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**COLYTON NEIGHBOURHOOD PLANNING GROUP**

**COLYON NEIGHBOURHOOD PLAN**

**HABITAT REGULATIONS ASSESSMENT**

**MARCH 2020**

**DATE ISSUED: MARCH 2020**  
**JOB NUMBER: ST17590**  
**REPORT NUMBER: REP-002**  
**VERSION: V0.3**  
**STATUS: FINAL**

**COLYTON NEIGHBOURHOOD PLANNING GROUP**

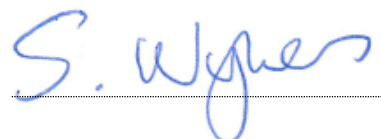
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**MARCH 2020**

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## **1 INTRODUCTION**

- 1.1.1 Wardell Armstrong has been commissioned by Urban Vision North Staffordshire on behalf of Colyton Neighbourhood Planning Group to provide information to East Devon District Council (the ‘Competent Authority’), to inform a Habitat Regulations Assessment of the pre-submission Colyton Neighbourhood Development Plan (CNDP) covering the area of Colyton Parish, in the district of East Devon.
- 1.1.2 HRA is a process, not a report, and this report therefore provides information to the competent authority (East Devon District Council (EDDC)), to enable them to perform an Appropriate Assessment of the pre-submission CNDP.

## **2 LEGISLATIVE BACKGROUND**

- 2.1.1 The requirement for an assessment of impacts on Natura 2000 sites is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2017 (as amended). The ultimate aim of the Directive is to “maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest” (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status.
- 2.1.2 The Habitats Directive applies the precautionary principle to European sites. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. Plans and projects with predicted adverse impacts on European sites may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network is maintained.
- 2.1.3 In order to ascertain whether or not site integrity will be affected, an assessment should be undertaken of the plan or project in question. While the competent authority in this case, EDDC makes the formal decision as to whether adverse effects will result, they are entitled to request necessary information to assist them. That is the purpose of this report.

#### 2.1.4 Box 1. The legislative basis for Appropriate Assessment:

##### **Habitats Directive 1992**

Article 6 (3) states that:

*“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 or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.”*

##### **The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2017 (as amended)**

The Regulations state that:

*“A competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.*

2.1.5 Over the years, the phrase ‘Habitats Regulations Assessment’ (HRA) has come into use to describe the overall process set out in the Conservation of Habitats and Species Regulations from screening through to Imperative Reasons of Overriding Public Interest (IROPI). This has arisen in order to distinguish the process from the individual stage described in the law as an ‘appropriate assessment’. Throughout this report, we use the term Habitat Regulations Assessment for the overall process and restrict the use of Appropriate Assessment to the specific stage of that name.

### **3 DESCRIPTION OF THE COLYTON NEIGHBOURHOOD DEVELOPMENT PLAN**

3.1.1 The CNDP describes Colyton as;

*‘a relatively large parish of 2,573 hectares, situated in the south-east of Devon, some two miles to the north of the coastal settlements of Seaton and Axmouth. The two main settlements are Colyton, a small town with a population of circa 2,300, and Colyford (population circa 800) both towards the south-east of the Parish’.*

3.1.2 The CNDP sets out;

*‘how the community would like to see the area developed over the next 15 to 20 years and, through its policies, help shape and direct sustainable development that will benefit those that live, work or visit in our area’.*

- 3.1.3 The objectives and policies of the CNDP are indicative of the group's desire to protect the existing character of the parish, whilst facilitating appropriate development and growth.
- 3.1.4 When adopted the CNDP will form part of the East Devon Local Plan. The policies will then form part of the development plan and will be used in the determination of planning applications.
- 3.1.5 The NPSG provided Wardell Armstrong with a pre-submission version of their NDP dated July 2019 for the purpose of undertaking HRA following the screening conclusion reached by EDDC. The NDP details a number of policies accompanied by explanatory and supportive text.

#### **4 SCREENING**

- 4.1.1 In April 2019, EDDC undertook a screening of the CNDP (version dated March 2019), which was effectively the test for likely significant effects as a result of the plan, upon European Sites. EDDC concluded that:

*'The Colyton Neighbourhood Plan requires a Habitat Regulations Assessment.'*

*The Colyton Neighbourhood Plan has the potential 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. The Plan proposes a level of development over and above that in the adopted East Devon Local Plan and outside of the BUAB identified in the East Devon Villages Plan'.*

- 4.1.2 Natural England, in their consultation response to the screening request noted:

*'Based on the policies as they are written in the consultation version, it is not possible for us to conclude that the plan will not have a likely significant effect on a European site'.*

*'We advise that if the locational aspects of a number of policies could be tightened up, this may enable different conclusions on HRA to be reached'.*

#### **5 APPROPRIATE ASSESSMENT**

- 5.1.1 Following the screening responses received from EDDC and NE, on the March 2019 version of the CNDP, WA were supplied with a pre-submission version of the CNDP (dated July 2019), to undertake a HRA.
- 5.1.2 Specifically, this report analyses the pre-submission CDNP (dated July 2019) in light of the screening responses from EDDC and NE and proposes changes to policy wording

to avoid any harmful effects on European sites that were assessed as being likely to occur. The resultant 'revised' pre-submission version of the CNDP (dated January 2020) will then be submitted to EDDC for their consideration.

- 5.1.3 Although best practice guidance<sup>2</sup> supports the view that changes to policy wording which serve to define the nature, scale, location, timing, frequency or duration of the plan's proposals are not considered mitigation measures, but features or characteristics of the plan, a precautionary approach has been taken to the compilation of this HRA in this regard, following the negative screening opinion of the March 2019 pre-submission CNDP, being mindful of recent case law (People Over Wind<sup>3</sup>).
- 5.1.4 Therefore this report serves to provide information to EDDC, in their role as competent authority, to enable them to undertake an AA of the pre-submission CNDP (original version dated July 2019, updated version dated January 2020).

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<sup>2</sup> The Habitat Regulations Assessment Handbook, DTA Publications. <https://www.dtapublications.co.uk/>

<sup>3</sup> Case in the European courts: Case C-323/17 People Over Wind 12 April 2018

## 6 GUIDANCE AND GOOD PRACTICE

6.1.1 The process of undertaking a HRA of the Plan has been informed by a number of guidance and practice documents, the key ones being:

- a) DTA Publications 'The Habitats Regulations Assessment Handbook'. DTA Publications;
- b) European Commission (2001) 'Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC'; and
- c) Natural England (1997) '*Habitat Regulations Guidance Note HRGN 1 – The Appropriate Assessment (Regulation 48)*'. Natural England.

6.1.2 The approach taken for this HRA appropriately follows the method set out in these guidance documents.



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## **7 EUROPEAN SITES**

- 7.1.1 In order to undertake this HRA, it is essential to identify any European Site which could feasibly be affected by the implementation of the plan.
- 7.1.2 Table 1 details European Sites which have been identified as feasibly being affected by the implementation of the Colyton NDP, based upon their distance in relation to Colyton Parish and possible impact pathways.

<b>Table1: Details of European Sites</b>				
<b>Site status</b>	<b>Name, Natura 2000 Site No. and Description</b>	<b>Distance from Colyton Parish boundary (closest)</b>	<b>Qualifying features</b>	<b>Issues that are currently impacting or threatening the condition of the qualifying features and which have potential pathways of impact through implementation of the Colyton NDP</b>
Special Area of Conservation	<p>Beer Quarry Caves UK0012585</p> <p>This complex of abandoned mines in south-west England is divided in two by a road, with a working quarry to the north and a disused quarry and cave system to the south. This site supports important populations of hibernating bats. Its use as a hibernation site by the Bechstein's bat is the primary reason for its designation as a SAC. The area also supports a significant presence of both the Lesser horseshoe bat and the Greater horseshoe bat which are both qualifying features but are not primary reasons for the site's selection.</p>	1.1km	<p><b>Qualifying species</b></p> <p>Annex II:</p> <ul style="list-style-type: none"> <li>• Bechstein's bat <i>Myotis bechsteinii</i></li> <li>• Greater horseshoe bat <i>Rhinolophus ferrumequinum</i></li> <li>• Lesser horseshoe bat <i>Rhinolophus hipposideros</i></li> </ul>	<p>1. Planning permission (general)</p> <ul style="list-style-type: none"> <li>• Loss of foraging habitat;</li> <li>• Loss of minor roosts sites; and</li> <li>• Disruption of flightlines.</li> </ul>
Special Area of Conservation	<p>River Axe UK0030248</p> <p>The lower reaches of the River Axe feature a mixed catchment geology of sandstones and limestones giving rise to calcareous waters and associated water-crowfoots and water-starworts. The river also supports the significant presence of sea lamprey, brook lamprey and bullhead</p>	Within	<p><b>Qualifying habitats</b></p> <p>Annex I:</p> <ul style="list-style-type: none"> <li>• Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation. (Rivers with floating vegetation often dominated by water-crowfoot)</li> </ul>	<p>1 Water pollution</p> <ul style="list-style-type: none"> <li>• Household effluent (i.e. from sewage treatment works and septic tanks)</li> </ul>

<b>Table1: Details of European Sites</b>				
<b>Site status</b>	<b>Name, Natura 2000 Site No. and Description</b>	<b>Distance from Colyton Parish boundary (closest)</b>	<b>Qualifying features</b>	<b>Issues that are currently impacting or threatening the condition of the qualifying features and which have potential pathways of impact through implementation of the Colyton NDP</b>
			<b>Qualifying species</b> Annex II: <ul style="list-style-type: none"> <li>• Bullhead <i>Cottus gobio</i></li> <li>• Brook lamprey <i>Lampetra planeri</i></li> <li>• Sea lamprey <i>Petromyzon marinus</i></li> </ul>	
Special Area of Conservation	Sidmouth to West Bay UK0019864 Sidmouth to West Bay is an example of a highly unstable soft cliff coastline subject to mudslides and landslips. The principal rock types are soft mudstones, clays and silty limestones, with a small chalk outlier in the west. Vegetation is very varied and includes pioneer communities on recent slips, calcareous grassland and scrub on detached chalk blocks, and extensive self-sown woodland dominated by ash <i>Fraxinus excelsior</i> or sycamore <i>Acer pseudoplatanus</i> .	1.7km	<b>Qualifying habitats</b> Annex I: <ul style="list-style-type: none"> <li>• Annual vegetation of drift lines</li> <li>• <i>Tilio-Acerion</i> forests of slopes, screes and ravines. (Mixed woodland on base-rich soils associated with rocky slopes)</li> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts</li> </ul>	None identified Issues and threats are those associated with direct impacts or impacts arising in close proximity to the Site. Colton Parish is too far distant from the SAC to influence the identified issues and threats.

## 8 SHADOW APPROPRIATE ASSESSMENT OF CNDP JULY 2019 VERSION

### 8.1 Adverse Effects of Integrity Alone

8.1.1 Table 2 details the results of the HRA for the CNDP (July 2019) version. This was informed by comments received from EDDC with regards to their formal screening decision (dated April 2019).

Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)				
Element of Plan	Assessment and reasoning	HRA Conclusion	Relevant EDLP* / EDVP Policies	Recommendations for the Plan
Chapters 1, 2, 3, 4 & 5	Administrative text	No adverse effects on integrity (AEol)	n/a	
Vision, chapter 6	A general aspiration	No AEol	n/a	
Aims, chapter 6	General statements of overall aims	No AEo	n/a	
Objectives, chapter 6	General statements of broad objectives. In terms of the objective regarding the Ceramtec site, the implications for redevelopment of the Site are more clearly assessed under Policy Coly7.	No AEol	n/a	
Policy No. Coly1 Protecting the Natural Environment &	General plan-wide policy protecting the natural environment. Does not promote development.	No AEol	S5 S46 S47 EN4 EN5	Explanatory text would benefit from reference to European Sites.
Policy No Coly2 Trees, Woodland and Hedgerows	Protective policy for trees, hedges and woodland. Does not promote development.	No AEol	S5 D3	

Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)				
Element of Plan	Assessment and reasoning	HRA Conclusion	Relevant EDLP* / EDVP Policies	Recommendations for the Plan
Policy No. Coly3 Public Rights of Way	Supportive policy for measures to improve and extend existing public rights of way. Does not identify locations, type or quantum of 'development' and will not lead to development in itself. Includes reference to protection of wildlife corridors and enhancement of 'biodiversity'.	No AEol	S3 S5B TC4	
Policy No. Coly4 Green Wedge	Protective policy, listing general criteria for testing the acceptability of proposals in the designated Green Wedge. Will not lead to development in itself.	No AEol	S8 S28 D7 E4	
Policy No. Coly5 Local Green Space	Protective policy listing general criteria for testing the acceptability of proposals on designated Local Green Spaces. Does not identify type or quantum of development and will not lead to development in itself. Qualitative policy.	No AEol	EN1	
Policy No. Coly6 Sustainable Development	Policy listing general criteria for testing the acceptability / sustainability of proposals within the Built-up Area Boundary (BUAB). Does not identify type or quantum of development and will not lead to development in itself. Qualitative policy.	No AEol	S6 S7	

<b>Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)</b>				
<b>Element of Plan</b>	<b>Assessment and reasoning</b>	<b>HRA Conclusion</b>	<b>Relevant EDLP* / EDVP Policies</b>	<b>Recommendations for the Plan</b>
Policy No. Coly7 Housing Development within the BUAB	Policy listing general criteria for testing the acceptability of housing proposals within the Built-up Area Boundary (BUAB). Policy does not identify location(s) or quantum of development over or above that which has been adopted through the EDLP or EDVP. The BUAB is unchanged from that within the EDVP, which was screened out from having Likely Significant Effects upon European Sites. In addition, it is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP	No AEol	S6 S27	
Policy No. Coly8 Exception Site Housing Development	Policy listing general criteria for testing the acceptability of housing proposals outside of the Built-up Area Boundary (BUAB). Does not identify location(s) or quantum of development and is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.	No AEol	S7 S35	

Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)				
Element of Plan	Assessment and reasoning	HRA Conclusion	Relevant EDLP* / EDVP Policies	Recommendations for the Plan
Policy No. Coly9 Parking Provision for New Housing Development	Policy does not lead to development. Qualitative policy.	No AEol	TC9	
Policy No. Coly10 Employment Uses	Policy listing general criteria for testing the acceptability of employment development proposals in 'predominantly residential areas'. Does not identify location(s) or quantum of development, but it is unclear if this policy would lead to development that has not already been assessed through the EDLP.	AEol	S31 E5 E10 / 03	Reword policy to make it clear this relates to residential areas. Include reference to non 'main village centre uses' to accord with East Devon Villages Plan Policy 03.

Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)				
Element of Plan	Assessment and reasoning	HRA Conclusion	Relevant EDLP* / EDVP Policies	Recommendations for the Plan
Policy No. Coly11 Tourism Development	Policy listing general criteria for testing the acceptability of proposals for tourism. Does not identify locations, type or quantum of 'development'. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP	No AEol	S33 E16 E20	
Policy No. Coly12 Tramway Links	Policy supportive of measures to improve pedestrian links from tramway stations to settlement areas of Colyton and Colyford. Does not identify locations, type or quantum of 'development'. This policy is in accordance with the EDLP (partic. TC4) whose explanatory text state 'where opportunities arise the District Council will encourage measures to provide, improve and extend facilities for both cyclists and pedestrians'. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP	No AEol	S5B TC2 TC3 TC4	
Policy No. Coly13 Connectivity	Policy does not lead to development. Concerned with ensuring new development provides super-fast communication infrastructure.	No AEol	TC1	



<b>Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)</b>				
<b>Element of Plan</b>	<b>Assessment and reasoning</b>	<b>HRA Conclusion</b>	<b>Relevant EDLP* / EDVP Policies</b>	<b>Recommendations for the Plan</b>
Policy No. Coly14 Public Transport	Supportive policy for development proposals specifically for the maintenance and enhancement of existing transport provision. Does not identify locations, type or quantum of 'development' and includes reference to protection of environmental features and assets. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.	No AEol	S5B TC2	
Policy No. Coly15 Walking and Cycling Routes	Supportive policy for development proposals which are intended to improve and extend walking and cycling routes. Does not identify location, type or quantum of 'development'. This policy is in accordance with the EDLP (partic. TC4) whose explanatory text state 'where opportunities arise the District Council will encourage measures to provide, improve and extend facilities for both cyclists and pedestrians'. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.	No AEol	S5B TC2 TC4	

Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)				
Element of Plan	Assessment and reasoning	HRA Conclusion	Relevant EDLP* / EDVP Policies	Recommendations for the Plan
Policy No. Coly16 School Traffic	Supportive policy for development proposals which are intended to ease traffic congestion around local schools. Does not identify locations, type or quantum of 'development'. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.	No AEol	TC3	
Policy No. Coly17 Public Car Parking	Supportive policy for provision of public car parking within walking distance of Colyton town centre. Does not identify locations, type or quantum of 'development', but includes reference to 'walking distance of Colyton town centre'.  The part of the policy supporting delivery of public car parking as part of new development does not lead to development.  The part of the policy supporting delivery of public car parking in its entirety (ie not part of new development) could lead to development, which has not been assessed as part of the HRA for the EDLP or the EDVP.	AEol  New public car parking outside of the existing BUAB has the potential for LSE upon the designated features of Beer Quarry Caves SAC through loss of foraging habitat, severance of connectivity and disturbance to bat foraging and commuting habitat, depending upon location and distance from the SAC.	TC2 TC9	Re-word policy to make clear that support for new car parking delivered in entirety, ie not associated with new developments, will be restricted to within Colyton BUAB, so that LSE would not arise.

Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)				
Element of Plan	Assessment and reasoning	HRA Conclusion	Relevant EDLP* / EDVP Policies	Recommendations for the Plan
Policy No. Coly 18 Community Horticulture	<p>A part supportive policy and part protective policy.</p> <p>Policy supportive of provision of community allotments, orchards and community horticulture initiatives. Does not identify locations, type or quantum of 'development', but includes reference to 'redundant land' so it is unclear if this policy would lead to development that has not already been assessed through the EDLP.</p> <p>Remainder of policy protecting allotments and encouraging new development to provide for demand. Does not identify locations, type or quantum of 'development'. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.</p>	<p>AEoI</p> <p>New community allotments, orchards and community horticulture initiatives in suitable locations on redundant land have the potential for LSE upon the designated features of Beer Quarry Caves SAC through loss of foraging habitat, severance of connectivity and disturbance to bat foraging and commuting habitat, depending upon location and distance from the SAC.</p>	<p>RC2</p> <p>RC3</p> <p>RC6</p> <p>D7</p>	<p>Re-word policy to</p> <p>Include criteria to ensure proposals that have an adverse impact upon nature conservation interests will not be supported.</p>

Table 2 HRA of Colyton Neighbourhood Development Plan (July 2019 pre-submission version)				
Element of Plan	Assessment and reasoning	HRA Conclusion	Relevant EDLP* / EDVP Policies	Recommendations for the Plan
Policy No. Coly19 Sports and Recreational Areas	<p>Part protective policy and part supportive policy.</p> <p>Policy safeguarding existing sports and recreational facilities. This part of the policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.</p> <p>Also includes a supportive policy to enhance existing, and provide additional, sports and recreational facilities, not restricted to in or on the edge of settlements. Does not identify quantum, type or locations of 'development so it is unclear if this policy would lead to development that has not already been assessed through the EDLP.</p>	<p>AEoI</p> <p>New sports and recreation facilities not in or on the edge of existing settlements has the potential for LSE upon the designated features of Beer Quarry Caves SAC through loss of foraging habitat, severance of connectivity and disturbance to bat foraging and commuting habitat, depending upon location and distance from the SAC.</p>	<p>RC1</p> <p>RC2</p> <p>RC4</p> <p>RC6</p> <p>RC7</p>	<p>Tighten up locational aspects of the latter part of this policy so that it accords with EDLP RC2. Recommend text be inserted into policy which includes reference to protection of environmental features and assets.</p>
<p>* EDLP = East Devon Local Plan (adopted Jan 2016)</p> <p>EDVP = East Devon Villages Plan (adopted July 2018)</p>				

## 8.2 Adverse Effects on Integrity in Combination

8.2.1 The Habitats Directive and the Habitats Regulations require competent authorities to include the assessment of effects on European sites in combination with other plans or projects. The following plans were identified as potentially having an in-combination effect with the CNDP and were therefore considered by the assessment:

- East Devon Local Plan 2013-2031 (adopted 2016).
- East Devon Villages Plan.
- Devon County Council Waste Local Plan (2014).
- Devon Minerals Plan 2011-2033 (adopted 2017).

8.2.2 None of the above plans or any known projects are considered to act in combination with the CNDP to give rise to adverse effects on the integrity of any European Site. This was confirmed by EDDC in their Screening Report (dated April 2019).

## 8.3 Changes Implemented

8.3.1 Following the Appropriate Assessment of the CNDP (July 2019 version) as detailed within Table 2 above, suggested changes to the CNDP to avoid adverse effects on the integrity of European Sites (as identified in Table 2) were implemented. These are therefore now included in the CNDP (January 2020), the HRA for which is detailed below.

8.3.2 In summary, these are:

- Coly 10 – Locational aspects have been added to policy so that it now restricts employment development to residential areas in accordance with the East Devon Villages Plan.
- Coly 17 – Locational aspects have been added to policy so that it now restricts public car parking proposals to the Colyton BUAB.
- Coly 18 - Reference to nature conservation interest has been added to the criteria for testing the acceptability/support for proposals.
- Coly 19 – Locational aspects have been added to policy so that it now restricts additional sports and recreation facilities to in or on the edge of settlements in accordance with the East Devon Local Plan. Reference to nature conservation interest has been added to the criteria for testing the acceptability/support for proposals

## **9 APPROPRIATE ASSESSMENT UPDATE OF THE CNDP JANUARY 2020 VERSION**

### **9.1 Is the CNDP (January 2020) Likely to Have Adverse Effects on the Integrity of a European Site, alone?**

9.1.1 The Colyton NDP does not propose development which has not already been proposed in the East Devon Local Plan (EDLP). It has, therefore, been considered as part of the Habitat Regulations Assessment of the EDLP, which was undertaken to inform the adopted version of the EDLP.

9.1.2 The Built Up Area Boundary (BUAB) for Colyton, as shown in the Colyton Neighbourhood Plan is unchanged from that within the East Devon Villages Plan (EDVP), which was screened out from having Likely Significant Effects upon European Sites. Therefore, the premise of modest development within the BUAB, has already been tested during inspection of the EDVP, where the inspector accepted the screening opinion that the EDVP would not give rise to any Likely Significant Effects upon European Sites.

9.1.3 Outside of the BUAB there is a presumption against new residential development unless it is very small-scale and is permitted to meet a specific need (e.g. affordable housing or bringing an historic building back into use or agricultural workers dwelling). These are in accordance with the EDLP.

9.1.4 The Plan also contains a number of positively worded policies allowing other non-residential development in the countryside, for instance permitting new tourist related business and horticulture (allotments). For development proposals in the 'Countryside' which come forward through the planning system for Colyton Parish, a detailed assessment of potential impacts will be carried out wherever necessary, however, these policies are considered to accord with the policy approach for development in the countryside, as set out within the EDLP, which was assessed and found to be acceptable through the HRA undertaken.

9.1.5 Table 3 details the update AA of the pre-submission version of the Colyton NDP (January 2020).

9.1.6 For clarity, changes made to the plan since the July 2019 version include the following:

- 1) Overview text to the Natural Environment section includes reference to the proximity of European Sites to the parish.
- 2) Locational aspects of Coly 10, Coly 17, Coly 19 have been added.

3) Reference to nature conservation interest has been added to the criteria for testing the acceptability/support for proposals in Coly 18 & Coly 19.

**9.2 Assessment 3: Is the CNDP (January 2020) Likely to Have Adveres Effects on the Integrity of a European Site, in combination?**

9.2.1 The HRA for the EDLP and the EDVP included an in-combination assessment covering the scale of growth planned for Colyton. The CNDP (January 2020) no longer contains any policies which would give rise to impact pathways to European Sites, and therefore, no in-combination assessment is required; there are no residual effects on European Sites from the CNDP (January 2020) alone, with which to undertake an in-combination assessment, making it unnecessary.

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<b>Table 3: HRA of Colyton Neighbourhood Development Plan (pre-submission version Jan 2020)</b>			
<b>Element of Plan</b>	<b>Assessment and reasoning</b>	<b>HRA Conclusion</b>	<b>Relevant EDLP* Policies</b>
<b>Chapters 1, 2, 3, 4 &amp; 5</b>	Administrative text	No AEol	n/a
Vision, chapter 6	A general aspiration	No AEol	n/a
Aims, chapter 6	General statements of overall aims	No AEol	n/a
Objectives, chapter 6	General statements of broad objectives. In terms of the objective regarding the Ceramtec site, the implications for redevelopment of the Site are more clearly assessed under Policy Coly7.	No AEol	n/a
Policy No. Coly1 Protecting the Natural Environment	General plan-wide policy protecting the natural environment. Does not promote development.	No AEol	S5 S46 S47 EN4 EN5
Policy No Coly2 Trees, Woodland and Hedgerows	Protective policy for trees, hedges and woodland. Does not promote development.	No AEol	S5 D3
Policy No. Coly3 Public Rights of Way	Supportive policy for measures to improve and extend existing public rights of way. Does not identify locations, type or quantum of 'development' and will not lead to development in itself. Includes reference to protection of wildlife corridors and enhancement of 'biodiversity'.	No AEol	S3 S5B TC4
Policy No. Coly4 Green Wedge	Protective policy, listing general criteria for testing the acceptability of proposals in the designated Green Wedge. Will not lead to development in itself.	No AEol	S8 S28 D7 E4
Policy No. Coly5 Local Green Space	Protective policy listing general criteria for testing the acceptability of proposals on designated Local Green Spaces. Does not identify type or quantum of development and will not lead to development in itself. Qualitative policy.	No AEol	EN1



<b>Table 3: HRA of Colyton Neighbourhood Development Plan (pre-submission version Jan 2020)</b>			
<b>Element of Plan</b>	<b>Assessment and reasoning</b>	<b>HRA Conclusion</b>	<b>Relevant EDLP* Policies</b>
Policy No. Coly6 Sustainable Development	Policy listing general criteria for testing the acceptability / sustainability of proposals within the Built-up Area Boundary (BUAB). Does not identify type or quantum of development and will not lead to development in itself. Qualitative policy.	No AEol	S6 S7
Policy No. Coly7 Housing Development within the BUAB	Policy listing general criteria for testing the acceptability of housing proposals within the Built-up Area Boundary (BUAB). Policy does not identify location(s) or quantum of development over or above that which has been adopted through the EDLP or EDVP. The BUAB is unchanged from that within the EDVP, which was screened out from having Likely Significant Effects upon European Sites. In addition, it is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP	No AEol	S6 S27
Policy No. Coly8 Exception Site Housing Development	Policy listing general criteria for testing the acceptability of housing proposals outside of the Built-up Area Boundary (BUAB). Does not identify location(s) or quantum of development and is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.	No AEol	S7 S35
Policy No. Coly9 Parking Provision for New Housing Development	Policy does not lead to development. Qualitative policy.	No AEol	TC9
Policy No. Coly10 Employment Uses	Policy listing general criteria for testing the acceptability of employment proposals in residential areas. Does not identify location(s) or quantum of development and is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of	No AEol	S31 E5 E10

<b>Table 3: HRA of Colyton Neighbourhood Development Plan (pre-submission version Jan 2020)</b>			
<b>Element of Plan</b>	<b>Assessment and reasoning</b>	<b>HRA Conclusion</b>	<b>Relevant EDLP* Policies</b>
	development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.		
Policy No. Coly11 Tourism Development	Policy listing general criteria for testing the acceptability of proposals for tourism. Does not identify locations, type or quantum of 'development'. This policy is in accordance with the EDLP, (partic.S33), the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP	No AEol	S33 E16 E20
Policy No. Coly12 Tramway Links	Policy supportive of measures to improve pedestrian links from tramway stations to settlement areas of Colyton and Colyford. Does not identify locations, type or quantum of 'development'. This policy is in accordance with the EDLP (partic. TC4) whose explanatory text state 'where opportunities arise the District Council will encourage measures to provide, improve and extend facilities for both cyclists and pedestrians'. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP	No AEol	S5B TC2 TC3 TC4
Policy No. Coly13 Connectivity	Policy does not lead to development. Concerned with ensuring new development provides super-fast communication infrastructure.	No AEol	TC1
Policy No. Coly14 Public Transport	Supportive policy for development proposals specifically for the maintenance and enhancement of existing transport provision. Does not identify locations, type or quantum of 'development' and includes reference to protection of environmental features and assets. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.	No AEol	S5B TC2
Policy No. Coly15 Walking and Cycling Routes	Supportive policy for development proposals which are intended to improve and extend walking and cycling routes. Does not identify location, type or quantum of 'development'. This policy is in accordance with the EDLP (partic. TC4) whose explanatory text state 'where opportunities arise the District Council	No AEol	S5B TC2 TC4

<b>Table 3: HRA of Colyton Neighbourhood Development Plan (pre-submission version Jan 2020)</b>			
<b>Element of Plan</b>	<b>Assessment and reasoning</b>	<b>HRA Conclusion</b>	<b>Relevant EDLP* Policies</b>
	will encourage measures to provide, improve and extend facilities for both cyclists and pedestrians'. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP. Policy refers to ensuring that proposals should not be detrimental to nature conservation interests.		
Policy No. Coly16 School Traffic	Supportive policy for development proposals which are intended to ease traffic congestion around local schools. Does not identify locations, type or quantum of 'development'. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.	No AEol	TC3
Policy No. Coly17 Public Car Parking	Supportive policy for provision of public car parking within the Colyton BUAB. Does not identify specific locations or quantum of 'development'. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP.	No AEol	TC2 TC6 TC9
Policy No. Coly 18 Community Horticulture	Protective policy safeguarding existing allotment spaces. Also includes a supportive policy to use redundant land for community horticulture in suitable locations. Does not identify type, quantum or specific locations of 'development'. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP. Policy refers to ensuring that facilities should not be detrimental to nature conservation interest.	No AEol	RC2 RC3 RC6 D7

<b>Table 3: HRA of Colyton Neighbourhood Development Plan (pre-submission version Jan 2020)</b>			
<b>Element of Plan</b>	<b>Assessment and reasoning</b>	<b>HRA Conclusion</b>	<b>Relevant EDLP* Policies</b>
Policy No. Coly19 Sports and Recreational Areas	Protective policy safeguarding existing sports and recreational facilities. Also includes a supportive policy to enhance existing, and provide additional, sports and recreational facilities in or on the edge of settlements. Does not identify type, quantum or specific locations of 'development'. This policy is in accordance with the EDLP, the HRA for which has already tested and proposed mitigation to ensure the quantum, type and locations of development in the EDLP can acceptably proceed without adversely affecting European Sites. Will not give rise to any effects upon European Sites not already considered by the HRA of the EDLP. Policy refers to ensuring that facilities should not be detrimental to nature conservation interest.	No AEol	RC1 RC2 RC4 RC6 RC7
* EDLP = East Devon Local Plan (adopted Jan 2016)			

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## 10 CONCLUSION

- 10.1.1 This report sets out the methods used, and the findings arising from, the Habitats Regulations Assessment undertaken of two versions of the Colyton Neighbourhood Development Plan 2018-2031 (dated July 2019 and January 2020).
- 10.1.2 The HRA considered two European Sites assessed as being potentially impacted by the implementation of the Project, namely Beer Quarry Caves SAC and River Axe SAC.
- 10.1.3 The initial screening report produced by EDDC in April 2019 concluded that the March 2019 version of the CNDP would be likely to give rise to significant effects upon European Sites, alone.
- 10.1.4 Subsequently, a HRA has been undertaken on the July 2019 CNDP, and with the inclusion of the recommended changes to the CNDP detailed in Table 2 of this report, it can be concluded that the CNDP (January 2020) will not adversely affect the integrity of the Beer Quarry Caves SAC or River Axe SAC, either alone or in combination with other plans.
- 10.1.5 This report, alongside the amended Colyton Neighbourhood Plan (pre-submission version Jan 2020) can now be submitted to the competent authority, East Devon District Council for their consideration.

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