

**Stockland Neighbourhood Plan
2014-2031**

**Statement of Reasons for not undertaking a
Strategic Environmental Assessment (SEA)**



Stockland Parish Council

February 2016

Statement

Paragraph 031 (Reference ID: 11-031-20150209, revision date 09-02-15) of National Planning Practice Guidance (NPPG) states:

“...One of the following documents must be included with a neighbourhood plan proposal when it is submitted to the local planning authority:

1. a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects or
2. an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004...”

At the point when the neighbourhood plan had a draft set of aims and objectives, the steering group formally requested a screening opinion from East Devon District Council, to determine whether or not the plan would require a Strategic Environmental Assessment (SEA) or not. At that point, we also confirmed to the local authority that we would not be seeking to allocate any sites for development.

The response we received confirmed that the plan would not need to be subject to an SEA (and therefore not require an environmental report to satisfy point 2 above). The response is reproduced in full below.

We are therefore required to submit this statement setting out the reasons why we have not undertaken an SEA to satisfy point 1 above. The response from East Devon District Council sets out the reasoning.

Notwithstanding this, we considered it important to carry-out some sustainability testing of our plan and therefore produced a Sustainability Appraisal (SA) alongside the plan. The final SA report is submitted alongside our neighbourhood plan.

**Stockland Neighbourhood Development Plan
Strategic Environmental Assessment and Habitat
Regulations Assessment**

Screening Report

Prepared by East Devon District Council

March 2015

1.0 Introduction

- 1.1 The purpose of this report is to assess the draft Stockland Neighbourhood Development Plan (hereafter referred to as SNP) to determine whether it requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. An SEA is required under this legislation for all plans which may have a significant effect on the environment.
- 1.2 This report will also screen to determine whether or not the SNP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010. An HRA is required when it is deemed that the implementation of the plan is likely to cause negative significant effects on protected European Sites (Natura 2000 sites).
- 1.3 The conclusion of the assessment is that the SNP is unlikely to have a significant effect on the environment so an SEA is not required to accompany the Plan. It is also unlikely to have a negative impact on any Natura 2000 sites so should not be subject to HRA.
- 1.4 This report has been sent to the three statutory consultees designated in the Regulations (English Heritage, Environment Agency and Natural England) to elicit their views on the findings. All three statutory bodies were in agreement with the findings and their responses can be found in Appendix A.

2.0 SEA screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The objective of SEA is *'to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans... with a view to promoting sustainable development'* EU Directive 2001/42/EC (Article 1).
- 2.3 Although there is no definitive guidance stating that a Neighbourhood Plan will require an SEA, Local Authorities are legally obliged to advise the plan producers as to whether an SEA is required.
- 2.4 To ascertain if SEA is required, a "screening" exercise will be undertaken by East Devon District Council evaluating the content of the SNP against the criteria set out in the SEA Directive. This criterion is set out in the SEA Directive and can be found in Figure 1.
- 2.5 Should the screening report reach the conclusion that that plan will have a significant impact on the environment; a full SEA should be undertaken.
- 2.6 If the conclusion is that a full SEA is not required, any significant variations or additions to the draft Stockland Neighbourhood Plan will be subject to a further screening.
- 2.7 The plan will not identify or propose the allocation of specific development sites.
- 2.8 SEAs have previously been completed as part of the adopted East Devon Local Plan 1995 to 2011 and have been taken into account whilst undertaking this screening assessment.

Figure 1: Application of the SEA Directive to plans and programmes

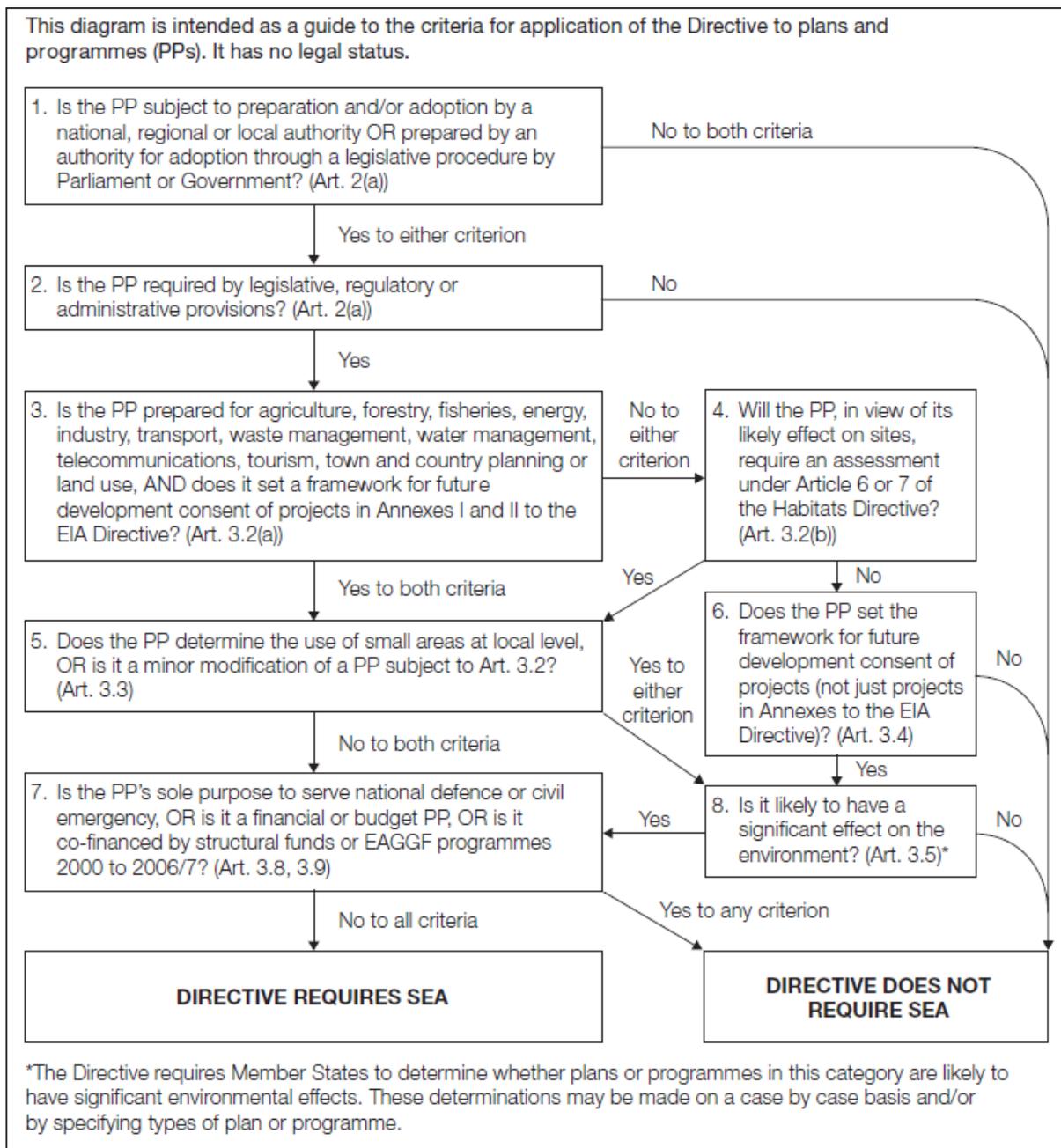
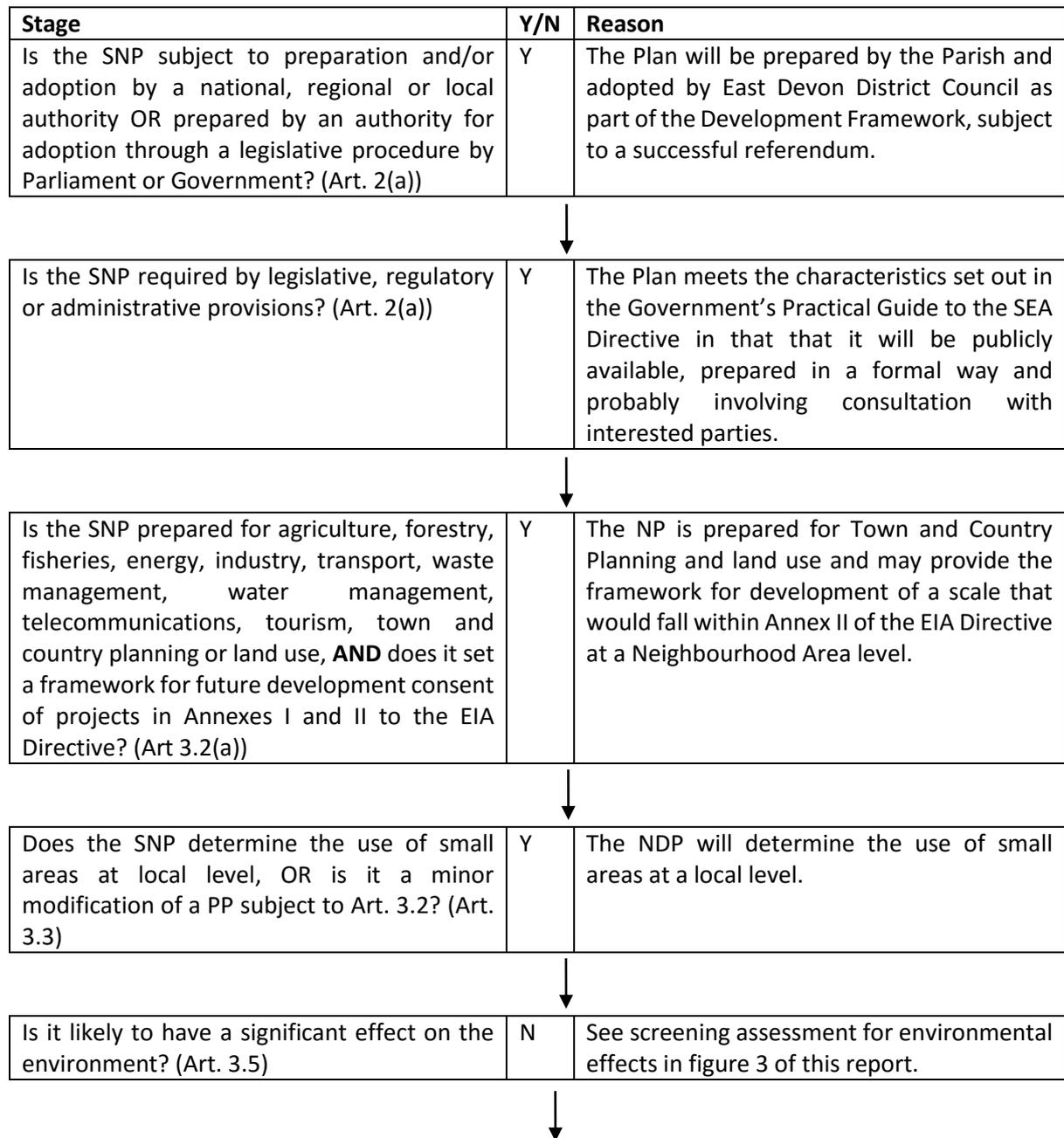


Figure 2: Screening assessment against the criteria for whether the SNP requires n SEA.



Directive Does Not Require SEA

2.9 Screening Assessment for Environmental effects

2.10 Under step 8 of the Application of the SEA directive (Figure 1), in order to establish whether a plan requires an SEA, it was necessary to conduct a thorough assessment of whether the plan was likely to have a significant effect on the environment.

2.11 Stockland is situated within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). As such, its outstanding landscape value and setting are of national importance and is offered considerable protection under the planning system. Special weight will be given to the protection of the AONB when assessing whether the Neighbourhood Plan will have a significant effect on the environment.

2.12 The table below sets out the criteria by which policies of the plan will be judged, as outlined in Article 3.5 of the SEA Directive.

Figure 3: Environmental impact screening assesment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the SNP likely to have a significant environmental effect?	Justification for Screening Assessment
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	N	The SNP will set a framework for developments within the neighbourhood area but does not allocate specific sites for development. It also supports policies already within the adopted and emerging East Devon Local Plans, both of which have been subject to SEA.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	N	The SNP must be in general conformity with the adopted East Devon Local Plan and have regard to national policies. It must also be compatible with EU law and the ECHR obligations. It is not considered to have an influence on other plans.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	N	The Plan will contribute towards the achievement of sustainable development, as required by the “basic conditions” on which the plan will be judged by at examination. The plan producers will also prepare a sustainability appraisal, in which the objective of sustainable development will be considered throughout.
Environmental problems relevant to the plan or programme.	N	The policies of he Plan are not expected to have a negative environmental impact. A considerable focus has been made on the continued protection and enhancement of the parish and its setting within the Blackdown Hills

		AONB. This is illustrated in particular through Policy NE1 which states that development proposals will only be supported where they have demonstrated that there will be no adverse impacts on the natural environment. The Plan makers also intend to produce a sustainability appraisal, where environmental matters related to the plan will be considered.
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	N	These community legislation types are not relevant to the SNP and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	N	Although the SNP will not be allocating sites, it is possible small scale development will occur during the lifespan of the Plan. The policies of the Plan promote sustainable development and are not expected to have a significant environmental impact.
The cumulative nature of the effects.	N	The cumulative effects the SNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	The SNP will only set a framework for development within the Neighbourhood Area. The scale of development it will impact upon is unlikely to have an effect on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents).	N	There are no risks to human health identified.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	The SNP is concerned only with development within the Parish of Stockland, which has a resident population of 661. If there are any effects they are not considered to be wide ranging.
The value and vulnerability of the area likely to be affected due to: special natural characteristics or cultural heritage; exceeded environmental quality standards or limit values; intensive land-use. the effects on areas or	N	Stockland is situated within the Blackdown Hills Area of Outstanding Natural Beauty. Grade I & II & listed buildings are scattered across the Parish, the large concentration of them being situated within the conservation area covering the village of Stockland. The SNP is unlikely to adversely affect these

landscapes which have a recognised national, Community or international protection status.		and there is a considerable focus on the protection and enhancement of the natural environment and heritage sites.
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2.13 Conclusion

2.14 The Stockland Neighbourhood Plan does not require a Strategic Environmental Assessment

2.15 The Stockland Neighbourhood Plan is unlikely to have a significant environmental impact. It does not allocate sites for development and the policies are in accordance with the adopted and emerging local plans (which were themselves subject to SEA).

3.0 Initial Habitat Regulations Screening Assessment

- 3.1 The draft Neighbourhood Plan has been used to undertake this initial screening assessment. As the conclusion is that a full Habitat regulations screening is not required, any variations or additions to the Neighbourhood Plan will be subject to a further screening. A draft screening report was produced as part of the production of the emerging Local Plan and has been taken into account in undertaking this screening assessment.
- 3.2 The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.
- 3.3 Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.
- Article 6(3) of the Habitats Directive states:
- ‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives’.
- 3.4 Sites which are potentially relevant to the Stockland Neighbourhood Plan are the River Axe, which is designated as a Special Area of Conservation (SAC) and the Sidmouth to West Bay SAC.
- 3.5 Natural England have been consulted on this document by the District Council and stated:

Development in Stockland Parish has the potential to affect the SAC’s interest features, mainly through increasing nutrient levels within the SAC. However, Natural England is satisfied that nutrient levels in the SAC will be addressed via an interim Diffuse Water Pollution Plan (DWPP) which has been prepared to take action to reduce phosphorous entering the system from diffuse sources.

Screening Criteria Questions

1. Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

No
2. Does the Neighbourhood Plan propose new development or allocate sites for development?

The Neighbourhood Plan does not allocate sites, although the objectives indicate that small scale development to meet local needs will be supported.

The level of development proposed (small-scale, well related to the built up area, to meet local needs) is broadly in conformity with the adopted East Devon Local Plan, which doesn't specify numbers in each settlement but has a presumption in favour of development within the Built-up Area Boundary.

The level of development in the Plan is also in line with the emerging East Devon Local Plan which allows small scale development within built up area boundaries and 'exceptions' housing (on a 2/3 affordable, 1/3 market basis) to meet local needs. A detailed assessment of potential impacts will be carried out when specific sites come forward through the planning system.

The existing, adopted Local Plan was not subject to an HRA (it pre-dated the requirement) but, as the type of small scale housing referred to in the Stockland Plan accords with Local Plan policy, re/development has already been found to be acceptable in principle. Development schemes should include an area of open space which is intended to meet some recreational pressures arising from new residents and the existing population.

The policies in the Neighbourhood Plan do also accord with the emerging Local Plan for the District which is subject to an HRA. A screening opinion was provided by Land Use Consultants early in the Plan production process and an HRA was completed by Footprint Ecology before, and informed, the submission version of the Local Plan. It indicated that the Local Plan will have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.

It is considered that, whilst the River Yarty which passes through Stockland parish does eventually discharge into the River Axe, development well-related to Stockland village centre will be sufficiently distant that there will be no adverse impact. The potential for increased recreational pressure on the Sidmouth to West Bay SAC is considered to be negligible due to the distances involved, the small scale nature of development, and the numerous intervening recreational opportunities.

3. Are there any other projects or plans that together with the Neighbourhood Plan could impact on the integrity of a European Site?

No

3.6 Conclusion

3.7 The Stockland Neighbourhood Plan does not require a Habitat Regulation Assessment.

3.8 The Stockland Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan and is in accordance with the emerging Local Plan (which was itself subject to HRA).

Appendix A: Consultation Responses

Responses to the consultation agreed with the conclusions of the above screening exercise. The responses from the three statutory bodies of Natural England, English Heritage and the Environment Agency are included below.

English Heritage

From: Stuart, David [<mailto:David.Stuart@english-heritage.org.uk>]
Sent: 22 December 2014 11:31
To: Maria Toynton
Subject: Stockland NP SEA HRA consultation - UNCLASSIFIED:

Dear Maria

Thank you for your consultation on the Stockland NP SEA Screening Report.

Based on the information provided we are happy to concur with the view that an SEA is not required.

Kind regards

David Stuart

David Stuart | Historic Places Adviser

Direct line: 0117 975 0680

Mobile phone: 0797 924 0316

English Heritage | 29 Queen Square

Bristol | BS1 4ND

www.english-heritage.org.uk

Environment Agency

Ms Maria Toynton
East Devon District Council
The Knowle
Sidmouth
Devon
EX10 8HL

Our ref: DC/2006/000243/AP-
15/IS1-L01

Your ref:

Date: 30 December 2014

Dear Ms Toynton

**STOCKLAND NEIGHBOURHOOD PLAN
INITIAL SCREENING REPORT – STRATEGIC ENVIRONMENTAL ASSESSMENT
AND HABITAT REGULATIONS ASSESSMENT**

Thank you for your consultation of 13 November 2014 providing us with the opportunity to comment on the above.

We concur with the conclusions of the initial screening report. We consider that it is unlikely that the Neighbourhood Plan will result in significant effects on the environment. However, at this early stage in the Neighbourhood Plan process we would like to take this opportunity to highlight the environmental constraints that are likely to need further consideration as the Plan develops.

The floodplains associated with the Umborne Brook and the River Yarty put the western and eastern boundaries of the parish at risk of flooding respectively whilst the floodplain of Corry Brook puts parts of the centre of the parish at risk of flooding. Furthermore, the flood map indicates that the south western part of Stockland itself to be at risk of flooding from the watercourse which flows south east towards the River Yarty. In line with the National Planning Policy Framework we would seek any new development to be directed to areas outside Flood Zone 3 (High probability) and Flood Zone 2 (Medium probability). Any new development which has to be located in these flood zones would need to be safe for its lifetime (including allowance for Climate Change), not increase flood risk elsewhere and, where possible, reduce flood risk over all.

In addition, we would be looking for new development to manage surface water drainage on site through the use of Sustainable Drainage Systems to ensure that surface water flooding risks are not increased and, where possible, are reduced.

With regard to the objectives of the Water Framework Directive (WFD) the Umborne Brook is at Moderate Ecological Status. The water-body is failing with regard to Phytobenthos and Macrophytes. The Corry Brook is at Poor Ecological Status. This water-body is failing with regard to Phosphates as well as Phytobenthos and Macrophytes. Finally, the River Yarty is at Moderate Ecological Status. This water-body is failing with regard to Phosphates and Phytobenthos. It is the target for these water-bodies to meet Good Ecological Status by 2027. Therefore, any new development must not cause deterioration from the present status and should seek opportunities to meet the desired status.

We also recommend that the plan references the Catchment Based Approach; not necessarily how the plan ties in with the East Devon Catchment Partnership but at a more local scale what consideration will be given to the environment up and down stream of the area.

We would welcome further consultation on the next stage of the Plan to identify any opportunities to deliver shared outcomes through the Plan.

Yours sincerely

MARCUS SALMON
Sustainable Places Planning Specialist

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From: Horn, Darren A (NE) [Darren.Horn@naturalengland.org.uk]
Sent: 13 March 2015 11:15
To: Timothy Spurway
Cc: Claire Rodway
Subject: LPA comments on Natural England response to Stockland Neighbourhood Plan SEA HRA initial screening report (Our ref: 147626)

Dear Mr. Spurway,

I trust that the following comments clarify our position and enable the Neighbourhood Plan (NP) to progress.

On the basis of the Vision and Objectives for the Stockland NP, we were unable to screen the plan out of possible SEA and HRA, due to the pathways to the River Axe SAC and its location within the Blackdowns AONB. However we appreciate that the proposals are small in scale and having reviewed the policies contained in the draft Neighbourhood Plan (which was not available in the first instance); we would concur with the SEA Screening's conclusion that the NP is unlikely to have a significant environmental impact and that therefore, it does not require SEA.

As previously noted, development in Stockland Parish has the potential to affect the SAC's interest features, mainly through increasing nutrient levels within the SAC. However, Natural England is satisfied that nutrient levels in the SAC will be addressed via an interim Diffuse Water Pollution Plan (DWPP) which has been prepared to take action to reduce phosphorous entering the system from diffuse sources.

My colleague, Laura Horner has discussed the DWPP with Matt Dixon who will receive a copy to add to the council's evidence base.

We are pleased to see that the NP draws upon the Natural England National Character Areas - Blackdowns NCA 147, as part of its evidence base.

Kind regards,

Darren Horn

Adviser, Devon Sustainable Development Team

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