

**East Budleigh with Bicton Neighbourhood Development
Plan**

**Strategic Environmental Assessment and Habitat
Regulations Assessment**

Final Screening Report

Prepared by Officers of East Devon District Council

August 2016

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 (Historic England, Environment Agency and Natural England) to elicit their views on the findings. Each body has agreed with the conclusions of the report and responses can be found in appendix 1.

East Budleigh Neighbourhood Plan

- 2.1 A previous screening was undertaken in May 2016. Since then, the plan has undergone various amendments based on comments the group received during the pre-submission consultation.
- 2.2 The majority of amendments amount to cosmetic and minor textual changes. The most notable amendment of relevance to this report however has been the removal of the proposed site allocation at Carter's Yard for 10 dwellings. This site was initially a cause for concern in landscape terms due to its position on a raised elevation within the area of outstanding natural beauty.
- 2.3 Due to this material change, it was deemed appropriate to conduct a further screening the new version of the Plan, and update the report accordingly to consider whether the remaining allocation is considered to have a significant environmental impact.
- 2.4 To support the inclusion of the allocated site for 3 dwellings at Frank's Patch, the group have conducted and submitted a thorough Landscape Sensitivity Assessment, comparing the sites available to develop in the parish. This has been considered alongside the other evidence accompanying the plan.

SEA screening

- 3.1 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).
- 3.2 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).
- 3.3 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.
- 3.4 To ascertain if SEA is required, a "screening" exercise will be undertaken by East Devon District Council evaluating the 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.
- 3.5 Should the screening report reach the conclusion that the plan will have a significant impact on the environment; a full SEA should be undertaken.
- 3.6 An SEA was conducted to accompany 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

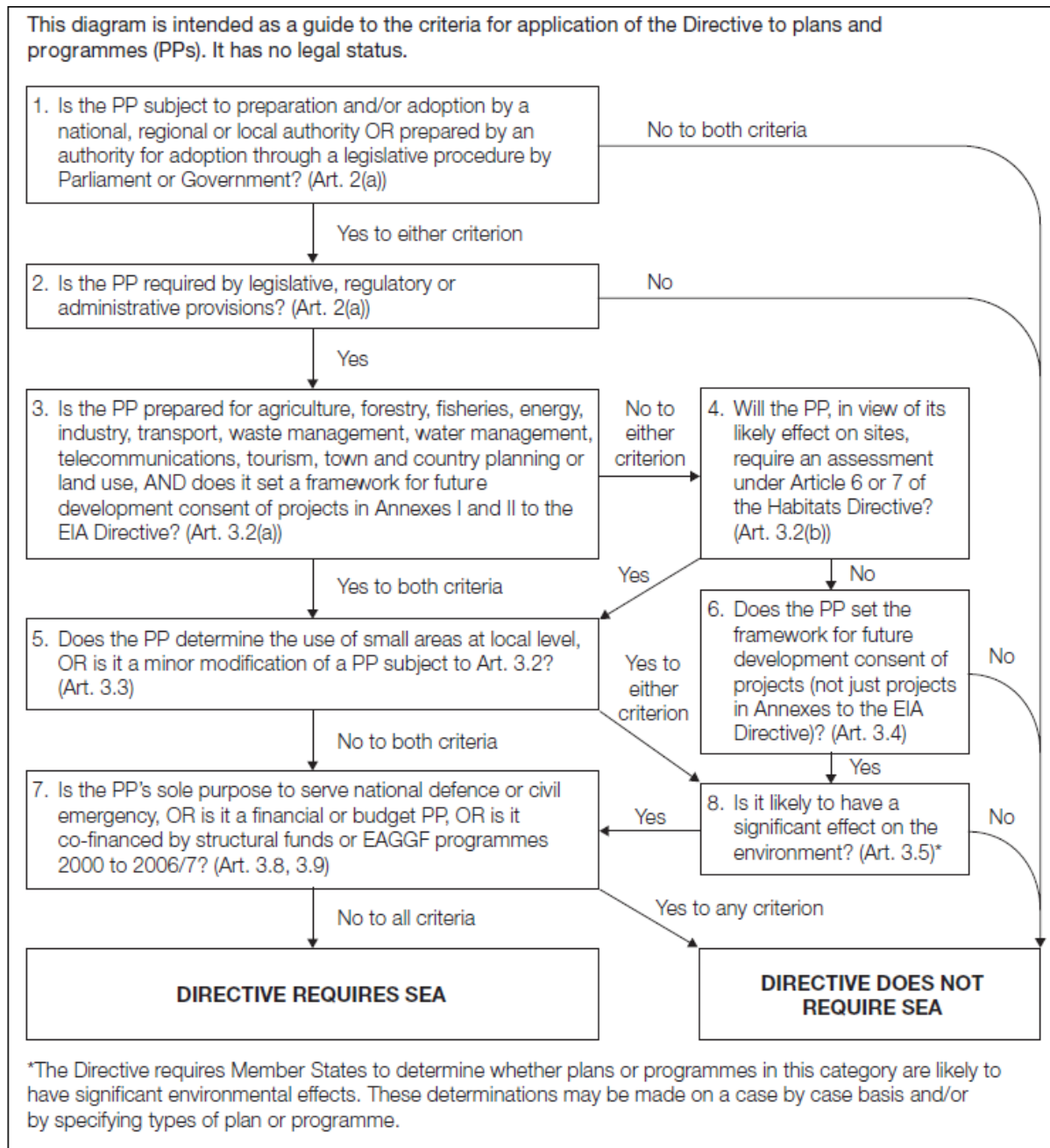
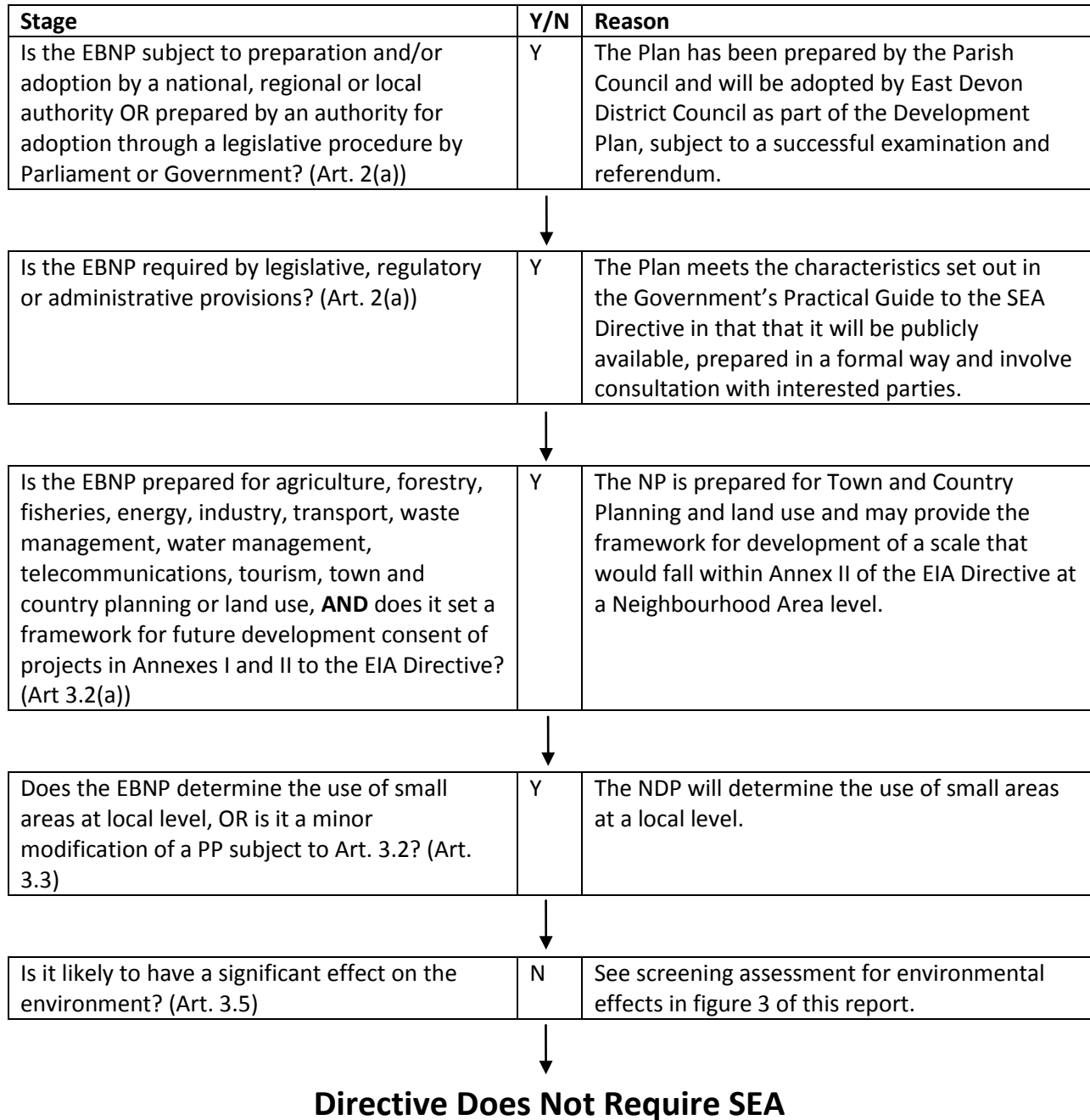


Figure 2: Screening assessment against the criteria for whether the EBNP requires an SEA.



Assessment of 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 is likely to have a significant effect on the environment.

4.2 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 a single site for up to three dwellings on small site located on now derelict allotments.
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.
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).	N	These community legislation types are not relevant to the EBNP and will not need to be considered.
The probability, duration,	N	As the plan does allocate a site, it is very

frequency and reversibility of the effects.		likely that they will be brought forward at some point throughout the lifespan of the plan. 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.
The cumulative nature of the effects.	N	The cumulative effects of the EBNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	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 potential delivery of affordable housing in the parish.
The risks to human health or the environment (e.g. due to accidents).	N	There will be a minor negative impact through the allocations through the increase of traffic on existing roads in the village.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	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.
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.	N	<p>The entirety of the Neighbourhood Area is covered by the East Devon Area of Outstanding Natural Beauty. The Neighbourhood Plan group have submitted a landscape sensitivity assessment to accompany the Neighbourhood Plan. The assessment found that whilst being located in the AONB, the site's enclosed nature and topography would mean that the visual impact of development would be minimal. Indeed, it scored the lowest in terms of landscape impact against all other sites that were considered in the parish.</p> <p>The parish contains 6 county wildlife sites- Hayes Wood and Pond, Dalditch and</p>

	<p>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. No significant impact is anticipated on any of these sites.</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. No significant impact is anticipated either of these sites.</p> <p>95 listed buildings are situated in the parish; 36 are located in the East Budleigh conservation area. The allocation is situated approximately 250m from the conservation area and the nearest listed building site is Drakes Primary School, which is grade II listed and situated approximately 40m to the north of the site. Whilst development will need to be mindful of this, taking into account the location of the assets and the setting of the allocation site, it is considered that a significant impact on these assets will be unlikely.</p>
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Conclusion

5.1 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 allocation and policies in the plan is not considered to be significant enough to warrant further analysis through a bespoke SEA.

Habitat Regulations Screening Assessment

- 6.1 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.
- 6.2 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.
- 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, 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 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’.
- 6.5 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 a single site for up to 3 houses. This is within/adjoining 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

- 6.6 The East Budleigh with Bicton Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 6.7 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.

Appendix 1: Statutory Consultee Responses

Date: 08 August 2016

Our ref: 191712

Your ref:



Tim Spurway
Neighbourhood Planning Officer
East Devon District Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Tim

Planning consultation: re-screening of East Budleigh with Bicton Neighbourhood Development Plan (Reg 14 & SEA & HRA)

Location: East Budleigh, East Devon

Thank you for your consultation on the above, dated 25 July 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the revised SEA and HRA draft screening report based on the revised final submission draft of the East Budleigh with Bicton Neighbourhood Plan and its associated Landscape Sensitivity Assessments.

SEA screening:

We concur with the conclusions of this second screening report that the East Budleigh with Bicton neighbourhood plan is unlikely to have a significant effect on the environment and that SEA is not required. This advice is based on the comprehensive landscape sensitivity assessments as submitted with the final submission draft of the plan and the revisions made to the plan.

HRA screening

We concur with the conclusion of the draft screening report that further HRA screening is not required. This is based on the fact that the development proposed is of small scale and in terms of its potential impact on European sites falls within the scope of the adopted Local Plan 'Habitat Regulations and Mitigation of Potential Adverse Impacts of Development (Strategy 47 - Nature Conservation and Geology) and the adopted South East Devon European Site Mitigation Strategy.

For any queries relating to the specific advice in this letter only please contact Corine Dyke on 02080 268177 or corine.dyke@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Corine Dyke
Lead Adviser
Devon, Cornwall and Isles of Scilly team

Timothy Spurway

From: Stuart, David [David.Stuart@HistoricEngland.org.uk]
Sent: 01 August 2016 15:20
To: Timothy Spurway
Subject: RE: East Budleigh SEA/HRA screening report - UNCLASSIFIED:
Attachments: RE: East Budleigh SEA/HRA screening report - UNCLASSIFIED.; East Budleigh with Bicton Neighbourhood Plan; Heritage Statement final version 160119.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tim

I have now been able to go through the attachments to your email.

As you know from our previous response to your SEA Screening consultation, we had no objection to the view that an SEA was not required and so the removal of one of the allocation sites does not affect this position. But we did draw attention generally to the need for a more sophisticated methodology to the assessment of possible allocation sites in terms of identifying and understanding the significance of relevant heritage assets and the potential for impact upon them.

The recently produced Landscape Sensitivity Assessments for Frank's Patch and Carter's Yard are impressive and include broad consideration of such matters as local built vernacular and settlement setting as receptors but it doesn't by itself represent a methodology which adequately addresses the heritage agenda. It would be helpful to the report's credibility too to have some idea of the source attribution of the methodology employed and who carried out the work.

To assist, I have attached as an example a heritage report produced for Shillingstone NP in North Dorset – an area which also wished to allocate sites. While not all areas would need to go into this degree of detail it provides a useful illustration of methodology and thought processes, as well as highlighting the likely need for suitable professional involvement. Some local authorities make available their in-house conservation teams to advise NP communities and this can often be much quicker and more cost-effective - in time as well as money, capitalising on local knowledge and with the given professional credibility allowing for shorter summary reports.

As far as the Plan itself is concerned I note the removal of Carter's Yard from Policy D2. In all other respects, we have said to the community that there were no issues upon which we felt the need to comment.

Kind regards

David

David Stuart | Historic Places Adviser South West
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND

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Mr Timothy Spurway
East Devon District Council
The Knowle
Sidmouth
Devon
EX10 8HL

Our ref:DC/2006/000243/AP-17/IS2-L01

Your ref:

Date: 20 May 2016

Dear Mr Spurway

East Budleigh with Bicton Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulation Assessment Screening

Thank you for your consultation of 05 April 2016 providing us with the opportunity to comment in respect of the above.

We concur with the conclusions of the screening report that the neighbourhood plan is unlikely to have any significant environmental effects and therefore that Strategic Environmental Assessment specific to the plan is not required. Any potential for environmental effects from growth in the parish should already have been addressed through the Sustainability Appraisal which accompanied the East Devon Local Plan.

We are also reviewing the content of the draft plan and will provide you with a copy of our response to the Parish Council when we send it.

Yours sincerely

MARCUS SALMON
Sustainable Places Planning Specialist

Direct dial 02084746289

Direct e-mail marcus.salmon@environment-agency.gov.uk