

Colyton Neighbourhood Development Plan

Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report

Prepared by Officers of East Devon District Council

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(formatted for accessibility July 2021)

1 Introduction

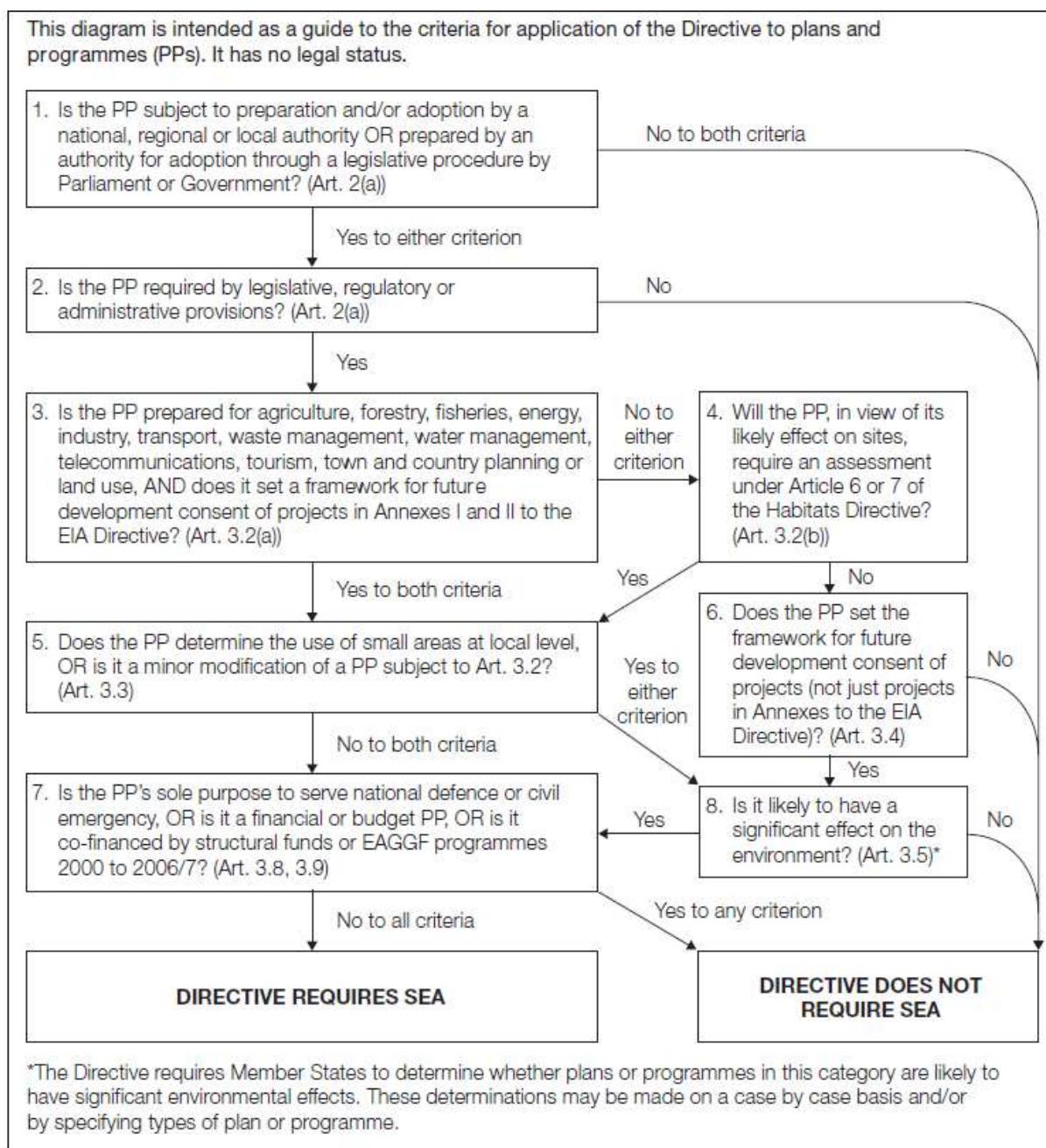
- 1.1 The purpose of this report is to assess the draft proposals in the Colyton Neighbourhood Development Plan ('the Plan'), covering the area of Colyton Parish, to determine whether it requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated 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 63 of 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).
- 1.3 **With regard to the SEA, the conclusion of the assessment is that the Plan has the potential to result in a significant adverse effect on the environment, subsequently SEA is required.**
- 1.4 **With regard to the HRA, the conclusion of the assessment is that the Plan has the potential to result in a significant adverse effect on any Natura 2000 sites so should 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.

2 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 definitive guidance stating that a neighbourhood plan will require an SEA, local authorities are legally obliged to advise plan producers as to whether an SEA is required.

- 2.4 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 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 Plan will also be subject to screening.
- 2.7 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.

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



3 Colyton Neighbourhood Plan

3.1 The Plan has been in production for approximately three and a half years. It has undergone significant consultation and the Neighbourhood Plan Steering Group (NPSG) is currently at the stage of drawing up draft proposals for final pre-submission consultation.

- 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.
- 3.3 The objectives and policies of the Plan are indicative of the group's desire to protect the existing character of the parish, whilst facilitating appropriate development and growth. The Plan includes a range of policies subject to HRA / SEA screening, it will be important to rescreen the Plan closer to final submission to take any changes into account.

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

Stage	Yes/No	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? (Art. 2(a))	Yes	The Plan will be prepared by Colyton Parish Council and 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? (Art. 2(a))	Yes	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? (Art 3.2(a))	Yes	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.
4. 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)	Yes	The Plan will determine the use of small areas at a local level.
5. Is the Plan likely to have a significant effect on the environment? (Art. 3.5)	Yes	See screening assessment for environmental effects in table 1 of this report.

Conclusion: Directive Does Require an SEA

4 Screening Assessment for 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 was likely to have a significant effect on the environment.

4.2. The table below sets out the criteria by which the site allocation in the Plan should be judged, as outlined in Article 3.5 of the SEA Directive.

Table 1: Environmental impact screening assesment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the SVNP likely to have a significant environmental effect?	Justification for Screening Assessment
<p>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.</p>	<p>Yes</p>	<p>The Plan sets out a framework for development within the neighbourhood area. It supports policies contained within the adopted East Devon Local Plan that seek to address development within the BUAB, all of which have been subject to SEA.</p> <p>Policies contained in the Plan establish support for development both within and beyond the BUAB with potential for significant environmental effects:</p> <p>Coly10 – Employment development supported in ‘predominantly residential areas’ - not restricted to the BUAB.</p> <p>Coly11 – Tourism development and expansion of tourism-related businesses supported – not restricted to the BUAB.</p> <p>Coly 12 / Coly15– Tramway Links and walking/cycling routes- supports undefined pedestrian and cycle routes – not restricted to the BUAB.</p> <p>Coly 17 – Public Car Parking is supported within walking distance of Colyton town centre.</p>

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the SVNP likely to have a significant environmental effect?	Justification for Screening Assessment
		<p>Distance not defined and not restricted to the BUAB.</p> <p>Coly 19 – Supports development of additional sports and recreation areas at a parish wide level. Whilst mitigation measures are included, these cannot be appropriately assessed in the screening process.</p>
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	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.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	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.
Environmental problems relevant to the plan or programme.	Yes	<p>The Plan seeks to protect the natural environment with clearly identified aims and objectives (pp11-12), supported by policy (Main Policy Nos. Coly1, Coly2).</p> <p>However, the proposed policy contained in the Plan has potential for significant negative environmental impact.</p>
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes)	No	These community legislation types are not relevant to the Plan and will not need to be considered.

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the SVNP likely to have a significant environmental effect?	Justification for Screening Assessment
linked to waste management or water protection).		
The probability, duration, frequency and reversibility of the effects.	Yes	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.
The cumulative nature of the effects.	Yes	The cumulative effects of the Plan are considered to have potential for significant adverse effect on the environment.
The trans-boundary nature of the effects.	No	There are not considered to be any proposals in the Plan which will have a significant trans-boundary effect.
The risks to human health or the environment (e.g. due to accidents).	No	There are no risks to human health identified, other than the usual risks associated with the construction of dwellings and a small increase 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).	No	The Plan is concerned only with development within the Parish of Colyton, which has a resident population of 3,233 as of 2017 ONS estimates. 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.	Yes	<p>Colyton Parish areas of value and vulnerability:</p> <ul style="list-style-type: none"> • Bolshayne Fen SSSI (Fig. 4 below for impact zone) • River Axe SSSI (Fig. 4 below for impact zone) • East Devon AONB (Fig, 5) <p>Areas within 10km of the parish edge:</p> <ul style="list-style-type: none"> • Beer Quarry and Caves SSSI (Fig. 4 below for

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the SVNP likely to have a significant environmental effect?	Justification for Screening Assessment
		<p>impact zone). 4km feeding zone is within Colyton Parish. Roosts have been identified within the Ceramtec site area and other sites within the parish.</p> <ul style="list-style-type: none"> • Spring Head Axmouth SSSI (Fig. 4 below for impact zone) • Sidmouth to Beer Coast SSSI • Axmouth to Lyme Regis SSSI • Bulmoor Pastures and Coppice SSSI • Park Farm Meadows SSSI • Reed's Farm Pit SSSI • Wilmington Quarry SSSI • Furley Chalk Pit SSSI • Broom Gravel Pits SSSI • Shapwick Grange Quarry SSSI

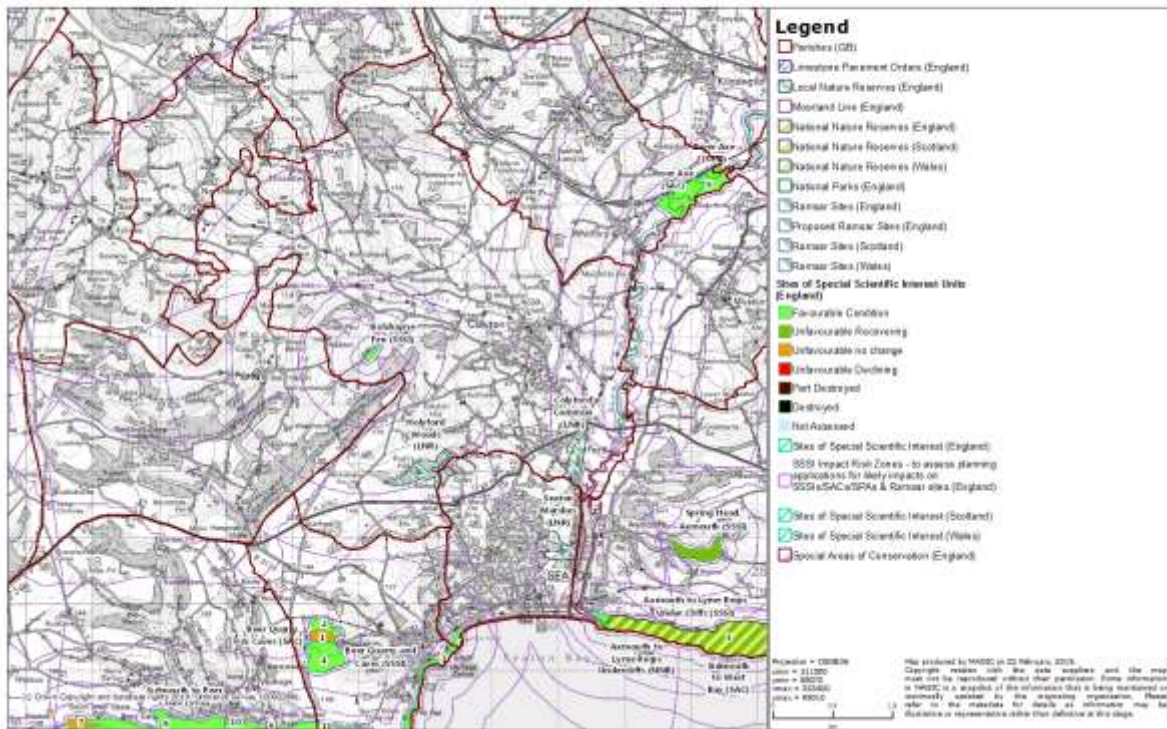


Figure 4: Colyton Parish SSSIs and Impact Zones

Colyton AONB

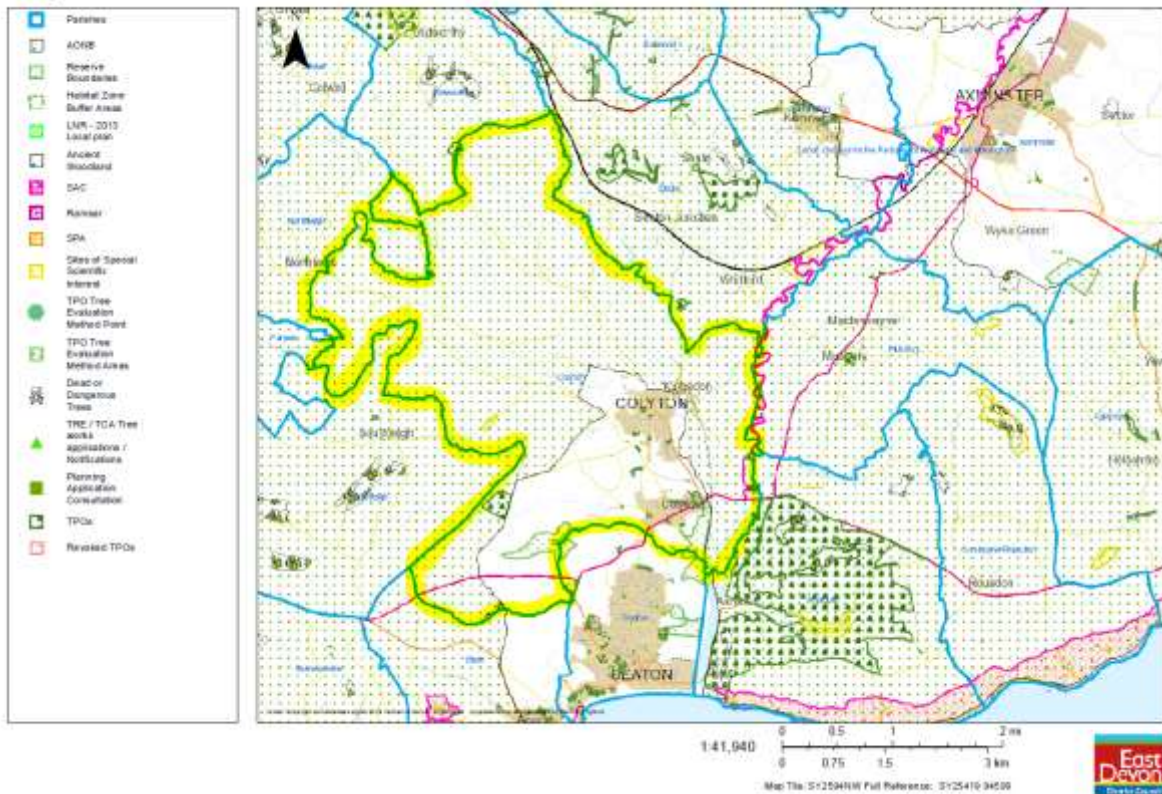


Figure 5: Colyton Parish / East Devon AONB

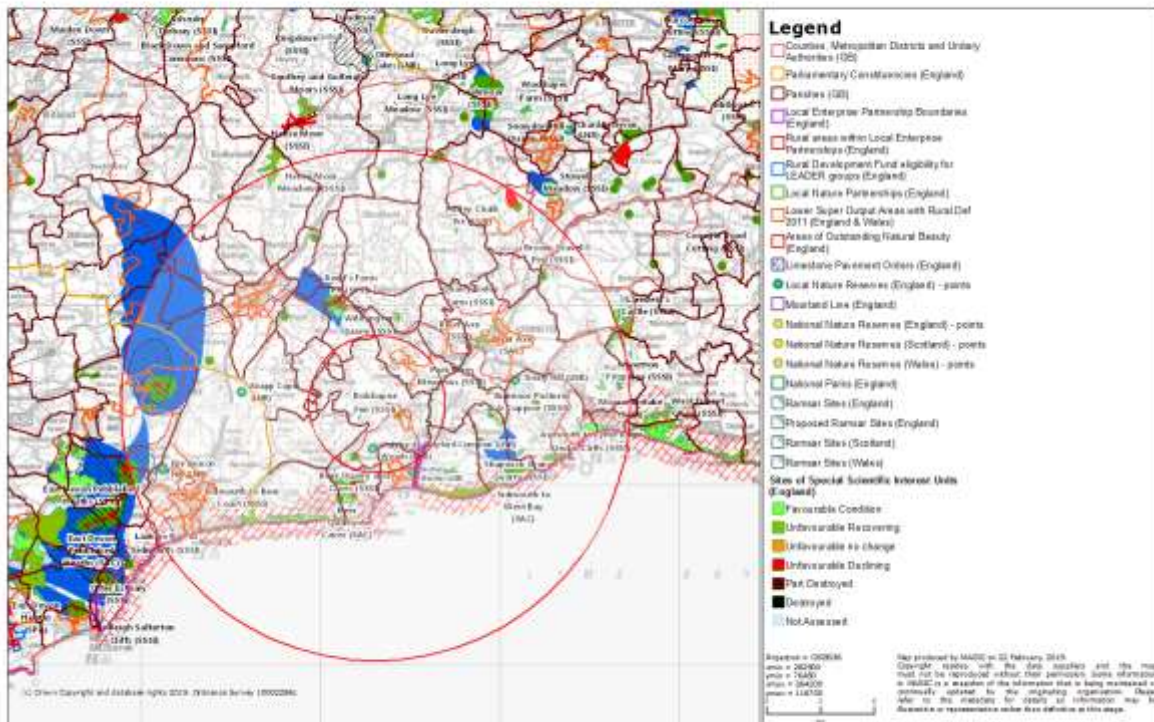


Figure 6: Colyton Parish 10km buffer zone areas.

5 Conclusion

5.1 The Plan does require a Strategic Environmental Assessment.

5.2 The Plan has the potential to result in a significant environmental impact. It proposes a level of development over and above that in the adopted Local Plan.

6 Habitats Regulations Assessment (HRA) Screening

6.1 The draft policies of the Plan (Appendix 1) have been used to undertake this initial screening assessment. Any variations or additions to the aims and objectives will be subject to a further screening. A screening report was produced as part of the production of the Local Plan and has been taken into account in undertaking this screening assessment.

6.2 The HRA needs to satisfy the following Directive Article and Regulation:

- Article 6(3) of the Habitats Directive 92/43/EEC
- Habitat Regulation 105 & 106 of The Conservation of Habitats and Species Regulations 2017 (referred to as Habitat Regulations 2017 in this document)

The Habitats Directive and 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, 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 European Site(s) of relevance to the Colyton Neighbourhood Plan:

- River Axe SAC to eastern border of parish.
- Beer Quarry & Caves SAC

6.6 Natural England will be consulted on this document by the District Council.

7 Screening Criteria Questions

7.1. Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

No

7.2 Does the Neighbourhood Plan propose new development or allocate sites for development?

Yes, the following policies propose new development or allocate sites:

Policies contained in the Plan establish support for development beyond the BUAB with potential for significant environmental effects:

Coly10 – Employment development supported in ‘predominantly residential areas’ - not restricted to the BUAB.

Coly11 – Tourism development and expansion of tourism-related businesses supported – not restricted to the BUAB.

Coly 12 / Coly15 – Tramway Links and walking/cycling routes- supports undefined pedestrian and cycle routes – not restricted to the BUAB.

Coly 17 – Public Car Parking is supported within walking distance of Colyton town centre. Distance not defined and not restricted to the BUAB.

Coly 19 – Supports development of additional sports and recreation areas at a parish wide level. Whilst mitigation measures are included, these cannot be appropriately assessed in the screening process.

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

No

8 Conclusion

8.1 The Colyton Neighbourhood Plan requires a Habitat Regulation Assessment.

8.2 The Colyton Neighbourhood Plan has the potential to result in a significant adverse impact on a European site (as defined in the Habitat Regulations 2017) alone or in combination with other plans and projects. The Plan proposes a level of development over and above that in the adopted East Devon Local Plan and outside of the BUAB identified in the East Devon Villages Plan.