

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

Final Screening Report

Prepared by Officers of East Devon District Council

January 2017

Introduction

- 1.1 The purpose of this report is to assess the policies contained within the draft Membury Neighbourhood Development Plan (hereafter referred to as MNP) 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 MNP 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 MNP is likely to have a significant effect on the environment so 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.
- 1.4 This report has been sent to the three statutory consultees designated in the Regulations (Historic England, the Environment Agency and Natural England) to elicit their views on the findings. Natural England responded, agreeing with the conclusion of the report and their response has been included 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 MNP 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

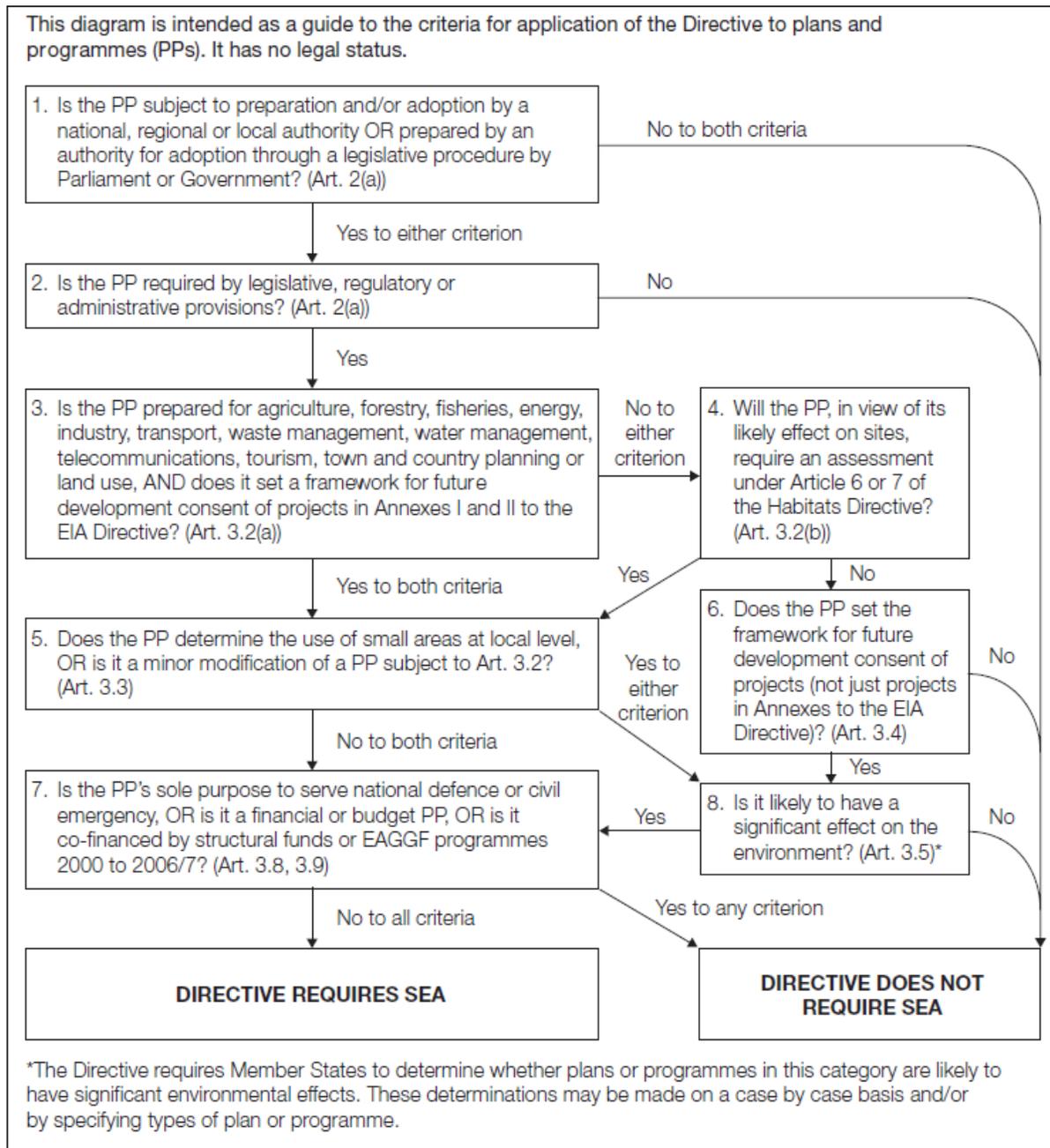
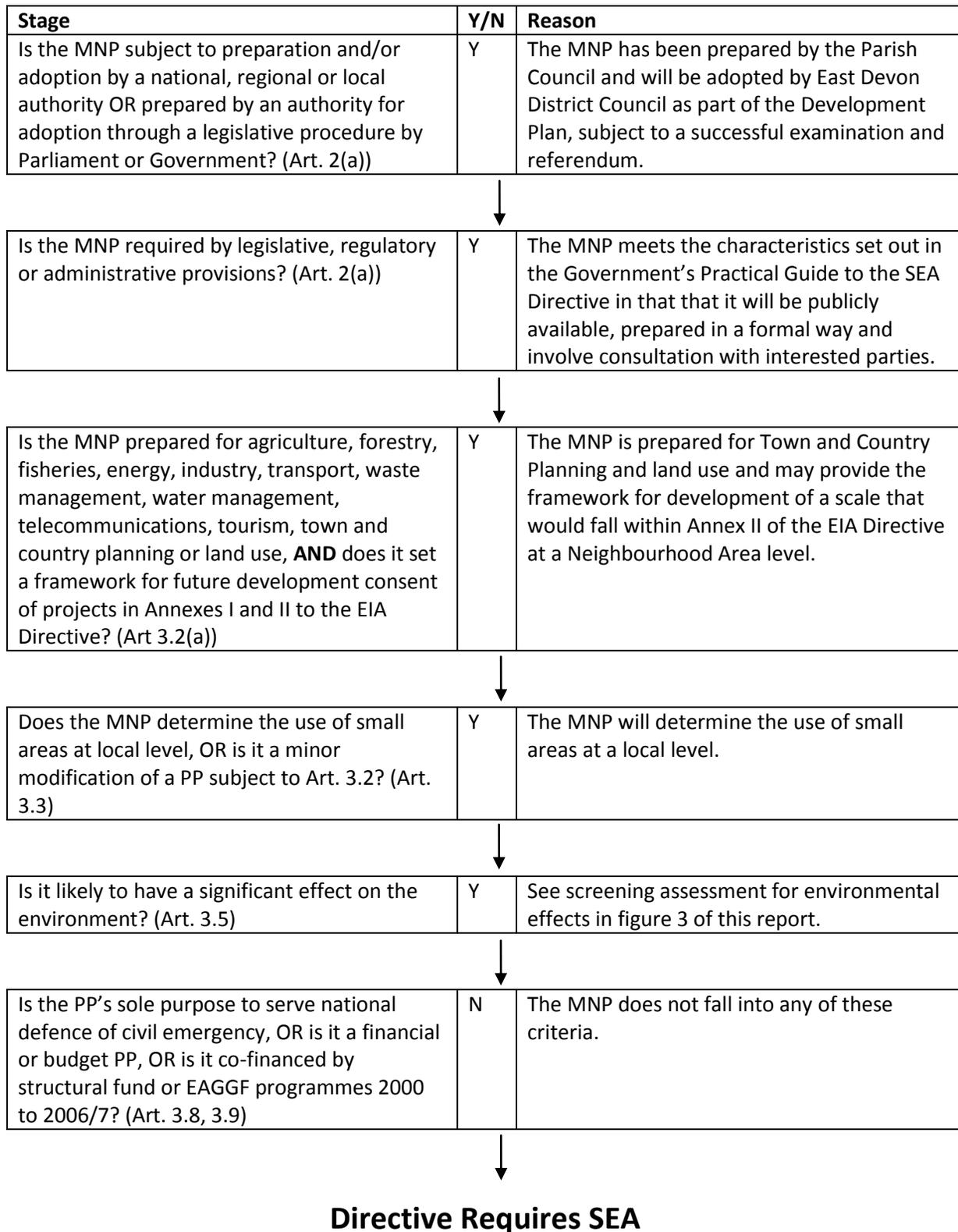


Figure 2: Screening assessment against the criteria for whether the MNP requires an SEA.



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 MNP 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 MNP 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	The MNP sets a framework for developments within the neighbourhood area. Whilst it stops short of allocating particular sites for development, it does promote development in areas that would not generally be considered acceptable for development. Policy HP1 supports development in various settlements including the village of Membury and a number of hamlets in the parish. The hamlets in particular are not served with services and facilities and therefore the primary mode of travel for new residents will most likely be by private motor vehicle. This will have a negative environmental impact through the increased level of carbon emissions associated with car usage.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	N	The MNP 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 MNP 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 Membury.
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 MNP and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	N	As the MNP includes policies supporting development, it is very likely that some will be brought forward at some point during the lifespan of the plan. Once constructed, any impact would be considered long-lasting and irreversible.
The cumulative nature of the effects.	N	The cumulative effects of the MNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	The MNP will set a framework for development within the Neighbourhood Area. The scale of development promoted 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 will be a minor negative impact through the promotion of further development through and associated increase of traffic on existing roads in the parish.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	The MNP is concerned only with development within the parish of Membury, which has a joint resident population of 501. 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,	Y	The entirety of the Neighbourhood Area is covered by the East Devon Area of Outstanding Natural Beauty, which is designated in recognition of its national importance and to ensure that its character and qualities are protected for all to enjoy. As the plan does not allocate specific sites for development it is unclear on the specific impact of plan proposals on the AONB. However, as the plan supports development on a greater

<p>Community or international protection status.</p>		<p>scale and in different locations than would otherwise be supported through the Local Plan, a significant impact is likely.</p> <p>The parish contains a single site of special scientific interest (Furley Chalk Pitt). Development could potentially be situated near this site as a result of the plan as it is in close proximity to the hamlet of Furley, which has been identified as one of the hamlets that development could be permissible.</p> <p>68 listed buildings and features are situated across the parish and within the village and hamlets. There is also a single ancient monument at Membury Castle near the village of Membury. As the plan does not allocate individual site locations, it is unclear as to the particular impact there may be on heritage assets. However, as more development is promoted through the Neighbourhood Plan, the likelihood of impact on historic assets in the parish is increased.</p>
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Conclusion

4.1 Taking the above assessment into consideration, The MNP is likely to have a significant environmental impact beyond that which was previously identified through the SEA of the Local Plan. Membury is located in a sensitive area in the district and the policies of the plan will result in further development in the villages and hamlets, in locations not generally accessible to local services and facilities. The environmental impact of the proposals should therefore be considered through an accompanying SEA to the Neighbourhood Plan.

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 Sites which are potentially relevant to the Membury Neighbourhood Plan are the River Axe, which is designated as a Special Area of Conservation (SAC) and the Sidmouth to West Bay SAC.
- 6.6 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 propose a small number of houses in the village/hamlets around Membury. These are not identified on a map but would be permitted through a criteria-based policy. Membury is not a settlement with a Built-up Area Boundary in the Local Plan and

therefore (other than exceptions housing) this had not been anticipated, however the Local Plan does give Neighbourhood Plans the opportunity to provide a small amount of growth provided it is justified by evidence. It is considered that, whilst rivers/streams pass through Membury parish and discharge into the River Axe, development will be sufficiently distant that there will be no adverse impact and, in any case, impacts can be mitigated through the use of planning conditions. 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.

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

- 6.7 The Membury Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 6.8 The Membury 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 Response

Date: 14 November 2016
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Dear Mr Spurway

Planning consultation: Membury Neighbourhood Plan SEA and HRA – Final Screening Report

Thank you for your consultation which was received by Natural England on the 05 October 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 has been consulted on the Final Screening Report and has therefore only commented on this document, rather than the Membury Neighbourhood Plan Final Consultation Draft. If comments on the whole plan are sought, please consult us specifically on this.

THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES REGULATIONS 2004, REGULATION 9 SCREENING DETERMINATION

Strategic Environmental Assessment

Planning Practice Guidance states that a strategic environmental assessment (SEA) may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

The SEA should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal. It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.

The following information is provided to assist in deciding whether there are sensitive natural or heritage assets that may be affected by the proposals in the plan or significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local

Plan.

REGULATION 61 OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (HABITATS REGULATIONS).

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects on European sites, including the River Axe SAC and the Sidmouth to West Bay SAC.

The potential for impacts from the level of development allowed for in the East Devon Local Plan were considered in the Habitats Regulations Assessment (HRA) carried out by Footprint Ecology in 2012. Your assessment concludes that the Membury Neighbourhood Plan can be screened out from further stages of HRA assessment because significant effects are unlikely to occur to European sites, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

Nationally Designated sites

Membury Parish contains the Furley Chalk Pit geological Site of Special Scientific Interest (SSSI). Further information on the site can be found at: <https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1004423&SiteName=Furley&countyCode=&responsiblePerson=>. The designated features are not sensitive to air pollution impacts (such as car emissions), recreational pressure or water quality impacts. This site is therefore unlikely to be affected by impacts from small scale housing in nearby settlements or other plan proposals.

Landscape

Membury Parish is within a nationally designated landscape, namely the East Devon AONB. We welcome the reference to the protection of landscape character in this sensitive area in most of the plan policies, including Policy HP5 (9) on small scale self-build housing.

Natural England understands the community's wishes to allow small scale expansions at the village and hamlets in the plan area. However the East Devon Local Plan SEA has not fully considered the amount of development potentially sought in the Membury Neighbourhood Plan and we therefore recommend that a SEA of the Neighbourhood Plan is undertaken, focussed only on the likely significant effects on the AONB. This will ensure the Neighbourhood Plan is sound and not open to future challenge.

We also advise that you consult the Blackdown Hills AONB Partnership. Their knowledge of the parish and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will assist in the SEA process.

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 Alison Slade on 02082 257504. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

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