

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

Final Screening Report

Prepared by Officers of East Devon District Council

December 2019

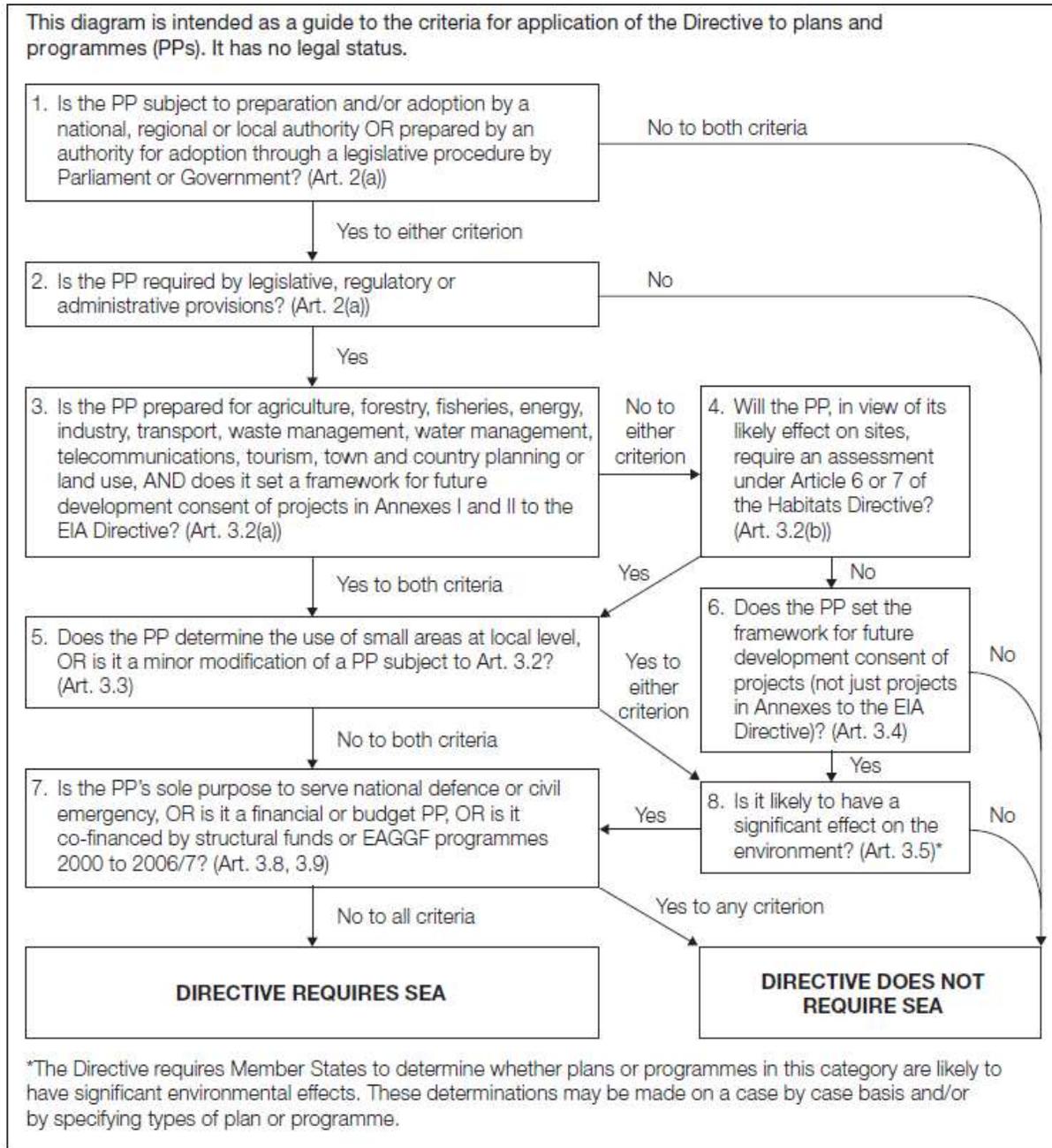
1.0 Introduction

- 1.1 The purpose of this report is to assess the policies contained within the draft Otterton Neighbourhood Development Plan (hereafter referred to as ONP) 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 ONP 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 ONP 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. The responses, which concur with the view that a full assessment is not required, are appended to the report.

SEA screening

- 3.1 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).
- 3.2 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).
- 3.3 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.
- 3.4 To ascertain if SEA is required, a "screening" exercise will be undertaken by East Devon District Council evaluating the ONP 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.
- 3.5 Should the screening report reach the conclusion that the plan will have a significant impact on the environment; a full SEA should be undertaken.
- 3.6 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



3.0 Otterton Neighbourhood Plan

- 3.1 The Neighbourhood Plan has been in production for approximately three years. It has undergone public consultation and the producers have carried out a Regulation 14 pre-submission consultation.
- 3.2 East Devon District Council has been kept abreast of progress and has offered support and guidance to the Neighbourhood Plan group and therefore can be confident in the Plan’s direction of travel.
- 3.3 The key points of the Neighbourhood Plan are the group’s ambitions to restrict development to within the existing settlement of Otterton and the conversion of existing buildings elsewhere in the Parish and the desire to limit future outward expansion of Ladram Bay holiday park. Affordable housing, under exceptions Policy of the Local Plan (and potentially the ONP) could still take place. The Local Plan does not identify Otterton as a settlement for which a Built-up area Boundary is designated under Strategy 27, although it does allow Neighbourhood Plans to promote development provided it is justified and will promote the objectives of sustainable development. It is not the Plans intention to allow such future development.
- 3.4 Whilst the plan will also include various other 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.
- 3.5 On this basis, this screening report has considered the potential for significant environmental effects from the proposed allocation site.

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

Stage	Y/N	Reason
Is the ONP 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 has been prepared by the Parish Council and will be adopted by East Devon District Council as part of the Development Plan, subject to a successful examination and referendum.
↓		
Is the ONP 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 involve consultation with interested parties.
↓		
Is the ONP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and	Y	The NP is prepared for Town and Country Planning and land use and may provide the framework for development of a scale that

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))		would fall within Annex II of the EIA Directive at a Neighbourhood Area level.
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Does the ONP 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.
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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.
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Directive Does Not Require SEA

Assessment of 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 is likely to have a significant effect on the environment.

4.2 The table below sets out the criteria on which the impact of the ONP 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 ONP 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 ONP sets a framework for developments within the neighbourhood area. In the Local Plan, Otterton is generally not considered to be a suitable place for further open market housing development, but this is largely due to the lack of a frequent bus service and everyday facilities.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	N	The ONP 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 Otterton.
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 ONP and will not need to be considered.

The probability, duration, frequency and reversibility of the effects.	N	As the Neighbourhood Plan will not be allocating a site, this will not apply.
The cumulative nature of the effects.	N	The cumulative effects of the ONP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	The ONP 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 a significant effect on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents).	N	There are no risks to health identified.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	The ONP is concerned only with development within the parish of Otterton. 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	The entirety of the Neighbourhood Area is covered by the East Devon Area of Outstanding Natural Beauty. There are also ancient woodlands, CWS's SSSI's and the World Heritage Site within the Parish. The centre of Otterton village is a conservation area and there are numerous Grade 11 listed, and 5 11* listed buildings throughout the parish. No sites are proposed for allocation and the thrust of the Plan is protective in nature. No significant impact is anticipated on any of these sites.

Conclusion

5.1 Taking the above assessment into consideration, The ONP is unlikely to have a significant environmental impact beyond that has previously been identified through the SEA of the Local Plan.

Habitat Regulations Screening Assessment

- 6.1 The pre-submission 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 The Pebblebed Heath SAC, SPA and SSSI lies close to Otterton Parish whilst the World Heritage Site, several ancient woodland, 5 CWS and 2 SSSI’s (Otter Estuary and Ladram Bay to Sidmouth Cliffs) lie within it.

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?

No the Neighbourhood Plan does not propose new development sites.

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 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 Otterton Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 6.7 The Otterton 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).

Natural England 4.12.19

Correspondence from Carol Reeder at Natural England requesting clarification of the relationship between Policy ONP7 and the blue/red boundaries on the aerial plan. Natural England require confirmation that undeveloped/unconsented land is not identified for development or a further assessment will be required.

The plan producers have been asked for clarification and agree that it is the Plans intention that development will only be permitted within the red line (the already developed/consented part of the site).

Natural England have recognised that they have a further opportunity to formally comment at Submission stage.

Historic England 2.12.19

Dear Claire

Thank you for your consultation on the SEA Screening Report for the emerging Otterton Neighbourhood Plan.

We did in fact receive a Regulation 14 consultation for the community earlier in the summer and our response is attached for information.

On that basis I can confirm that we have no objection to the view that a full SEA for the Plan is not required.

Kind regards

David

David Stuart | Historic Places Adviser South West

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<https://historicengland.org.uk/southwest>



Environment Agency 28.10.19

Thank you for your consultation of 21 October 2019 in respect of the Otterton Neighbourhood Plan SEA/HRA screening.

We concur with the conclusions of the screening report that the neighbourhood plan is unlikely to have any significant environmental effects and therefore that Strategic Environmental Assessment specific to the plan is not required. Any potential for environmental effects from planned development in the parish should already have been addressed through the Sustainability Appraisal (SA) which supported the East Devon Local Plan.

We missed the deadline to respond to the regulation 14 consultation on the draft plan. However, having reviewed the current draft we are broadly supportive of the objectives (PO.3 – The Natural Environment) and policies (ONP4 Protect & enhance the Natural Environment, and ONP5 Encourage small business & agriculture) set out therein. We will provide more detailed formal comments to this effect when we are consulted at Regulation 16 stage.

Kind regards

Marcus Salmon

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If you are planning a new project or development, we want to work with you to make the process as smooth as possible. Early engagement can improve subsequent planning applications to you and your clients' benefit and deliver environmental outcomes. For a cost recovery fee of £100 per hour plus VAT we will provide you with a project manager who will coordinate all meetings and reviews in order to give you detailed specialist advice with guaranteed delivery dates. More information can be found on our website [here](#).

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