

Newton Poppleford Neighbourhood Development Plan

Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report

Prepared by Officers of East Devon District Council

October 2019

(formatted for accessibility September 2020)

1. Introduction

The purpose of this report is to assess the draft proposals in the Newton Poppleford Neighbourhood Development Plan ('the Plan'), covering the area of Newton Poppleford 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.

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 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). An HRA is required when there is the potential that the implementation of a plan could cause a likely significant effect on protected European Sites (Natura 2000 sites).

With regard to the SEA, the conclusion of the assessment is that the Plan is unlikely to result in a significant adverse effect on the environment, therefore SEA is not required.

With regard to the HRA, the conclusion of the assessment is that the Plan is unlikely to result in a significant adverse effect on any Natura 2000 sites so should not be subject to HRA.

This report was sent to the three statutory consultees designated in the Regulations (Historic England, Environment Agency and Natural England) to elicit their views on the findings. After 6 weeks, the Environment Agency, Historic England and Natural England had all responded and concurred that the Plan is unlikely to result in significant environmental impact or a significant adverse impact on a European site. The responses are appended to the end of this document.

2. Strategic Environmental Assessment Screening

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).

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).

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.

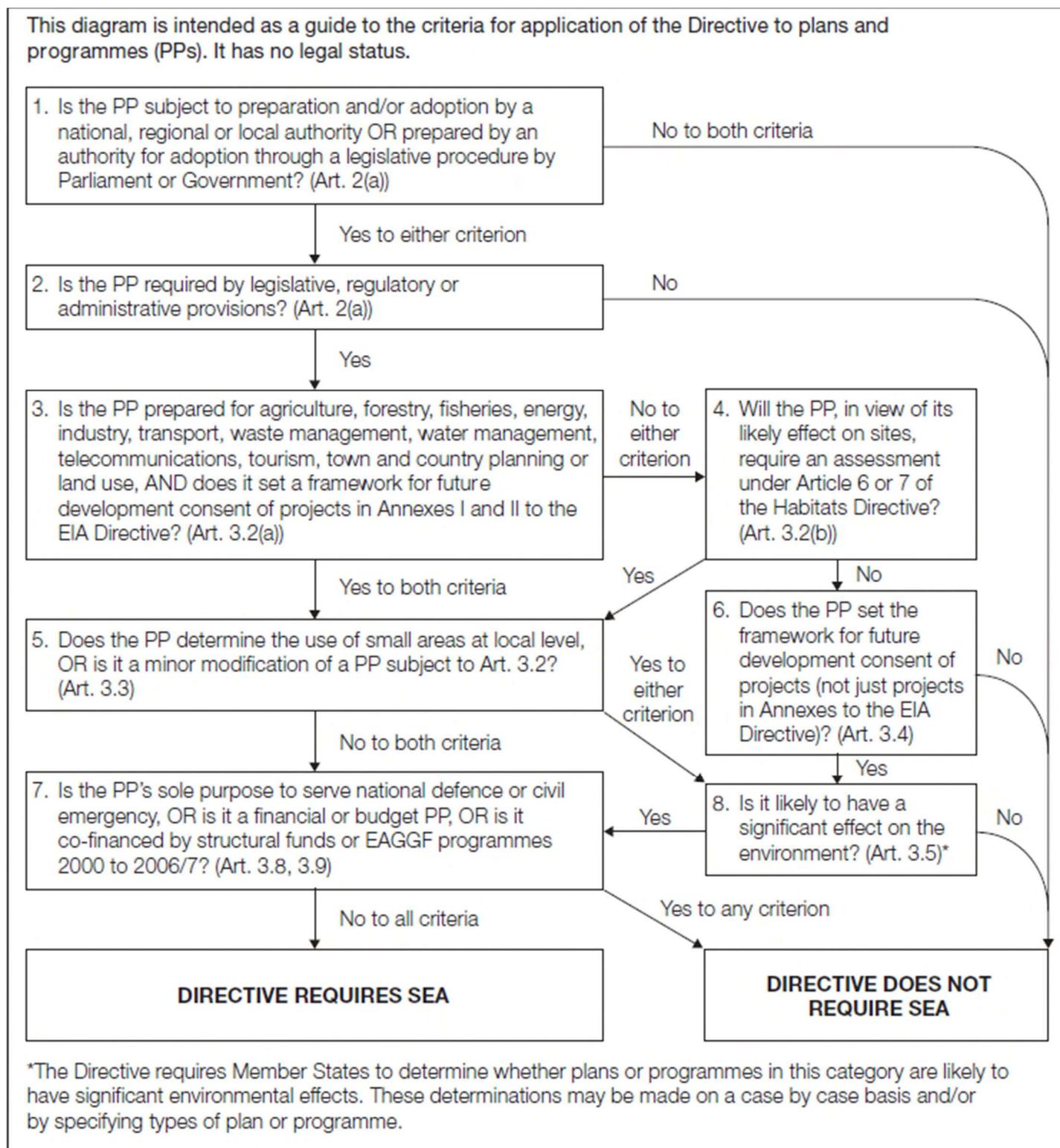
To ascertain if SEA is required, a "screening" exercise has been undertaken by East Devon District Council to evaluate the proposals of the Plan against the criteria set out in the SEA Directive. This criterion is set out in the SEA Directive and can be found in Figure 1.

Should the screening report reach the conclusion that that Plan will have a significant impact on the environment; a full SEA should be undertaken.

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.

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. Newton Poppleford Neighbourhood Plan

The Plan has been in production for approximately four years. It has undergone significant consultation and the Neighbourhood Plan Steering Group (NPSG) is currently at the stage of finalising proposals for final pre-submission consultation.

East Devon District Council has been kept informed on progress and has offered support and guidance to the NPSG throughout and therefore can be confident in the Plan's direction of travel.

The objectives and policies of the Plan are indicative of the group's desire to protect the existing character of the parish, whilst facilitating appropriate development and growth. The Plan includes a range of policies subject to HRA / SEA screening, if the Plan changes following consultation it will be necessary to rescreen the Plan.

Figure 2: SEA Screening Assessment

Stage	Yes/No	Reason
1. 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))	Yes	The Plan will be prepared by Newton Poppleford Parish Council and adopted by East Devon District Council as part of the Development Framework, subject to a successful referendum.
2. Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	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 involving consultation with interested parties.
3. Is the Plan 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))	Yes	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.
4. 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)	Yes	The Plan will determine the use of small areas at a local level.
5. Is the Plan likely to have a significant effect on the environment? (Art. 3.5)	No	The Plan does not propose new development or allocate sites for new development. Policies which support new development, for example within the Built-up Area Boundary, accord with the Local Plan which was itself subject to SEA/HRA. Policies are intended to benefit the environment, with numerous protective requirements.

Conclusion: Directive Does Not Require an SEA

4. Screening Assessment for Environmental Effects

Under step 8 of the Application of the SEA directive (Table 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.

The table overleaf 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.

Table 1: Environmental Impact Screening Assessment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the Plan 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.	No	The Plan sets out a framework for development within the neighbourhood area. It supports policies contained within the adopted East Devon Local Plan that seek to address development within the BUAB, 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.	No	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.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	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.	No	The Plan seeks to protect the natural environment with clearly identified aims and objectives, supported by policy.
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).	No	These community legislation types are not relevant to the Plan and will not need to be considered.

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the Plan likely to have a significant environmental effect?	Justification for Screening Assessment
The probability, duration, frequency and reversibility of the effects.	Yes	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. Impacts are not considered to be negative however.
The cumulative nature of the effects.	No	The cumulative effects of the Plan are not considered to have potential for significant adverse effect on the environment.
The trans-boundary nature of the effects.	No	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).	No	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).	No	The Plan is concerned only with development within the Parish of Newton Poppleford. 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	Yes	See Figure 3 overleaf. Newton Poppleford Parish areas of value and vulnerability: <ul style="list-style-type: none"> • East Devon Pebblebed Heaths SSSI and SAC • East Devon Heaths SPA

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the Plan likely to have a significant environmental effect?	Justification for Screening Assessment
have a recognised national, community or international protection status.		<ul style="list-style-type: none"> • East Devon AONB • Venn Ottery Hill CWS <p>Areas close to the parish edge:</p> <ul style="list-style-type: none"> • Mutter's Moor CWS • Fire Beacon Hill and Cottage CWS • Tipton Vale CWS

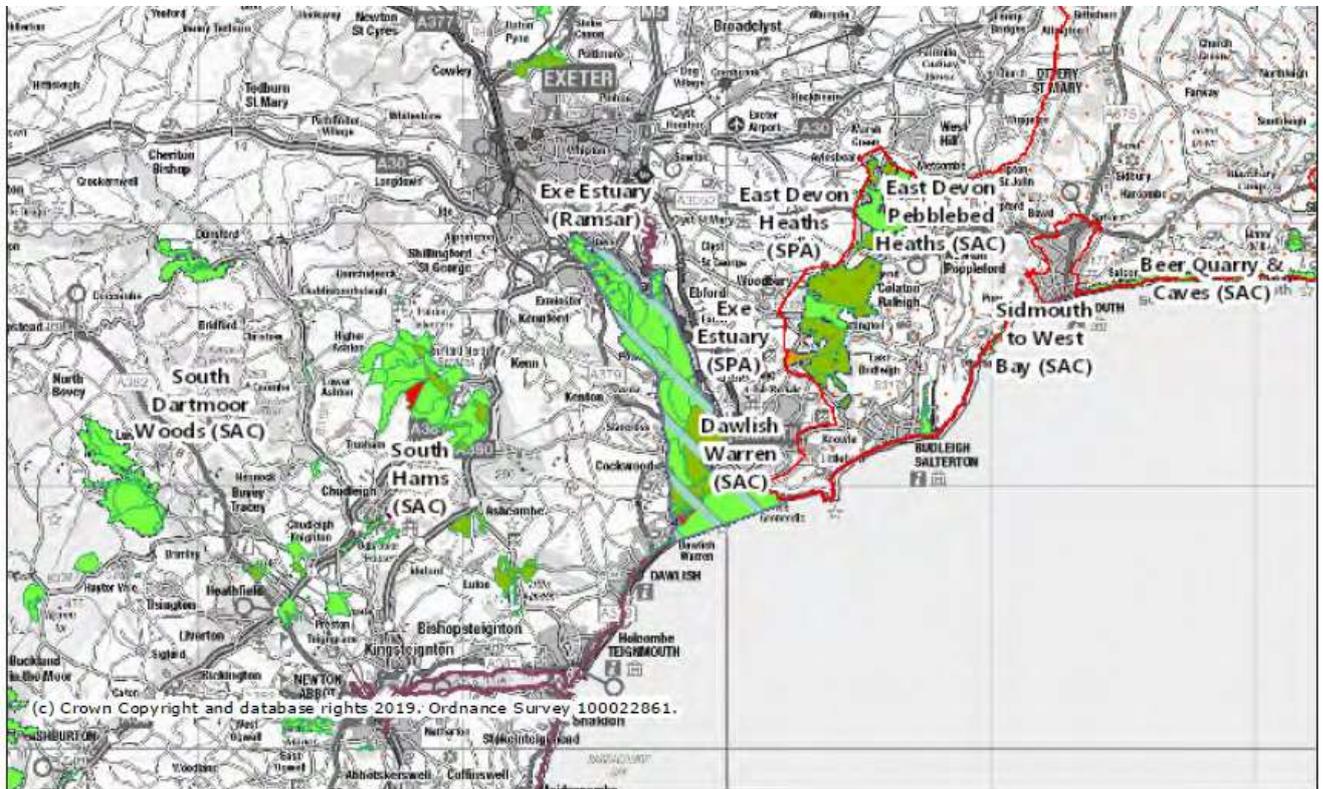


Figure 3 (above) Areas of value and vulnerability

5. Conclusion

The Plan does not require a Strategic Environmental Assessment

The Plan is unlikely to result in a significant environmental impact. It proposes a level of development in conformity with that in the adopted Local Plan.

6 Habitat Regulations Assessment (HRA) Screening

The draft policies of the Plan have been used to undertake this initial screening assessment. 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.

The HRA needs to satisfy the following Directive Article and Regulation:

- Article 6(3) of the Habitats Directive 92/43/EEC
- Habitat Regulation 105 & 106 of The Conservation of Habitats and Species Regulations 2017 (referred to as Habitat Regulations 2017 in this document)

The Habitats Directive and Habitat Regulations 2017 afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

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.

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’.

European Site(s) of relevance to the Newton Poppleford Neighbourhood Plan:

- East Devon Pebblebed Heaths

Natural England will be consulted on this document by the District Council.

7. 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

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

The Newton Poppleford Neighbourhood Plan does not require a Habitat Regulation Assessment.

The Newton Poppleford Neighbourhood Plan is unlikely to result in a significant adverse impact on a European site (as defined in the Habitat Regulations 2017) alone or in combination with other plans and projects.

9. Responses from the statutory consultees:

Environment Agency

Dear Claire,

Thank you for your consultation of 2nd October 2019 providing us with the opportunity to comment in respect of the Newton Poppleford Neighbourhood Plan SEA/HRA screening opinion.

In general we consider that it is unlikely that neighbourhood plans will result in any significant environmental effects unless the plan allocates or encourages development over that set out in the Local Plan. Otherwise we consider that any potential for environmental effects from growth in the parish should already have been addressed through the Sustainability Appraisal (SA) which supported the adopted Local Plan.

Please note, this is a standard response. If you consider the plan will result in significant environmental effects please re-consult us.

Kind regards,

Harriet

Harriet Fuller

Sustainable Places | Devon, Cornwall and the Isles of Scilly

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Date: 11 November 2019

Our ref: 296604

Your ref: Newton Poppleford and Harpford Neighbourhood Plan
SEA/HRA Screening

FAO Claire Rodway
Senior Planning Officer
East Devon District Council

BY EMAIL ONLY

Dear Ms Rodway

Planning consultation: Strategic Environmental Assessment (SEA)/Habitats Regulations Assessment (HRA) screening for the Newton Poppleford and Harpford Neighbourhood Plan

Thank you for your consultation on the above dated 02 October 2019. 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 is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

We have assumed that the "Built Up Area Boundary" referred to in Neighbourhood Plan policy H1 relates to the boundary for Newton Poppleford identified in the adopted East Devon Villages Plan and associated Strategy 6 within the adopted East Devon Local Plan which states that development within Built Up Area Boundaries will be permitted subject to specified criteria. On that basis we concur with the conclusions set out in paragraphs 5.2 and 8.2 of the screening opinion which conclude that the plan is unlikely to result in significant environmental impact or result in a significant adverse effect on a European site.

It would be useful if the informative text below policy H2 which identifies relevant Local Plan policy could make reference to the East Devon Villages Plan and in particular the inset map for Newton Poppleford (page 31). In addition please ensure that the Neighbourhood Plan includes a map showing the extent of the Neighbourhood Plan area.

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 Carol Reeder on 0208 225 6245/07721 108902 or carol.reeder@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Carol Reeder

Lead Adviser

Devon Cornwall and Isles of Scilly Area Team, Natural England, Polwhele, Truro

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Historic England:

25.11.19

Hi Claire

Many thanks for your consultation on the draft Pre-Submission Regulation 14 version of the Newton Poppleford Neighbourhood Plan and associated SEA Screening Report. Our apologies for not responding before now.

This is our first involvement with this Plan so it is useful to be informed of the community's policy aspirations for its area. (We have not received a direct Reg 14 consultation yet).

I can confirm that there are no issues associated with the Plan which generate concern or upon which we feel the need to comment. On that basis I can also confirm that we have no objection to any conclusion that a full SEA is not required.

Should the Plan change in any way then obviously we may need to review our position as a consequence.

Kind regards

David

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