

**Dunkeswell Neighbourhood Plan
2014-2031**

**Statement of Reasons for not undertaking a
Strategic Environmental Assessment (SEA)**

Statement

Paragraph 031 (Reference ID: 11-031-20150209, revision date 09-02-15) of National Planning Practice Guidance (NPPG) states:

“...One of the following documents must be included with a neighbourhood plan proposal when it is submitted to the local planning authority:

1. a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects or
2. an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004...”

At the point when the neighbourhood plan had a draft set of aims and objectives, the steering group formally requested a screening opinion from East Devon District Council, to determine whether or not the plan would require a Strategic Environmental Assessment (SEA) (and Habitats Regulation Assessment) or not. At that point, we also confirmed to the local authority that we would not be seeking to allocate any sites for development.

The response we received confirmed that the plan would not need to be subject to an SEA (and therefore not require an environmental report to satisfy point 2 above) nor an HRA. The response is reproduced in full below.

We are therefore required to submit this statement setting out the reasons why we have not undertaken an SEA to satisfy point 1 above. The response from East Devon District Council sets out the reasoning.

Notwithstanding this, we considered it important to carry-out some sustainability testing of our plan and therefore produced a Sustainability Appraisal (SA) alongside the plan. The final SA report is submitted alongside our neighbourhood plan.

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

Screening Report

Prepared by East Devon District Council

March 2015

1.0 Introduction

- 1.1 The purpose of this report is to assess the policies contained within the draft Dunkeswell Neighbourhood Development Plan (hereafter referred to as 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 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. Responses have been received from Natural England and English Heritage, and both agreed with the findings of the screening.

2.0 Initial 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 requirement for 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 will be undertaken by East Devon District Council evaluating the draft 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 DNP will be subject to a further screening.
- 2.7 The plan does not identify or propose the allocation of specific development sites.
- 2.8 SEAs have previously been undertaken as part of the adopted East Devon Local Plan 1995 to 2011 and emerging 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

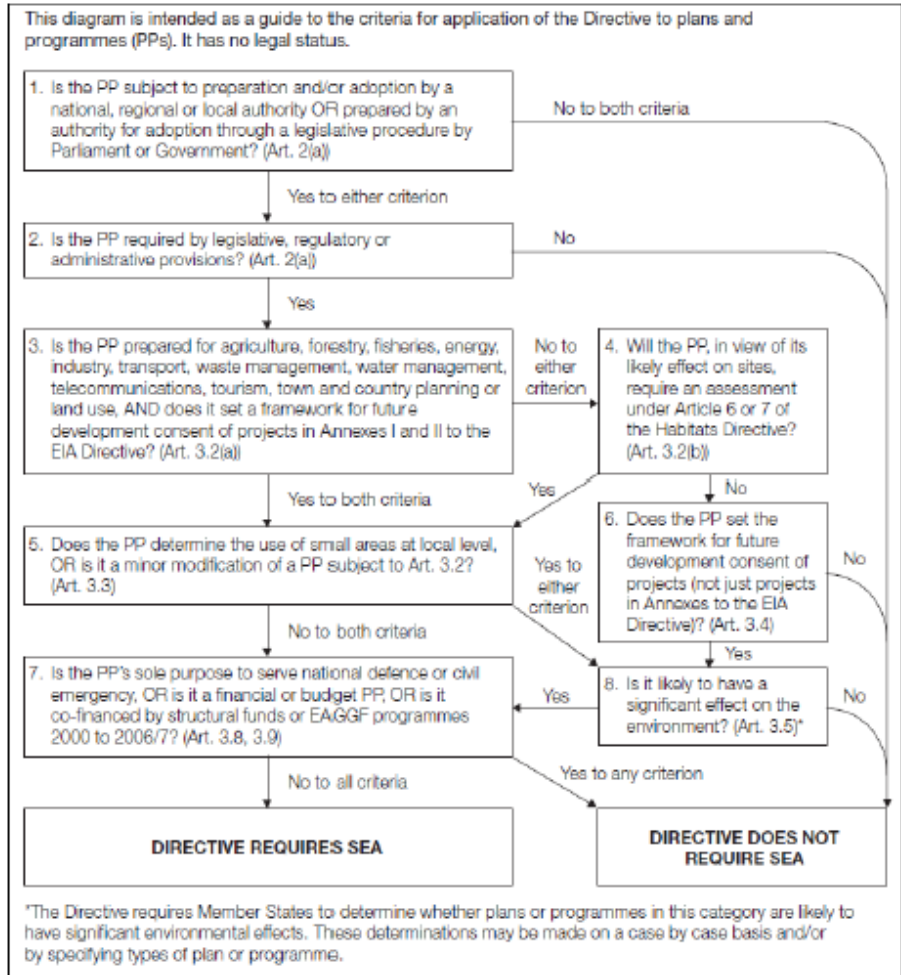
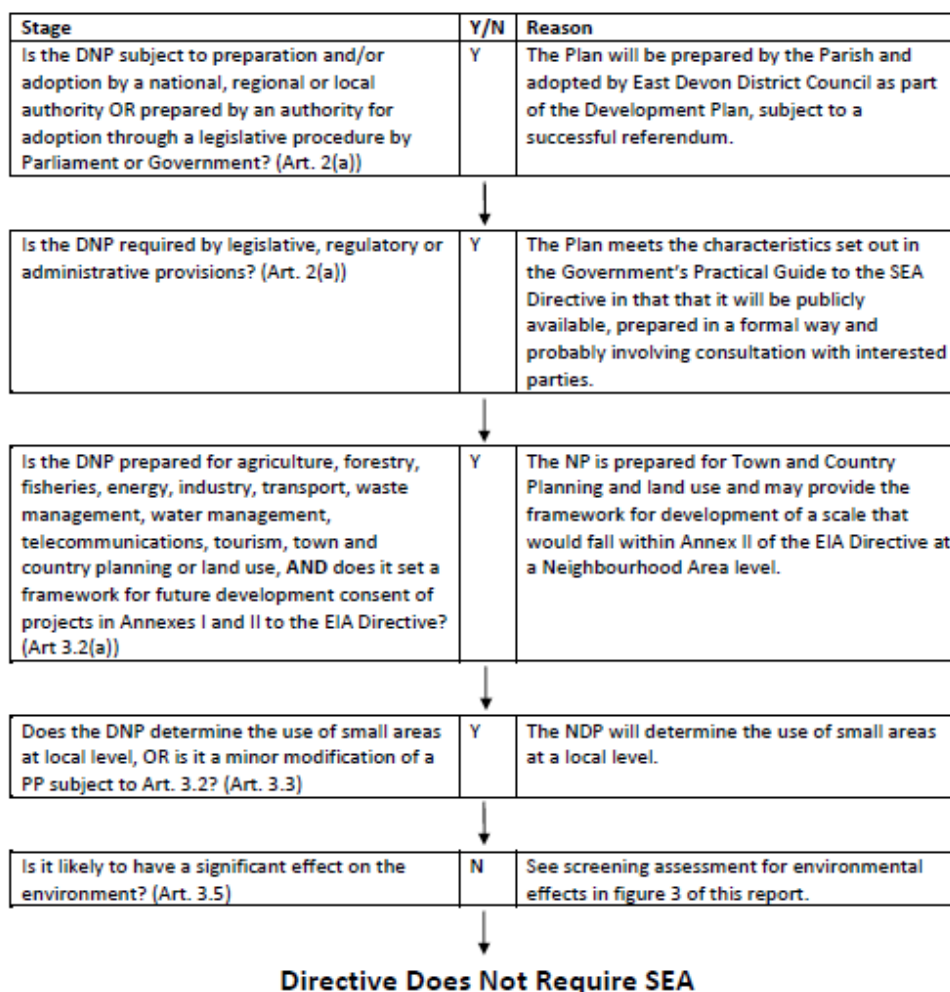


Figure 2: Screening assessment against the criteria for whether the DNP requires n SEA.



2.9 Screening Assessment for Environmental effects

2.10 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.

2.11 Dunkeswell is situated within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). As such, its outstanding landscape value and setting are of national importance and is offered considerable protection under the planning system. Special weight will be given to the protection of the AONB when assessing whether the DNP will have a significant effect on the environment.

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

Figure 3: Environmental impact screening assesment

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 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 DNP sets a framework for developments within the neighbourhood area but does not allocate specific sites for development. It will be conformity with the policies already within the adopted and emerging East Devon Local Plans, both of which have been subject to SEA.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	N	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 an influence on other plans.
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 by at examination. The plan producers are also planning to prepare a sustainability appraisal, in which the objective of sustainable development will be considered throughout.
Environmental problems relevant to the plan or	N	The plan is not intending to propose sites for development so there will be

programme.		<p>no environmental impact related to the allocation of land.</p> <p>An emphasis has been placed on providing sufficient off-street parking spaces. However, the related policy TA3 is in line with and has regard to Local Plan provision for off-street parking which has already been subject to SEA.</p> <p>A considerable focus has been made on the continued protection and enhancement of the parish and its setting within the Blackdown Hills AONB. This is illustrated in particular through Policy NE1 which states that development proposals will only be supported where they have demonstrated that there will be no adverse impacts on the natural environment. The Plan makers also intend to produce a sustainability appraisal, where environmental matters will be considered.</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).	N	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.	N	Although the DNP does not allocate sites, it is probable that the parameters set in the plan will result in development within the plan's lifespan. However, this will only be in the form of limited development in appropriate locations in order to meet a local need and will be assessed via the standard application process. The policies on the whole promote sustainable development and are not expected to have a significant environmental impact.
The cumulative nature of the effects.	N	The cumulative effects of the DNP are not considered to have a significant effect on the environment.

The trans-boundary nature of the effects.	N	The DNP will set a framework for development within the Neighbourhood Area. The scale of development it will impact upon is unlikely to have an effect on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents).	N	There are no risks to human health identified.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	N	The DNP is concerned only with development within the Parish of Dunkeswell, which has a resident population of 1,584. 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	Dunkeswell is situated within the Blackdown Hills Area of Outstanding Natural Beauty. Listed buildings are scattered across the Parish, a large concentration of them being situated within the conservation area in the centre of Dunkeswell village. The DNP is unlikely to adversely affect these and there is a considerable focus on the protection of the unique and special landscape of the area, including the appropriate use of materials, protection of archaeological sites, protecting biodiversity and encouraging tree planting.

2.13 Conclusion

2.14 Dunkeswell Neighbourhood Plan does not require a Strategic Environmental Assessment.

2.15 Taking the above assessment into consideration, The Dunkeswell Neighbourhood Plan is unlikely to have a significant environmental impact. It does not allocate sites for development and the policies are in accordance with the adopted and emerging local plans (which were themselves subject to SEA).

3.0 Habitat Regulations Screening Assessment

- 3.1 The draft version of the plan has been used to undertake this initial 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 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.
- 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 There are no Sites which are potentially relevant to the Dunkeswell Neighbourhood Plan.
- 3.6 Natural England will be 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?

The Neighbourhood Plan does not allocate sites, although the objectives indicate that small scale development to meet local needs will be supported.

Dunkeswell does not have a Built-up Area Boundary in the adopted or emerging East Devon Local Plans, so there is a presumption against new residential development unless it is very small-scale and is permitted to meet a specific need (eg affordable housing or an agricultural workers

dwelling) or to achieve the retention of an historic building. A detailed assessment of potential impacts will be carried out when specific proposals come forward through the planning system.

The existing, adopted Local Plan was not subject to an HRA (it pre-dated the requirement) but, as the type of small scale housing referred to in the Dunkeswell objectives accords with Local Plan policy, re/development has already been found to be acceptable in principle.

The objectives in the Neighbourhood Plan do also accord with the emerging 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 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

3.7 Conclusion

3.8 The Dunkeswell Neighbourhood Plan does not require a Habitat Regulation Assessment.

3.9 The Dunkeswell 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 and is in accordance with the emerging Local Plan (which was itself subject to HRA).

Appendix A: Consultation Responses

Responses to the consultation agreed with the conclusions of the above screening exercise. The responses from the three statutory bodies of Natural England and English Heritage are shown below.

English Heritage

From: Stuart, David [David.Stuart@english-heritage.org.uk]
Sent: 30 March 2015 15:20
To: Timothy Spurway
Subject: RE: Dunkeswell NP SEA HRA consultation - UNCLASSIFIED:

Follow Up Flag: Follow up
Flag Status: Completed

Dear Tim

I can confirm that we have no objection to the conclusion that an SEA is not required for the Dunkeswell NP.

Kind regards

David

David Stuart | Historic Places Adviser
Direct line: 0117 975 0680
Mobile phone: 0797 924 0316
English Heritage | 29 Queen Square
Bristol | BS1 4ND
www.english-heritage.org.uk

Natural England

Date: 30 March 2015

Our ref: 144995

Your ref:



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

T 0300 060 3900

Tim Spurway
Neighbourhood Planning Officer
East Devon District Council

BY EMAIL ONLY

Dear Tim,

Planning consultation: Habitat Regulation Assessment (HRA) and Strategic Environmental Assessment (SEA) screening opinion- Dunkeswell Neighbourhood Plan

Thank you for your consultation on the above dated February 2015 which we were consulted upon on 16 February 2015

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

We welcome the objectives and policies of this Plan which have full regard to the importance of conserving and enhancing the characteristics of this sensitive area which lies within the AONB.

We note that the Plan does not allocate additional development than that proposed in the Local Plan's Draft East Devon Village Development Plan Document. We previously advised in our response dated 10 March 2014 that *"The village is located in the Blackdown Hills AONB however we note from the Landscape Appraisal that the two allocated sites would relate well to existing development or be screened by an existing tree belt and therefore would result in minimal harm to the landscape. The design of any development at this site will be crucial and should be informed by further and landscape and visual impact assessment to ensure any harm is mitigated."*

We consider that by referencing *The Design Guide for Houses* which was developed by the Blackdown Hills AONB as well as its inclusion in policy BE1, and by not allocating further sites the change to landscape will not be significant.

We therefore agree with the SEA screening assessment that the Plan does not give rise to significant environmental effects.

Habitat Regulation Assessment Screening

We agree that *"The Dunkeswell 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."* We also note that *"It does not propose a level of development significantly over and above that in the adopted Local Plan and is in accordance with*

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the emerging Local Plan (which was itself subject to HRA)”.

We therefore also agree with the HRA screening assessment that the 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 Laura Horner on 0777 589 2929. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Mrs Laura Horner
Lead Advisor Plans Devon, Cornwall and Isles of Scilly Area Team