

**Sid Valley Neighbourhood Development Plan  
Strategic Environmental Assessment and Habitat  
Regulations Assessment**

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**Screening Report**

Prepared by Officers of East Devon District Council

**October 2018**

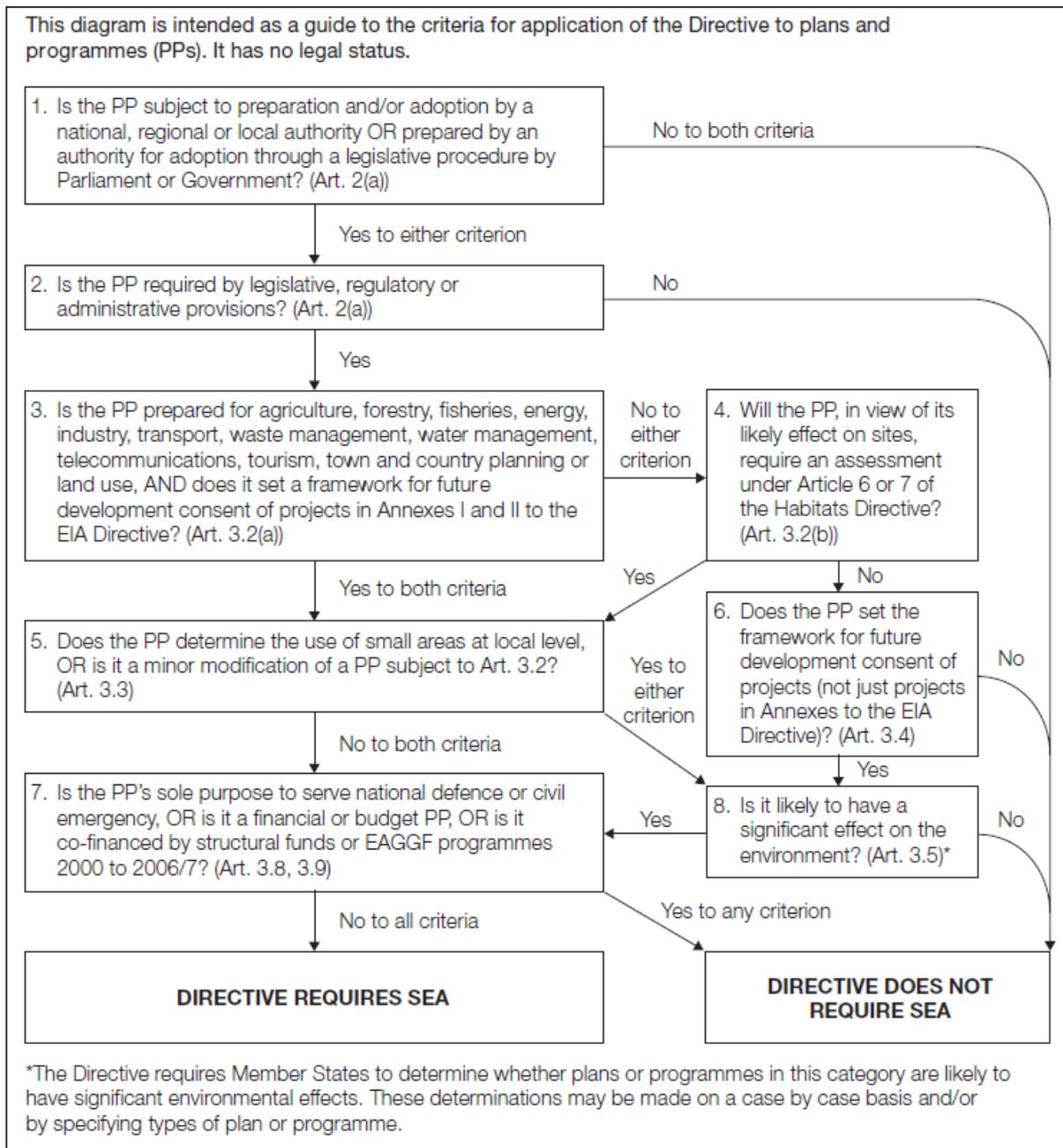
## **1 Introduction**

- 1.1 The purpose of this report is to assess the draft proposals in the Sid Valley Neighbourhood Development Plan ('the Plan'), covering the area of Sidmouth Parish, 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 Plan 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 a 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 Plan is unlikely to have a significant effect on the environment so an SEA is not required. 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.

## **2 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 plan producers as to whether an SEA is required.
- 2.4 To ascertain if SEA is required, a "screening" exercise has been undertaken by East Devon District Council to evaluate the proposals of the Plan 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 Plan 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 Sidmouth Neighbourhood Plan**

- 3.1 The Plan has been in production for approximately two and a half years. It has undergone significant consultation and the Neighbourhood Plan Steering Group (NPSG) is currently at the stage of drawing up draft proposals for final submission.
- 3.2 East Devon District Council has been kept informed on progress and has offered support and guidance to the NPSG throughout and therefore can be fairly confident in the Plan's direction of travel.
- 3.3 The objectives and policies of the Plan are indicative the group's desire to protect the existing character of the parish, whilst facilitating appropriate development and growth, in line with the strategic policies contained in the Local Plan. Whilst the Plan will include a range of policies, they are fairly general in nature and are considered very unlikely to have a significant environmental effect. Should this circumstance change it will be important to rescreen the Plan to take any changes into account.

**Figure 2:** Screening assessment against the criteria for whether the Sid Valley Neighbourhood plan requires an SEA.

Stage	Y/N	Reason
Is the Plan 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 town and adopted by East Devon District Council as part of the Development Framework, subject to a successful referendum.
Is the Plan 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 Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, <b>AND</b> 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 Plan 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 Plan 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 Plan will determine the use of small areas at a local level.
Is the Plan 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**

#### 4 Screening Assessment for Environmental effects

- 4.1 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 was likely to have a significant effect on the environment.
- 4.2 The table below sets out the criteria by which the site allocation in the Plan should be judged, as outlined in Article 3.5 of the SEA Directive.

**Figure 3:** Environmental impact screening assesment

<b>Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)</b>	<b>Is the SVNP likely to have a significant environmental effect?</b>	<b>Justification for Screening Assessment</b>
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.	<b>N</b>	The Plan 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.	<b>N</b>	The Plan 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 any plans other than the planning application that will dictate the development of the allocation.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	<b>N</b>	The 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.	<b>N</b>	The proposed aims and objectives for the Plan are not expected to have a negative environmental impact. The Plan seeks to protect the natural environment including efforts to establish Sidmouth as a transition town with sustainability at its core.
The relevance of the plan or programme for the implementation of Community	<b>N</b>	These community legislation types are not relevant to the Plan and will not need to be considered.

legislation on the environment (e.g. plans and programmes linked to waste management or water protection).		
The probability, duration, frequency and reversibility of the effects.	<b>N</b>	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 reversible. However, the impact of this is likely to be small.
The cumulative nature of the effects.	<b>N</b>	The cumulative effects of the Plan are not considered to have a significant adverse effect on the environment.
The trans-boundary nature of the effects.	<b>N</b>	There are not considered to be any proposals in the Plan which will have a significant trans-boundary effect.
The risks to human health or the environment (e.g. due to accidents).	<b>N</b>	There are no risks to human health identified, other than the usual risks associated with the construction of dwellings and 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).	<b>N</b>	The Plan is concerned only with development within the Parish of Sidmouth, which has a resident population of 12, 569 as of the 2011 census. 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.	<b>N</b>	<p>Sidmouth is situated in an area that is highly sensitive in terms of environmental and heritage considerations.</p> <p>The Neighbourhood plan recognises and supports the protection of the designated Coastal Preservation Area, the AONB, and Conservation Areas within the parish.</p> <p>Additional protection is offered to the identified green corridors including 'The Byes' to encourage and maintain biodiversity.</p> <p>The Plan identifies Local Green Spaces and these are designated, in</p>

		<p>order to afford the appropriate protection.</p> <p>The Plan is unlikely to adversely affect the significant value and vulnerability of the area, including objectives and policy to compliment the protection of sensitive sites.</p>
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## 5 Conclusion

- 5.1 The Plan does not require a Strategic Environmental Assessment
- 5.2 The 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).

## **6 Habitat Regulations Assessment (HRA) Screening**

- 6.1 The draft policies of the Plan (Appendix 1) have been used to undertake this initial screening assessment. As the conclusion is that a full Habitat Regulations Assessment is not required, any variations or additions to the aims and objectives will be subject to a further screening. A screening report was produced as part of the production of the 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 European Site(s) of relevance to the Sid Valley Neighbourhood Plan:  
  
UK0019864 - Sidmouth to West Bay SAC commencing at the mouth of the River Sid and continuing eastward along the cliff edge / coastal fringe to the parish boundary and beyond.
- 6.6 Natural England will be consulted on this document by the District Council.

## **7 Screening Criteria Questions**

- 7.1 Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?  
  
No
- 7.2 Does the Neighbourhood Plan propose new development or allocate sites for development?  
  
No
- 7.3 Are there any other projects or plans that together with the Neighbourhood Plan could impact on the integrity of a European Site?  
  
No

## **8 Conclusion**

- 8.1 The Sid Valley Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 8.2 The Sid Valley 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).