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East Devon Gypsy and Traveller Site Design and Layout Supplementary Planning Document



Strategic Environmental Assessment and
Habitat Regulation Screening Report ₁

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Supplementary Planning Document

Strategic Environmental Assessment and Habitat Regulations Assessment

Draft Screening Report

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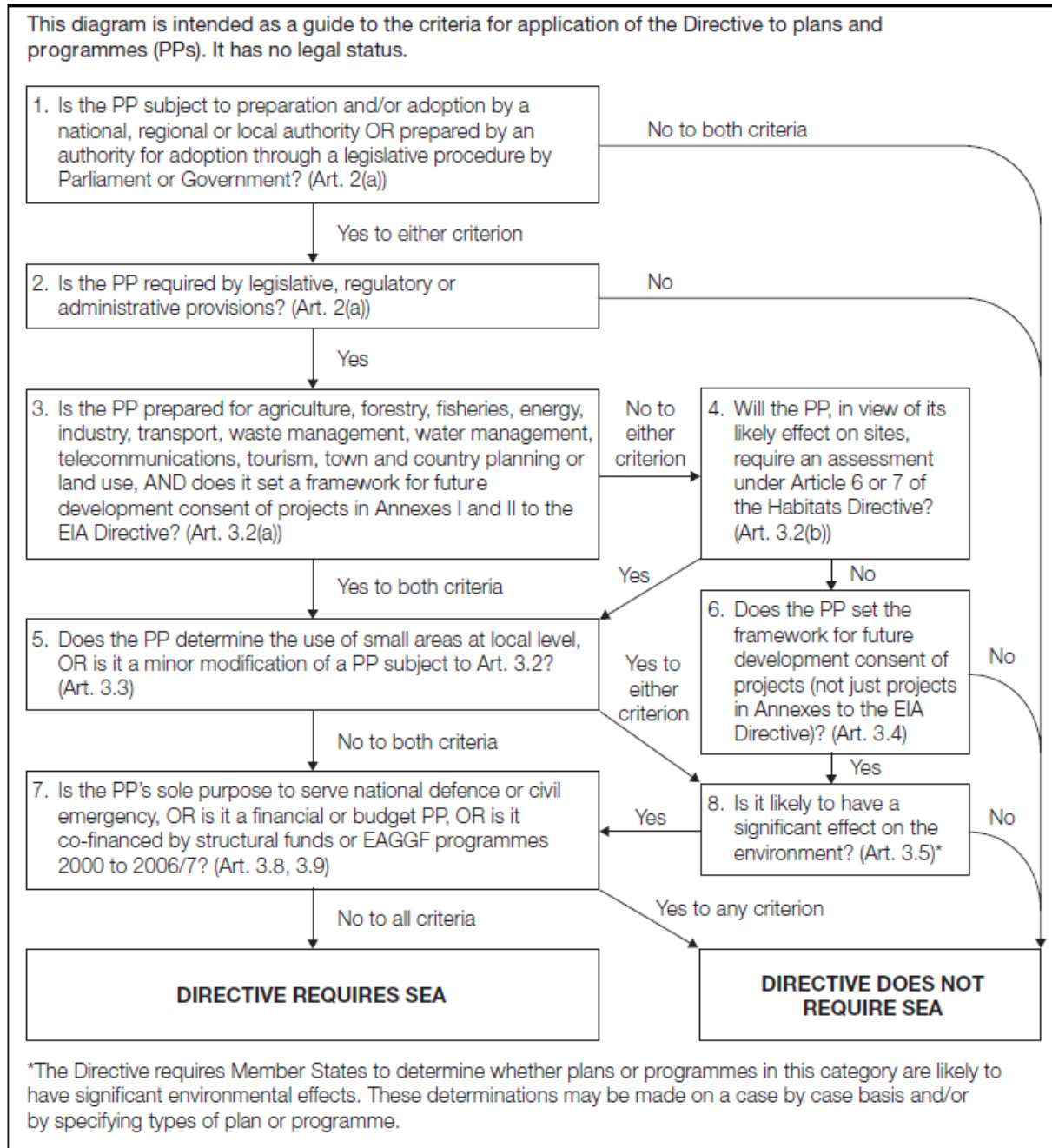
1.0 Introduction

- 1.1 The purpose of this report is to assess the draft proposals in the East Devon Gypsy and Traveller Site Design and Layout Supplementary Planning Guidance (hereafter referred to as the SPD) 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 SPD 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 SPD 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. When responses are received a final report will be produced to incorporate their comments.

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 SPD will require an SEA, Local Authorities are legally obliged to consider whether an SEA is required.
- 2.4 To ascertain if SEA is required, a "screening" exercise has been undertaken by East Devon District Council evaluating the proposals the SPD 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 SPD will also be subject to screening.
- 2.7 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



3.0 East Devon Gypsy and Traveller Site Design and Layout SPD

3.1 Initially a Development Plan Document (DPD) was proposed which would identify and allocate sites for Gypsy and Traveller accommodation need ¹. Considerable research and consultation was undertaken to inform the initial production of the DPD but, despite several calls for sites and direct approaches to potential landowners, very few potential sites were put forward for consideration so the focus of work has moved whilst further sites are sought.

3.2 In the meantime, SPD is needed to inform the determination of any planning applications for Gypsy and Traveller sites which are received by the District Council. The SPD is based on Government guidance and research and on the best practice experience of our own and neighbouring Local Authorities. It adds detail to Policy H7 of the East Devon Local Plan (which sets out criteria against which new sites/site extensions will be considered, which was itself subject to SEA and HRA). The SPD does not determine WHERE new sites will be permitted, it provides guidance on the size, layout and design of new/additional pitches on Gypsy and Traveller sites to ensure that they provide a high quality environment which meets residents basic requirements. As it is specific to individual sites it is considered very unlikely to have a significant environmental effect. Should this circumstance change it will be important to rescreen the SPD to take any changes into account.

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

Stage	Y/N	Reason
Is the SPD 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 and adopted by East Devon District Council as part of the Development Framework.
Is the SPD required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The SPD 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 involve consultation with interested parties.
Is the SPD 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 SPD 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 SPD 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 SPD 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

¹ RRR "Devon Partnership Gypsy and Traveller accommodation Assessment" (2015)

3.3 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 SPD was likely to have a significant effect on the environment.

3.4 The table below sets out the criteria by which the site allocation in the SPD 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 SPD 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 SPD adds detail to Policy H7 of the East Devon Local Plan. The Local Plan sets out criteria against which new sites/site extensions will be considered , the SPD provides guidance on the size, layout and design of new/additional pitches on Gypsy and Traveller sites to ensure that they provide a high quality environment which meets residents basic requirements. The SPD incorporates requirements for environmental improvements which will reduce the harm which could otherwise occur.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	N	The SPD adds detail to the adopted East Devon Local Plan and conforms 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 any plans other than the planning applications that will need to conform to it.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	N	The SPD contributes towards the achievement of sustainable development by requiring higher social and environmental standards than would otherwise have been the case.
Environmental problems relevant to the plan or programme.	N	There are no significant environmental problems that the SPD is likely to impact.
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 SPD and will not need to be considered beyond the requirement for refuse/recycling storage, SUDS and waste water management as required by the local Plan (and the guidance of South West Water/the Environment Agency).
The probability, duration, frequency and reversibility of the	N	As the SPD relates to the development of sites any effects of the plan are 6

effects.		considered to be likely and irreversible. However, much of the guidance relates to the need for positive improvements eg landscaping, and much of the accommodation proposed is temporary in nature so the impact is not considered to be significant.
The cumulative nature of the effects.	N	The cumulative effects of the SPD are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	The SPD only sets a framework for development within specific sites, the scale and location of which are mainly determined by the Local Plan. 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 limited risks to human health identified (eg storage of flammable material), however these are the usual risks associated with the type of development and the SPD is intended to improve safety. There Could be a small increase in traffic running along narrow, country lanes.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	The SPD is concerned only with development of Gypsy and Traveller sites of up to 15 pitches, with 28 in total still needing to be found across the District. If there are any effects they will be localized and are not considered to be wide ranging as per the meaning of the regulations.
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	The SPD does not address the location of sites as this is addressed in the Local Plan.

3.5 Conclusion

3.6 The SPD does not require a Strategic Environmental Assessment

4.0 Habitat Regulations Screening Assessment

- 4.1 The SPD has been used to undertake this screening assessment. As the conclusion is that a full Habitat regulations screening is not required, any variations or additions to the Document may require 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.
- 4.2 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.
- 4.3 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.
- 4.4 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’.
- 4.5 As the SPD covers the whole of East Devon, it is relevant to all of the European Sites in the District.
- 4.6 Natural England will be consulted on this document by the District Council.

Screening Criteria Questions

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

No

2. Does the SPD propose new development or allocate sites for development?

The SPD does not propose development- the numbers and criteria against which sites will be assessed is already established in the adopted East Devon Local Plan. The SPD supports and adds detail to the Local Plan Policy by setting out design guidance at an individual site scale. A detailed assessment of potential impacts will be carried out when specific sites come forward through the planning system.

The objectives in the SPD 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 sites may come forward which could affect European Sites, this will be considered through any planning application and mitigation measures are in place.

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

No

4.7 Conclusion

4.8 The SPD does not require a Habitat Regulation Assessment.

4.9 The SPD 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).