

# Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Development Plan

## Strategic Environmental Assessment Habitat Regulations Assessment Screening Report

Prepared by Officers of East Devon District Council

May 2023

(Updated November 2024 to include consultee responses in Appendix for Regulation 16 Submission)

## 1.0 Introduction

- 1.1 The purpose of this report is to assess the proposals in the draft Clyst St Mary and Sowton Neighbourhood Development Plan ('the Plan'), covering the whole of Clyst St Mary and Sowton parishes (together known as 'Bishops Clyst'), to determine whether it requires a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended). 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 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 or national site network).
- 1.3 With regard to the SEA, the assessment demonstrates that there is potential for harm to the environment as a result of the housing development allocations in particular in respect of landscape and local character, and therefore a Strategic Environmental Assessment is required.
- 1.4 With regard to the HRA, the assessment demonstrates that there is potential for significant effects on two European sites, as the whole of the Clyst St Mary and Sowton Parish lies within their 'zone of influence'. An Appropriate Assessment has therefore been carried out. The conclusion at this stage of plan preparation is that sufficient strategic mitigation is in place through Strategy 5 of the adopted East Devon Local Plan (2013-2031), with and through the on-going implementation and monitoring of the South East Devon European Site Mitigation Strategy (and will continue to be in place through the emerging replacement Local Plan and updated Joint Mitigation Strategy), to ensure that there will be no significant effects on the features of the two European sites (the Exe Estuary RAMSAR, SPA, SSSI and the Pebblebed Heaths SAC, SPA, SSSI) through recreational pressure from residents. The quantum of development proposed in the NP is within the scope of what was envisaged/allowed for by the Local Plan strategy and the joint Mitigation Strategy (to 2031), and this is expected to remain the case in the transition to the new Local Plan (to at least 2040) and updated Mitigation Strategy, both under production currently. We are working on the basis of 'rolling forward' many existing mitigation measures with supplementary measures to complement these to account for impacts from future development. It is therefore considered reasonable to assume at this stage that adequate strategic mitigation arrangements will continue to be in place and will apply to the development proposed in this Plan. This situation will however be kept under review as the plan preparation process for the new emerging Local Plan and this Neighbourhood Plan progress. N.b. In reaching this opinion, it has been noted that the sites proposed for development lie within the boundary of the Clyst Valley Regional Park. However, they have not been and are not expected to be the subject of acquisition for SANGS, and development is not precluded within the CVRP, providing the objectives of the Park are not compromised.

1.5 This report will now be sent to the three statutory consultees designated in the Regulations (Historic England, Environment Agency and Natural England) to elicit their views on the findings. **[Addendum: The comments received are now appended to this report and were shared with the QB upon receipt and to inform the preparation of the neighbourhood plan, including SEA/HRA work already commissioned.]**

## 2.0 Clyst St Mary and Sowton Neighbourhood Plan

- 2.1 The existing [Bishops Clyst Neighbourhood Plan](#) (2014-2031) covering the parishes of Clyst St Mary and Sowton became part of the adopted development plan for East Devon, alongside the East Devon Local Plan 2013-2031, on 8th March 2017.
- 2.2 Section 16 of the 'made' Bishops Clyst Neighbourhood Plan committed Bishops Clyst Parish Council to monitoring the impact of the policies on change and development in the Parish and to undertaking a full or partial review of the Plan should it be thought necessary because of "changes to legislation, changes to national or district-wide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and/or existing neighbourhood plan policies".
- 2.3 In the context of work having commenced on a new Local Plan for East Devon and the Neighbourhood Plan approaching 5 years old, a review of the impact of the Bishops Clyst Neighbourhood Plan by the Parish Council commenced in autumn 2021. This included consultation with statutory bodies, including the LPA, as well as the local community and landowners. It concluded that given changing circumstances and the emergence of a draft new Local Plan it was an appropriate time to refresh and update the Neighbourhood Plan for the neighbourhood area. In April 2022, the Parish Council agreed to prepare a revised Neighbourhood Plan.
- 2.4 The Neighbourhood Plan Steering Group (NPSG) has updated the Plan in light of responses to the initial consultation and with reference to the draft proposals of the emerging Local Plan, and is working towards Regulation 14 (pre-Submission) stage formal consultation.
- 2.5 East Devon District Council has been kept informed of progress and has offered support and guidance to the NPSG and therefore has clarity regarding the Plan's direction of travel. We were asked to screen the draft Plan (Consultation Version 1.3) in March 2023. It is this version of the Plan that forms the basis for this Screening Assessment. Any variations or additions to the aims, objectives, policies and proposals may require a further screening.
- 2.6 The Plan is both protective and proactive, recognising that large parts of the parish remain quite rural, but that it is also located at the western end of the district, on the edge of the City of Exeter, where there is considerable planned growth and development pressure. The Plan recognises that development is inevitable and must be managed but also that there are important environmental and heritage features in the parish, as well as infrastructure needs, that must be considered.
- 2.7 Having considered a range of possible sites for development, informed by an independent site options assessment by Aecom (May 2022) and subsequent community consultation, the draft Plan proposes to make two medium-scale allocations for residential development for up to 90 dwellings in total (on land c.7 hectares gross area), to be delivered in a phased manner and in accordance with agreed comprehensive masterplans, as follows:

1. Land East of Greenspire (Phase 1) (Policy BisC12)
  - To include:
    - Residential development of approximately 40 dwellings
    - Element of affordable housing as required by the LPA
    - On-site play and amenity space
  
2. Land South of Bishops Court Lane (Phase 2) (Policy BisC13)
  - To include:
    - Residential development of approximately 50 dwellings
    - Element of affordable housing as required by the LPA
    - On-site play and amenity space

2.8 In addition, the Plan is also supportive of other types of development (such as related to agriculture and agricultural diversification, outdoor recreation, new and enhanced community and education facilities to meet local need, limited employment/business development), but with no specific location and/or no quantum proposed. It also proposes a revision to the adopted Clyst St Mary Built up Area Boundary to include developments that are consented and have been completed in the years since that boundary was set and to include the proposed allocation sites above.

2.9 The [emerging Local Plan \(Regulation 18 Consultation Draft\)](#) proposes 102 dwellings across 3 sites at Clyst St Mary, proposed for allocation following HELAA Panel and EDDC Officer own assessment of submitted sites. These sites partially overlap with the proposed allocations of the emerging Neighbourhood Plan and the relationship between the 2 emerging plans (including the housing requirement for the designated Neighbourhood Area) is the subject of on-going discussion between the LPA and the NP Group.

## 3.0 SEA Screening

- 3.1 The basis for Strategic Environmental Assessments is the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), 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'.
- 3.3 Local authorities are legally obliged to assess the Plan proposals and advise plan producers as to whether an SEA is required. 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 Regulations. This criterion is set out in Schedule 1 of the SEA Regulations.
- Should the screening report reach the conclusion that that Plan will have a significant impact on the environment; a full SEA should be undertaken.
  - 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.
- 3.4 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. A [Sustainability Appraisal](#) has also been drafted and consulted on alongside the Regulation 18 consultation on the emerging new Local Plan for East Devon to 2040 (or in the region of) which has also been taken into account. In addition, Officers have noted that an updated Mitigation Strategy regarding the Exe Estuary, Pebblebed Heaths and Dawlish Warren European Sites has been commissioned jointly for East Devon, Exeter and Teignbridge districts.

Figure 1 SEA Screening Flowchart (from A Practical Guide to the Strategic Environmental Assessment Directive)

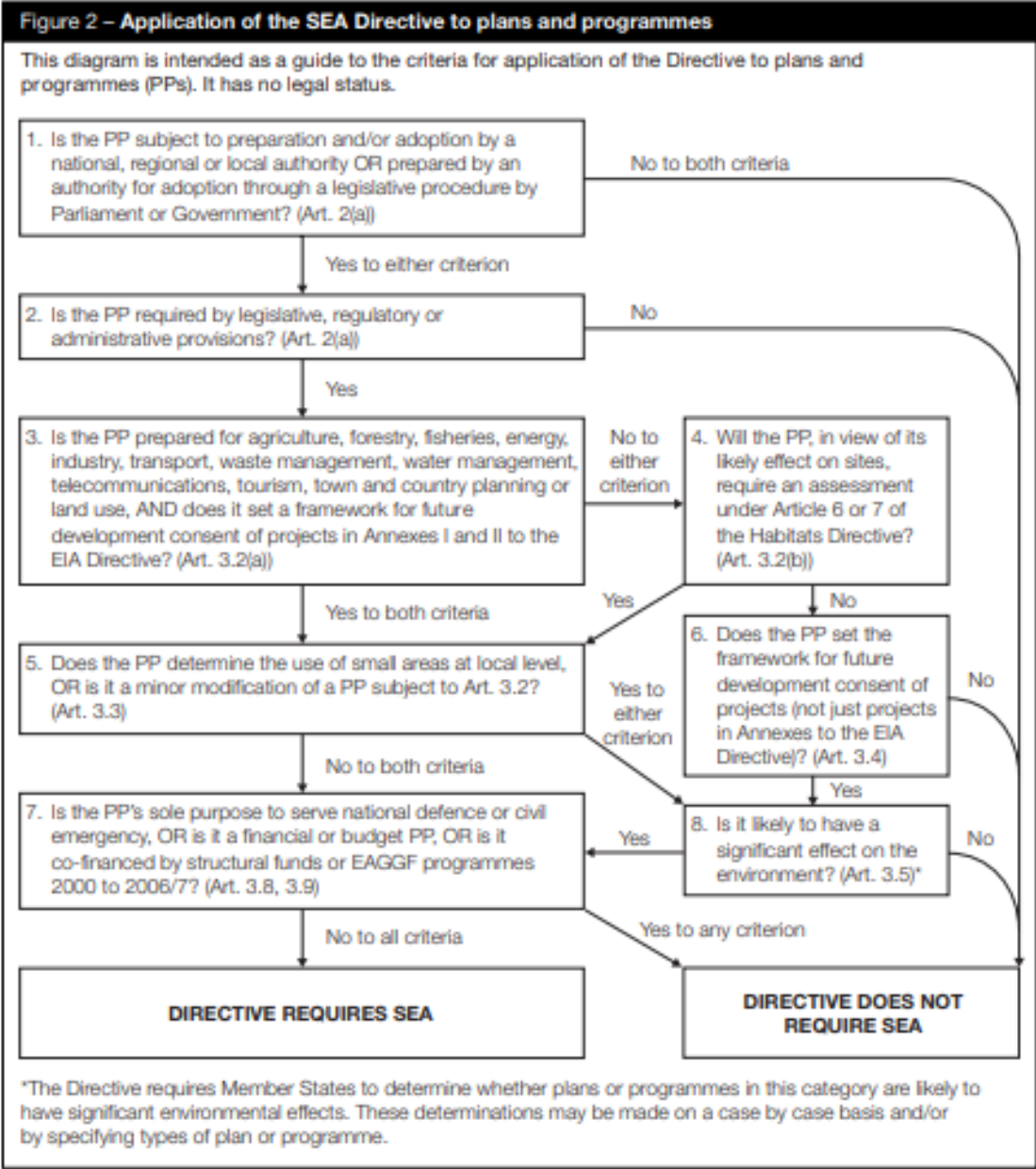


Figure 2: Screening assessment against the criteria for whether the Clyst St Mary and Sowton Neighbourhood Plan requires an SEA.

Stage	Y/N	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?	Yes	The Plan will be prepared by Bishops Clyst Parish Council and 'made' (adopted) by East Devon District Council as part of the statutory Development Framework, subject to a successful referendum.
2. Is the Plan required by legislative, regulatory or administrative provisions?	Yes	Localism Act 2011 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, <b>AND</b> does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Reg 5 (2))	No	The Plan is prepared for Town and Country Planning and land use but is not considered to provide the framework for development of a scale that would fall within Annex II of the EIA Directive at a Neighbourhood Area level.
4. Will the Plan, in view of its likely effect on sites, require an assessment for future development under Articles 6 or 7 of the Habitats Directive?	Yes	The Plan will require an Appropriate Assessment.
5. Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan or programme subject to Reg 5 (6)	Yes	The Plan will determine the use of small areas at a local (parish) level.
6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?	Yes	The Plan will be 'made' (adopted) and used as part of the development plan for determining planning applications in the Plan area.
7. Is the Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget Plan or	No	-

Stage	Y/N	Reason
Programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7?		
8. Is the Plan likely to have a significant effect on the environment? Reg 5 (4)		See screening assessment for environmental effects in table 1 of this report.

## 4.0 Screening Assessment for Environmental Effects

4.1 Under step 8 of the Application of the SEA Directive (Table 1 below), 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 by which the site allocation in the Plan should be judged, as outlined in the SEA Regulations.

**Table 1: Environmental Impact Screening Assessment**

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
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>The Plan sets out policies which will be used to determine proposals for development within the Neighbourhood Plan area once adopted. The policy content of the adopted (and emerging new) Local Plan which are subject to SA will also apply to any proposals within the Neighbourhood Plan area.</p> <p>The type and distribution of development at Clyst St Mary proposed in the draft Neighbourhood Plan will broadly support policies and strategies contained within both the adopted East Devon Local Plan and the Regulation 18 draft emerging Local Plan. This includes policy BisC12 and BisC13 which allocate sites for residential development of up to 90 dwellings over the plan period.</p> <p>Clyst St Mary is a settlement with a designated Built-up Area Boundary set through the adopted East Devon Villages Plan 2018 (which forms part of the statutory development plan for East Devon alongside the adopted Local Plan). As such, it is considered in strategic policy terms to be a 'sustainable' settlement capable of meeting the basic everyday needs of residents and therefore a</p>

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
	<p>level of new development (commensurate with the size of the settlement and available facilities) was considered when the adopted Local Plan was subject to SEA. Similarly, the emerging Local Plan (Regulation 18 Consultation Draft) identifies Clyst St Mary as a named settlement (“Service Village) in Tier 4 of the proposed settlement hierarchy’. Again, this continues to recognise it in strategic policy terms as a sustainable settlement with a good range of everyday services and facilities to meet residents’ needs, and suitable to accommodate some additional growth. On this basis, the emerging Local Plan proposes a total of <u>3 sites for allocation at the village</u>, to accommodate approximately 102 dwellings (72 on ‘preferred sites’ and 30 on ‘second choice’ sites).</p> <p>The Neighbourhood Plan includes one of these preferred sites in its entirety as a proposed allocation for broadly the same use (Land East of Greenspires for approx. 40 homes (Local Plan ref. Sowl_03 (37 homes))). The other site allocated in the draft Neighbourhood Plan includes and further expands the ‘second choice’ site in the Local Plan at Land South Bishops Court Lane for approx. 50 homes (Local Plan ref Sowl_11 (30 homes)). The additional land in this location has been considered and rejected for allocation in the draft Local Plan due to the exposed nature of the site. The third site proposed for allocation in the emerging draft Local Plan as a ‘preferred site’ is located in the village centre (Local Plan re. Sowl_09 (35 homes). This site is not included for allocation in the Neighbourhood Plan based on the results of community consultation but could potentially come forward through the Local plan process.</p> <p>The location of the proposed residential development in the Plan extends the area of existing development at / around Clyst St Mary, adjacent to the existing built up area boundary. Whilst the development expands the footprint of the village further to the north/north-east/east, more generally it is located in the western side end of East Devon, close to the city of Exeter, where on-going growth</p>

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
	<p>is envisaged in the strategies of both the adopted and emerging Local Plan for the district (including potential options for a (second) new community).</p> <p>The new Local Plan will also set a housing requirement figure this (and all) Designated Neighbourhood Areas in strategic policy. This work is still to be undertaken and consultation on the methodology for this calculation will commence in the near future. Ultimately, overall, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted local plan at the time to meet the 'Basic Conditions', which will be tested at independent examination.</p>
<p>The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>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 (as retained) and the ECHR obligations (as retained).</p> <p>Note: The current adopted Local Plan for East Devon has a plan period to 2031. It is presumed that the Neighbourhood Plan is looking beyond this to (in region of) 2040 to align to the current proposed plan period of the emerging new Local Plan (<i>although the Plan Period is not clearly stated in the Consultation Draft v1.3</i>), and is seeking to provide for and influence the location and nature of the development envisaged for this parish in the emerging higher tier plan. Support will continue to be given to the NPG in considering the relationship with the emerging Local Plan. However, ultimately, conformity with the adopted development plan at the time will be tested in due course at independent examination before the Plan can proceed to adoption.</p>
<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>The stated aims and objectives of the Plan and draft policy content, seek to integrate environmental considerations and sustainable development objectives, including Policy BisC01 (Protecting and Enhancing Geodiversity, Biodiversity and Wildlife); BisC02 (Protecting Trees and Woodlands); BisC03 (Minimising Flood Risk); BisC08 (Sustainable Development). The Neighbourhood Plan</p>

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
	<p>notes that development of the allocation sites affords an opportunity to extend the Clyst Valley Trail for cyclists and walkers as part of the master-planning, and it is suggested it could be appropriate for this to be made a policy requirement.</p> <p>Ultimately, the Plan will contribute towards the achievement of sustainable development, as required by the “basic conditions” on which the Plan will be judged at independent examination.</p>
<p>Environmental problems relevant to the plan or programme.</p>	<p>The Neighbourhood Plan’s aims, objectives and policy content seeks to address a range of identified / potential direct and indirect environmental issues related to development in the Plan Area. Development of the type and scale proposed within the Plan also has potential to result in environmental problems.</p> <p>In terms of the natural environment, the entire Plan Area (the civil parishes of Clyst St Mary and Sowton) lie within the habitat buffer zones associated with the Pebblebed Heaths SAC and Exe Estuary SPA areas which have been identified as being at risk from increased development due to additional recreational pressures. The proposed allocations (a combined total of 90 new dwellings) in the plan therefore lie within these zones, and within various SSSI Impact Risk Zones which applies where residential development of 50 or more dwellings is proposed.</p> <p>Whilst these new dwellings are not explicitly provided for in the adopted Local Plan, the Local Plan made provision for a minimum of 17,100 new dwellings with a conservative allowance for windfalls and strategic policy (Strategy 6, 7 &amp; 27) which in combination support neighbourhood plans to make their own allocations in addition where they can be justified. This approach is continued in the emerging new Local Plan, which at Regulation 18 draft proposes 102 new homes in the plan period to c.2040 at 3 sites at Clyst St Mary, with some overlap currently with the sites proposed in the Neighbourhood Plan (as described above).</p>

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
	<p>Overall it is considered that the level of development envisaged by the NP is accounted for by growth in the current Local Plan to 2031, and that this will continue to be the case under the new Local Plan (to c.2040). Strategic mitigation arrangements are in place through the adopted South East Devon European Site Mitigation Strategy, whereby financial contributions towards Significant Alternative Natural Green Space (SANGs) and on-site of the European site designated areas are collected. SANGS contributions are being invested in some parts of the Clyst Valley Regional Park which intersects with this Plan Area.</p> <p>Current completions and forecasts data for new dwellings in the habitat zones are well within the projections that were used to inform the Mitigation Strategy, with no maximum number of dwellings set, and the Neighbourhood Plan proposals do not alter or exceed the envisaged quantum of development.</p> <p>Whilst the sites proposed for development in the Plan lie within the boundary of the Clyst Valley Regional Park, they have not been and are not expected to be the subject of acquisition for SANGS, and development is not precluded within the CVRP, providing the objectives of the Park are not compromised.</p> <p>With emerging new Local Plans for East Devon District as well as Exeter City and Teignbridge District, work is currently underway on an updated joint mitigation strategy to sit alongside the emerging local plan. Transitional arrangements will be made once the new Mitigation Strategy is approved.</p> <p>In terms of the built, historic environment, Clyst St Mary and Sowton parishes contain numerous heritage assets and a large part of the village of Sowton village is a Conservation Area. There are also a number of Grade II listed cottages/houses in and close to Clyst St Mary village</p>

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
	<p>centre. In the immediate surroundings, of particular note are the Grade I listed Bishops Court building and tithe barn within 500m of the boundary of the northernmost proposed allocation site (Land south of Bishops Court Lane). To the south, across the A3052, which bisects the village of Clyst St Mary, lies the Grade II listed main (Manor) house at the Winslade Park development, with the associated 'White Lodge' (grade II*) facing the A3052 and Red Lodge (grade II) directly opposite the other proposed allocated site (Land east of Greenspires). There are also various Grade II listed agricultural buildings at Westpoint to the east of Clyst St Mary, in close proximity to both proposed allocations. Clyst St Mary bridge and causeway on the western side of the village is also a Scheduled Ancient Monument.</p> <p>Site assessment and SA work undertaken to date in respect of the proposed allocation sites for the emerging Local Plan, indicates potential for harm to the significance of assets and their setting from the development of the sites for allocation is likely to be minimal. There are also a number of protective policies in the Neighbourhood Plan (in addition to the NPPF and Local Plan policies that would also apply) which are intended to prevent harm and ensure that the heritage conservation objectives are achieved. However, it should be noted that the site South of Bishops Court Lane (which includes land rejected in the LP site assessment work to date) can be seen clearly from Footpath 3 connecting Sowton Village and Clyst St Mary and the relationship with the Grade I listed Bishop's Court is uncertain.</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).	These community legislation types are not relevant to the Plan and will not need to be considered.

<b>Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)</b>	<b>Comment</b>
The probability, duration, frequency and reversibility of the effects.	The Plan will influence development that will likely come forward over the Plan period (envisaged to align to the emerging new Local Plan of up to at least 2040) and therefore any impact will be long term and not easily reversible. In broad terms, in the period to 2031 at least, this was considered in the SEA to the adopted Local Plan and Villages Plan and a mitigation strategy to address likely effects was adopted. As stated elsewhere, development of at least a similar scale to that proposed in the Neighbourhood Plan is also proposed (with some variation in sites) in the emerging Local Plan which is also subject to SEA/HRA and alongside which a new updated Mitigation Strategy is commissioned and in due course will apply through transitional arrangements.
The cumulative nature of the effects.	The cumulative effects of the Plan are not considered to have potential for significant adverse effect on the environment on the basis of the information available.
The trans-boundary nature of the effects.	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).	There is not considered to be potential for risks to human health as a direct result of the Plan proposals.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The Plan is concerned only with limited development at the local level only, within the defined Neighbourhood Area geography (which covers the sparsely populated parishes of Clyst St Mary and Sowton, known collectively as Bishops Clyst, with a combined population of 1550 (2021 Census). The main effects are likely to be concentrated at the main village of Clyst St Mary itself rather than the wider parish. The allocations included within the Plan are of a relatively large scale within the local context, however the magnitude and spatial extent is unlikely to be significant in a wider District context and effects are not expected to be realised over a wide geographic area.
The value and vulnerability of the area likely to be affected due to: special natural characteristics or cultural heritage; exceeded	Clyst St Mary and Sowton parishes contains some areas of value and vulnerability:  As noted above, most significantly nationally / internationally, the nearby Exe Estuary SPA, SSSI and

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
<p>environmental quality standards or limit values; intensive land-use.</p> <p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>RAMSAR site and East Devon Pebblebeds SAC, SSSI and NNR are key features of biodiversity sensitivity which have potential to be affected by development within the Neighbourhood Plan area. Related to these, the whole of the Plan Area lies within SSSI Impact Risk Zones (IRZ) which applies where residential development of 50 or more dwellings is proposed.</p> <p>The Clyst Valley Regional Park, which intersects with the Plan area, provides strategic scale SANGs to mitigate recreational impacts on these protected European sites from new development. It is noted that the allocation sites themselves lie largely within the CVRP itself but the sites do not, and are not expected to, constitute SANGs and development can be supported if it furthers the objectives of the Park.</p> <p>.</p> <ul style="list-style-type: none"> <li>• Key habitats identified within the area include: <ul style="list-style-type: none"> <li>• Part of the extensive Clyst Marshes County Wildlife Site lies with the plan area, within Clyst St Mary parish, along the River Clyst. This comprises semi-improved marshy grassland, saltmarsh, riverside vegetation and species-rich ditches. This protected site lies 0.6km from the nearest point with the proposed allocation sites, with the existing built up area of the village intervening.</li> <li>• Traditional orchards (5 in Clyst St Mary parish to the south (including several identified as ‘priority habitats’ and others requiring further survey work) and 1 (priority habitat traditional orchard) in Sowton parish on the boundary with Clyst Honiton.</li> <li>• Scattered areas of mixed deciduous woodland identified as Priority Habitats, found predominantly in Sowton parish, including in and around the large central area of BAP Priority habitat ‘Wood Pasture and Parkland’ which forms the setting of the Grade I listed Bishops Court house. This extensive parkland area is also identified on Devon Biodiversity Records Centre data as being a proposed County Wildlife Site.</li> </ul> </li> </ul>

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
	<ul style="list-style-type: none"> <li>• Large swathes of land in the Neighbourhood Area form part of the floodplain and are identified as Priority Habitat (coastal and flood plain grazing marsh).</li> </ul> <p>None of the above habitats lie within the proposed allocations sites which themselves are grassland agricultural fields (including Best &amp; Most Versatile agricultural land), with few trees and limited habitat value. One of the areas of deciduous woodland (Priority Habitat Inventory) lies adjacent to the far western boundary of allocation 'Land South of Bishops Court Lane'.</p> <ul style="list-style-type: none"> <li>• There are potential for a variety of developmental control species within the plan area requiring safeguarding due to their ecological value, with recorded sitings including for example pipistrelle bat, Eurasian otter, slow worm. Also, the whole of the Plan Area lies within a 5km Great Crested Newt consultation zone.</li> </ul> <p>The whole of the Plan Area is categorized by the Devon Character Area '<a href="#">Clyst Lowland Farmlands</a>'. There are no nationally, Community or internationally recognised landscapes in the Plan Area. However, the site assessment and SA of the proposed allocation sites for the emerging Local Plan, and further advice from LPA Landscape Officer finds that for the allocation 'Land south of Bishops Court Lane', the landscape has a medium/high sensitivity to development with likely significant adverse effect on the landscape character of the Clyst Valley and on the present rural character and tranquility of Bishops Court Lane (particularly if accessed from it).</p> <p>In terms of heritage, there are 49 listed buildings or structures within the Plan area (38 in Sowton Parish (including 4 grade I, one Grade II*) and 11 in Clyst St Mary parish (2 of which are Grade II*) and the rest Grade II). There is a notable concentration at Sowton village which is largely covered by Conservation Area designation.</p>

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Comment
	<p>Central to Sowton parish and NE of Clyst St Mary village is the Grade I Bishop's court building and Tithe Barn. Effects are uncertain on the wider setting of this designated heritage asset as whilst it lies approximately 500m north of the allocation Land South of Bishops Court Lane, the site lies in an exposed location at the ridgeline above the Clyst Valley, prominent from viewpoints on PROW. Advice has therefore been sought from EDDC Conservation Officer as to potential for significant effects as the allocation includes land rejected through site assessment and SA in the emerging Local Plan preparation to date</p> <ul style="list-style-type: none"> <li>• To the southern extent of the Clyst St Mary parish, lies the Grade II* listed manor house at Winslade Park. Winslade is subject to on-going mixed use redevelopment/refurbishment under strategic policy of the adopted Local Plan.</li> <li>• In addition, the Clyst St Mary bridge and causeway is a Scheduled Ancient Monument.</li> <li>• There are a large variety of non-designated historic environment features within the Neighbourhood Plan area. There are 67 listings on the Devon Historic Environment Record for Clyst St Mary parish and 217 for the Sowton parish (including the nationally designated heritage assets) listed buildings, this includes, inter alia, features / finds such as orchard banks, field boundaries/enclosures, pits and ditches, artefacts scatter, various non-designated farm houses/buildings etc. Whilst there is a notable cluster of these features in Clyst St Mary and Sowton village's historic core, a significant number of non-designated historic features are present across the wider Plan area.</li> </ul>

4.3 The maps below show the locations of the areas of value and vulnerability.

Figure 3: Habitat Zone Buffer Areas and Clyst St Mary and Sowton Neighbourhood Area (the parishes of Clyst St Mary and Sowton)

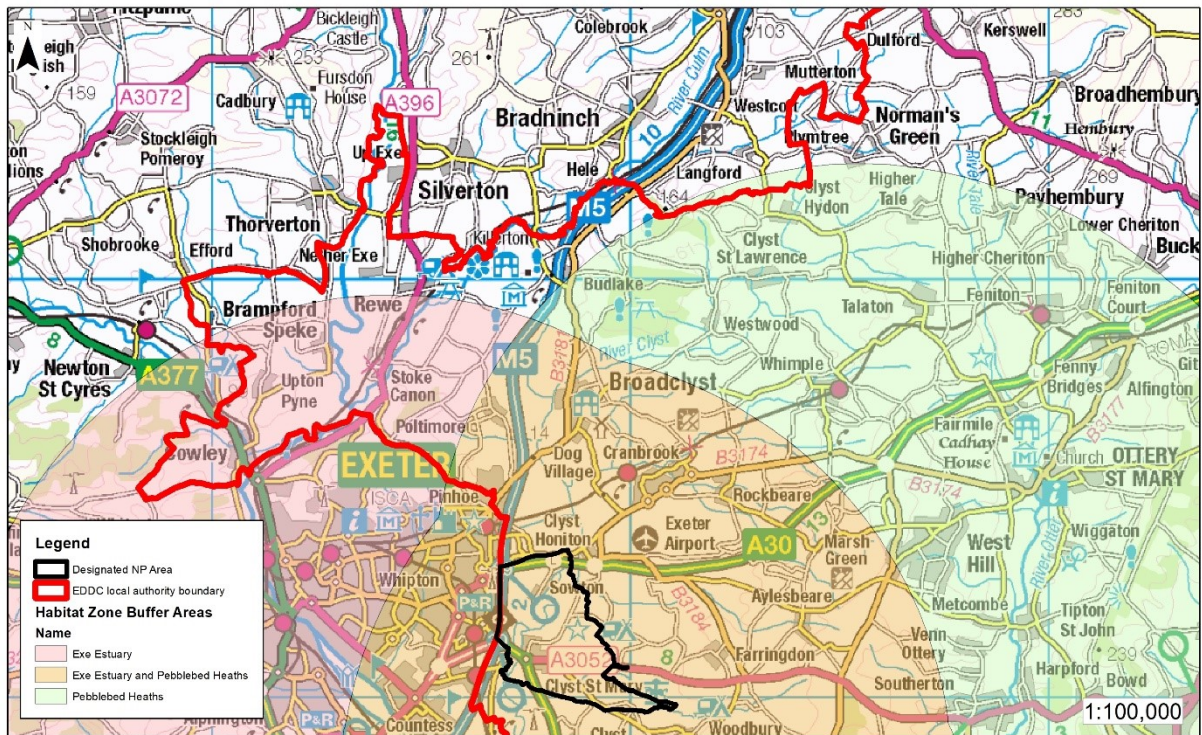


Figure 4: Relationship of Proposed Allocated Development Sites and the Clyst Valley Regional Park

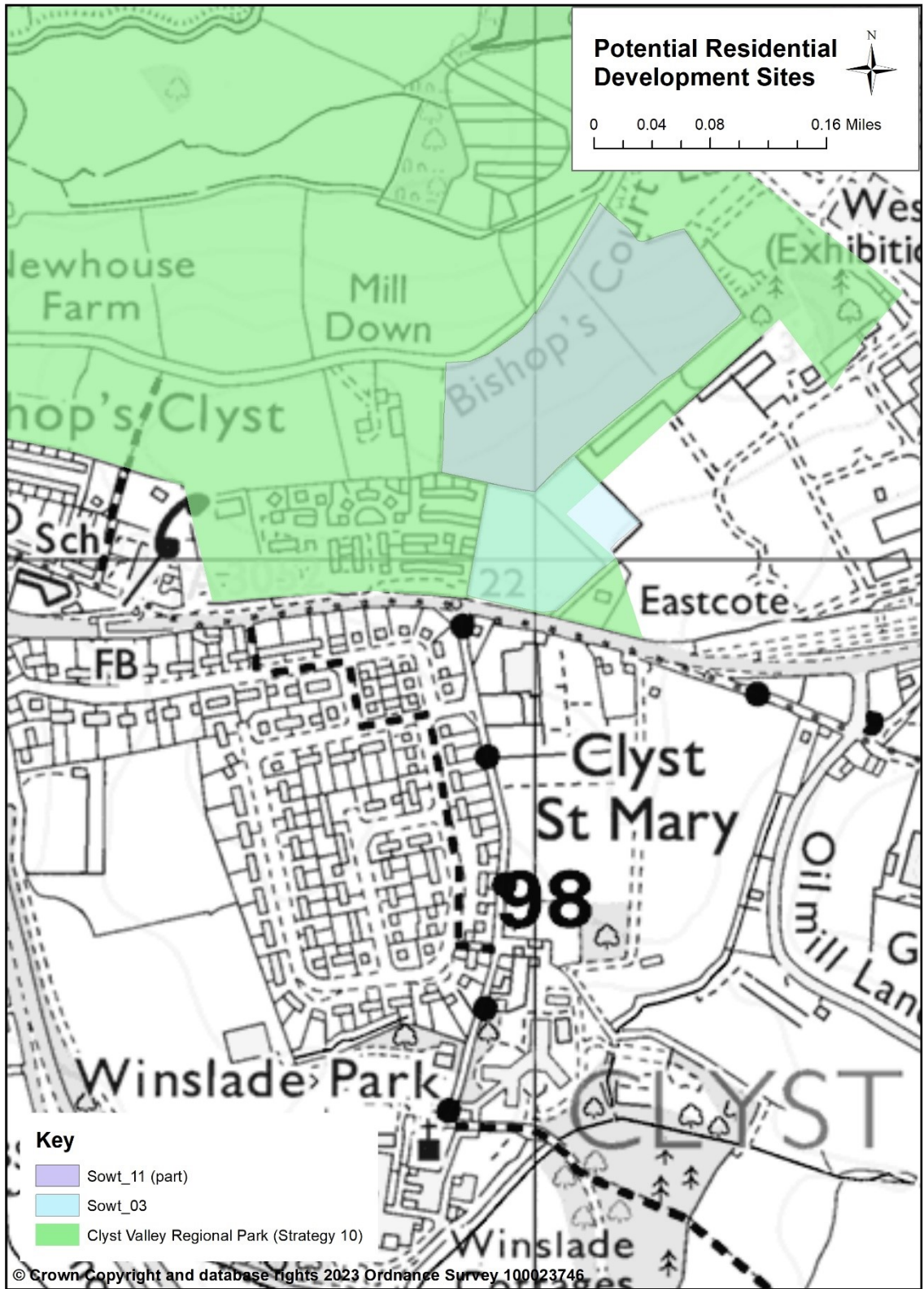


Figure 5 Area of Value and Vulnerability in Clyst St Mary Village (Designated Heritage Assets)

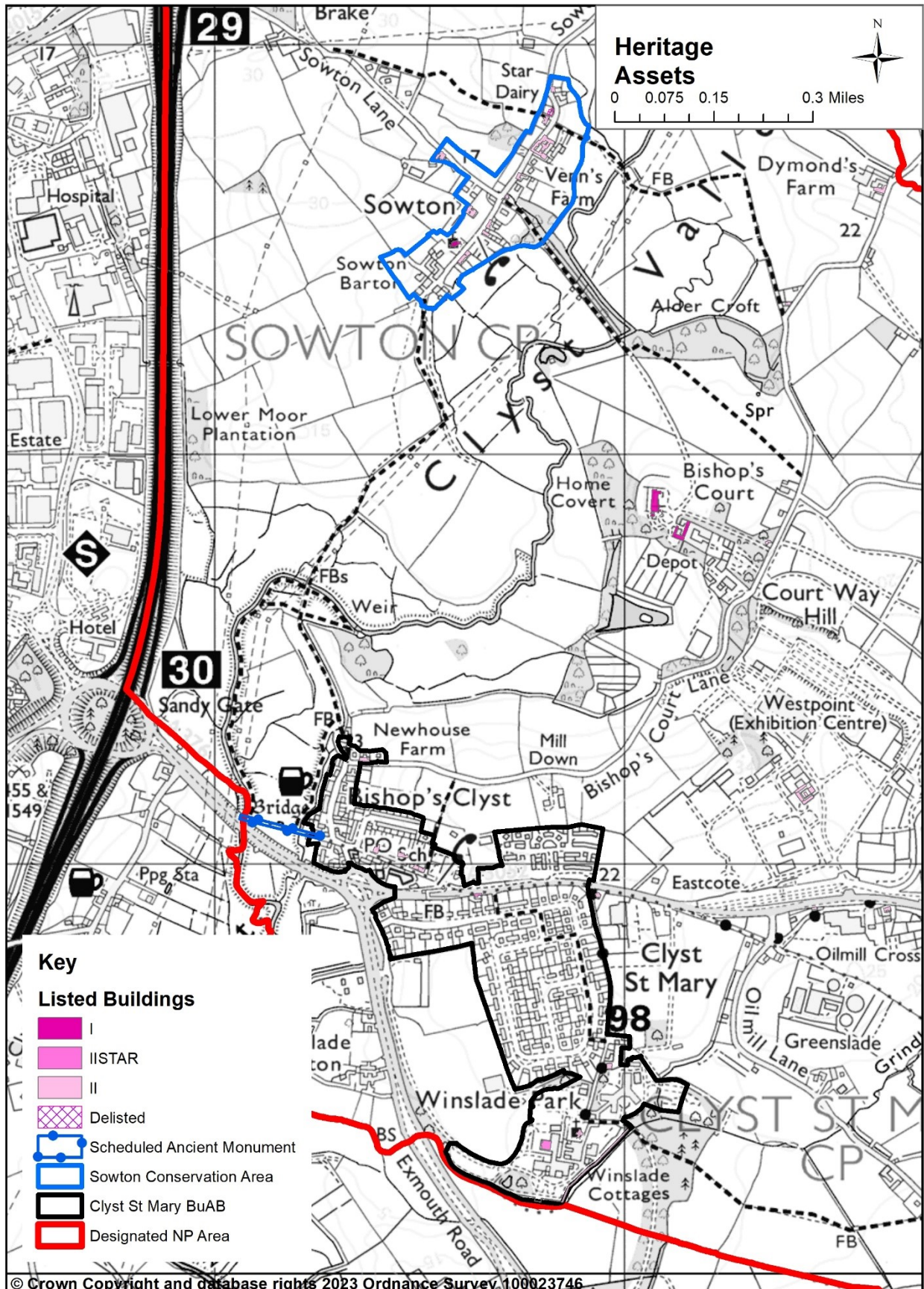
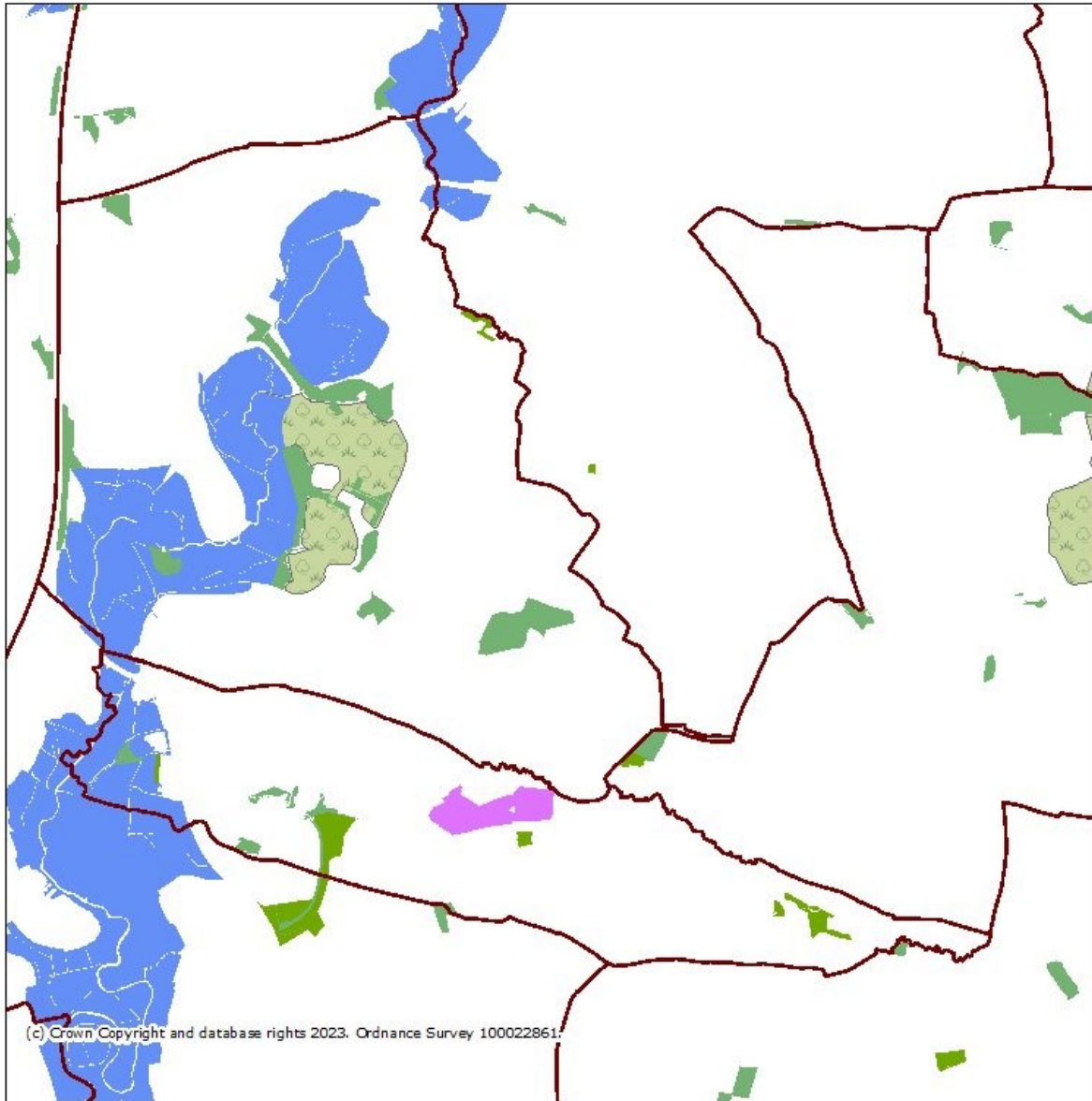


Figure 6a Areas of Value and Vulnerability in Clyst St Mary and Sowton (Bishops Clyst) Parish [Basemap to be added – system error]

MAGiC

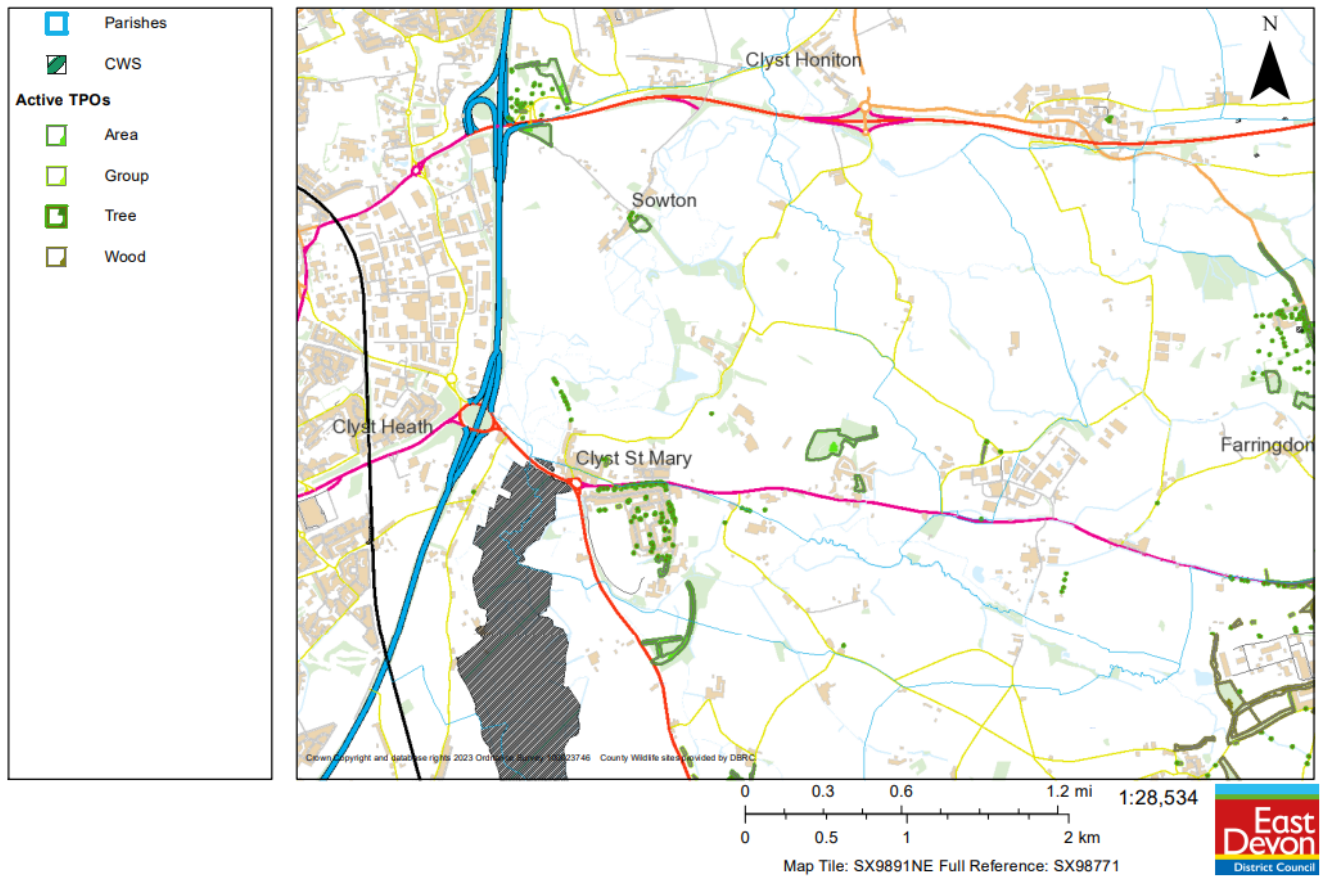
Priority Habitat



<b>Legend</b>	
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Parishes (GB)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: blue; margin-right: 5px;"></span> Priority Habitat Inventory - Coastal and Floodplain Grazing Marsh (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: purple; margin-right: 5px;"></span> Priority Habitat Inventory - Good quality semi-improved grassland (Non Priority) (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: green; margin-right: 5px;"></span> Priority Habitat Inventory - Deciduous Woodland (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: darkgreen; margin-right: 5px;"></span> Priority Habitat Inventory - Traditional Orchards (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; margin-right: 5px;"></span> Woodpasture and Parkland BAP Priority Habitat (England)</li> </ul>	<p>Projection = OSGB36                  xmin = 293000                  ymin = 88320                  xmax = 305200                  ymax = 94790</p> <p>Map produced by MAGiC on 27 April, 2023.                  Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGiC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.</p>

Figure 6b Areas of Value and Vulnerability in Clyst St Mary and Sowton (Bishops Clyst) Parish (County Wildlife Site and TPOs)

Areas of Value and Vulnerability: CWS and TPOs



## 5.0 SEA Screening Conclusion

- 5.1 Regulation 5(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”) provides that an environmental assessment (an SEA) must be carried out in a number of circumstances, including where the plan or programme, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (i.e. appropriate assessment by way of an HRA).
- 5.2 However, this requirement is subject to an exception contained in Regulation 5(6) which provides that an environmental assessment need not be carried out for a plan or programme “which determines the use of a small area at local level” unless the plan has been determined to be likely to have significant environmental effects. Whether the plan is likely to have significant environmental effects needs to be determined by reference to the criteria in Schedule 1 of the 2004 Regulations. These criteria are set out in a series of questions in section 4 of this report.
- 5.3 The assessment in section 4 recognises that the plan is of a small scale and provides for a level of development broadly in conformity with the adopted (and emerging new) East Devon Local Plan, itself subject to SEA, and within the quantum of development envisaged by the adopted (and emerging updated) South East Devon European Site Mitigation Strategy, which, similar to the Local Plan, is intended to be flexible in its application (subject to monitoring). Similarly, the Plan is anticipated to provide for a level of development broadly in conformity with the emerging new Local Plan (as it stands), and the emerging updated mitigation strategy and for transitional strategic mitigation arrangements to apply. The Plan establishes scales and locations for new development and sets out criteria that will apply to any planning proposals. Detailed proposals for the site allocations are not available. The effects of new development on local landscape and rural character are considered likely to be significant, and on heritage the effects are uncertain, such that harm cannot be ruled out at this stage.
- 5.4 **Therefore, with regard to the SEA, overall as there is insufficient evidence available to conclude that harm will not occur to the environment as a result of the residential allocations in particular, a Strategic Environmental Assessment is required. A Landscape and Visual Appraisal and Heritage Impact Assessment can be undertaken prior to the SEA (in which case SEA may not be required on landscape and heritage grounds if it is concluded that harm will not occur), or as part of the SEA.**

## 6. Habitat Regulations Assessment (HRA) Screening

6.1 As noted above, the Consultation draft version 1.3 of the Plan forms the basis of this initial screening assessment. Any variations or additions to the aims, objectives, policies and proposals may require a further screening. A screening report was produced as part of the production of the adopted Local Plan - [Footprint Ecology Report](#) - and has been taken into account in undertaking this screening assessment.

6.2 The HRA needs to satisfy the following Regulation:

- Habitat Regulation 105 & 106 of The Conservation of Habitats and Species Regulations 2017 (referred to as Habitat Regulations 2017 (as amended) in this document)

The 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 or national site network, 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 There are European Site(s) of relevance to the Clyst St Mary and Sowton Neighbourhood Plan because the Parish lies wholly within the habitat zone buffer areas (see Figure 3) associated with the Exe Estuary (RAMSAR, SPA, SSSI) and Pebblebed Heaths (SAC, SPA, SSSI) meaning that the impact upon these sites should be assessed.

6.6 HRA screening must address the question “Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?”. The table (Table 2) below appraises the effect of allocations or policies within the Neighbourhood Development Plan which have the potential to significantly affect European sites within or with a pathway of impact from the Plan. The precautionary principle must be used when assessing whether adverse effects are significant.

6.7 As new development is proposed within the River Exe and Pebblebed Heaths buffer zones and has the potential to increase recreational pressure on these areas, it is concluded that there is a Likely Significant Effect so an Appropriate Assessment must be carried out.

Table 2: Appraisal of Impact of the Clyst St Mary and Sowton Neighbourhood Plan on European Sites

European Site	Qualifying Features	Threats/Pressures	Pathways of Impact (arising from development relating to the Clyst St Mary and Sowton NDP)	Likely significant effects (including in combination)	Screen in or out
Exe Estuary (RAMSAR, SPA, SSSI)	<ul style="list-style-type: none"> <li>• Avocet (<i>Recurvirostra avosetta</i>), Non-breeding</li> <li>• Black-tailed godwit (<i>Limosa limosa islandica</i>), Non-breeding</li> <li>• Dark-bellied brent goose (<i>Branta bernicla bernicla</i>), Non-breeding</li> <li>• Dunlin (<i>Calidris alpina alpina</i>), Non-breeding</li> <li>• Grey plover (<i>Pluvialis squatarola</i>), Non-breeding</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>), Non-breeding</li> <li>• Slavonian grebe (<i>Podiceps auritus</i>), Non-breeding</li> <li>• Waterfowl assemblage, Non-breeding</li> </ul>	<p><b>Land based recreation:</b></p> <p><b>Walking, dog walking, bathing, birdwatching, golf.</b></p> <p><b>Wildfowling, controlled by leases from Crown Estate in consultation with RSPB and EN.</b></p> <p><b>Wildfowling undertaken over private land.</b></p> <p><b>Water based recreation:</b></p> <p><b>Power boating, sailing, angling, canoeing, kite surfing, windsurfing, personal hovercraft, surf life-saving.</b></p>	Impact of recreational activity and disturbance, particularly during the nesting/breeding season	Yes	In
Pebblebed Heaths	<ul style="list-style-type: none"> <li>• H4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></li> </ul>	<p><b>Land based recreation:</b></p>	Impact of recreational activity and disturbance	Yes	In

European Site	Qualifying Features	Threats/Pressures	Pathways of Impact (arising from development relating to the Clyst St Mary and Sowton NDP)	Likely significant effects (including in combination)	Screen in or out
(SAC, SPA, SSSI)	<ul style="list-style-type: none"> <li>• H4030 European dry heaths</li> <li>• S1044 Southern damselfly, Coenagrion mercurial</li> </ul>	<p><b>Walking, dog walking, horseriding, cycling, birdwatching, golf.</b></p> <p><b>Wildfowling, controlled by leases from Crown Estate in consultation with RSPB and EN.</b></p> <p><b>Wildfowling undertaken over private land.</b></p>			

## 7.0 Appropriate Assessment

- 7.1 In combination with the level of growth provided for in the adopted East Devon Local Plan (to 2031) (and currently anticipated in the emerging Local Plan (to at least 2040)), there is potential for the development identified in the Clyst St Mary and Sowton NDP to increase recreational use of the Exe Estuary (approximately 2.8km south of the proposed development at its closest point) and Pebblebed Heaths (approximately 6.4km to the southeast/east). Potential for recreational disturbance was identified by the HRA of the adopted East Devon Local Plan (and those of neighbouring authorities), and as a result a multi-agency mitigation strategy is being implemented by a partnership of affected Local Authorities (East Devon District Council, Exeter City Council, Teignbridge District Council and Devon County Council). New Local Plans for East Devon, Exeter and Teignbridge for the period to at least 2040 are currently emerging, and a new joint Mitigation Strategy has been commissioned.
- 7.2 From a considerable body of research for the current mitigation strategy, the pattern of recreational activity affecting the designated sites has been established. From this evidence, a zone of influence (ZOI), from which residents might reasonably be expected to travel to carry out leisure activities on the designated sites has been identified. As noted elsewhere, the whole of the parished area of Clyst St Mary and Sowton (jointly Bishops Clyst) is within the ZOI (or buffer zone) for both the Exe Estuary and the Pebblebed Heaths. Strategic mitigation is in place through Strategy 5-Environment of the adopted East Devon Local Plan (2016-2031), via the multi-agency mitigation strategy ("[South East Devon European Site Mitigation Strategy](#)"). This is by means of a financial contribution taken from new residential development and the contributions used for mitigation measures agreed with the conservation bodies, such as provision of Sustainable Alternative Natural Green Space (SANGS), signs, notices, education and awareness raising. This will therefore apply to the development within the buffer zone proposed through the Clyst St Mary and Sowton Neighbourhood Plan. Transitional arrangements will be put in place once the new Mitigation Strategy is approved and are expected to apply similarly, with SANGS (on site or off site) protected in perpetuity (defined as an 80 year period).
- 7.3 Specifically with regard to development in the west end of East Devon, including Clyst St Mary and Sowton, a very large country park (the '[Clyst Valley Regional Park](#)') has been established and this will be further extended using the financial contributions in accordance with Strategy 10 of the adopted Local Plan. Approximately half the parish of Sowton lies within the CVRP boundary and is within walking or cycling distance of many residents. Therefore, the location and proximity of this park to Clyst St Mary and Sowton neighbourhood plan area provides a real recreational alternative to the further away, Exe Estuary and Pebblebed Heaths. Whilst the proposed development sites for allocation are largely within the current CVRP boundary, and this will need careful consideration, this does not necessarily preclude development providing that it furthers the aims and objectives of the Park designation. The allocation sites are not themselves land secured by, or expected to be the subject of, SANGS and are in use for agricultural grazing with no public right of access currently. It is also noted that there is potential to be explored for development in this location to assist with making provision for land to support the

delivery of the Clyst Valley Trail strategic walking and cycling link which could offer direct access to the CVRP and increase the likelihood of the use of the CVRP for recreation rather than the protected sites. This has potential to be explored as a policy requirement.

7.3 With reference to the inherent flexibility of the Mitigation Strategy (see [Footprint Ecology, HRA of the East Devon Local Plan, 2015](#)), recent housing monitoring of completions/forecasts in both the strategy area and the Local Plan, and the fact that the development proposed through the Clyst St Mary and Sowton Neighbourhood Development Plan will contribute to the mitigation (under current and transitional arrangements going forward), it is possible to conclude that, (i) the possible effects are considered to have been appropriately assessed and, (ii) measures are in place to ensure that any effects are addressed prior to development being granted consent, or development commencing. Therefore, as such that there will be no impact on the integrity of the Exe Estuary or Pebblebed Heaths.

## 8. Habitat Regulations Assessment Conclusion/Screening Outcome

- 8.1 The assessment demonstrates that there is potential for significant effects on two European sites, the Exe Estuary RAMSAR, SPA, SSSI and the Pebblebed Heaths SAC, SPA, SSSI through recreational pressure from residents. An Appropriate Assessment has been carried out and strategic mitigation is in place through Strategy 5 of the East Devon Local Plan, implemented through the South East Devon European Site Mitigation Strategy which is designed to accommodate the identified level of development envisaged in itself.
- 8.2 It is considered that the modest level of development proposed through the neighbourhood plan can be appropriately mitigated through the existing strategic mitigation that exists. As work progresses on the preparation of the new Local Plan for East Devon, and the updated Mitigation Strategy (commissioned). Whilst this will not be in place for some time, it will explicitly take account of any existing commitments and planned growth, including any allocations in the Clyst St Mary and Sowton Neighbourhood Plan.
- 8.3 It is therefore considered that, in combination with the Local Plan Policy, there will be no impact on the integrity of the European sites.**

## Appendix 1 – Consultee Responses

### Environment Agency

No response.

Historic England

**By email:**

**From:** Thompson, Alan <Alan.Thompson@HistoricEngland.org.uk>

**Sent:** Thursday, July 13, 2023 8:47 PM

**To:** Angela King <AKing@eastdevon.gov.uk>

**Subject:** Clyst St Mary and Sowton Neighbourhood Plan - SEA Screening - Formal response

Dear Angela,

Thank you for your email of 12 June, inviting us to comment on the Strategic Environmental Assessment (SEA) screening report for the Clyst St Mary and Sowton Neighbourhood Development Plan.

At Historic England, we mainly focus our engagement on Neighbourhood Plans that seek to make specific site allocations for development. Such site allocations pose the greatest potential for harm to heritage assets, so our detailed advice is of greatest value on those occasions. We note that there are several sites allocated for development.

We concur with the conclusion of your Strategic Environmental Assessment (SEA) screening exercise that there is currently insufficient evidence available to conclude that harm will not occur to the environment as a result of the proposed site allocations, so a Strategic Environmental Assessment is required.

We also agree that a Landscape and Visual Appraisal and Heritage Impact Assessment could be undertaken prior to the SEA. This study may provide the evidence base and justification for the suggested site allocations for development and prove that no harm to heritage assets will result. In this case a full SEA would not be required on landscape and heritage grounds.

I look forward to having further opportunity to comment at the Regulation 14 consultation stage.

Kind regards,

Alan

Alan Thompson | Historic Places Adviser

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

Direct Line: 0117 975 0715 | Mobile: 07548 642067

<https://historicengland.org.uk/southwest>



Historic England

Natural England



**Letter sent by email:**

Date: 14 June 2023  
Our ref:437160  
Your ref: Clyst St Mary and Sowton Neighbourhood Plan - SEA/HRA Screening Opinion

Angela King (East Devon District Council)

**BY EMAIL ONLY**  
[aking@eastdevon.gov.uk](mailto:aking@eastdevon.gov.uk)

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Crewe  
Cheshire  
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T 0300 060 3900

Dear Angela King,

## Clyst St Mary & Sowton Neighbourhood Plan – SEA/HRA Screening Report and SEA Scoping Report

Thank you for your consultation on the above dated 12 June and 07 June 2023 .

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.

As statutory consultee under Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) we are providing advice in relation to the proper legal application of these regulations in particular, with a view to protection and enhancement of the natural environment. Natural England are also keen to contribute in a manner that sees the SEA process adds real value to the strategy development process.

Natural England generally agrees with the screening outcome and the scope and level of detail to be included in the Environmental Report, and has the following comments to make:

### SEA/HRA Screening Report (East Devon District Council, May 2023)

Natural England notes that a Habitats Regulations Assessment screening report was prepared for the Clyst St Mary & Sowton Neighbourhood Plan, which concluded that an Appropriate Assessment was required – and has been carried out. The Strategic Environmental Assessment should be informed by and reflect the findings of the Appropriate Assessment.

The Appropriate Assessment identifies that the Plan area falls within the Zone of Influence (Zoi) for the Exe Estuary SAC and Pebblebed Heaths SAC, within which impacts of residential and tourist development on the SACs would arise in the absence of appropriate mitigation. The LPA should satisfy themselves that the level of development proposed in the Clyst St Mary & Sowton Neighbourhood

Plan can be appropriately mitigated through existing strategic mitigation. This would be of particular concern where the level of proposed development in the Neighbourhood Plan differed to that within the Local Plan, in its 'made' and 'emerging' forms.

## SEA Scoping Report (AECOM on behalf of Bishops Clyst Parish Council, June 2023)

### **Biodiversity and geodiversity**

A more recent version of the Exe Estuary Management Plan 2022-2027 has been published, available here:

<https://www.exe-estuary.org/publications/exe-estuary-management-plan/>

### Soils – SEA Objectives:

We suggest that 'avoid the development of the best...' is replaced with 'avoid the loss of the best...' and would welcome a sub-objective that assesses whether the plan promotes the sustainable management of soils within development schemes.

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 Jemma Short at [jemma.short@naturalengland.org.uk](mailto:jemma.short@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondence to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Jemma Short  
Lead Adviser (Sustainable  
Development) Devon, Cornwall and  
Isles of Scilly Area Team Natural  
England

**cc: Ryan Putt (AECOM)**

