

**East Budleigh with Bicton Neighbourhood Development
Plan**

**Strategic Environmental Assessment and Habitat
Regulations Assessment**

Draft Screening Report

Prepared by Officers of East Devon District Council

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1.0 Introduction

- 1.1 The purpose of this report is to assess the policies contained within the draft East Budleigh with Bicton Neighbourhood Development Plan (hereafter referred to as EBNP) 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 EBNP 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 EBNP is unlikely to have a significant effect on the environment so an SEA is not required to accompany the Plan. It is also unlikely to have a negative impact on any Natura 2000 sites so should not be subject to HRA.
- 1.4 This report has been sent to the three statutory consultees designated in the Regulations (English Heritage, Environment Agency and Natural England) to elicit their views on the findings.

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 At present, there is no legal requirement for all Neighbourhood Plans to produce an accompanying SEA; however, Local Authorities are legally obliged to advise the plan producers as to whether an SEA is required based on the contents of the plan.
- 2.4 To ascertain if SEA is required, a "screening" exercise will be undertaken by East Devon District Council evaluating the draft EBNP 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 the plan will have a significant impact on the environment; a full SEA should be undertaken.
- 2.6 As the conclusion is that a full SEA is not required, it is important that any significant variations or additions to the draft EBNP are subject to a further screening, as they might include environmental impacts that would otherwise not be assessed.
- 2.7 SEAs have previously been undertaken as part of the adopted East Devon Local Plan 1995 to 2011 and the adopted East Devon Local Plan 2013-2031 and have been taken into account whilst undertaking this screening assessment.

Figure 1: Application of the SEA Directive to plans and programmes

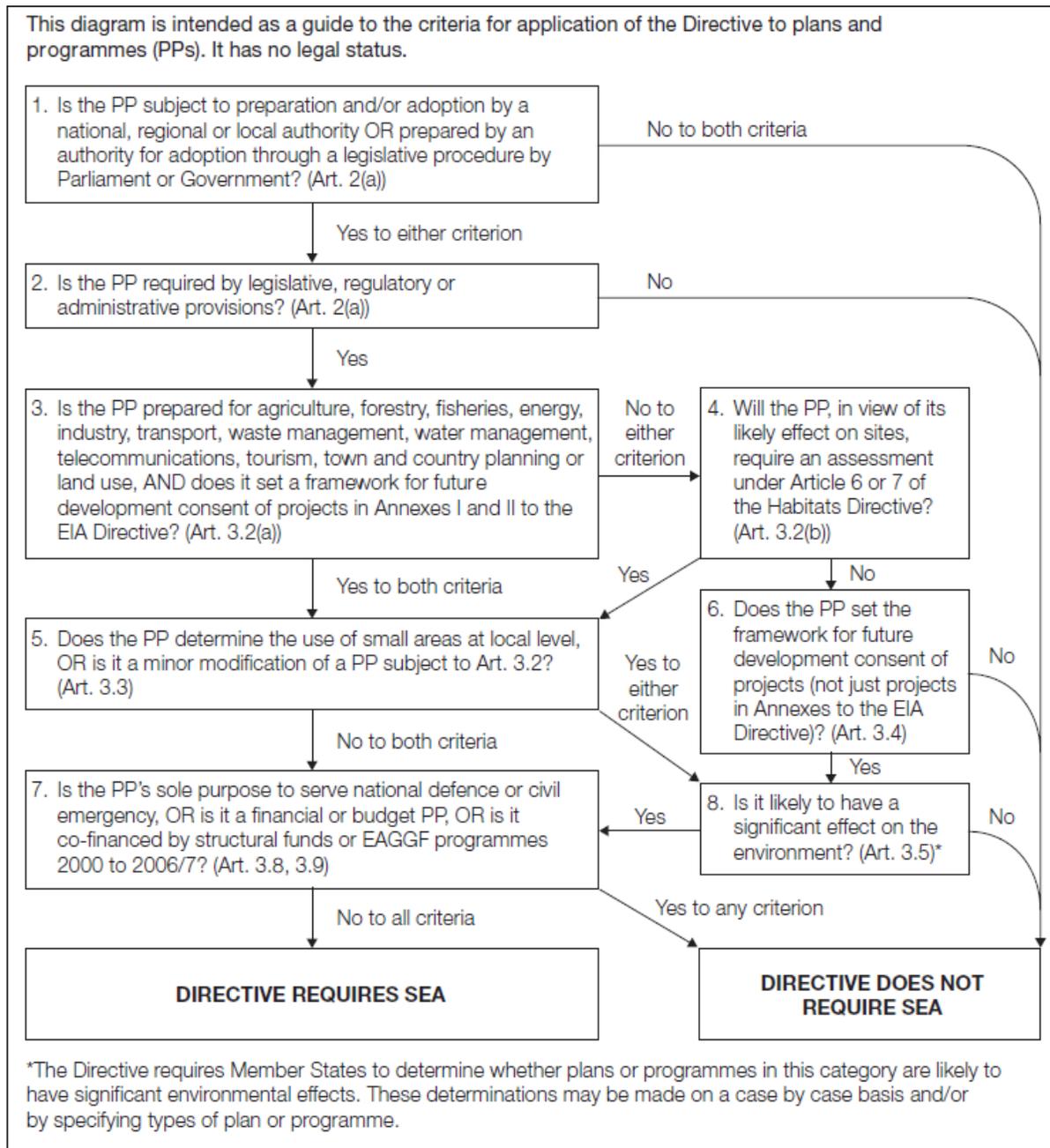


Figure 2: Screening assessment against the criteria for whether the EBNP requires an SEA.

Stage	Y/N	Reason
Is the EBNP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The Plan will be prepared by the Parish and adopted by East Devon District Council as part of the Development Plan, subject to a successful referendum.
Is the EBNP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The Plan meets the characteristics set out in the Government's Practical Guide to the SEA Directive in that that it will be publicly available, prepared in a formal way and probably involving consultation with interested parties.
Is the EBNP 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))	Y	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 Directive at a Neighbourhood Area level.
Does the EBNP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The NDP will determine the use of small areas at a local level.
Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See screening assessment for environmental effects in figure 3 of this report.

Directive Does Not Require SEA

Assessment of Environmental effects

2.8 Under step 8 of the Application of the SEA directive (Figure 1), in order to establish whether a plan requires an SEA, it was necessary to conduct a thorough assessment of whether the plan is likely to have a significant effect on the environment.

2.9 The table below sets out the criteria on which the impact of the EBNP will be judged, as outlined in Article 3.5 of the SEA Directive.

Figure 3: Environmental impact screening assessment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the EBNP likely to have a significant environmental effect?	Justification for Screening Assessment
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	N	The EBNP sets a framework for developments within the neighbourhood area. It allocates two sites within the parish, one of these is a small site for two dwellings located on a now derelict nursery site. The other is a site for 10 dwellings and would be in conformity with the adopted Local Plan strategy 35, which allows for exceptions housing to come forward outside built-up area boundaries for schemes up to 15 houses as long as they are tied to a Local Need. These allocations are therefore considered to be of such a small scale as to not have a significant environmental impact.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	N	The EBNP must be in general conformity with the adopted East Devon Local Plan and have regard to national guidance. It must also be compatible with EU law and the ECHR obligations. It is not considered to have an influence on other plans other than individual planning applications that may come forward in the area.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	N	The plan will contribute towards the achievement of sustainable development, as required by the “basic conditions” on which the plan will be judged at examination. In the plan there is an emphasis on the protection of the natural environment but the impact of this is considered to be small.
Environmental problems relevant to the plan or programme.	N	The plan proposals are not considered to have a significant impact on any existing environmental problems that are present in East Budleigh with Bicton.

<p>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).</p>	<p>N</p>	<p>These community legislation types are not relevant to the EBNP and will not need to be considered.</p>
<p>The probability, duration, frequency and reversibility of the effects.</p>	<p>N</p>	<p>As the plan does allocate sites, it is very likely that they will be brought forward at some point throughout the plans lifespan. Once constructed, any impact would be considered long-lasting and irreversible. However, as the number of new dwellings expected is considered to be small this should not have a significant impact.</p>
<p>The cumulative nature of the effects.</p>	<p>N</p>	<p>The cumulative effects of the EBNP are not considered to have a significant effect on the environment.</p>
<p>The trans-boundary nature of the effects.</p>	<p>N</p>	<p>The EBNP will set a framework for development within the Neighbourhood Area. The scale of development promoted is unlikely to have a significant effect on neighbouring areas, other than a minor positive impact giving the potential to meet identified local housing needs in neighbouring areas through the delivery of affordable housing in the parish.</p>
<p>The risks to human health or the environment (e.g. due to accidents).</p>	<p>N</p>	<p>There will be a minor negative impact through the allocations through the increase of traffic on existing roads in the village. The allocation for 10 dwellings may also require residents to cross a busy road without a pedestrian crossing to walk into the centre of the village to access services and facilities.</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>N</p>	<p>The EBNP is concerned only with development within the parishes of East Budleigh and Bicton, which has a joint resident population of 922. If there are any effects they are not considered to be wide ranging.</p>

<p>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.</p>	<p>N</p>	<p>The entirety of the Neighbourhood Area is covered by the East Devon Area of outstanding Natural Beauty.</p> <p>The parish contains 6 county wildlife sites- Hayes Wood and Pond, Dalditch and Bicton Park, Shortwood Heath and Knowle Hill Embankment, which are sensitive in relation to their abundance and range and of species rich flora and fauna.</p> <p>The area also contains a section of the Pebblebed Heaths. Designated a site of special scientific interest, a special area of conservation and a special protection area, this area represents one of the most important conservation sites in Europe. The area also contains part of the Otter Estuary, which is a site of special scientific interest.</p> <p>95 listed buildings are situated in the parish; 36 are located in the East Budleigh conservation area with the remainder spread across the parish.</p> <p>Although East Budleigh with Bicton is located in a sensitive area in the District, it does not propose any particular development that is likely to have an adverse impact on any of these designated sites.</p>
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Conclusion

2.10 Taking the above assessment into consideration, The EBNP is unlikely to have a significant environmental impact beyond that has previously been identified through the SEA of the Local Plan. Although East Budleigh with Bicton is located in a sensitive area in the district, the impact of the allocations and policies in the plan is not considered to be significant enough to warrant further analysis through a bespoke SEA.

2.11 The evolution of the plan needs to be monitored should any major changes be made these will have to be re-screened to analyse their environmental impact.

Habitat Regulations Screening Assessment

- 3.1 The draft version of the plan has been used to undertake this screening assessment. As the conclusion is that a full Habitat Regulations Screening is not required, any significant variations or additions to Plan will be subject to a further screening. A screening report was produced as part of the production of the adopted Local Plan and has been taken into account in undertaking this screening assessment.
- 3.2 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.
- 3.3 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.
- 3.4 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’.
- 3.5 Part of the Exe Estuary and Pebblebed Heath SAC, SPA and SSSI lies within East Budleigh with Bicton Parish.

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?

The Neighbourhood Plan does propose to allocate two sites for a total of 12 houses. These sites are within/adjointing the existing village and, at around 2000m from the Pebblebed heaths, are considered to be sufficiently far away that any impact can be satisfactorily mitigated. A range of alternative areas for recreation and access to the countryside are available at a similar or closer distance to the sites .

A screening opinion was provided by Land Use Consultants early in the Local Plan production process and an HRA was completed by Footprint Ecology before, and informed, the submission

version of the Local Plan. It indicated that the Local Plan will have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.

3. Are there any other projects or plans that together with the Neighbourhood Plan could impact on the integrity of a European Site?

No

Conclusion

- 3.6 The East Budleigh with Bicton Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 3.7 The East Budleigh with Bicton Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan (which was itself subject to SEA). Should adverse impacts arise, there is an agreed range of mitigation measures which will be implemented.