

Luppitt Neighbourhood Development Plan

Strategic Environmental Assessment

Habitat Regulations Assessment

Screening Report

Prepared by Officers of East Devon District Council

November 2021

1. Introduction

- 1.1 The purpose of this report is to assess the draft proposals in the Luppitt Neighbourhood Development Plan ('the Plan'), covering the whole of Luppitt Parish, to determine whether it requires a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended). An SEA is required under this legislation for all plans which may have a significant effect on the environment.
- 1.2 This report will also screen to determine whether or not the Plan requires a Habitats Regulations Assessment (HRA) in accordance with 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 or national site network).
- 1.3 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, subsequently SEA is not required.**
- 1.4 With regard to the HRA, it is also unlikely to have a negative impact on any protected European Site or national site network, so should not be subject to HRA.**
- 1.5 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 received are appended.

2. SEA Screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal is the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), 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'.
- 2.3 Local authorities are legally obliged to assess the Plan proposals and 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 Regulations. This criterion is set out in Schedule 1 of the SEA Regulations.
 - 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.
- 2.4 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.

3.0 Luppitt Neighbourhood Plan

- 3.1 The Plan has been in production in earnest for approximately five years. It has undergone significant consultation and the Neighbourhood Plan Steering Group (NPSG) is currently preparing Regulation 16 documentation. The plan has been updated with responses made to the Regulation 14 consultation and agreed by the Parish Council.
- 3.2 East Devon District Council has been kept informed on progress and has offered support and guidance to the NPSG throughout and therefore can be fairly confident in the Plan's direction of travel. We undertook an initial screening at an early stage of the plan based on vision, aims and objectives only, and have now been asked to re-screen the draft Plan prior to submission.
- 3.3 The Plan is predominantly protective, recognising that the parish lies wholly within the Blackdown Hills Area of Outstanding Natural Beauty; that there are various important environmental and heritage features in the parish, and; that the entire parish is classed as open countryside in Local Plan policy, containing no settlements considered to be 'sustainable' locations suitable to accommodate additional growth.
- 3.4 Accordingly, the Plan makes no allocations for development. The main thrust of the Neighbourhood Plan is to protect the environment, landscape, heritage and rural setting of the parish whilst enabling some opportunity for small scale development to meet identified local need and to enable local residents to remain in the community, with continued access to some local facilities and employment opportunities. The intention of the plan is to primarily restrict any development to the existing settlement of Luppitt and

the conversion of existing buildings elsewhere in the Parish. Affordable housing, under exceptions Policy of the Local Plan (and potentially the LNP) could still take place. The Local Plan does not identify Luppitt 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 development that is envisaged to be supported through the NP is considered to be within what was allowed for and assessed under the adopted Local Plan. The plan does lend specific support to subdivision of dwellings across the parish which has potential to increase population, however it is noted that subdivision can be carried out under Permitted Development Rights and is therefore outside the scope of the control of the neighbourhood plan.

3.5 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.

Figure 1 SEA Screening Flowchart (from A Practical Guide to the Strategic Environmental Assessment Directive)

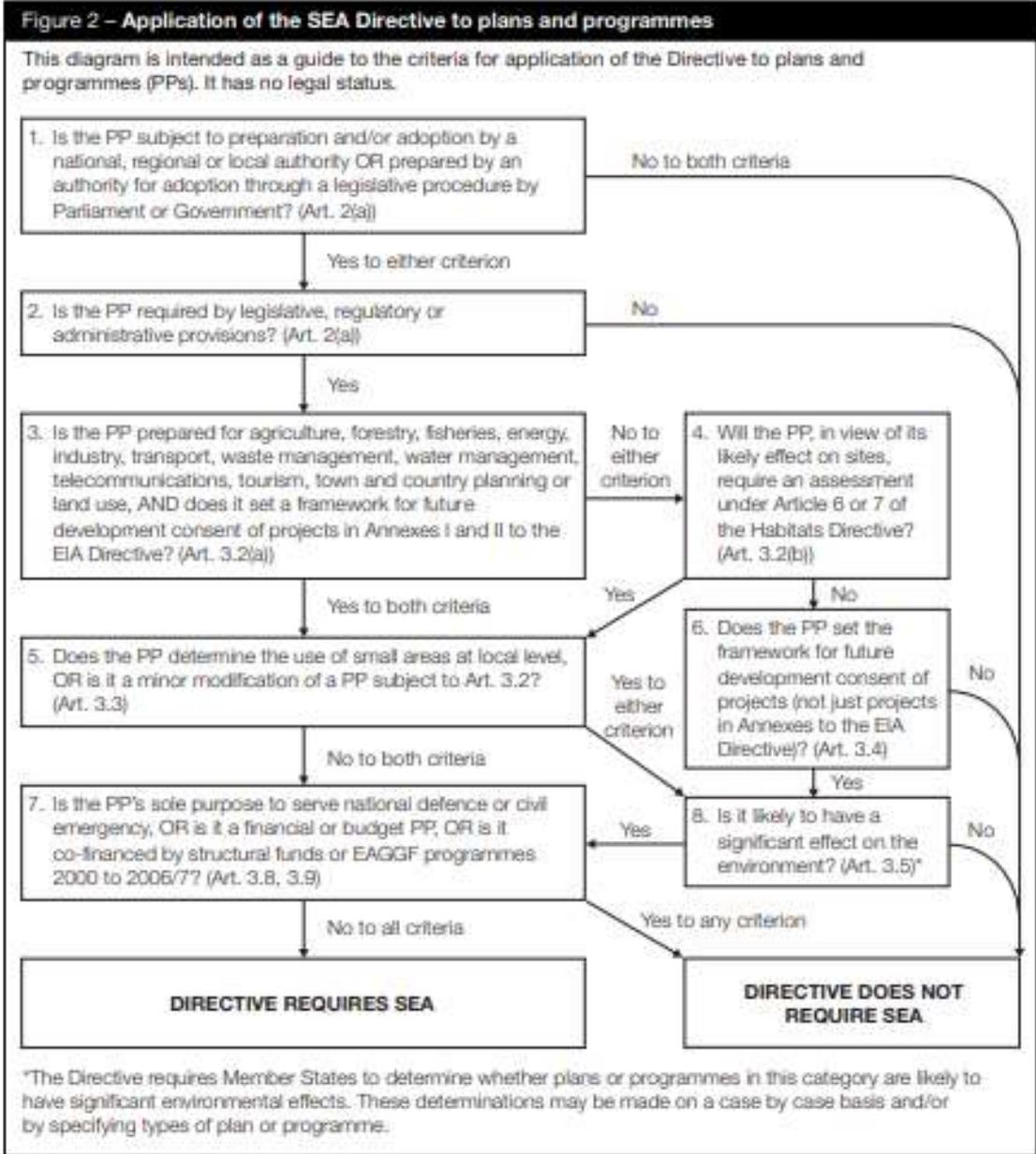


Figure 2: Screening assessment against the criteria for whether the Luppitt Neighbourhood Plan (and Neighbourhood Development Order) requires an SEA.

Stage	Y/N	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?	Yes	The Plan and Neighbourhood Development Order will be prepared by Luppitt Parish Council and 'made' (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?	Yes	Localism Act 2011 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? (Reg 5 (2))	No	The Plan is prepared for town and country planning and land use but is not considered to provide the framework for development of a scale that would fall within Annex II of the EIA Directive at a Neighbourhood Area level.
4. Will the Plan, in view of its likely effect on sites, require an assessment for future development under Articles 6 or 7 of the Habitats Directive?	No	The Plan will not require an appropriate assessment as there is no likely effect on sites.
5. Does the Plan determine the use of small areas at local level, OR is it a minor modification of a PP subject to Reg 5 (6)	Yes	The Plan will determine the use of small areas at a local, parish, level.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?	Yes	The NDP will be 'made' and used as part of the development plan for determining planning applications in the Plan area.

Stage	Y/N	Reason
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7?	No	
8. Is the Plan likely to have a significant effect on the environment? Reg 5 (4)	No	See screening assessment for environmental effects in table 1 of this report.

4.0 Screening Assessment for Environmental Effects

4.1 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 is likely to have a significant effect on the environment.

4.2 The table below sets out the criteria by which the Plan should be judged, as outlined in the SEA Regulations.

Table 1: Environmental impact screening assesment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
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.	The LNP sets a framework for developments within the neighbourhood plan area. The Plan does not make any allocations for development, but includes policies further Local Plan policy to for exceptions sites to come forward to deliver affordable housing via mixed market schemes of up to 15 dwellings, and policies to support small scale development and re-use of redundant buildings for a variety of purposes. The development that could be allowed through the plan is considered to be within what was envisaged by the Local Plan.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	As required by the "basic conditions" on which the Plan will be judged by at examination, 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, as retained or incorporated into UK law.
The relevance of the plan or programme for the integration of environmental considerations	The Plan will contribute towards the achievement of sustainable development, as required by the "basic

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
in particular with a view to promoting sustainable development.	conditions” on which the Plan will be judged by at examination.
Environmental problems relevant to the plan or programme.	Luppitt 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).	These community legislation types are not relevant to the Plan and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	The Plan will influence development that will likely come forward over the Plan period and therefore any impact will be long term and not easily reversible, however this was considered in the SEA to the Local Plan and villages Plan.
The cumulative nature of the effects.	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.	The LNP 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).	There are no risks identified, other than the usual risks associated with the potential small scale development the Plan allows for, through construction and small increases 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).	The Plan is concerned only with development within the Neighbourhood Area (which covers all of the Parish of Luppitt which has a population of less than 500 residents, based on the 2011 census data. 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	The whole of the Neighbourhood Area lies within nationally designed Area of Outstanding Natural Beauty and there are 49 listed buildings and other features within the area, including the Grade I listed St Mary’s Church at

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
<p>heritage; exceeded environmental quality standards or limit values; intensive land-use.</p> <p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>Luppitt Village. There are also two Scheduled Ancient Monuments (Dumpdon Camp, SSE of the hamlet of Wick, and Bowl Barrow on Hartridge, north of the hamlet of Beacon) However, no sites are proposed for allocation and the thrust of the Plan is protective in nature.</p>

5.0 Conclusion

5.1 The Plan does not require a Strategic Environmental Assessment. The Neighbourhood Plan is not considered to provide for a level of development over and above the provision in the Local Plan, and will not otherwise impact upon internationally or nationally important features which would be deemed to have a significant environmental effect. The plan policies are generally of a protective nature and development will be controlled through these and the protective policies of the Local Plan.

6. Habitat Regulations Assessment (HRA) Screening

6.1 The draft Regulation 16 version of the Plan forms the basis of this screening assessment. It is not anticipated that the policies will change prior to formal Submission for examination, however, as the conclusion is Habitat Regulations Screening is not required, if there are any significant variations or additions, the Plan will be subject to a further screening. A screening report was produced as part of the production of the Local Plan (Footprint Ecology Report - Habitat Regulation Assessment of East Devon Local Plan) and has been taken into account in undertaking this screening assessment.

6.2 HRA needs to satisfy the following Regulation:

- Habitat Regulation 105 & 106 of The Conservation of Habitats and Species Regulations 2017 (referred to as Habitat Regulations 2017 (as amended) in this document)

The Habitat Regulations 2017 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 or national site network, 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.

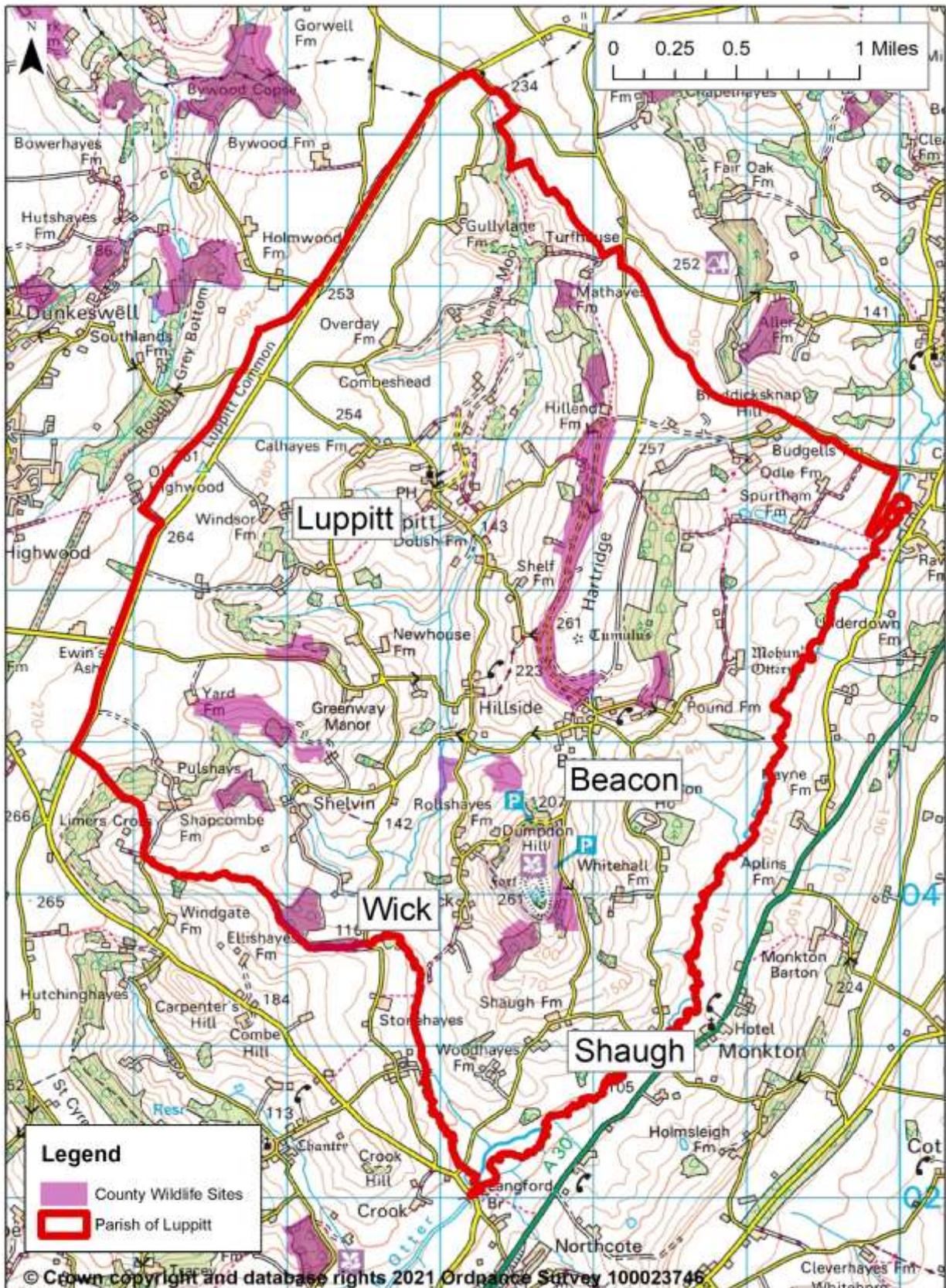
6.4 There are no such sites with or adjacent to the neighbourhood plan area or upon which the Luppitt Neighbourhood Plan is likely to have a significant effect.

6.5 Sites which are potentially relevant to the Luppitt Neighbourhood Plan are:

- the Blackdown Hills AONB (which covers the whole parish);
- the Hense Moor and Hense Moor Meadows Sites of Special Scientific Interest (which together extend from just north/north-east of the village of Luppitt to the parish boundary with Upottery), and;
- three areas of ancient woodland to the south/south-west of the parish.

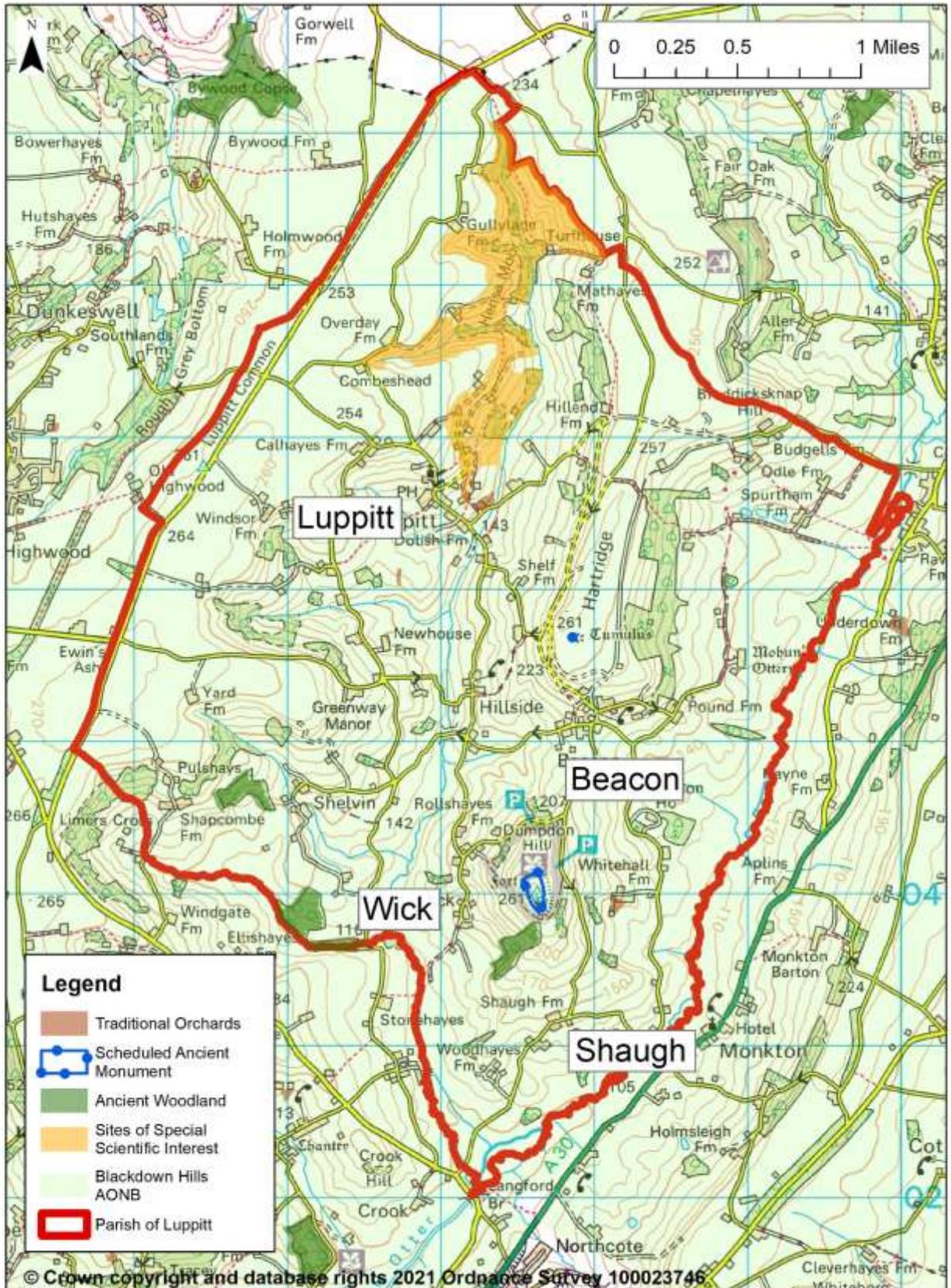
6.6 Of more local importance, there are a total of 12 County Wildlife Sites across the parish, three of these comprise the aforementioned areas of ancient woodland and a linear and an area of common land which stretches northwards from the hamlet of Beacon, to the east of Luppitt. There are also four locations in the parish where records show priority traditional orchards may be present, three to the north and one to the south.

6.7 These features are highlighted on the maps overleaf:



Legend

- County Wildlife Sites
- Parish of Luppitt



6.8 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 conversions, extensions and alterations 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.

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 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

7. Conclusion

7.1 The Luppitt Neighbourhood Plan does not require a Habitat Regulation Assessment.

7.2 The Luppitt 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 over and above that envisaged in the adopted Local Plan (which was itself subject to HRA) and development that could be supported through the Plan, will be controlled by the protective policies within this and the Local Plan.

Appendix 1 Consultee Responses

Historic England

From: Stuart, David <David.Stuart@HistoricEngland.org.uk>

Sent: 19 January 2022 12:57

To: Planning Policy <PlanningPolicy@eastdevon.gov.uk>; Angela King <AKing@eastdevon.gov.uk>

Subject: Luppitt Neighbourhood Plan Draft Regulation 16 SEA/HRA Screening Opinion Consultation

Dear Angela

Thank you for your consultation on the SEA Screening Opinion for the emerging Luppitt Neighbourhood Plan.

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

I can advise also that there were no issues associated with the Regulation 14 consultation version of the Plan that we wished to comment on, and based on the version submitted with this current consultation it is likely that this will continue to be our position on receipt of the Regulation 16 consultation.

Kind regards

David

David Stuart | Historic Places Adviser

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

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



Natural England

Date: 13 January 2022

Our ref: 377652

Your ref: Luppitt Neighbourhood Plan Draft Regulation 16 SEA/HRA Screening
Opinion Consultation



East Devon District Council

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Border Road

Heathpark Industrial Estate

Honiton

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Customer Services

Hornbeam House

Crewe Business Park

Electra Way

Crewe

Cheshire

CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

aking@eastdevon.gov.uk

Dear Angela King

Thank you for your consultation on the above dated 09 December 2021.

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. Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

Luppitt Neighbourhood Development Plan (NDP)

Natural England welcomes the development of the Luppitt NDP, and the objectives within aiming to protect and enhance the natural environment, particularly those referencing Hense Moor Site of Special Scientific Interest (SSSI). We would recommend the additional inclusion of reference to Hense Moor Meadow SSSI. We do not have any further specific comments to make on the neighbourhood plan.

Luppitt Neighbourhood Development Plan (NDP) HRA and SEA Screening Opinion

Habitats Regulations Assessment (HRA): Natural England welcome the consideration given to the Habitats Regulations. We agree with the conclusion of the report determining there will be no likely significant effect upon European sites as a result of the Luppitt NDP. We therefore advise that further Habitats Regulations Assessment is not required.

Strategic Environmental Assessment (SEA): We welcome the production of this SEA Screening report. Natural England can confirm that in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, we agree with the SEA Screening Opinion that sufficient policy framework exists within the

Luppitt NDP and East Devon Local Plan to ensure that there are unlikely to be significant environmental effects from the proposed plan.

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 Naomi-Beth Dixon at naomi.dixon@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Kind Regards,

Naomi-Beth Dixon

Lead Adviser (Sustainable Development)

Devon, Cornwall and Isles of Scilly