

# Dalwood Neighbourhood Development Plan

## Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report

Prepared by Officers of East Devon District Council  
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(Formatted for accessibility July 2021)

## **1.0 Introduction**

- 1.1 The purpose of this report is to assess the draft proposals in the Dalwood Neighbourhood Development Plan (hereafter referred to as the DNP) 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 DNP 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 DNP 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 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. They concurred with our view that a full assessment is not required, the responses are appended to this report.

## **2.0 SEA screening**

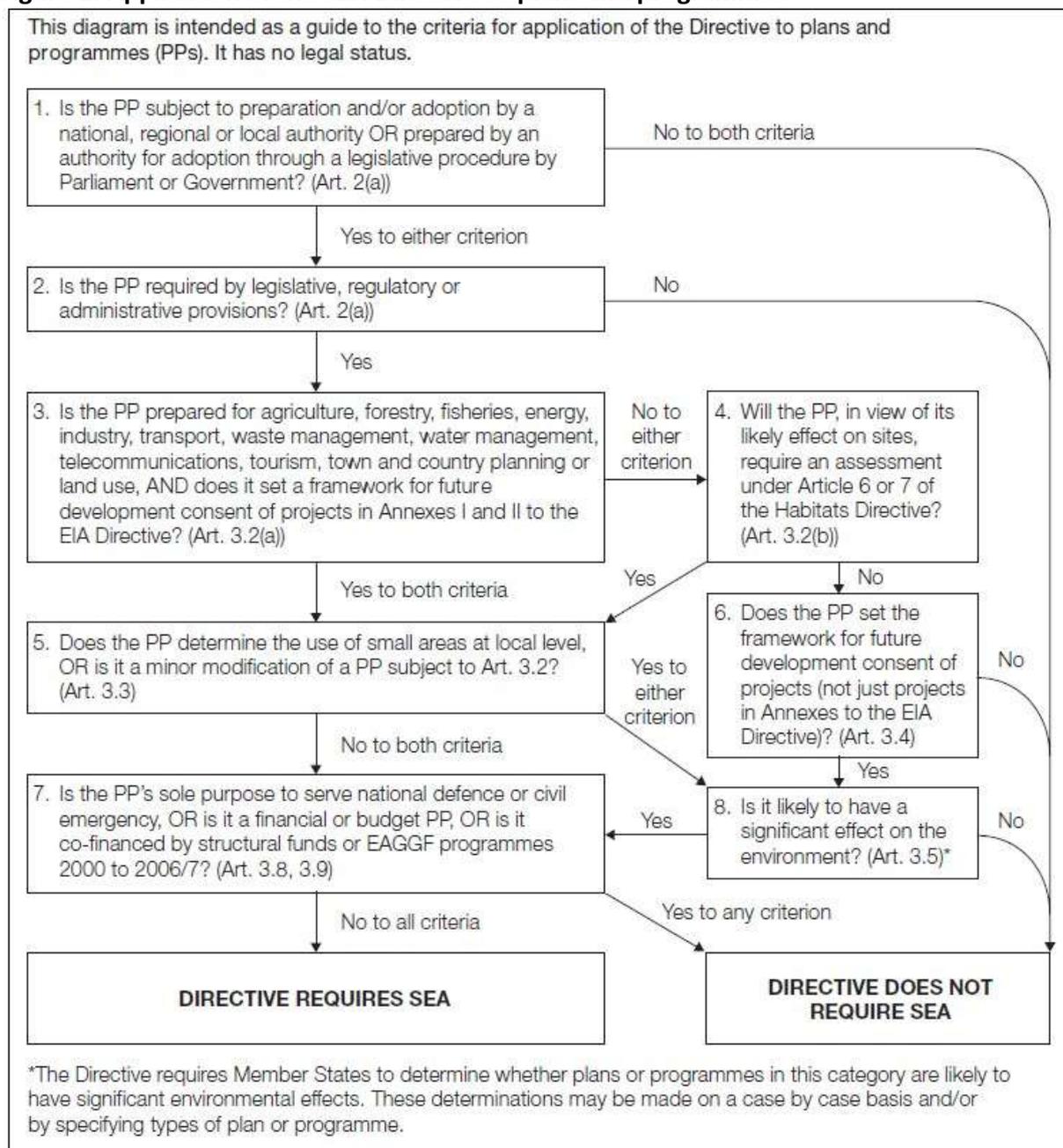
- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can 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 the 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 evaluating the proposals the DNP 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 Neighbourhood 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**



### 3.0 Dalwood Neighbourhood Plan

3.1 The Neighbourhood Plan has been in production for approximately three years. It has undergone public consultation and the producers are currently at a stage of drawing up draft proposals.

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 fairly confident in the Plan’s direction of travel.

3.3 The key point of the Neighbourhood Plan is the group’s ambition to restrict development to within the existing settlement of Dalwood and the conversion of existing buildings elsewhere in the Parish. Affordable housing, under exceptions Policy of the Local Plan (and potentially the DNP) could still take place. The Local Plan does not identify Dalwood 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. The DNP intends to establish a Built-up Area Boundary (drawn using the same criteria as those used for designating the BUAB’s in the East Devon Villages Plan), within which a small amount of additional in-fill development may occur. The village is located within a protected landscape (AONB) but is compact and sits on the valley bottom, so visually any impact will be extremely limited.

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 DNP requires an SEA.

Stage	Yes/No	Reason
1. Is the DNP 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 the Parish and adopted by East Devon District Council as part of the Development Framework, subject to a successful referendum.
2. Is the DNP 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

Stage	Yes/No	Reason
		and probably involving consultation with interested parties.
3. If the DNP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and Directive 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)).	Yes	The NP 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 at a Neighbourhood Area level.
4. Does the DNP 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 DNP will determine the use of areas at a local level.
5. Is it likely to have a significant effect on the environmental environment? (Art 3.5)	No	See screening assessment for effects in figure 3 of this report.

## Conclusion: Directive Does Not Require SEA

#### 4.0 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 assessment**

<b>Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)</b>	<b>Is the DNP 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>No</b>	The thrust of the DNP is to restrict any further development (other than exceptions affordable housing schemes) to the existing settlement of Dalwood. In the Local Plan, Dalwood 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.	<b>No</b>	The DNP 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.

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the DNP likely to have a significant environmental effect?	Justification for Screening Assessment
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	<b>No</b>	The neighbourhood plan will need to contribute towards the achievement of sustainable development, as required by the “basic conditions” on which the plan will be judged by at examination. The Built-up Area Boundary will be designated using the criteria which were applied to the Built-up Area Boundaries in the East Devon Villages Plan.
Environmental problems relevant to the plan or programme.	<b>No</b>	Dalwood does not have any significant environmental problems that the Neighbourhood Plan is likely to impact.
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).	<b>No</b>	These community legislation types are not relevant to the DNP and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	<b>No</b>	As the Neighbourhood Plan will not be allocating a site, this will not apply.
The cumulative nature of the effects.	<b>No</b>	The cumulative effects of the PNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	<b>No</b>	The DNP only sets a framework for development within the Neighbourhood Area which

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the DNP likely to have a significant environmental effect?	Justification for Screening Assessment
		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).	<b>No</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>No</b>	The PNP is concerned only with development within the Parish of Dalwood. 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>No</b>	No sites are proposed for allocation and the thrust of the Plan is protective in nature. In drawing the Built-up Area Boundary the Local Plan criteria will be used to ensure consistency and, should there be potential for harm to any conservation interests then setting studies will be undertaken.

### **4.3 Conclusion**

The Dalwood Neighbourhood Plan does not require a Strategic Environmental Assessment. The Neighbourhood Plan will provide for a very small level of development over and above the provision in the Local Plan (around 5-10 houses over 15 years), and will not otherwise impact upon internationally or nationally important features which would be deemed to have a significant environmental effect.

### **5.0 Habitat Regulations Screening Assessment**

- 5.1 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 screening is not required, any variations or additions to the aims and objectives will be subject to a further screening. A draft screening report was produced as part of the production of the emerging Local Plan and has been taken into account in undertaking this screening assessment.
- 5.2 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.
- 5.3 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.
- 5.4 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'.
- 5.5 Sites which are potentially relevant to the Dalwood Neighbourhood Plan are the Blackdown Hills AONB (partly within parish) and several areas of ancient woodland, wild/semiwild woodland and ancient orchards.
- 5.6 Natural England were consulted on this document by the District Council.

### **Screening Criteria Questions**

1. Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

*No*

2. Does the Neighbourhood Plan propose new development or allocate sites for development?

*Not specifically. The Plan does allow for infill development within the settlement of Dalwood and for conversions of existing buildings and for exceptions affordable housing but no specific sites are identified. Any development is likely to be extremely limited in size and scale (a total 5-10 houses in the Plan period).*

*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 Plan production process and an HRA was completed by Footprint Ecology before, and informed, the adopted 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*

## **5.7 Conclusion**

- 5.8 The Dalwood Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 5.9 The Dalwood 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).

## Historic England Response 2.12.19

Dear Claire

Thank you for your consultation on the SEA Screening Report for the emerging Dalwood Neighbourhood Plan. Our apologies for not responding before now.

This is our first involvement with the preparation of the Plan since offering generic advice on the Area's designation in August 2016. The consultation therefore provides us with a welcome opportunity to scope the Plan's proposed policies and identify any issues of interest or potential attention.

Having considered the draft made available I can confirm that there are in fact no issues associated with the Plan upon which we wish to comment. This is likely to remain our position as the Plan proceeds through its various stages unless it experiences significant change, such as the allocation of sites for development for example.

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

Kind regards

David

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Historic England

## Natural England Response 12.11.19

Dear Ms Rodway,

### **SEA and HRA Screening of Dalwood's Neighbourhood Development Plan**

Thank you for your consultation on the above dated 15<sup>th</sup> October 2019 which was received by Natural England on the same day.

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.

#### **Strategic Environmental Assessment Screening**

Natural England considers that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. We therefore agree with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance.

#### **Habitats Regulations Assessment Screening**

Natural England welcomes the consideration given to the Habitats Regulations. We agree with the conclusion of the report that the Dalwood Neighbourhood Plan is unlikely to have an adverse effect on a European site, and therefore advise that further Habitats Regulations Assessment is not required.

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 new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Victoria Kirkham

Consultations Team

## **Environment Agency Response 16.10.19**

Dear Claire,

Thank you for your consultation of 15<sup>th</sup> October 2019 providing us with the opportunity to comment in respect of the Dalwood 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 reconsult us.

Kind regards,

Harriet

**Harriet Fuller**

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