

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

Final Screening Report

Prepared by Officers of East Devon District Council

June 2016

1.0 Introduction

- 1.1 The purpose of this report is to assess the draft Chardstock Neighbourhood Development Plan (hereafter referred to as CNP) 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 CNP 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 CNP 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 (Historic England, Environment Agency and Natural England) to elicit their views on the findings. Responses were received from Historic England and Natural England agreeing with the conclusions of the report and can be found in Appendix 1.

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 aims and objectives of the CNP 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 Neighbourhood Plan will also be subject to screening.
- 2.7 The plan contains policies that seek to deliver the aims and objectives of the plan but does not identify or propose the allocation of specific development sites.
- 2.8 An SEA has been undertaken as part of the adopted East Devon Local Plan 2013-2031 and has been taken into account whilst undertaking this screening assessment.

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

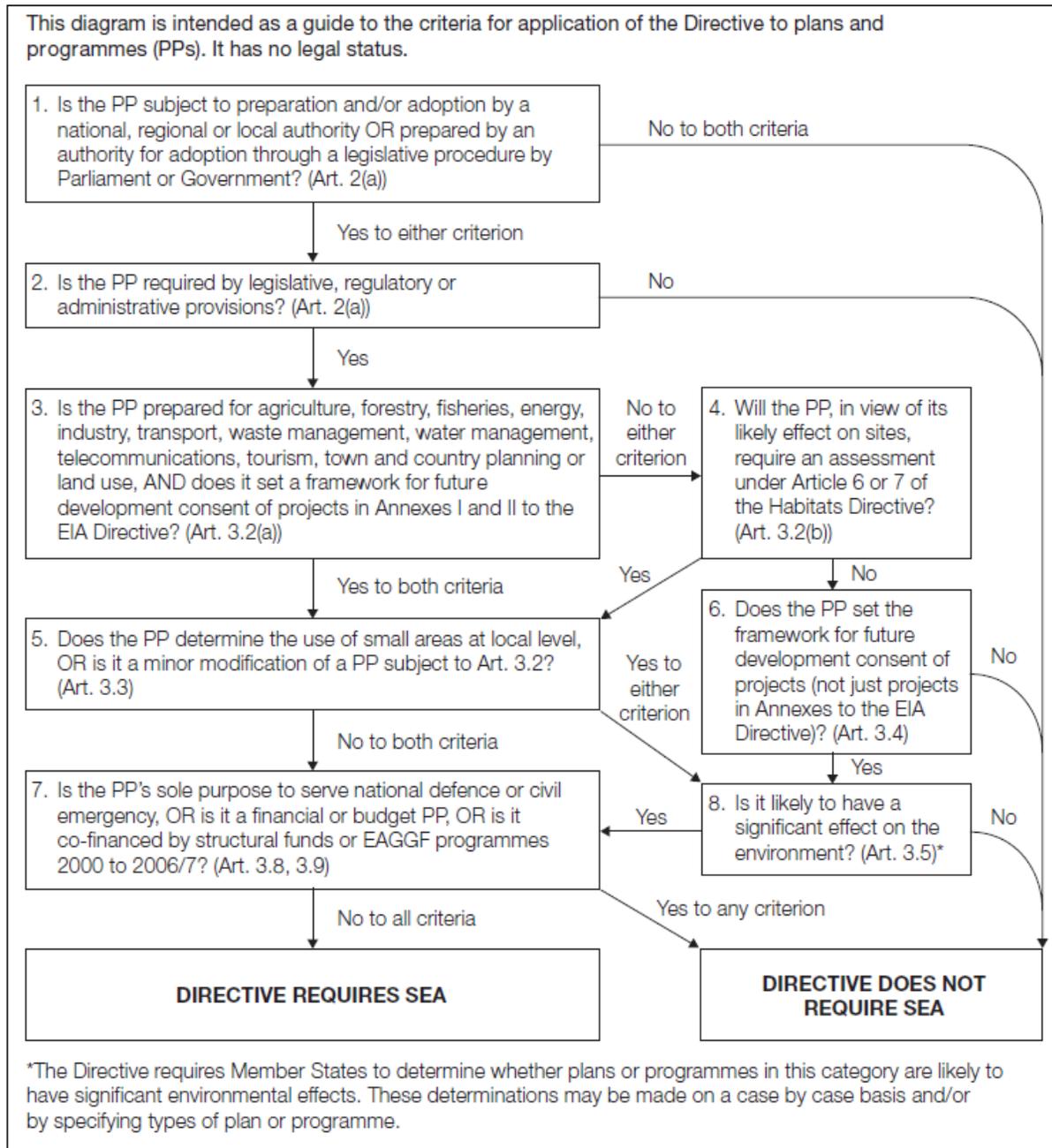


Figure 2: Screening assessment against the criteria for whether the CNP requires an SEA.

Stage	Y/N	Reason
Is the CNP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The Plan will be prepared by the Parish and adopted by East Devon District Council as part of the Development Framework, subject to a successful referendum.
↓		
Is the CNP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The Plan meets the characteristics set out in the Government's Practical Guide to the SEA Directive in that that it will be publicly available, prepared in a formal way and probably involving consultation with interested parties.
↓		
Is the CNP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	The NP is prepared for Town and Country Planning and land use and may provide the framework for development of a scale that would fall within Annex II of the EIA Directive at a Neighbourhood Area level.
↓		
Does the CNP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The NDP will determine the use of small areas at a local level.
↓		
Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See screening assessment for environmental effects in figure 3 of this report.

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 Most of the parish of Chardstock 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 aims and objectives of the Neighbourhood Plan will have a significant effect on the environment.

2.12 The table below sets out the criteria by which the aims and proposals of the plan should 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 CNP 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 CNP sets a framework for developments within the neighbourhood area but does not allocate specific sites for development. It also supports policies already within the adopted East Devon Local Plan, all 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 CNP 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 a particular 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 neighbourhood 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.
Environmental problems relevant to the plan or programme.	N	The proposed aims and objectives for the Plan are not expected to have a negative environmental impact. A considerable focus has been made on the protection of the natural environment, particularly in relation

		to the parish's setting within the Blackdown Hills AONB, and the protection of the conservation area.
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 CNP and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	N	No specific allocations are made in the plan and Chardstock is unlikely to undergo any significant environmental change as a result of the policies of the Neighbourhood Plan.
The cumulative nature of the effects.	N	The cumulative effects of the CNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	The CNP only sets a framework for development within the Neighbourhood Area which corresponds to the existing parish boundary. 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 CNP is concerned only with development within the Parish of Chardstock, which has a resident population of 828. 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 landscapes which have a recognised national, Community or international protection status.	N	Most of Chardstock is situated within the Blackdown Hills Area of Outstanding Natural Beauty. 55 listed buildings are scattered across the Parish, 27 of them being situated within the conservation area covering the village of Chardstock. The CNP is unlikely to adversely affect these and there is a considerable focus on the protection of sensitive sites.

2.13 Conclusion

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

2.15 The Chardstock Neighbourhood Plan is unlikely to have a significant environmental impact. It does not propose a level of development over and above that in the adopted Local Plan and is in accordance with the adopted Local Plan (which was itself subject to SEA).

3.0 Habitat Regulations Screening Assessment

- 3.1 The aims and objectives of the plan (Appendix A) have 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 aims and objectives 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.
- 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 Sites which are potentially relevant to the Chardstock Neighbourhood Plan are the River Axe, which is designated as a Special Area of Conservation (SAC) and the Sidmouth to West Bay SAC.
- 3.6 Natural England will be consulted on this document by the District Council.

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 sustainably located, very small scale development to meet local (particularly affordable) needs or through conversion of rural buildings may be supported.

The very low 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 defines

Chardstock as in open countryside where there is a presumption against new development except in very limited circumstances- eg '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 objectives in the Neighbourhood Plan accord with the 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 adopted 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 Kit which passes through Chardstock parish does eventually discharge into the River Axe, development well-related to Chardstock 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

3.7 Conclusion

3.8 The Chardstock Neighbourhood Plan does not require a Habitat Regulation Assessment.

3.9 The Chardstock 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 HRA).

Appendix 1: Consultee Responses

Date: 09 June 2016

Our ref: 185031

Your ref:



Tim Spurway
Neighbourhood Planning Officer
East Devon District Council

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

BY EMAIL ONLY

T 0300 060 3900

Dear Tim

Planning consultation: Chardstock Neighbourhood Plan SEA and HRA screening report

Location: Chardstock , East Devon

Thank you for your consultation on the above, dated 06 May 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.

Natural England agrees with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required. We consider that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely.

We also agree with the report's conclusions that the Chardstock Neighbourhood Plan would not be likely to result in a significant effect on any European site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

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 02080 268177 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.

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

Yours sincerely

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

Timothy Spurway

From: Stuart, David [David.Stuart@HistoricEngland.org.uk]
Sent: 19 June 2016 12:34
To: Timothy Spurway
Subject: Chardstock Neighbourhood Plan SEA and HRA screening report - UNCLASSIFIED:

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Tim

Thank you for your consultation on the SEA Screening for the Chardstock Neighbourhood Plan.

I can confirm that we have no objection to the view that an SEA will not be required.

Having taken the opportunity to consider the draft Plan we are pleased to note the value which the community places on its historic environment and the policies which have been included accordingly (CPNP 02 & CPNP 03). The community makes specific reference to its conservation area and listed buildings in this respect but we wonder whether it might also wish to embrace other forms of heritage assets. In particular whether there are undesignated assets which the community attaches local value to and which it might therefore wish to specifically identify, perhaps in the form of a schedule and dedicated policy.

We provided generic guidance to the community in response to the original notification to designate the area in August 2014 and this would have contained information on the range of heritage considerations that any Plan could give thought to. In case the community wishes to reflect further on the suggestion above I attach relevant information again and would be grateful if you could forward this email to an appropriate representative.

We have recently issued updated guidance on Local Heritage Listing which may be of interest to you and your communities. This can be accessed at <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>

(Note: I am not sure we received the previous SEA Screening consultation in late 2014 but it is always possible that this observation is based on an error in our records!)

Kind regards

David

David Stuart | Historic Places Adviser South West
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We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website: HistoricEngland.org.uk/EAS