

**Budleigh Salterton Neighbourhood Development Plan
Strategic Environmental Assessment and Habitat
Regulations Assessment**

Final Screening Report

Prepared by Officers of East Devon District Council

January 2017

1.0 Introduction

- 1.1 The purpose of this report is to assess the policies contained within the draft Budleigh Salterton Neighbourhood Development Plan (hereafter referred to as BSNP) 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 BSNP 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 BSNP 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 with both agreeing with the conclusions drawn. These 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 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 BSNP 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 An SEA was conducted to accompany 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

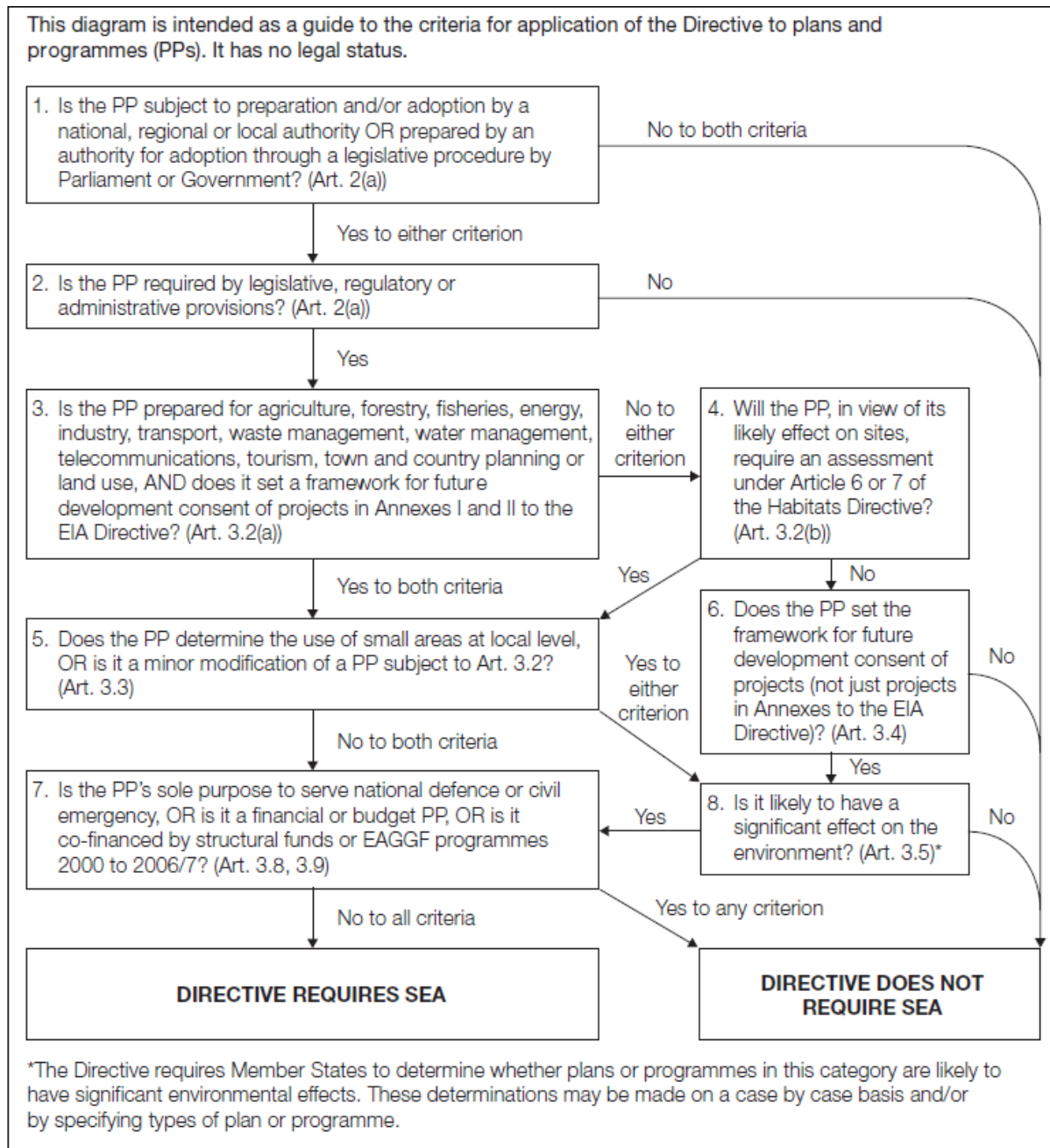
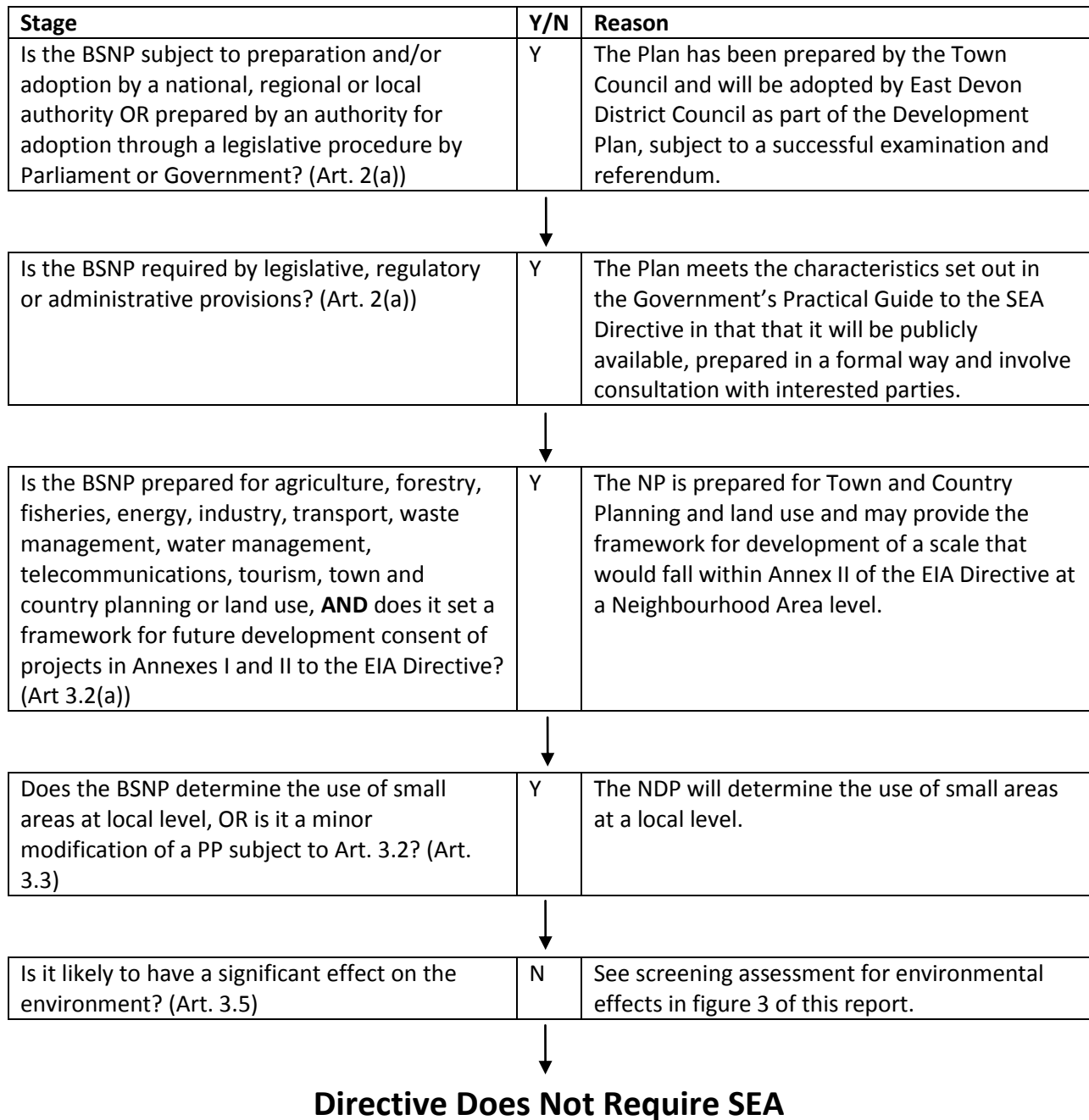


Figure 2: Screening assessment against the criteria for whether the BSNP requires an SEA.



Assessment of Environmental effects

3.1 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.

3.2 The table below sets out the criteria on which the impact of the BSNP 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 BSNP 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	Whilst the BSNP sets a framework for developments within the neighbourhood area, it does not identify specific locations or areas of land for development. It supports the Local Plan Strategy 21 on Budleigh Salterton, which prioritises the conservation of the outstanding natural environment and promotes affordable housing and employment uses over other forms of development. Additional priorities for the Neighbourhood Plan are ensuring development is suitably designed, promotes the retention of recreation facilities includes the potential movement of the cricket ground, and supports the built-up area boundary for the Town. All of these priorities are broadly compatible with Local Plan strategies which have previously undergone SEA as part of the Local Plan production process.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	N	The BSNP 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 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 at 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 Budleigh Salterton.
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 BSNP and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	N	The plan will influence development that will likely come forward over the plan period and therefore any impact will be long term and not easily revisable. However, the impact of this is likely to be small.
The cumulative nature of the effects.	N	The cumulative effects of the BSNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	There are not considered to be any proposals in the Neighbourhood Plan which will have a significant trans-boundary effect.
The risks to human health or the environment (e.g. due to accidents).	N	There will be a minor positive impact on human health through the promotion of wellbeing and recreation spaces.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	The BSNP is concerned only with development within the parishes of Budleigh Salterton, which has a joint resident population of 5185. 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	<p>Budleigh Salterton Parish is situated in an areas which is very sensitive in terms of environmental and heritage considerations.</p> <p>The entirety of the Neighbourhood Area is covered by the East Devon Area of Outstanding Natural Beauty, an area recognised nationally for its distinctive character and beauty.</p> <p>The Otter Estuary and Cliffs are designated as sites of special scientific interest and the</p>

		<p>Town itself is flanked by 4 county wildlife sites- The Golf Course, Floors and Knowle to the west and Otter Meadows to the east. No significant impact is anticipated on any of these sites as the plan includes policies to protect and enhance existing sites rich in ecological value.</p> <p>With regards to heritage, the parish has a total of 40 listed features in the parish- all grade 2. 30 of these are situated within the conservation area located in the town centre. The plan includes a policy seeking to protect existing heritage assets in the parish and there are no specific proposals identified in the plan that would have a significant environmental impact on heritage features</p>
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Conclusion

4.1 Taking the above assessment into consideration, The BSNP is unlikely to have a significant environmental impact beyond that has previously been identified through the SEA of the Local Plan. Although Budleigh Salterton is located in a sensitive area in the district, the impact of the policies in the plan is not considered to be significant enough to warrant further analysis through a bespoke SEA.

Habitat Regulations Screening Assessment

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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’.
- 6.5 Part of the Exe Estuary and Pebblebed Heath SAC, SPA and SSSI lies just outside Budleigh Salterton Parish. The Parish is within the mitigation zone for this area.

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 doesn't propose specific sites for new housing. Any housing which is constructed eg. Affordable, is considered to be sufficiently far away that any impact can be satisfactorily mitigated. A range of alternative areas for recreation and access to the countryside are available at a similar or closer distance to the sites.

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

- 6.6 The Budleigh Salterton Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 6.7 The Budleigh Salterton 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.

Timothy Spurway

From: Stuart, David [David.Stuart@HistoricEngland.org.uk]
Sent: 21 December 2016 16:49
To: Timothy Spurway
Subject: Budleigh Salterton SEA screening consultation - UNCLASSIFIED:

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Tim

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

I can confirm that we have no objection to the conclusion that the Plan will not require an SEA.

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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From: Timothy Spurway [<mailto:TSpurway@eastdevon.gov.uk>]
Sent: 15 November 2016 13:03
To: Stuart, David; consultations@naturalengland.org.uk; enquiries@environment-agency.gov.uk
Subject: Budleigh Salterton SEA screening consultation - UNCLASSIFIED:

Good afternoon,

Please find attached the SEA screening report for the Budleigh Salterton Neighbourhood Plan. All comments are required by 3rd January 2016.

A copy of the draft plan can be viewed at the following location: <http://www.budleighsaltertonnp.uk/the-draft-plan.html>

Kind regards,

Tim Spurway
Neighbourhood Planning Officer
East Devon District Council

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Date: 22 December 2016
Our ref: 201517
Your ref:



Tim Spurway
Neighbourhood Planning Officer
East Devon District Council

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BY EMAIL ONLY

T 0300 060 3900

Dear Tim

Planning consultation: Budleigh Salterton Neighbourhood Plan - SEA screening consultation

Thank you for your consultation on the above dated 15 November 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 Budleigh Salterton 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 / 07717 888537 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
Sustainable Development Team – Devon, Cornwall & Isles of Scilly