely significant effects stage. The Judgment is a timely reminder of the need for clear distinction between the stages of HRA, and good practice in recognising the function of each. The screening for likely significant effects stage should function as a screening or checking stage, to determine whether further assessment is required. Assessing the nature and extent of potential impacts on European site interest features, and the robustness of mitigation options, should be done at the appropriate assessment stage.

## Screening table

- 2.11 Table 2 below records the conclusions drawn and recommendations made as a result of a policy by policy check for likely significant effects of the Cranbrook Plan.
- 2.12 Potential risks to European sites are highlighted within the screening table and this includes any topics for appropriate assessment. For a number of policies, the screening identified likely significant effects. These can be categorised as follows:
- For policies that do not set a quantum of development or specific locations, the potential for significant effects relates to the possibility of development coming forward in a particular location or with particular characteristics. In such instances, the risks may be simply avoided with straightforward clarifications, which remove any uncertainty. The recommendations add text to the policy to explain how the policy should be implemented to prevent adverse effects. This does not exclude the need for project level HRA but will enable a conclusion of no likely significant effects at the plan level, because the identified risks to European sites have been removed. Project level HRA provides a means of checking for any further risks unforeseen at the plan

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<sup>11</sup> European Court of Justice case C - 127/02

<sup>12</sup> European Court of Justice case C - 258/11

level, and for developing project specific mitigation measures in greater detail within a project level appropriate assessment.

- For policies that do set a quantum of development or specific locations, the risks are identified as being related to recreation pressure. Other potential impact pathways that are Local Plan or Strategic Plan wide, such as water and air quality are dealt with at the higher plan level HRA. The further detailed assessment of the recreation impact pathway is discussed in more detail in the appropriate assessment chapter.

2.13 The screening tables below provide a record of screening of the entire Cranbrook Plan, immediately prior to the finalisation of the plan for public consultation and submission for the Examination in Public. The HRA may need to be revised and updated again, if there are any relevant proposed modifications which arise during the Examination of the plan, prior to adoption. This ensures that the final adopted plan has an up to date HRA report.

**Table 2: Screening the Cranbrook Plan for likely significant effects**

Policy or section of the plan	LSE screening	Potential risks	Potential enhancement opportunities	Recommendations	Appropriate assessment
Introduction and overarching plan objectives	No LSE Objectives include landscape and biodiversity	No risks, objectives are high level and do not present direct risks. Quantum of development is covered in screening of specific policies below.	Landscape and biodiversity objectives already include reference to ecological network enhancements and to biodiversity net gain.	Whilst the landscape and biodiversity objective makes reference to biodiversity enhancement, it does not give explicit reference to designated site protection. The Cranbrook Plan includes a SANG strategy and this should ideally be referred to here.	Not required
CB1 Health and wellbeing at Cranbrook	No LSE High level policy committing to the development of the Cranbrook Community with key requirements for maintaining and improving the health and wellbeing of residents.	None. Policy makes high level commitments to provision of infrastructure, services, community buildings and design and types of houses that maintains and enhances health and well being.	Policy already makes reference to an attractive and legible built and natural environment.	Reference to the importance of the natural environment, close proximity and interaction with nature for wellbeing could be made in the supporting text.	Not required
CB2 Bluehayes Expansion Area	LSE A development area of 40ha allocated for mixed use development, including 960 dwellings, community and business uses.	Recreation impacts on European sites arising from the delivery of 960 new dwellings.	This large allocation does not make reference to existing biodiversity assets, or potential biodiversity enhancements and net gains, which could be added to ensure that this is linked to the delivery of this allocation.	Policy and supporting text does not make specific reference to the need for contribution towards the South-east Devon mitigation strategy and the specific need for proportionate delivery of SANGs or how that will be secured. Additional references to European site mitigation requirements need to be added.	Suitability of measures relating to mitigation for recreation impacts is assessed in the appropriate assessment.
CB3 Treasbeare Expansion Area	LSE A development area of 62ha allocated for mixed use	Recreation impacts on European sites arising from the delivery of 910 new dwellings.	This large allocation does not make reference to existing biodiversity assets, or potential	Policy does not make specific reference to the need for contribution towards the South-east Devon mitigation strategy and the	Suitability of measures relating to mitigation for recreation impacts is assessed in the

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Policy or section of the plan	LSE screening	Potential risks	Potential enhancement opportunities	Recommendations	Appropriate assessment
	development, including 910 dwellings, community and business uses.		biodiversity enhancements and net gains, which could be added to ensure that this is linked to the delivery of this allocation.	<p>specific need for proportionate delivery of SANGs or how that will be secured.</p> <p>Additional references to European site mitigation requirements need to be added.</p> <p>The supporting text does include reference to SANGs, but only in the context of the need for SANG provision to make provision for the protection and interpretation of heritage assets.</p>	appropriate assessment.
CB4 Cobdens Expansion Area	LSE A development area of 110ha allocated for mixed use development, including 1490 dwellings, community and business uses.	Recreation impacts on European sites arising from the delivery of 1490 new dwellings.	This large allocation does not make reference to existing biodiversity assets, or potential biodiversity enhancements and net gains, which could be added to ensure that this is linked to the delivery of this allocation.	<p>Policy does not make specific reference to the need for contribution towards the South-east Devon mitigation strategy and the specific need for proportionate delivery of SANGs or how that will be secured.</p> <p>Additional references to European site mitigation requirements need to be added.</p> <p>The supporting text does include reference to SANGs, noting that a large area of SANG will form part of the proposal. This does not include a specific size commitment, which should be added, or cross reference to commitments in the SANG strategy made.</p>	Suitability of measures relating to mitigation for recreation impacts is assessed in the appropriate assessment.
CB5 Grange Expansion Area	LSE A development area of 30ha allocated for mixed use	Recreation impacts on European sites arising from the delivery of 800 new dwellings.	This allocation does not make reference to existing biodiversity assets, or potential	Policy and supporting text does not make specific reference to the need for contribution towards the South-east Devon mitigation strategy and	Suitability of measures relating to mitigation for recreation impacts is assessed in the

Cranbrook Plan HRA

Policy or section of the plan	LSE screening	Potential risks	Potential enhancement opportunities	Recommendations	Appropriate assessment
	development, including 800 dwellings, community and business uses.		biodiversity enhancements and net gains, which could be added to ensure that this is linked to the delivery of this allocation.	the specific need for proportionate delivery of SANGs or how that will be secured. Additional references to European site mitigation requirements need to be added.	appropriate assessment.
CB6 Cranbrook infrastructure delivery	No LSE Policy provides high level and general descriptions of infrastructure in terms of responsibility for delivery.	None. Policy does not go into detail in relation to the types of infrastructure required, but does refer to the Cranbrook infrastructure Delivery Plan for this detail.	Not applicable. High level and general policy	Ensure that the Cranbrook Infrastructure Delivery Plan includes appropriate detail in relation to SANGs requirements.	Appropriate assessment to include recommendations for the forthcoming Cranbrook Infrastructure Delivery Plan.
CB7 Phasing	LSE Policy describes the key facilities and infrastructure that must be delivered in time with housing.	Phasing needs to make reference to SANGs deliver. It is critical that SANG delivery is in time with housing development and this needs to be committed to within the policy.	Not applicable.	Add into policy a reference to the need for timely delivery of SANGs, with further explanation of requirements in supporting text and cross reference to the SANGs strategy.	Suitability of measures relating to mitigation for recreation impacts is assessed in the appropriate assessment.
CB8 Cranbrook and Broadclyst Station built-up area boundaries	LSE Policy supports additional development, which could include residential, within defined boundaries of completed Cranbrook development.	Additional recreation pressure adding to the cumulative effect of Cranbrook housing	Not applicable.	This policy or supporting text does make reference to ensuring that development does not damage wildlife. This should be added to within the supporting text to identify the need for conformity with the South-east Devon mitigation strategy for any net increases in residential development.	Suitability of measures relating to mitigation for recreation impacts is assessed in the appropriate assessment.
CB9 Public transport enhancement	No LSE	None. No identifiable impact pathways at plan level.	Not applicable	None	Not required

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Policy or section of the plan	LSE screening	Potential risks	Potential enhancement opportunities	Recommendations	Appropriate assessment
	Relates to securing frequency of public transport services				
CB10 Safeguarding of land for a new station at Cranbrook	No LSE Protects land for an additional station	No identified risks but project level HRA may be required	Not applicable	None	Not required
CB11 Cranbrook affordable housing	No LSE Relates specifically to the delivery of a particular housing type – affordable housing.	The housing type and tenure does not affect the overall conclusion of LSE for any housing growth and is considered in the appropriate assessment with regard to recreation pressure.	Not applicable	All housing types and tenure need to conform with the South-east Devon mitigation strategy	Not required
CB12 Cranbrook custom and self-build housing	No LSE Relates specifically to the delivery of a particular housing type – custom and self-build.	The housing type and tenure does not affect the overall conclusion of LSE for any housing growth and is considered in the appropriate assessment with regard to recreation pressure.	Not applicable	All housing types and tenure need to conform with the South-east Devon mitigation strategy	Not required
CB13 Delivering zero carbon	No LSE Policy focuses on delivering energy efficiency and carbon reduction in new development	None. No identifiable impact pathways at plan level.	Not applicable	None	Not required

Cranbrook Plan HRA

Policy or section of the plan	LSE screening	Potential risks	Potential enhancement opportunities	Recommendations	Appropriate assessment
CB14 Safeguarding land for energy uses	No LSE. Policy safeguards land within the Cranbrook area for low carbon and renewable energy use.	None. No identifiable impact pathways at plan level, but there is the potential for project level HRA to be required.	Not applicable	Future check for project level HRA requirements on any project proposal.	Not required
CB15 Delivery of suitable alternative natural greenspace	LSE Policy is the key policy for securing delivery of SANGs mitigation. Wording and commitments need to be	Wording and commitments need to be precise and provide strong wording the adequately secures the required SANGs mitigation	Not applicable	Policy wording amendments – SANGs provision needs to be defined as being at a ratio of ‘at least’ 8ha per 1000 residents. This good practice guide is a bare minimum. Where SANGs are being created from enhanced existing public open space, the existing use needs to be factored into the calculation of land needs, and the ratio may therefore need to be higher.  Supporting text wording amendments – 3.83 development proposals should not lead to ‘adverse effects’ on the designated sites. Likely significant effect is the initial screening stage. 3.90 Clarify that the provision of SANGS is slightly over the minimum requirement of 8ha per 1000 residents. It is not over provision because the guideline is a minimum.  Would also be beneficial to make clearer that a SANGs delivery strategy accompanies the plan.	Suitability of measures relating to mitigation for recreation impacts is assessed in the appropriate assessment.  SANGs delivery strategy is considered within the appropriate assessment.
CB16	No LSE	None.	Not applicable	None	Not required

Cranbrook Plan HRA

Policy or section of the plan	LSE screening	Potential risks	Potential enhancement opportunities	Recommendations	Appropriate assessment
Design codes and place making	Qualitative policy securing high quality design throughout Cranbrook	No identifiable impact pathways at plan level.			
CB17 Amenity of future occupiers	No LSE Qualitative policy securing high quality amenity for residents throughout Cranbrook	None. No identifiable impact pathways at plan level.	Not applicable	None	Not required
CB18 Digital connectivity	No LSE. Securing digital connectivity throughout Cranbrook.	None. No identifiable impact pathways at plan level, but there is the potential for project level HRA to be required.	Not applicable	Future check for project level HRA requirements on any project proposal.	Not required
CB19 Coordinated sustainable travel	No LSE. Policy requires sustainable transport initiatives for Cranbrook development.	None. No identifiable impact pathways at plan level, but there is the potential for project level HRA to be required.	Not applicable	Future check for project level HRA requirements on any project proposal.	Not required
CB20 Plug in and ultra-low emission vehicle charging	No LSE Provision of electric vehicle charging within Cranbrook	None. No identifiable impact pathways at plan level.	Not applicable	None	Not required
CB21 Car parking standards and design	No LSE Provision of minimum car parking and bicycle parking spaces	None. No identifiable impact pathways at plan level.	Not applicable	None	Not required
CB22 Cranbrook town centre	No LSE Focus of community related development	None. No identifiable impact pathways at plan level,	Not applicable	Future check for project level HRA requirements on any project proposal.	Not required

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Policy or section of the plan	LSE screening	Potential risks	Potential enhancement opportunities	Recommendations	Appropriate assessment
	within the new town centre	but there is the potential for project level HRA to be required.			
CB23 Residential development in the town centre and neighbourhood centres	LSE Policy supports additional residential development, within the town centre.	Additional recreation pressure adding to the cumulative effect of Cranbrook housing	Not applicable.	This policy or supporting text does make reference to ensuring that development does not damage wildlife. This should be added to within the supporting text to identify the need for conformity with the South-east Devon mitigation strategy for any net increases in residential development.	Suitability of measures relating to mitigation for recreation impacts is assessed in the appropriate assessment.
CB24 London Road commercial and retail proposals	No LSE Focus of development within the urban centre	None. No identifiable impact pathways at plan level, but there is the potential for project level HRA to be required.	Not applicable	Future check for project level HRA requirements on any project proposal.	Not required
CB25 London Road improvements	No LSE Focus of development along London Road, and recognition of the need to ensure appropriate access to the country park and alleviate surface water flooding.	None. No identifiable impact pathways at plan level, but there is the potential for project level HRA to be required.	Not applicable	Future check for project level HRA requirements on any project proposal.	Not required
CB26 Allotments and community gardening	No LSE Qualitative policy to secure high quality spaces for community gardening	None. No identifiable impact pathways at plan level.	It would be beneficial to refer to the opportunities for biodiversity enhancement and habitat creation	None	Not required

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Policy or section of the plan	LSE screening	Potential risks	Potential enhancement opportunities	Recommendations	Appropriate assessment
CB27 Landscape, biodiversity and drainage	No LSE Qualitative policy to protect and enhance the natural environment	None. No identifiable impact pathways at plan level.	It would be beneficial to refer to biodiversity net gain within the policy (it is referenced in supporting text), to reflect the importance of this initiative within the new NPPF	None	Not required
CB28 Design and construction of sports pitches	No LSE Policy focusses on requirements for sports pitches	None. No identifiable impact pathways at plan level.	Not applicable	None	Not required
CB29 Tillhouse Farm redevelopment	No LSE Policy steers the redevelopment of the Tillhouse Farm complex	None. No identifiable impact pathways at plan level, but there is the potential for project level HRA to be required.	Not applicable	Future check for project level HRA requirements on any project proposal.	Not required
Monitoring	No LSE Policy/wording not yet developed	None. No identifiable impact pathways at plan level.	Not applicable	Once prepared, the wording should make reference to the monitoring requirements for European site mitigation, in accordance with the South-east Devon mitigation strategy.	Not required
Appendix 1 Status of policies	No LSE Informative only	None. No identifiable impact pathways at plan level.	Not applicable	None	Not required

## Conclusions from the screening for likely significant effects

- 2.14 The screening for likely significant effects at Table 2 has identified a number of recommended text changes that can strengthen policy or completely avoid risks with the removal of potentially harmful aspects. These are clarifications, corrections or instructions for the development project HRA, that do not require further scrutiny at the appropriate assessment stage.
- 2.15 Additionally, the screening table has flagged recreation pressure as the key topic for more in-depth consideration within an appropriate assessment. This is on a precautionary basis to ensure that any risks are addressed and project level HRA needs clarified.
- 2.16 Recreation pressure from new residential growth has already been extensively assessed as part of the preparation of the South-East Devon Mitigation Strategy. The following appropriate assessment chapter provides a record that the suitability of the strategic approach remains for residential development continuing at Cranbrook. SANGs provision is an important part of the strategy, and the specific proposals for SANGs provision at Cranbrook are also reviewed in the following appropriate assessment chapter.

### 3. Appropriate assessment

- 3.1 There is now a strong body of evidence showing how increasing levels of development, even when well outside the boundary of protected wildlife sites, can have negative impacts on the sites and their wildlife interest. The research particularly includes work on heathlands (Mallord 2005; Underhill-Day 2005; Liley & Clarke 2006; Clarke, Sharp & Liley 2008; Sharp *et al.* 2008; Clarke & Liley 2013; Clarke *et al.* 2013) and coastal sites (Saunders *et al.* 2000; Randall 2004; Liley & Sutherland 2007; Clarke, Sharp & Liley 2008; Liley 2008; Stillman *et al.* 2009) where links between housing, development and nature conservation impacts are demonstrated.
- 3.2 Once a likely significant effect has been identified, the purpose of the appropriate assessment is to examine evidence and information in more detail, in order to answer the question as to whether such impacts could lead to adverse effects on European site integrity.
- 3.3 An appropriate assessment should be based on evidence, and that can take different forms (direct evidence, comparable evidence, modelling, expert opinion, Natural England's advice etc). In reality however, appropriate assessments at the plan stage are often undertaken with enough evidence to give confidence in potential mitigation options, but that project level HRAs remain critical in determining the detail of such mitigation. The assessment at plan level is therefore often drawing on the knowledge and experience of the assessors, to make scientifically justified decisions about eliminating risk whilst recognising the need for further detailed considerations.
- 3.4 The 'precautionary principle' is described in the screening section. It is equally relevant for the appropriate assessment as it is for screening likely significant effects. It is an accepted principle that is embedded within the wording of the legislation, and latterly within case decisions, both European and domestic. Essentially, the appropriate assessment stage is, in accordance with the Habitats Regulations, an assessment that enables a competent authority to only give effect to a plan or authorise/undertake a project after having ascertained that it will not adversely affect the integrity of the European site.
- 3.5 Competent authorities should have enough evidence to satisfy themselves that there are feasible measures to prevent adverse effects. These should be feasible in terms of cost, practical implementation, timeliness and attributing responsibility.
- 3.6 This appropriate assessment appropriate assessment chapter covers the recreation impact pathway identified by the screening for likely significant effects, recorded in Table 2.

*Recreation and urban effects*

3.7 The South-East Devon Mitigation Strategy, and its currently progressing review, provides a detailed account of the impact of recreation and other associated urbanisation effects. This is therefore not repeated here. Further detail on the evidence used to support the strategy is provided at Appendix 3. A summary table of risks and references for further information is provided in Table 3 below, which is taken from the current strategy review.

**Table 3: Summary of risks to the relevant European sites from recreation and urban effects**

Impact	Exe Estuary SPA/Ramsar	Dawlish Warren SAC	East Devon Heaths SPA/SAC	Notes	References and examples
Disturbance to breeding birds			✓	Risks from reduced breeding success and avoidance of otherwise suitable habitat.	Murison (2002); Liley & Clarke (2003); Murison <i>et al.</i> (2007).
Disturbance to wintering waterbirds	✓			Risks from avoidance of otherwise suitable areas, reduced feeding rate, stress and increased energetic costs.	Goss-Custard & Verboven (1993); Stillman <i>et al.</i> (2001); West <i>et al.</i> (2002); Liley <i>et al.</i> (2011)
Increased fire risk		✓	✓	Fire risk linked to recreation through discarded cigarettes, BBQs etc.	Kirby & Tantram (1999); Lake (2010)
Trampling and wear		✓	✓	Heavy footfall can result in vegetation wear, soil compaction & erosion.	Lowen <i>et al.</i> (2008); Lake (2010)
Interaction with predators	?		✓	Species such as Crows and Magpies may be drawn to areas with greater human activity or occur at higher densities; redistribution of birds may result in greater vulnerability to predation.	Marzluff & Neatherlin (2006)
Nutrient enrichment from dog fouling		✓	✓	Risks from dog fouling resulting in increased soil nutrient levels and changes in vegetation.	Bonner & Agnew (1983); Taylor <i>et al.</i> (2005)
Fly tipping/litter		?	✓	Short-term impacts to interest features likely to be minimal but risks of long-term contamination,	

Impact	Exe Estuary SPA/Ramsar	Dawlish Warren SAC	East Devon Heaths SPA/SAC	Notes	References and examples
				particularly from introduced species from garden waste a risk. Also risks of staff time drawn from other essential duties.	
Contamination of water bodies from dogs	✓	✓	✓	Dogs swimming in ponds and other waterbodies brings potential risks from increased turbidity and	
Disruption of management		✓	✓	Disruption such as dog attacks to livestock; gates left open, theft of equipment/material all issues to be expected at more urban sites or those with more recreation	
Public opposition/objection to management	✓	✓	✓	Management interventions such as tree or scrub removal, water level management etc. can be sensitive and opposed by local residents, leading to issues achieving the necessary management	Woods (2002)
Damage to infrastructure, vandalism etc.	✓	✓	✓	Direct damage can occur through graffiti and deliberate vandalism which tend to be issues at more urban sites	
Predation by pet cats			✓	Increased housing may lead to increases in local cat population; pet cats can range widely and predate a variety of bird and mammal species. Unlikely as a risk for Exe Estuary?	Hall <i>et al.</i> (2016)

*Confidence in the delivery of mitigation through the South-east Devon mitigation strategy*

3.8 With the three planning authorities of Teignbridge, Exeter and East Devon recognising the need to work together to secure a mitigation strategy to protect their European sites from the potential effects of new growth, particularly with the concentration of growth at the West End growth point, Footprint Ecology was commissioned to provide interim guidance for three local planning authorities, with respect to the implications of new development for the Exe Estuary Special Protection Area (SPA) and Ramsar Site, the East Devon Pebblebed Heaths SPA

and SAC and Dawlish Warren Special Area of Conservation (SAC). The initial report produced in 2011 (Liley & Hoskin 2011) summarised the evidence base in the various reports described above. This earlier report was prepared to inform emerging local planning documents. This interim report was then developed into a detailed and comprehensive South East Devon Mitigation Strategy for the three authorities in 2013; this was then further updated in 2014 (Liley *et al.* 2014).

- 3.9 The South East Devon Mitigation Strategy provides an in-depth strategy for mitigating for the combined effects of new residential development throughout the plan periods of the three authorities, in order to protect the Exe Estuary SPA/Ramsar site, Dawlish Warren SAC and the East Devon Pebblebed Heaths SPA and SAC. The report recognises that the Exe Estuary is (in comparison to other estuaries in the UK) is a particularly small site and taking into account the length of shoreline the estuary has a comparatively high level of existing development surrounding it. The existing evidence indicates that recreation is having a negative impact on the European Sites, however the research is complex and it is not possible to provide particular thresholds of visitor numbers that should not be exceeded. It identifies that, in the case of development in close proximity to the estuary, it may be particularly difficult to deliver effective mitigation and a joint approach between the authorities is necessary.
- 3.10 New development will increase the number of people in the vicinity and therefore clearly potentially exacerbate existing problems and increase visitor pressure. In response to predicted visitor numbers, the strategy sets out a range of measures that should be put in place to mitigate impacts, including zones of influence, on and off European site measures to manage access and dedicated staff to fulfil roles that manage access and oversee and monitor the mitigation measures. The mitigation measures are primarily related to on site access management and includes dedicated staff, specific access and user group projects and improved education and interpretation, including codes of conduct.
- 3.11 By making a proportionate financial contribution, the need for complex individual mitigation to be designed and implemented for each development project is removed. This takes a considerable burden away from individual developers, and ensures a South-East Devon wide approach to effectively protecting the European sites on the basis of robust evidence and assessment. The review of the strategy as part of the development of the Greater Exeter Strategic Plan currently being undertaken allows for:
- Consideration of implementation to date since 2014

- Consideration of any monitoring information and staff experiences to date
- A detailed check of mitigation needs that is adequate for the up to date housing numbers and nature and location of housing allocations
- Review and refresh of mitigation measures in response to current understanding, experience and information.

3.12 At the time of finalisation of the Cranbrook Plan, the review of the strategy gives greater confidence in the robustness of the strategy and its applicability to current growth levels coming forward. The review includes consideration of a range of more recent information since original publication in 2014, including new visitor survey work for the East Devon Pebblebed Heaths. Every net increase in dwellings will need to be factored in to the financial contributions necessary for the strategy, and the screening table highlights where differing housing types that are the subject of particular policies within the Cranbrook Plan will still need to conform with the strategy.

### *The Cranbrook SANGs Delivery Strategy*

3.13 The second aspect of the South-East Devon Mitigation Strategy is the provision of SANGs. Where there is a concentration of residential growth it is critical that the delivery of SANGs as part of the strategy is carefully thought through, to ensure it is fit for purpose and can effectively provide an attractive alternative to undertaking recreation, and for Cranbrook this needs to be an alternative to the Exe Estuary and East Devon Pebblebed Heaths. As part of the evidence base for the Cranbrook Plan, East Devon District Council has prepared a short document to specifically set out the SANGs delivery requirements for Cranbrook.

3.14 The document will be published as evidence alongside the Cranbrook Plan, and therefore needs to provide the necessary information and commitments to secure SANGs provision in proportion with, and in time with growth coming forward. The document sets out the SANGs requirement in terms of houses in each of the expansion areas by using the recognised formula for determining minimum SANGS area. The formula takes a suitable average occupancy rate to establish how many residents are anticipated from the numbers of houses proposed. SANGs provision for housing already with the benefit of planning permission has already been assessed in terms of SANGs requirements and commitments secured. The document specifically looks at SANGs requirements for the 4,170 new dwellings proposed by Cranbrook for the new extension areas within the Cranbrook Plan.

3.15 There is a growing understanding of SANGs provision for various European sites around the country and of good practice principles relating to how SANGs

should be designed and managed. Those of relevance to South-East Devon are set out in appendix 4. In terms of SANGs area, good practice takes a principle of a minimum provision of SANGs at 8ha per 1000 residents. This is provided for within the document and the commitments for each extension area highlighted. The document explains the options for SANGs delivery, with a first option being for each developer to contribute SANGs land in accordance with their housing numbers.

3.16 The document provides a clear requirement in terms of SANGs delivery, and the provision set out in the document slightly exceeds the minimum requirements of 8ha per 1,000, proving confidence in delivery of an adequate SANGs network in terms of area.

3.17 The following recommendations are made to strengthen the document and ensure that it can give confidence in SANGs delivery in terms of timing and co-ordination:

- Add clarity to the document in terms of the SANGs component of mitigation delivery being one part of compliance with the South-east Devon mitigation strategy, and the continued need for financial contribution to the on-site access measures.
- Refine the explanation of phasing of SANGs delivery to give estimated timescales that then gives confidence that the overall network of SANGs will be achieved in an appropriate timescale. This should identify where the network will be disjointed or short of the good practice guidelines for a minimum 2.5km peripheral walk for a period of time, so that there is confidence that this will be a short-term matter only.
- The document may benefit from a map to give greater clarity to the text and SANGs proposals.

3.18 The document should be seen as a live document that is reviewed at appropriate points in SANG delivery. This then effectively feeds into the overall monitoring for the South-East Devon Mitigation Strategy.

## 4. Conclusions

- 4.1 This HRA of the Cranbrook Local Plan has recommendations from the screening assessment for policy wording changes, and also includes an appropriate assessment chapter that records a check of the current situation in relation to the functioning of the South-East Devon Mitigation Strategy. It is concluded that the South-East Devon Mitigation Strategy effectively provides the framework for mitigating for recreation impacts on the Exe Estuary and East Devon Pebblebed Heaths. Within that framework, Cranbrook can effectively mitigate for residential development set out within the Cranbrook Plan with the requirement for financial contributions to access management measures and proportionate SANGs provision.
- 4.2 It is recommended that the suggestions made within the screening table at Table 2, and the recommendations made in the appropriate assessment chapter in relation to strengthening the Cranbrook SANGs delivery document are undertaken, to enable a conclusion that the Cranbrook Plan will not result in adverse effects on site integrity on the Exe Estuary and East Devon Pebblebed Heaths European sites.
- 4.3 Any further modifications to the Cranbrook Plan after Examination may require further checking to ensure compliance with the Habitats Regulations before adoption of the plan.

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## 6. Appendix 1 - The Habitats Regulations Assessment Process

- 6.1 The designation, protection and restoration of European wildlife sites is embedded in the Conservation of Habitats and Species Regulations 2017, which are commonly referred to as the 'Habitats Regulations.' The most recent version of the Habitats Regulations does not affect the principles of European site assessment as defined by the previous Regulations, and which forms the focus of this report. Regulation numbers have changed from the 2010 Regulations.
- 6.2 The Habitats Regulations are in place to transpose European legislation set out within the Habitats Directive (Council Directive 92/43/EEC), which affords protection to plants, animals and habitats that are rare or vulnerable in a European context, and the Birds Directive (Council Directive 2009/147/EC), which originally came into force in 1979, and which protects rare and vulnerable birds and their habitats. These key pieces of European legislation seek to protect, conserve and restore habitats and species that are of utmost conservation importance and concern across Europe. Although the Habitats Regulations transpose the European legislation into domestic legislation, the European legislation still directly applies, and in some instances, it is better to look to the parent Directives to clarify particular duties and re-affirm the overarching purpose of the legislation.
- 6.3 European sites include Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) classified under the Birds Directive. The suite of European sites includes those in the marine environment as well as terrestrial, freshwater and coastal sites. European sites have the benefit of the highest level of legislative protection for biodiversity. Member states have specific duties in terms of avoiding deterioration of habitats and species for which sites are designated or classified, and stringent tests have to be met before plans and projects can be permitted, with a precautionary approach embedded in the legislation, i.e. it is necessary to demonstrate that impacts will not occur, rather than they will. The overarching objective is to maintain sites and their interest features in an ecologically robust and viable state, able to sustain and thrive into the long term, with adequate resilience against natural influences. Where sites are not achieving their potential, the focus should be on restoration.
- 6.4 The UK is also a contracting party to the Ramsar Convention, which is a global convention to protect wetlands of international importance, especially those wetlands utilised as waterfowl habitat. In order to ensure compliance with the

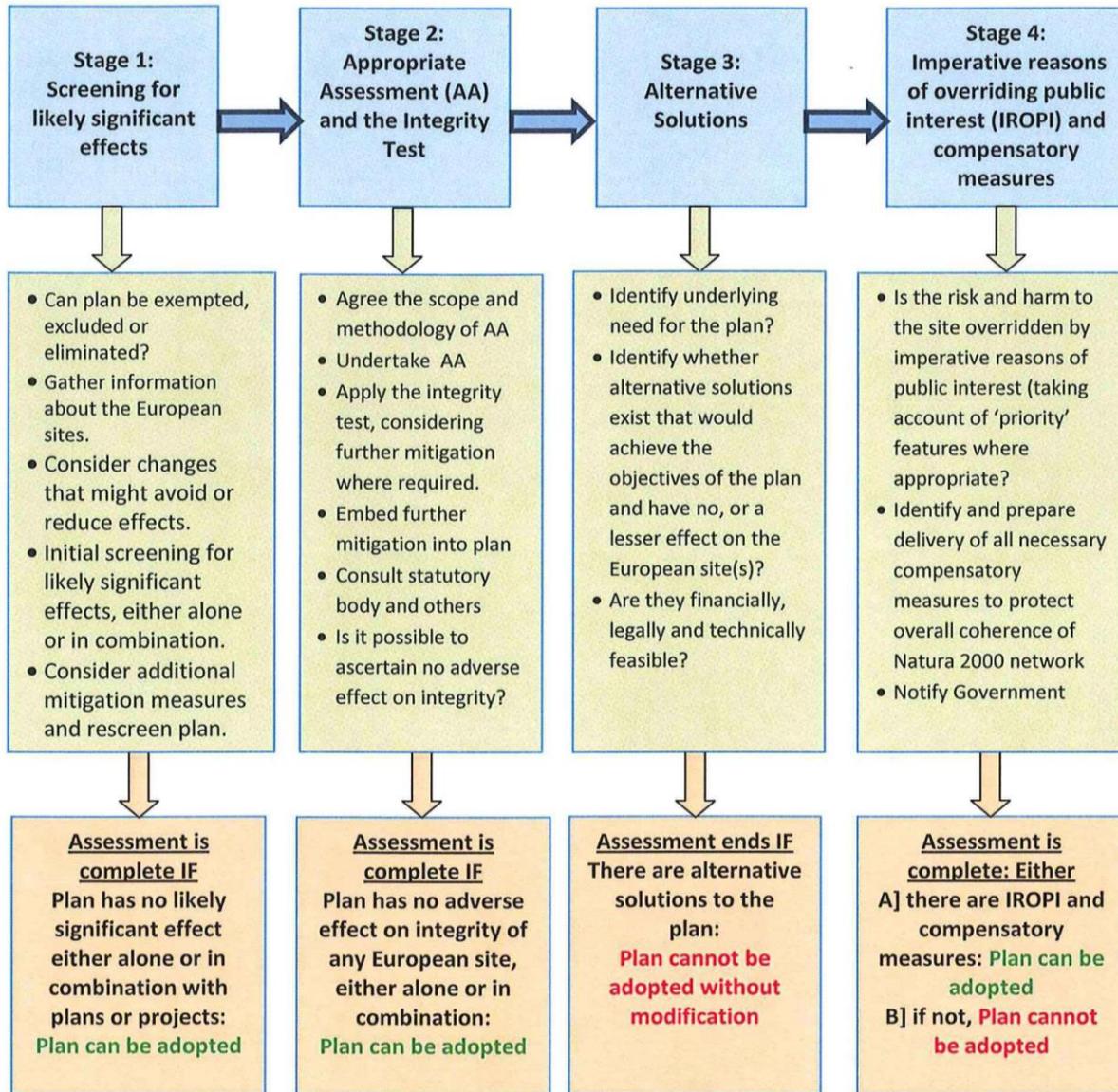
requirements of the Convention, the UK Government expects all competent authorities to treat listed Ramsar sites as if they are part of the suite of designated European sites, as a matter of government policy, as set out in Section 118 of the National Planning Policy Framework. Most Ramsar sites are also a SPA or SAC, but the Ramsar features and boundary lines may vary from those for which the site is designated as a SPA or SAC.

- 6.5 It should be noted that in addition to Ramsar sites, the National Planning Policy Framework also requires the legislation to be applied to potential SPAs and possible SACs, and areas identified or required for compensatory measures where previous plans or projects have not been able to rule out adverse effects on site integrity, yet their implementation needs meet the exceptional tests of Regulation 64 of the Habitats Regulations, as described below.
- 6.6 The step by step process of HRA is summarised in the diagram below. Within the Habitats Regulations, local planning authorities, as public bodies, are given specific duties as 'competent authorities' with regard to the protection of sites designated or classified for their species and habitats of European importance. Competent authorities are any public body individual holding public office with a statutory remit and function, and the requirements of the legislation apply where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. Regulation 63 of the Habitats Regulations sets out the HRA process for plans and projects, which includes development proposals for which planning permission is sought. Additionally, Regulation 105 specifically sets out the process for assessing emerging land use plans.
- 6.7 The step by step approach to HRA is the process by which a competent authority considers any potential impacts on European sites that may arise from a plan or project that they are either undertaking themselves, or permitting an applicant to undertake. The step by step process of assessment can be broken down into the following stages, which should be undertaken in sequence:
- Check that the plan or project is not directly connected with or necessary for the management of the European site
  - Check whether the plan or project is likely to have a significant effect on any European site, from the plan or project alone
  - Check whether the plan or project is likely to have a significant effect on any European site, from the plan or project in-combination with other plans or projects
  - Carry out an Appropriate Assessment
  - Ascertain whether an adverse effect on site integrity can be ruled out
- 6.8 Throughout all stages, there is a continual consideration of the options available to avoid and mitigate any identified potential impacts. A competent authority

may consider that there is a need to undertake further levels of evidence gathering and assessment in order to have certainty, and this is the Appropriate Assessment stage. At this point the competent authority may identify the need to add to or modify the project in order to adequately protect the European site, and these mitigation measures may be added through the imposition of particular restrictions and conditions.

- 6.9 For plans, the stages of HRA are often quite fluid, with the plan normally being prepared by the competent authority itself. This gives the competent authority the opportunity to repeatedly explore options to prevent impacts, refine the plan and rescreen it to demonstrate that all potential risks to European sites have been successfully dealt with.
- 6.10 When preparing a plan, a competent authority may therefore go through a continued assessment as the plan develops, enabling the assessment to inform the development of the plan. For example, a competent authority may choose to pursue an amended or different option where impacts can be avoided, rather than continue to assess an option that has the potential to significantly affect European site interest features.
- 6.11 After completing an assessment, a competent authority should only approve a project or give effect to a plan where it can be ascertained that there will not be an adverse effect on the integrity of the European site(s) in question. In order to reach this conclusion, the competent authority may have made changes to the plan, or modified the project with restrictions or conditions, in light of their Appropriate Assessment findings.
- 6.12 Where adverse effects cannot be ruled out, there are further exceptional tests set out in Regulation 64 for plans and projects and in Regulation 107 specifically for land use plans. Exceptionally, a plan or project could be taken forward for imperative reasons of overriding public interest where adverse effects cannot be ruled out and there are no alternative solutions. It should be noted that meeting these tests is a rare occurrence and ordinarily, competent authorities seek to ensure that a plan or project is fully mitigated for, or it does not proceed.
- 6.13 In such circumstances where a competent authority considers that a plan or project should proceed under Regulations 64 or 107, they must notify the relevant Secretary of State. Normally, planning decisions and competent authority duties are then transferred, becoming the responsibility of the Secretary of State, unless on considering the information, the planning authority is directed by the Secretary of State to make their own decision on the plan or project at the local level. The decision maker, whether the Secretary of State or the planning authority, should give full consideration to any proposed

'overriding reasons' for which a plan or project should proceed despite being unable to rule out adverse effects on European site interest features, and ensure that those reasons are in the public interest and are such that they override the potential harm. The decision maker will also need to secure any necessary compensatory measures, to ensure the continued overall coherence of the European site network if such a plan or project is allowed to proceed.



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Figure 1: Outline of the assessment of plans under the Habitat Regulations

## 7. Appendix 2 –Conservation Objectives

- 7.1 As required by the Directives, 'Conservation Objectives' have been established by Natural England, which should define the required ecologically robust state for each European site interest feature. All sites should be meeting their conservation objectives. When being fully met, each site will be adequately contributing to the overall favourable conservation status of the species or habitat interest feature across its natural range. Where conservation objectives are not being met at a site level, and the interest feature is therefore not contributing to overall favourable conservation status of the species or habitat, plans should be in place for adequate restoration.
- 7.2 Natural England has embarked on a project to renew all European site Conservation Objectives, in order to ensure that they are up to date, comprehensive and easier for developers and consultants to use to inform project level HRAs in a consistent way. In 2012, Natural England issued now a set of generic European site Conservation Objectives, which should be applied to each interest feature of each European site. These generic objectives are the first stage in the project to renew conservation objectives, and the second stage, which is to provide more detailed and site-specific information for each site to support the generic objectives, is now underway.
- 7.3 The new list of generic Conservation Objectives for each European site includes an overarching objective, followed by a list of attributes that are essential for the achievement of the overarching objective. Whilst the generic objectives currently issued are standardised, they are to be applied to each interest feature of each European site, and the application and achievement of those objectives will therefore be site specific and dependant on the nature and characteristics of the site. The second stage, provision of the more supplementary information to underpin these generic objectives, will provide much more site-specific information, and this detail will play a fundamental role in informing HRAs, and importantly will give greater clarity to what might constitute an adverse effect on a site interest feature.
- 7.4 In the interim, Natural England advises that HRAs should use the generic objectives and apply them to the site-specific situation. This should be supported by comprehensive and up to date background information relating to the site.
- 7.5 For SPAs, the overarching objective is to:
- 7.6 'Avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is

maintained and the site makes a full contribution to achieving the aims of the Birds Directive.'

- 7.7 This is achieved by, subject to natural change, maintaining and restoring:
- The extent and distribution of the habitats of the qualifying features.
  - The structure and function of the habitats of the qualifying features.
  - The supporting processes on which the habitats of the qualifying features rely.
  - The populations of the qualifying features.
  - The distribution of the qualifying features within the site.

- 7.8 For SACs, the overarching objective is to:

*'Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.'*

- 7.9 This is achieved by, subject to natural change, maintaining and restoring:
- The extent and distribution of the qualifying natural habitats and habitats of qualifying species.
  - The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species.
  - The supporting processes on which qualifying natural habitats and habitats of qualifying species rely.
  - The populations of qualifying species.
  - The distribution of qualifying species within the site.

- 7.10 Conservation objectives inform any HRA of a plan or project, by identifying what the interest features for the site should be achieving, and what impacts may be significant for the site in terms of undermining the site's ability to meet its conservation objectives.



## 8. Evidence base

8.1 This appendix summarises the evidence that was used to inform the East Devon Local Plan HRA and the development of the South East Devon Mitigation Strategy.

### Exe Disturbance Study

8.2 The Exe Disturbance Study (Liley *et al.* 2011) was commissioned by the Exe Estuary Management Partnership to consider the impacts of disturbance and implications for management of the estuary, with a particular emphasis on water sports. The report summarises the range of activities taking place around the estuary and includes the use of GPS tracks handed out to people undertaking water sports to consider how people use the estuary and where they go.

8.3 The study contains analysis of count data and flight distances collected around the estuary. Taking an overview of access, the estuary is clearly very busy and it is only a small proportion of the perimeter of the estuary where access is limited or difficult. The highest levels of access occur around the lower stretches of the estuary, at Exmouth and also at the very top of the estuary, around Topsham. At nine survey locations within the estuary where detailed repeat counts were undertaken (relating to pre-defined areas of mudflat and intertidal habitat):

- Shore based activities accounted for 55% of observed recreation events, mostly involving walkers without a dog (32%) and dog-walkers (9%).
- Activities on the intertidal accounted for 36% of observed recreation events and included dog-walkers (17%), bait diggers/crab tilers etc (7%) and walkers without dogs (7%).
- Water-based activities accounted 8% of observed recreation events and included a wide variety of different types of activity such as RIBs/small motor boats (3%); kitesurfers (1%) and windsurfers (1%).

8.4 There was evidence that bird distributions were related to access. In general terms the numbers of birds appear low at the Duck Pond and at Topsham in relation to adjacent count sectors. The parts of the estuary with the lowest levels of access (such as Shutterton Creek) are also the parts of the estuary with the highest bird counts. At the Duck Pond, Lympstone, Starcross South and Powderham there was evidence that the number of birds varied in response to the levels of access over the previous 45 minutes: i.e. when more people had been present, fewer birds were recorded.

- 8.5 Around 14% of groups/recreational events observed across the survey locations flushed birds and caused a major flight event (birds flying more than 50m). Just under two-thirds (62%) of events evoked no response at all from the birds. The disturbance study contains detailed analysis of the factors most likely to result in major flight.

## Exe Visitor Survey

- 8.6 A face-to-face visitor survey was undertaken by Teignbridge District Council on the Exe Estuary in 2010, with the survey designed and analysed by Footprint Ecology (Liley, Fearnley & Cruickshanks 2010). The work is important as it provides information on where visitors to the Exe come from and how they behave. Visitor fieldwork (involving interviews and counts of people) took place at eight sites on both sides of the estuary, including parts of East Devon. Additional 'boost' surveys focused on particular times of day and weather conditions so as to interview certain users such as kite surfers. In total 586 interviews were undertaken. Interviews asked questions relating to choice of site, route taken, home postcode and some simple visitor profile information.
- 8.7 Local residents (i.e. East Devon, Exeter or Teignbridge Districts) accounted for over two thirds (69%) of visitors interviewed, with roughly one third of all interviews (31%) involving East Devon residents. Dog walking was the most popular activity (39% of all people interviewed), and walking was also popular (38% of interviews). Other activities included boating, birdwatching, cycling, kite surfing, family outings, windsurfing, fishing and jogging. A significantly higher proportion of Teignbridge and East Devon residents were visiting to walk their dog compared to Exeter residents (for which the most commonly recorded activity was cycling). Exmouth Sea Front, the Duck Pond and Dawlish Warren were particularly popular with dog walkers.
- 8.8 Across all interviewees, about one-third (34%) visited most days. Dog walkers in particular tended to visit on a daily basis, but those visiting for activities such as walking, cycling, kite surfing and boating also tended to visit most days or at least multiple visits per week. Birdwatchers and those undertaking family outings were more likely to visit much more sporadically.
- 8.9 There was relatively little variation in the time of day people tended to visit, and visitor numbers were relatively even throughout the day. Weekends were busier

than weekdays, with count data indicating that there are roughly three times as many people visiting on weekend days compared to weekdays.

- 8.10 Most (57%) interviewees stated that they visited all year round. Of those that did tend to visit more at a particular time of year 17% of interviewees stated that they tended to visit more in the summer. Over a fifth of dog walkers (21%) visited more in the winter.
- 8.11 The main factor underlying people's choice of site was the attractiveness of the scenery (cited by 33% of interviewees). Proximity to home was also important for many (27%). Proximity to home was a factor for East Devon residents and dog walking issues were also particularly important for East Devon residents.
- 8.12 Interviewees originated mostly from Exmouth, Exeter, Topsham and Dawlish. The highest number of dog walkers was from Exmouth. The kite surfers interviewed lived in Axminster, Exmouth, Exeter, Topsham and Teignmouth. Cyclists predominantly came from Exeter, walkers from Exmouth, Exeter and Topsham.
- 8.13 Across all interviews, 60% of interviewees had travelled by car to the Exe. Lypmstone was the site with the highest number of foot visitors, and the Exmouth sites (the Duck Pond and the Sea Front) also had relatively high numbers of foot visitors compared to other sites.
- 8.14 Nearly two thirds (67%) of people travelling on foot had come from postcodes within 1km of the estuary. By contrast for people arriving by car just over half (51%) lived within 10km (linear distance) from the estuary. People visiting to undertaking boating, cycling, dog walking or jogging were relatively local, whereas those visiting to birdwatch, kite surf, on an outing with family lived at greater distances from the survey location.
- 8.15 Visitors' routes on site were recorded using paper maps. Across all interviewees, 439 (75%) were within 10m of Mean High Water, indicating that around three-quarters of visitors go on the beach, seawall or out onto the intertidal area. Activities such as windsurfing, kite surfing and boating in virtually all instances involved people on the sub/intertidal, but perhaps surprisingly over half of all the dog walkers interviewed (56%) had also ventured at least 10m from mean high water mark (i.e. walking on the sandflats/mudflats).

## Devon Household Survey

- 8.16 A postal survey was conducted in the autumn 2010 with the aim of gathering information on use of green infrastructure and recreational use of the countryside by residents in East Devon, Exeter and Teignbridge. The work was commissioned jointly by the three local authorities, and done partly in-house. The analysis of the data were conducted by Footprint Ecology, with an initial report produced in 2011 and this subsequently added to and extended in 2012 (Cruickshanks & Liley 2012).
- 8.17 The survey was sent to 5100 randomly selected addresses in south Devon, equally divided (1700 recipients each) between the Teignbridge District Council (TDC) area, the Exeter City Council (ECC) area and the East Devon District Council (EDDC) area. A total of 1296 households responded to the survey, a return rate of just over a quarter of households.
- 8.18 Virtually all (94%) of respondents stated that they had visited the seaside, woods, moors, country parks or other similar places for recreation in the previous year. Coast and Estuaries were the most popular location for recent visits compared to Dartmoor and Other Countryside sites. Excluding Exeter, the settlements generating the most visits to European sites were Exmouth followed by Dawlish, Newton Abbot, Sidmouth and Teignmouth.
- 8.19 The Exe was the busiest of the three European site groups, with 67,662 annual visits from the responding households. Visits to Dartmoor amounted to less than half the number of visits made to the Exe (26,840 per year) and the Pebblebeds received a third of the level of visitors to the Exe (at 20,724 per year). Dawlish Warren and beach received 10,436 visits per year.
- 8.20 Across all sites, the activity undertaken by the most respondents was walking, within a few miles of home. However, the activity undertaken most frequently was dog walking. The Pebblebeds were notable in that a higher frequency of visits by a smaller number of respondents made dog walking the activity generating the highest number of visits to the site. Dog walking generated the second highest number of visits on the Exe and Dartmoor.
- 8.21 Besides walking and dog walking there were a range of other activities recorded, and as may be expected these varied according to the sites. While dog walking and walking tended to be undertaken nearer to home, activities such as

watersports and wildlife watching were popular activities undertaken further from home.

- 8.22 Only about 6% of respondents never visited the coast/countryside. The proportion was slightly lower for Exeter (5.2%) than for Teignbridge and East Devon (both with about 6.7%). The most common house type of respondents was either detached or semi-detached housing, as would be expected from the housing stock. There was a significant association between those households that never visited the countryside and presence of retired or reduced-mobility household members. On average, 21% of households that visit the countryside had a dog. But there was much variation, with dog ownership in East Devon households significantly higher than in Exeter.
- 8.23 Looking at specific sites we can draw the following information regarding visits to key sites from East Devon residents:

### *Exe and Dawlish Warren*

- 8.24 For the Exe and Warren as a whole, 53% of visits were made by East Devon residents, 28% by Exeter residents and 19% by Teignbridge residents. East Devon residents not surprisingly tended to visit sites on the east of the estuary, especially around Exmouth. About 13% of the visits (made by respondents) to Dawlish Warren were by residents in East Devon, indicating that East Devon residents do still visit the western side of the Exe.
- 8.25 Residents living within 5km of the Exe estuary tend to visit disproportionately more than those living greater distances away. This trend was particularly notable for watersports visits. For all activities and all modes of transport combined, visitor rates to the Exe tend to 'flatten off' at around 12km, although this distance is reduced to 5km for foot visitors.

### *Dartmoor*

- 8.26 Respondents reported that they made 26,840 visits per year to Dartmoor. Most visits to the Moor were made by Teignbridge residents and around one fifth (19%) of visits were from residents in East Devon.
- 8.27 Most visits were made by car. Respondents living within 2-3km of Dartmoor visit the site around 150 times per year. Visit rates 'flatten off' at around 8-10km from the National Park boundary. Note that East Devon District is outside this distance, being over 10km from the National Park boundary and at a greater distance from the European sites within the park.

## *Pebblebeds*

- 8.28 20,724 annual visits were reported for the Pebblebed Heaths, with most visits (83%) from East Devon residents. For residents of all three districts, the most visited sub-site was Woodbury (35% of visits), followed by Lymphstone Common (16%) and Colaton Raleigh (15%).
- 8.29 80% of visits to the Pebblebeds were made by car and 10% were made on foot. Visit rates 'flatten off' at around 10km from the Pebblebeds. Most visits were for dog walking (53%) and 90% of the dog walkers were East Devon residents.

## **Pebblebeds Visitor Survey**

- 8.30 A face-face visitor survey of the Pebblebed Heaths was conducted by Ecology Solutions in 2011. The survey commissioned by the Cranbrook New Community Partners in order to fulfil the legal obligations associated with the outline planning consent for the Cranbrook new town. The survey provides further useful information regarding access to the Pebblebed Heaths European Site and the results fit well with the results from the household survey.
- 8.31 A total of 558 interviews were conducted and they reveal a pattern of frequent (67% visiting at least once a week) local use, primarily by East Devon residents, undertaking short visits, with a high proportion (67%) coming to dog walk. The attraction of the site for many visitors was the convenience/close to home (58%) and also the variety of natural habitats (56%). The questionnaire included one question regarding changes to the site that may affect visit patterns and the introduction of parking charges (61%) and requirement to keep dog on a lead (61) would lead to respondents visiting the site less.
- 8.32 A relatively small proportion (47%) of visitors divulged their full postcode. Of the visitors who did the report indicates that 34% from Exmouth, 7% came from Budleigh Salterton, 3% from Newton Poppleford and 4% from Ottery St. Mary.
- 8.33 Counts of parked cars were also undertaken. The survey identified 13 formal and 55 in-formal parking locations around the Pebblebed Heaths. A complete count ('snapshot') of all parked cars was conducted on 20 occasions, spread between early June and mid July. A total of 1052 vehicles were counted over the 20 visits.

- 8.34 The survey report attempts to predict total visitor numbers, to estimate the likely changes in numbers as a result of development and also tries to consider the impact of the level of recreation recorded on the distribution of Annex I birds. These elements of the report are not detailed enough to enable cross reference within this HRA.

## **Recreational Impacts at Dawlish Warren SAC**

- 8.35 A report was commissioned by Teignbridge District Council in 2010 to consider the impacts of recreation on Dawlish Warren SAC. The aim of the report was to identify the extent to which access was having an impact on the site and the extent to which additional visitor numbers may exacerbate any problems.
- 8.36 The work, undertaken by Footprint Ecology (Lake 2010), indicates that the impact of recreational pressure on Dawlish Warren is closely intertwined with other factors operating on the site, most notable coastal erosion, the presence of sea defences, the naturally dynamic state of the sand dune habitats present and management practices. The role of trampling in particular is ambiguous, as in some places it contributes to maintaining the preferred habitat conditions, whereas in other places it is leading to significant erosion problems.
- 8.37 Lake's work identified that, while over-stabilisation of the dunes was a problem in some areas, trampling was causing severe localised erosion in the mobile dunes in several places in the western section of the site and trampling was also impacting the embryonic shifting dunes. Other impacts of recreation included nutrient enrichment from dog fouling and increased fire risk.

## **East Devon Pebblebed Heaths Visitor Management Plan**

- 8.38 A visitor management plan for the Pebblebed Heaths was been commissioned by East Devon District Council on behalf of three local authorities (East Devon District Council, Exeter City, and Teignbridge District Council). The report was finalised in the late spring of 2016 and contains results from visitor survey work, predictions of the distribution of recreational use within the site and recommendations for future management. As such the report fulfils some of the components of the wider South-east Devon European Site Mitigation Strategy, which provides context for this report.

8.39 Visitor surveys involved questionnaire work at 12 locations in the spring and summer 2015. Key initial findings from the visitor survey included:

- The majority of interviewees were on a short visit from home and holiday makers accounted for a small (<5%) proportion of access.
- Nearly three-quarters (73%) of all interviewees were visiting to walk their dog. Other activities included walking (11%), cycling (5%), wildlife watching (4%), jogging (2%) and family outings (2%).
- Many visitors had been visiting the Pebblebed Heaths for a long time: over half of interviewees had been visiting the location where interviewed for at least 10 years.
- The median visit duration was short, between 30 minutes and an hour.
- Most (71%) of interviewees visited at least weekly. There was some evidence that regular visitors tended to avoid the main honeypots such as the Warren or Joney's Cross.
- Reasonably similar proportions of all interviewees tended to visit before 9am (23%), between 9 and 12 (24%) and after 5pm (23%), indicating visit patterns that were evenly spread across the day.
- The majority (91%) of interviewees had travelled to the interview location by car or van.
- The 'scenery/variety of views' was the most commonly given reason for the choice of site (given by 51% of interviewees). Other common factors included 'good for dog/dog enjoys it' and the 'ability to let dog off lead'.
- Other sites visited by interviewees were often also within the Pebblebed Heaths. The Exe Estuary (including Topsham, Lympstone, Exmouth seafront etc) was the most commonly named destination outside the Pebblebed Heaths. Other alternative locations included the River Otter and Haldon Forest.
- Nearly half (45%) of all the people interviewed were not aware that there was any environmental protection or designations that applied to the Pebblebed Heaths and few interviewees were aware of important species or habitats (for example around a third (32%) could not name a habitat or species for which the Pebblebed Heaths are important).
- Around three-quarters of interviewees (77%) indicated they were aware of who was responsible for looking after the site they were visiting, with 62% of all interviewees naming the Clinton Devon Estate or Pebblebed Heaths Conservation Trust.
- When asked about access restrictions most interviewees were aware that lighting fires and wild camping were restricted (93% and 82% of interviewees respectively). Relatively few were aware of restrictions relating to the number of dogs walked or the need to keep dogs on leads during the breeding season (9% and 28% of interviewees

respectively). For dog fouling around three quarters (72%) were aware of a requirement to pick up.

- A range of future management measures were scored by interviewees and parking measures (compulsory charging, closure of parking, permits) and the enforcement of dogs on leads during the breeding season were the most unpopular measures. More dog bins, more interpretation and more routes for particular activities were the most popular measures.
- Routes were mapped for most interviewees and showed a median distance (all activities, all locations) of just over 3km. There were significant differences between activities with cyclists doing the longest routes and family outings and dog walking being the shortest.
- Three-quarters of all interviewees who gave valid postcodes lived within an 8.2km radius of the survey point and the median distance (home postcode to survey point) was 5.4km. The settlement with the most interviewees by far was Exmouth, followed by Woodbury and Newton Poppleford.

8.40 The report will include a series of costed recommendations for the long-term management of access. These form the final sections of this report and include wardening, interpretation, path management, education work and management of parking.

## 9. Appendix 3- Good practice for SANGs design

9.1 Drawing from other work on SANGs (Liley, Underhill-Day & Sharp 2009; Panter & Liley 2015; Liley, Panter & Rawlings 2015; and on going work in the East Devon area) and the East Devon Local Plan HRA, the following attributes for SANGs are required in order to give confidence in their effectiveness:

- They should be quiet countryside locations, away from traffic noise, industrial sites, the airport etc.
- They should have ample, free parking. The number of spaces should be proportionate to the level of new housing.
- They should contain a variety of habitats and be scenic, ideally with views.
- They should provide attractive, informal areas for dog walking: a range of walk lengths on relatively dry terrain, including some of at least 2.5km where dogs can be safely off the lead during the whole walk.
- They should provide routes that attract walkers, potentially including families. Walks are likely to need to be circuits with some interest (such as viewpoints, heritage features etc.)
- The site(s) should provide access all year round, without areas becoming waterlogged or inaccessible due to wet or muddy terrain
- They should provide routes that work for cycling, potentially accommodating family cycling groups and mountain bikes as a low-key destination
- Access points to the SANG(s) should be primarily within a 5km radius or 10 minute drive and easily accessible by road from the development. Some direct foot access and good access routes for cyclists would be ideal. Direct access on foot would mean some SANG provision within around 500m radius of proposed housing locations.
- New SANGs should be recognisable as a 'destination' such that sporadic visitors are drawn from a wide area and such that the site also attracts more regular (at least weekly) visitors
- On-site infrastructure should be relatively low key, and could include the following as appropriate:
  - Small scale visitor centre/shelter (not necessarily staffed);
  - Interpretation (providing information about the area)
  - Wayfinding infrastructure to direct people around the site
  - Some surfaced paths/boardwalks
  - Wildlife viewing facilities (such as screens)
  - Range of paths (some waymarked) that provide a range of different routes and circuits, potentially including some longer routes for cycling (perhaps family groups and relatively low-key mountain bike circuits) but not such that other access (e.g. appeal to dog walkers) is compromised
  - Access to water for dogs to drink, bathe and splash in

- Benches/informal seating
- Viewpoints
- SANGs will need to be promoted through a range of different ways, including signage, so that they are easy to find and local residents (both new and existing) are well aware of the site.
- SANGs will need to provide access in perpetuity, and therefore require some legal mechanism to ensure this