

**Exmouth Neighbourhood Development Plan
Strategic Environmental Assessment and Habitat
Regulations Assessment**

Final Screening Report

Prepared by Officers of East Devon District Council

February 2018

1 Introduction

- 1.1 The purpose of this report is to assess the policies contained within the draft Exmouth Neighbourhood Development Plan 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 Plan 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 plan 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.

2 Exmouth Neighbourhood Plan

2.1 The Neighbourhood Plan has been in production for approximately three years. It has undergone significant consultation and a first draft of the plan has recently been drawn up.

2.2 A draft of the Neighbourhood Plan is available for reference.

2.3 Although all policies of the plan have been considered, the Local Authority's view is that there are a number of key policies of the plan that have been a particular consideration in the formation of this report. The policies in question include land for a particular use or purpose and/or they deviate from the Local Plan in what would generally be considered policy compliant and therefore have the greatest potential for environmental impact. These are as follows:

- *EE4 - Development proposals for the regeneration of the area at the head of Camperdown Creek (Fig 14) will be supported. Proposals should incorporate increased provision of commercial workshops and office space.*
- *EE6 - Development proposals for a permanent café facility within the pedestrianized area at Orcombe Point will be supported.*

3 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 plan against the criteria set out in the SEA Directive. These criteria are 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

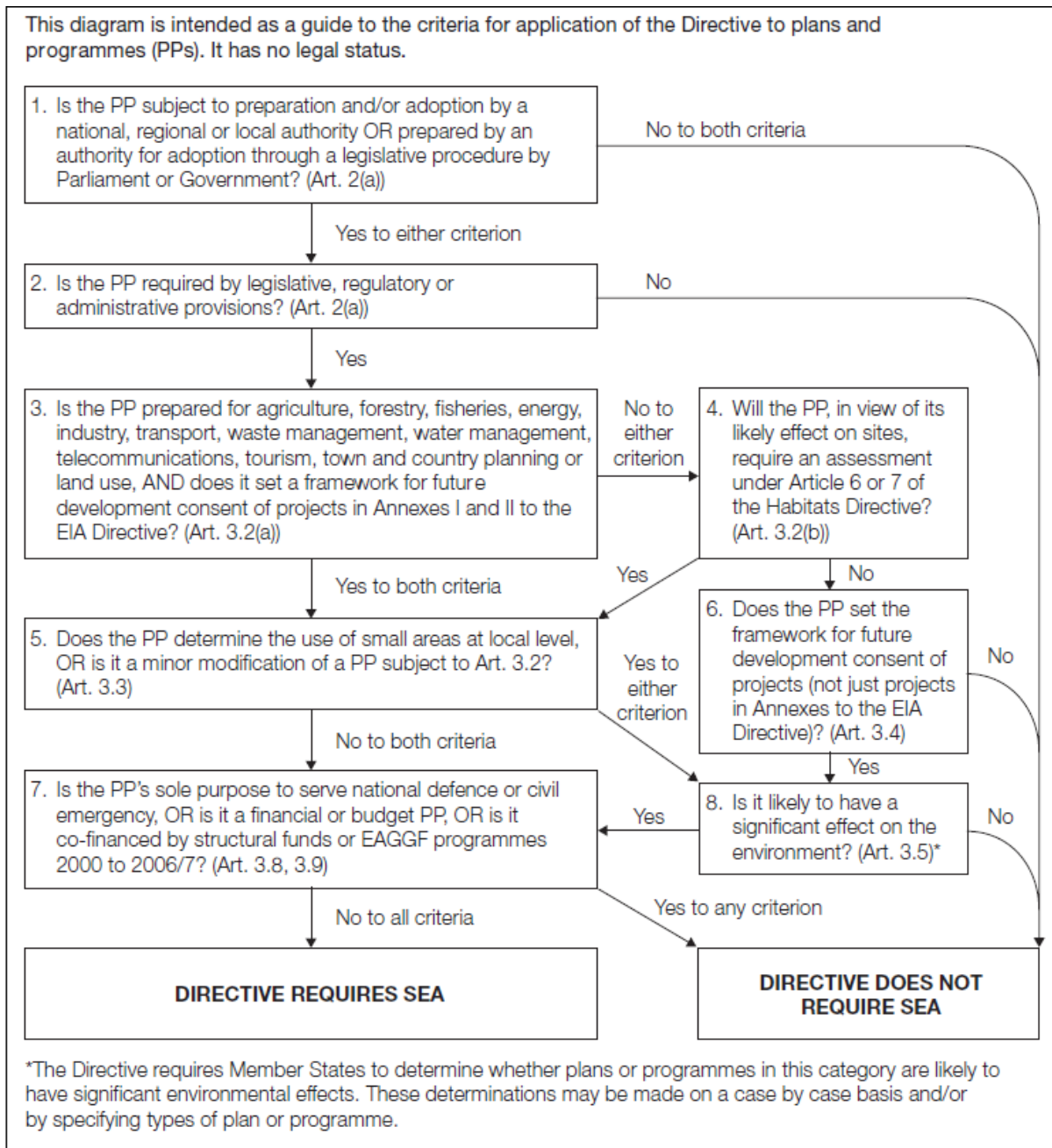


Figure 2: Screening assessment against the criteria for whether the plan requires an SEA.

Stage	Y/N	Reason
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? (Art. 2(a))	Y	The plan has been prepared by the Town Council and will be adopted by East Devon District Council as part of the Development Plan, subject to a successful examination and referendum.
Is the plan 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 involve consultation with interested parties.
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? (Art 3.2(a))	Y	The plan 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 plan 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 plan 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

4 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 plan 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 plan 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 Plan sets a framework for developments within the neighbourhood area. The Plan identifies various areas as Local Green Spaces and refers to Exmouth's Valley Parks. It is considered that all of these either comprise existing recreational land, areas otherwise afforded some protection through Local Plan policy or seek to enhance the local environment and therefore are not expected to have a significant environmental impact. The remaining policies seek to enhance and protect the local environment or set criteria for particular kinds of development based on those proposals already established through the Local Plan. These are not considered to 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 plan 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.
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 Exmouth.

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 plan and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	N	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 revisable. However, the impact of this is likely to be small.
The cumulative nature of the effects.	N	The cumulative effects of the plan are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	N	There are not considered to be any proposals in the Neighbourhood Plan which will have a significant trans-boundary effect.
The risks to human health or the environment (e.g. due to accidents).	N	There will be a minor positive impact on human health through the promotion of wellbeing and recreation spaces.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	The plan is concerned only with development within the Town of Exmouth, which has a resident population of 35,130. 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>Exmouth is situated in an area that is highly sensitive in terms of environmental and heritage considerations.</p> <p>Both the designated neighbourhood area and the surrounding environments include significant conservation and designated sites that could be subject to adverse impact from any proposed development or activity.</p> <p>A small part of the Pebblebed Heath SAC, SPA and SSSI lies within, to the east of, Exmouth Parish.</p> <p>The Parish is within the mitigation zone for this area. There are several traditional orchards, a number of county wildlife sites and two local nature reserves also within the Parish.</p> <p>The southern third of the parish, and a small section to the east, are</p>

		<p>designated AONB. To the east and south east of the parish lies the Exe estuary and this is designated a Ramsar site (Wetland of International Importance), a Special Area of Conservation, a Special Protection Area, a Site of Special Scientific Interest and, in part, a Local Nature Reserve.</p> <p>The Jurassic Coast World Heritage Site runs along the southern coastline of the Parish.</p>
--	--	---

Conclusion

- 4.3 Taking the above assessment into consideration, the plan is unlikely to have a significant environmental impact beyond that has previously been identified through the SEA of the Local Plan. Although Exmouth is located in a sensitive area in the district, the impact of the policies in the plan is not considered to be significant enough to warrant further analysis through a bespoke SEA.

5 Habitat Regulations Screening Assessment

- 5.1 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.
- 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 A small part of the Pebblebed Heath SAC, SPA and SSSI lies within, to the east of, Exmouth Parish. The Parish is within the mitigation zone for this area. There are several traditional orchards, a number of county wildlife sites and two local nature reserves also within the

Parish. The southern third of the parish, and a small section to the east, are designated AONB. To the east and south east of the parish lies the Exe estuary and this is designated a Ramsar site (Wetland of International Importance), a Special Area of Conservation, a Special Protection Area, a Site of Special Scientific Interest and, in part, a Local Nature Reserve. The Jurassic coast World Heritage Site run along the southern coastline of the 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 not propose to allocate sites for housing or any development which has the potential to harm sites of acknowledged importance under the Habitats Regulations. It is recognised that the sensitive pebblebed heaths and exe estuary areas are under recreational pressure and the Plan proposes additional recreational areas and additional protection for existing greenspaces and important habitats. The scale of such development would be in line with Local Plan policy and this type of growth was envisaged in Local Plan policy.

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

- 5.6 The Exmouth Neighbourhood Plan does not require a Habitat Regulation Assessment.
- 5.7 The Exmouth 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).