

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

Screening Report

Prepared by Officers of East Devon District Council

May 2016

1.0 Introduction

- 1.1 The purpose of this report is to assess the policies contained within the draft Uplyme Neighbourhood Development Plan (hereafter referred to as UNP) 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 UNP 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 An initial screening report was produced in February 2016 which came to the conclusion that, on balance, an SEA would not be required to accompany the plan. This screening report was then consulted upon with Natural England raising an objection, on the basis that the plan proposed site allocations and made amendments to the built-up area boundary.
- 1.4 This report has therefore been amended to incorporate Natural England's objections, and revises the opinion to conclude that an SEA is required to accompany the plan. It is unlikely to have a negative impact on any Natura 2000 sites so should not be subject to HRA.
- 1.5 This statutory consultee's responses can be found in appendix 1 of this report.

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 At present, there is no legal requirement for all Neighbourhood Plans to produce an accompanying SEA; however, Local Authorities are legally obliged to advise the plan producers as to whether an SEA is required based on the contents of the plan.
- 2.4 To ascertain if SEA is required, a "screening" exercise will be undertaken by East Devon District Council evaluating the draft UNP 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 the plan will have a significant impact on the environment; a full SEA should be undertaken.
- 2.6 SEAs have previously been undertaken as part of the adopted East Devon Local Plan 1995 to 2011 and the adopted East Devon Local Plan 2013-2031 and have been taken into account whilst undertaking this screening assessment.

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

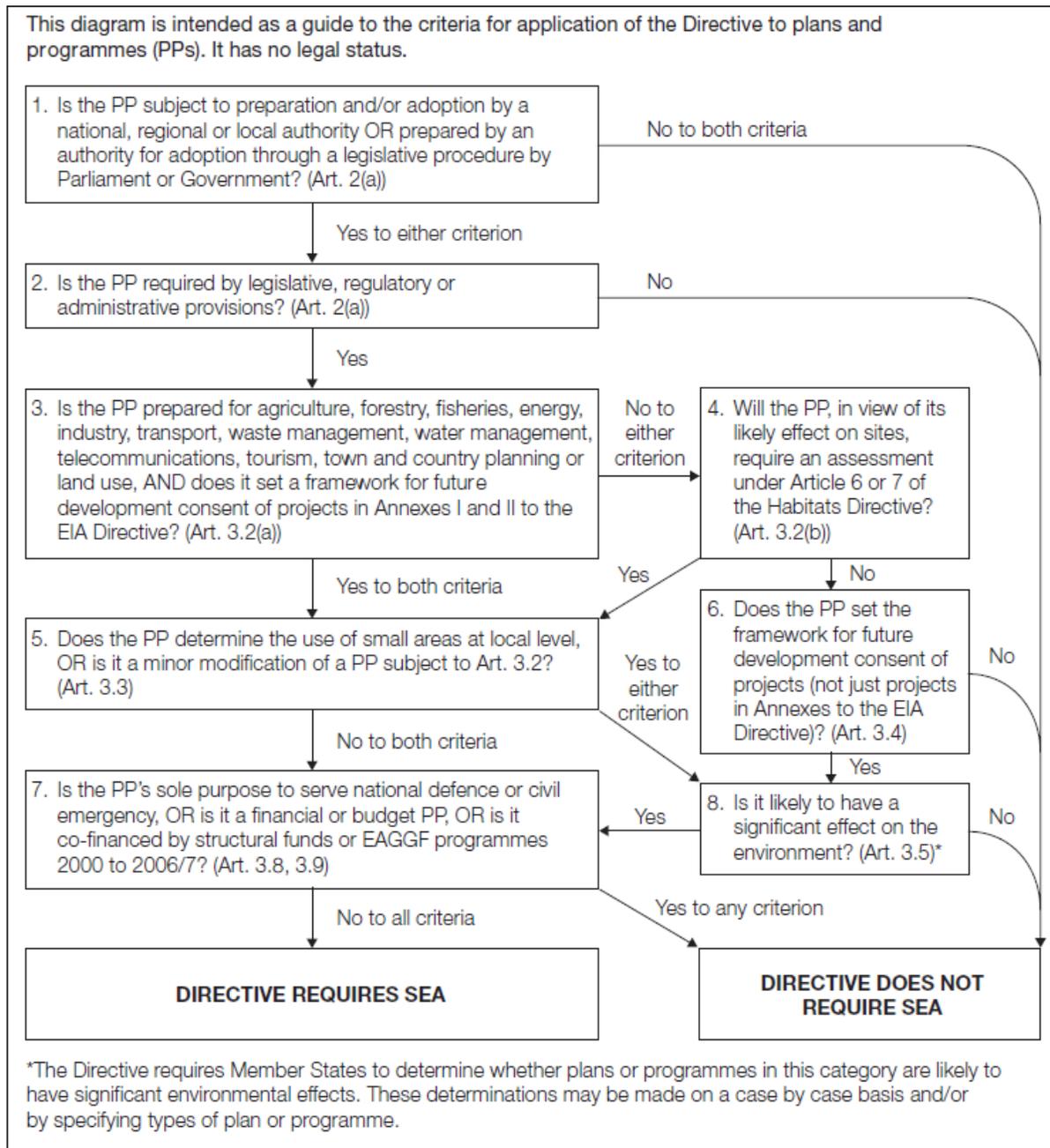
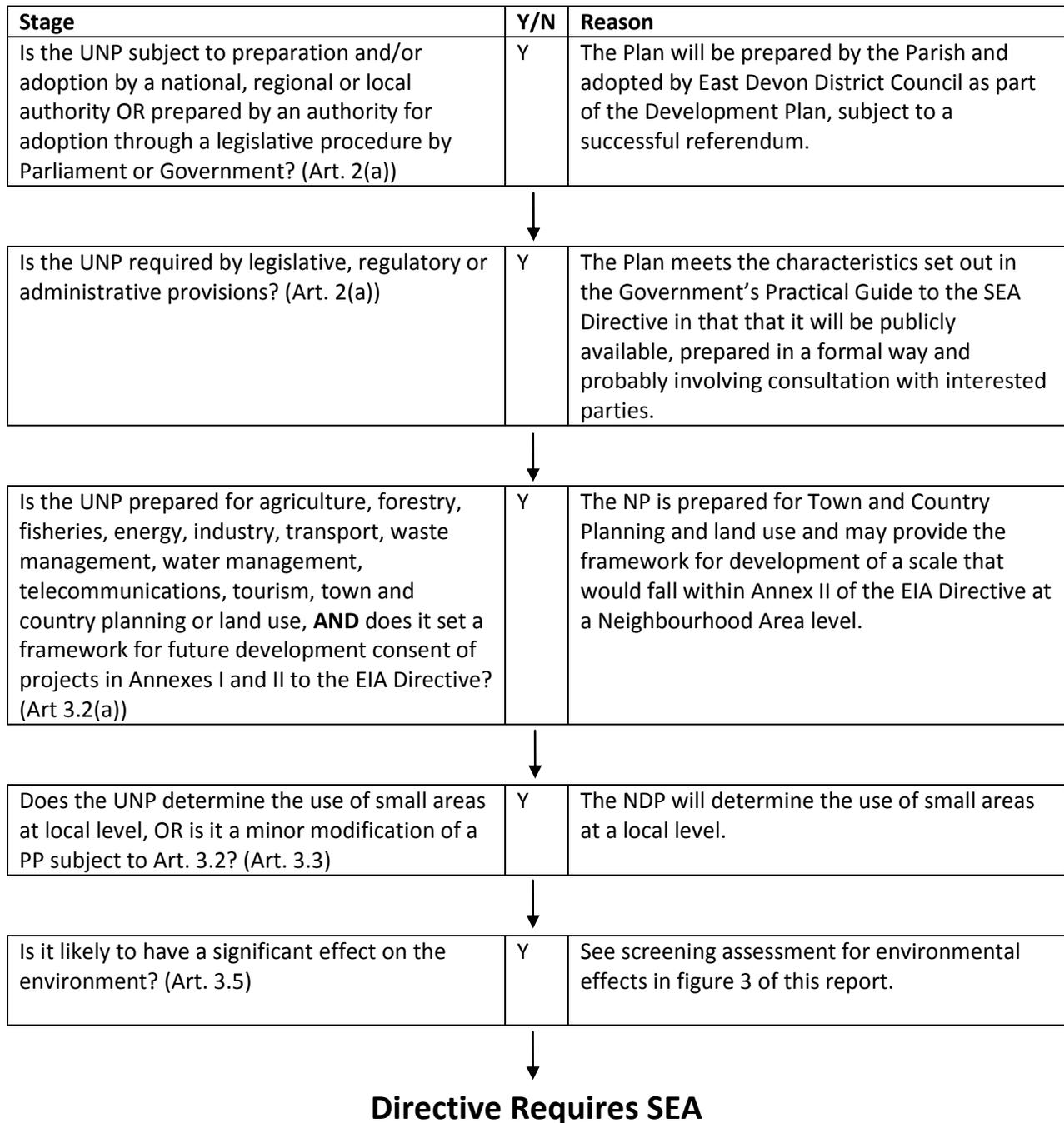


Figure 2: Screening assessment against the criteria for whether the UNP requires an SEA.



Assessment of Environmental effects

2.7 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 is likely to have a significant effect on the environment.

2.8 The table below sets out the criteria on which the impact of the UNP will be judged, as outlined in Article 3.5 of the SEA Directive.

Figure 3: Environmental impact screening assessment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the UNP 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.	Y	<p>The UNP sets a framework for developments within the neighbourhood area. It allocates a small number of houses to be built within the parish which is closely tied to an identified local need. The allocations are for exceptions site which are currently allowed under the adopted Local Plan strategy 35, the impact of which has already been assessed under the Local Plan SEA. Small amendments are also proposed to be made to the BUAB of the settlement which may facilitate a number of additional houses across the plan period.</p> <p>When consulting with the statutory bodies, Natural England were of the view that the changes to the proposed allocations in the Neighbourhood Plan, alongside proposed changes to the built up area boundary were sufficient enough to warrant further analysis through the SEA process.</p>
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	N	The UNP must be in general conformity with the adopted East Devon Local Plan and have regard to national guidance. It must also be compatible with EU law and the ECHR obligations. It is not considered to have an influence on other plans other than individual planning applications that may come forward in the area.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to	N	The plan will contribute towards the achievement of sustainable development, as required by the “basic conditions” on which the plan will be judged at

promoting sustainable development.		examination. In the plan there is an emphasis on the protection of the natural environment but the impact of this is considered to be small.
Environmental problems relevant to the plan or programme.	N	The plan proposals are not considered to have a significant impact on any existing environmental problems that are present in Uplyme.
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 UNP and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	Y	As the plan does allocate sites, it is very likely that they will be brought forward at some point throughout the plans lifespan. Once constructed, any impact would be considered long-lasting and irreversible.
The cumulative nature of the effects.	N	The cumulative effects of the UNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	The UNP will set a framework for development within the Neighbourhood Area. Although closely located to neighbouring Lyme Regis, the scale of development it will impact upon is unlikely to have a significant 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 or the environment identified.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	The UNP is concerned only with development within the parish of Uplyme, which has a resident population of 1,663. If there are any effects they are not considered to be wide ranging.

<p>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 landscapes which have a recognised national, Community or international protection status.</p>	<p>N</p>	<p>The majority of the western part of Uplyme parish is covered by the East Devon AONB.</p> <p>The parish contains 5 county wildlife sites- Trinity Hill, Shapwick Grange, Shapwick Grange Farm, Yawl Bottom and Cathole Farm, which are sensitive in relation to their abundance and range and of species rich flora and fauna.</p> <p>Uplyme also contains a short stretch of the Jurassic Coast- England’s only natural world heritage site, and is offered one of the highest levels of protection. The coast is also designated as a site of special scientific interest and a special area of conservation.</p> <p>35 listed buildings are situated in the parish; around 50% are located in the village with the remainder spread across the parish.</p> <p>Although Uplyme is located in a sensitive area in the District, it does not propose any particular development that is likely to have an adverse impact on any of these designated sites.</p>
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Conclusion

2.9 Taking the above assessment into consideration, alongside the comments of the statutory consultees, The UNP is likely to have a significant environmental impact beyond that which has previously been identified through the SEA of the Local Plan. It therefore requires further assessment through a bespoke SEA.

Habitat Regulations Screening Assessment

3.1 The draft version of the plan has been used to undertake this screening assessment. As the conclusion is that a full Habitat Regulations Screening is not required, any significant variations or additions to Plan will be subject to a further screening. A screening report was produced as part of the production of the adopted 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.

3.4 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’.

3.5 The Uplyme section of the Sidmouth to West Bay SAC lies within Uplyme Parish, to the very south along the coastline. This area was designated due to the significant annual vegetation of drift lines, which is considered to be rare as its total extent in the UK is less than 100ha, vegetated sea cliffs of the Atlantic and Baltic coasts and the Tilio-Acerion forests of slopes, screes and ravines. There are no immediate threats to the features of European Importance on this site. Management of the site is assisted by Countryside Stewardship and English Nature's Reserve Enhancement Scheme. This section of cliff face and/or coastline is also designated a Site of Special Scientific Importance and part of the Jurassic Coast World Heritage Site.

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.

Uplyme has a Built-up Area Boundary in the adopted East Devon Local Plan, within which there is a presumption that modest ‘in-fill’ development may take place and the Neighbourhood Plan allows for this modest growth. Outside of the Built-up Area Boundary there is a presumption against new residential development unless it is very small-scale and is permitted to meet a specific need (e.g. affordable housing or an agricultural workers dwelling) or to achieve the retention of an historic

building. A detailed assessment of potential impacts will be carried out when specific proposals come forward through the planning system.

The Plan does contain a number of positively worded policies allowing new development in the countryside, for instance permitting new tourist accommodation. These are acceptable in principle and accord with the Local Plan. A screening opinion was provided by Land Use Consultants early in the Local 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.

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

No

Conclusion

- 3.6 The Uplyme Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 3.7 The Uplyme 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 (which was itself subject to SEA). Should adverse impacts arise, there is an agreed range of mitigation measures which will be implemented.

Appendix 1: Consultee comments

Timothy Spurway

From: Stuart, David [David.Stuart@HistoricEngland.org.uk]
Sent: 11 April 2016 14:59
To: Timothy Spurway
Subject: RE: Uplyme Neighbourhood Plan SEA HRA Screening - UNCLASSIFIED:

Follow Up Flag: Follow up
Flag Status: Completed

Hi Tim

As it happens, I have now gone through the additional information you kindly sent me.

On that basis I can confirm that we are happy that an SEA will not be required. I can also confirm that there doesn't appear to be a conformity issue with national policy for the historic environment.

At the same time it is worth highlighting that the appraisal approach used is quite simplistic and it is due to the limited number of heritage assets to consider and lack of complexity in the plan area and its proposals which allow for conclusions to be adequately drawn from the evidence provided.

It doesn't automatically follow that this type approach or depth of information would be suitable for all areas!

Kind regards

David

David Stuart | Historic Places Adviser South West
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND

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Date: 04 May 2016
Our ref: 183035
Your ref:



Tim Spurway
Neighbourhood Planning Officer
East Devon District Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Tim

Planning consultation: Uplyme Neighbourhood Plan SEA and HRA Screening - proposed built up area boundary review and site allocations
Location: Uplyme, East Devon

Thank you for your further documentation for the consultation on the above, which was received on 08 April 2016.

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

Following our consultation response on the Uplyme SEA and HRA draft screening report, you sent us further material to demonstrate the locations and extent of the proposed development boundary changes and the site allocations within the Uplyme Neighbourhood Plan. Based on this documentation we are content that an HRA of the Uplyme Neighbourhood Plan is not required.

Our response with regard to SEA however remains unaltered. Based on the fact that the parish is located within the AONB, and the neighbourhood plan allocates a number of sizeable development sites, including a school site, it cannot be ruled out that significant environmental effects resulting from the neighbourhood plan would not occur. We therefore advise that, respectively, a scoping and environmental report are prepared and consulted on. This needs not be an onerous task, as the Uplyme Neighbourhood Plan SEA can build on the up-to-date East Devon District Local Plan SEA. The site assessment work that has already been undertaken for the Neighbourhood plan will also contribute to the SEA.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Corine Dyke on 01872 479590 or corine.dyke@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Corine Dyke
Lead Adviser
Devon, Cornwall and Isles of Scilly team

