

Working together



Strategic Environmental Assessment and Habitats Regulations Assessment Screening Determination for Bickleigh Neighbourhood Plan

Updated February 2018

SEA AND HRA SCREENING DETERMINATION

The Bickleigh Draft Neighbourhood Plan does not introduce policies that are likely to result in significant environmental impacts, or have detrimental impact on identified habitats. The draft Plan as submitted at Regulation 15 does not trigger the need for an SEA and/or an Appropriate Assessment.

This screening opinion outcome reflects the lack of site allocations proposed for development in the draft Plan. The full reasons for this determination are set out below.

Statutory consultees were consulted on a draft screening opinion in December 2016. Responses were received from Natural England and Historic England agreeing with the determination that neither SEA nor Appropriate Assessment were needed for the plan.

Amendments made to the plan since that time do not fundamentally alter the proposed policies and therefore the determination remains the same.

INTRODUCTION

In order to fully assess the potential impacts of a neighbourhood plan, a number of assessments and appraisals may be used. It is the job of the Local Planning Authority (LPA) to determine if a full Strategic Environmental Assessment and Habitats Regulations Assessment will be required. The LPA can also provide guidance on how to use a Sustainability Appraisal to help examine the potential environmental, social and economic impacts of a plan.

Type of Assessment	What does this assessment involve?	Is this assessment required for a neighbourhood plan?
Habitats Regulations Assessment (HRA)	An assessment of the significant effects on European Sites protected under the habitats regulations.	HRA screening is a required part of the neighbourhood plan process. To be determined by SHDC/WDBC, who will provide a screening determination to the Town/Parish Council preparing the neighbourhood plan. If the screening determines that an HRA is required, the neighbourhood plan group are responsible for producing this work. SHDC/WDBC will provide advice and guidance on this.
Strategic Environmental Assessment (SEA)	An assessment of the significant environmental effects of the neighbourhood plan.	SEA screening is a required part of the neighbourhood plan process. To be determined by SHDC/WDBC, to the Town/Parish Council preparing the neighbourhood plan. If the screening determines that an SEA is required, the neighbourhood plan group are responsible for producing this work. SHDC/WDBC will provide advice and guidance on this.
Sustainability Appraisal (SA)	An assessment of the potential social, economic and environmental effects of the plan.	An SA is not legally required, but is the best way of demonstrating that the potential impacts of the plan have been assessed, understood and where relevant, mitigated and/or amended. SHDC/WDBC provide an assessment framework to neighbourhood plan groups to help assess the impact of their plan policies.

In accordance with the Neighbourhood Planning (General) Regulations 2012, the HRA screening report considers the likely significant effects of the Bickleigh Neighbourhood Plan upon European sites within South Hams and makes recommendations for avoiding, reducing and mitigating effects where necessary.

The Planning and Compulsory Purchase Act 2004 and the Environmental Assessment of Plans and Programmes Regulations 2004 require Strategic Environmental Assessments (SEA) to be carried out on land-use and spatial plans to assess the social, environmental and economic impacts of the Plan. SEAs help planning authorities fulfil the objective of contributing to sustainable development in preparing their plans through a structured assessment of objectives and policies against key sustainability issues for the area. Where the LA can demonstrate that the plan will not have any significant environmental effects, an SEA will not be required.

The Bickleigh Neighbourhood Plan has been produced to guide development within the Parish over the next 15 – 20 years.

The aims and objectives of the Bickleigh Neighbourhood Development Plan are arranged throughout the plan by theme, and the policies relate to each set of aims and objectives.

The aims are:

Natural environment

- Protect and enhance our remaining countryside
- Ensure new development is not detrimental to the character, ecology and visual amenity of the Parish and the surrounding area

Built environment

- Ensure new housing development takes place in the right place at the right time, with adequate infrastructure already in place
- Retain and protect the separate character of our different settlements
- Ensure new development contributes positively to the sustainability of the Parish
- Encourage and support the wider use of renewable energy

Housing

- Support new development that meets local needs, helps broaden the housing stock of the Parish and increases the availability of affordable/useful dwellings
- Understand better, and monitor, the housing needs of local people

Business and jobs

- Support increases in employment space in appropriate locations
- Help ensure that the whole parish has reliable high-speed electronic connectivity

Transport and parking

- Ensure the local transport network facilitates safe and easy movement around and in and out of the parish
- Support initiatives that encourage travel other than by private motor car
- Support measures that improve local parking in the interest of safety

Community facilities and services

- Protect and support the further development of locally delivered services that meet the local needs and demands
- Support the development of an additional primary school

Sports and recreation

- Protect and enhance existing sports and recreation facilities
- Support the development of additional facilities and opportunities for healthy recreation
- Identify what young people want, and work with other agencies to provide facilities and opportunities

The vision for the Plan is:

“A community whose pride in its location and its transition from city suburb to moorland is reflected in the distinct character of its several different areas and the manner in which they are respected equally protected when necessary and enhanced by development decisions.”

LEGISLATIVE BACKGROUND

HRA

The legislative basis for the **Habitats Regulations Assessment (HRA)** is EU Habitats Directive Article 6(3) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The 'Natura 2000 network' (more commonly referred to as 'European Sites') of sites are designated for the importance of habitats, species and birds (under the 'Habitats Directive' for Special Areas of Conservation, and the 'Birds Directive' for Special Protection Areas). The designation of European Sites was intended to provide legal protection for this flora and fauna of a European importance, requiring their maintenance or restoration in a favourable condition.

With respect to this HRA, all of the following designations, to which the HRA process applies, are referred to as 'European sites':

- **Special Areas of Conservation (SACs)** special protection to flora, fauna and habitats
- **Special Protection Areas (SPAs)** are areas of land, water or sea of international importance for the breeding, feeding, wintering or the migration of rare, vulnerable or migratory species of birds
- **Ramsar sites**, identified through the Convention on Wetlands of International Importance
- **Proposed and candidate SPAs and SACs** (pSPA, cSPA, pSAC, cSAC) that are being considered for designation

SEA

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).

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA. This is also discussed within the NPPF para 165.

However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents (DPD's), but did not remove the requirement to produce a Strategic Environmental Assessment. A Neighbourhood Plan is not a development plan document and therefore does not legally require a Sustainability Appraisal, though it is understood that one is being prepared for the Bickleigh Neighbourhood Plan. Where appropriate, however, an SEA assessment still needs to be undertaken in line with the SEA regulations.

In order to assess the potential significant effects of a plan or programme, it is considered best practice to incorporate the requirements of the SEA Directive into a Sustainability Appraisal.

Specific guidance on the process of undertaking a Strategic Environmental Assessment is available on the Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

THE HRA SCREENING PROCESS FOR NEIGHBOURHOOD PLANS

There are particular requirements for plans and projects set out within the European Directives (and transposed into domestic legislation in England by the 'Habitats Regulations').

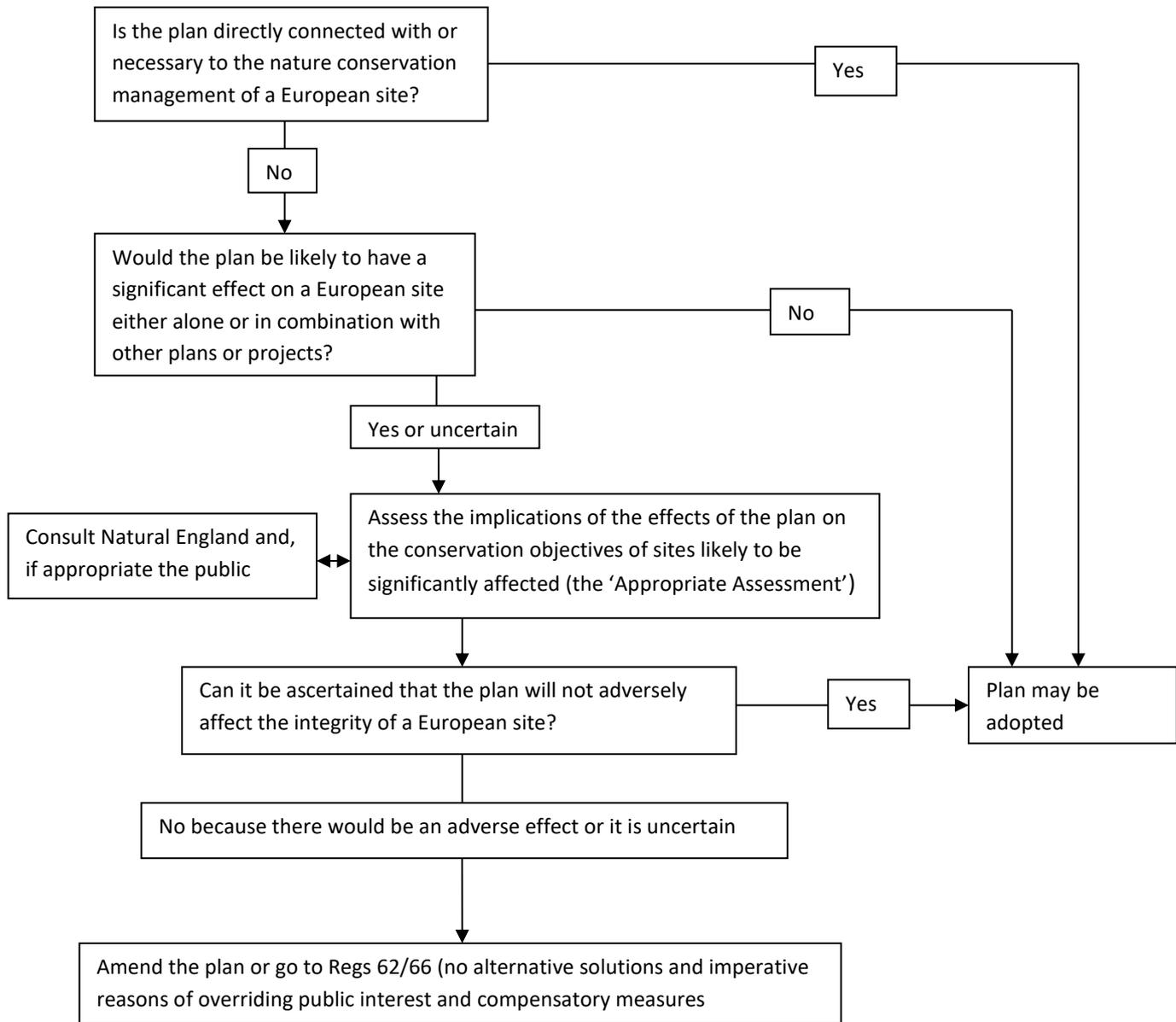
The process of HRA encompasses the requirements of the Habitats Directive and Habitats Regulations, and includes a decision on whether the plan (including Neighbourhood Plans) should be subject to appraisal, the 'screening' process, to consider whether the plan would be likely to have significant effects on a European Sites, and if so whether an 'appropriate assessment' to consider whether the plan will adversely affect the integrity of the European Sites concerned.

The first stage of the HRA process is the 'screening' which considers any likely significant effects of the plan on the European Sites. Straightforward mitigation measures can be included at this screening stage, which may rule out the likelihood of significant effects. If likely significant effects can be ruled out (alone or in combination with other plans or projects), the HRA can conclude. However if likely significant effects remain after straightforward mitigation measures are applied, the HRA process should proceed to a second stage which is called an 'Appropriate Assessment.'

An Appropriate Assessment will consider the implications for the European Site in view of the conservation objectives (generally to restore or maintain the features which led to the designation of the site), and consider whether the plan could affect the integrity of the site. More detailed mitigation measures may be considered at this stage. A plan should only be agreed once the competent authority has established that the plan will not adversely affect the integrity of the European Sites.

With respect to Neighbourhood Plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed Neighbourhood Plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of the basic conditions requires Neighbourhood Plans to be compatible with EU obligations and to demonstrate that it is not likely to have a significant effect on a European Site.

Figure 1: The application procedure required by the Habitats Regulations



The Habitats Regulations do not prescribe a specific methodology for undertaking or reporting the appraisal of plans, however there is guidance within various documents and the following are most relevant:

- ODPM Circular 06/2005
- *The Habitats Regulations Assessment of Local Development Document (David Tyldesley and Associates for Natural England – final draft 2009)*
- *Habitats Regulations Appraisal of Plans, Guidance for Plan-Making bodies in Scotland (David Tyldesley and Associates, 2012).*

As this Neighbourhood Plan is not directly connected with or necessary for the management of a European site for nature conservation purposes it must proceed through the HRA screening process.

THE SEA SCREENING PROCESS FOR NEIGHBOURHOOD PLANS

Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- The neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

To decide whether a draft neighbourhood plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan's preparation according to the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. These include a requirement to consult the environmental assessment consultation bodies: Historic England, Natural England and the Environment Agency.

Each consultation body will be able to advise on particular topics relevant to its specific area of expertise and responsibility, and the specific information that it holds.

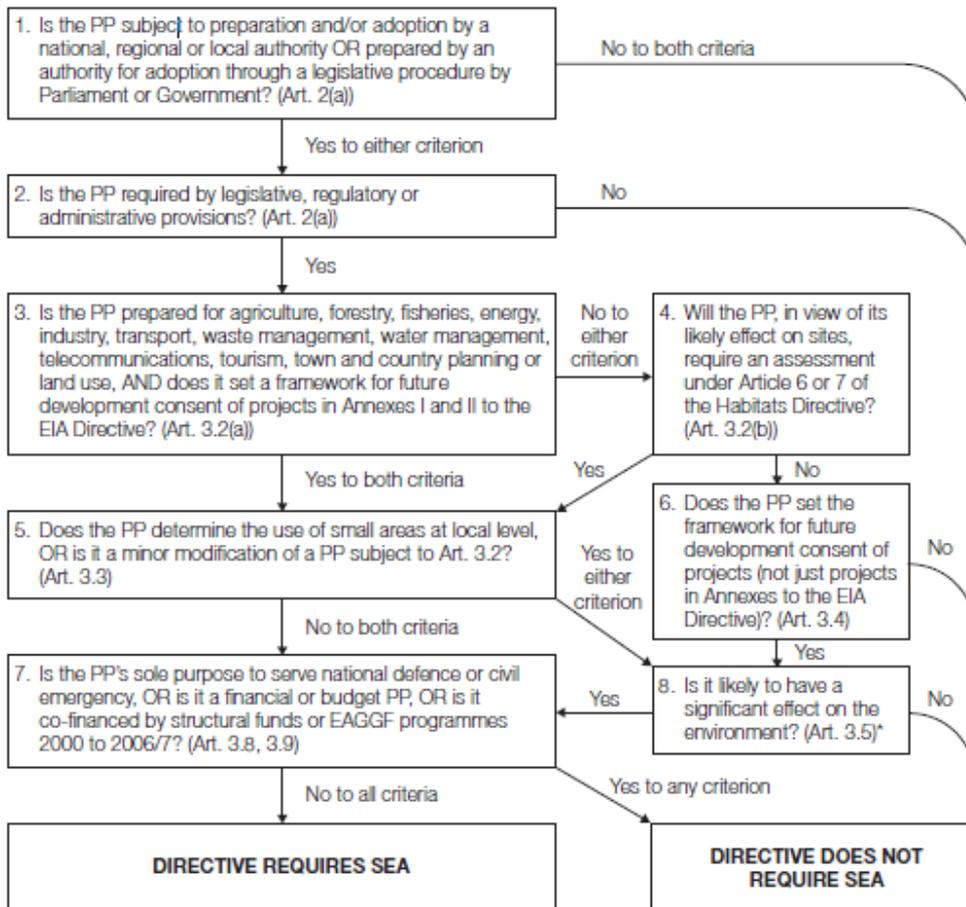
Where it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination should be prepared. A copy of the statement must be submitted with the neighbourhood plan proposal and made available to the independent examiner.

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to
 - 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,
 - The degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - 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).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - The probability, duration, frequency and reversibility of the effects,
 - The cumulative nature of the effects,
 - The transboundary nature of the effects,
 - The risks to human health or the environment (e.g. due to accidents),
 - The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - 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.

Figure 2: SEA Directive as applied to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

The process in Figure 2 has been applied to the Bickleigh Neighbourhood Plan, and the findings can be viewed in Table 2.

Table 2: Establishing the need for SEA

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure	Y	The NP will be adopted by SHDC once approved in referendum
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	Town and country planning policies are contained within the NP

4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The NP does relate to land uses, but does not allocate specific sites for development
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NP uses criteria-based policies rather than identifying or allocating sites
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	

Local Plan Assessments

Does the HRA that has been done for the SH Local Plan inform the HRA screening opinion given regarding the Bickleigh Neighbourhood Plan?

The Local Plan for South Hams is being updated, and will be accompanied by a new HRA. The emerging HRA has been guided by input from Natural England, and the advice that SHDC have been given in recent months is being applied within screening opinions for emerging Neighbourhood Plans. Evidence gathering is still underway to support the Joint Local Plan HRA, and accordingly the HRA of the Neighbourhood Plan has been written with this in mind.

Does the SEA that has been done for the SH Local Plan inform the HRA screening opinion given regarding the Bickleigh Neighbourhood Plan?

The Local Plan for South Hams is being updated, and will be accompanied by a new SEA. The emerging SEA has been guided by updates to Planning Practice Guidance, and is being applied to SEA screening opinions for emerging Neighbourhood Plans.

Conclusion and Screening Determination

The Bickleigh Neighbourhood Plan does not introduce policies that are likely to result in significant environmental impacts, or have detrimental impact on identified habitats. The draft Plan in its current form does not trigger the need for an SEA and/or an Appropriate Assessment to accompany future iterations of the Bickleigh Neighbourhood Plan.

This screening opinion outcome reflects the lack of site allocations proposed for development in the draft Plan. The criteria-based policies propose minimal change, although it is unclear how the potential effectiveness of these policies have been understood, due to the lack of site specific assessment.

If the Plan is revised to introduce site allocations for development, and/or offers a greater degree of evidence regarding the impact of criteria-based policies, the SEA and HRA screening opinion may need to be reconsidered.

The evidence base to support the HRA of the Joint Local Plan is still being gathered and assessed, and accordingly the HRA of the Joint Local Plan is not yet concluded.

At this stage it is anticipated that there are two likely significant effects that require mitigation that are of relevance to the Bickleigh Neighbourhood Plan. This mitigation will form part of the Joint Local Plan and its supporting HRA, and will ensure the impacts are reduced to a level whereby they are not significant:

- Tamar European Marine Site (Plymouth SAC and Tamar SPA)
Much in the same way as for previous iterations of the Plymouth and South Hams Local Plans, there will be a 'Zone of Influence' around the Tamar European Marine Site, within which new development will be required to contribute a financial sum to mitigate for the increased recreational pressure on the Site by new residents. This financial sum will deliver activities within the Management Plan for the Site, and will ensure that the resulting recreational impact from new residences is reduced to a level where it is not significant. The Bickleigh Neighbourhood Plan is not proposing additional site allocations to those within the Joint Local Plan, and accordingly it is similarly concluded that subject to reflecting the same requirement for a financial sum to mitigate for additional recreational pressure (as per the forthcoming Joint Local Plan HRA), the Bickleigh Neighbourhood Plan will not have a significant effect on the European Sites.
- Dartmoor SAC and South Dartmoor Woods SAC
The proposed site allocation (within the Joint Local Plan) could increase recreational pressure on these two European Sites. Accordingly to reduce the potential for impact, the Master planning for the proposed site allocation will include a requirement for establishment of a Suitable Alternative Natural Green Space (SANGS) within the Plym Valley to the east. This SANGS will act to attract recreational use from new residents, thus reducing the likelihood of their impacting on the European Sites. The Bickleigh Neighbourhood Plan is not proposing additional site allocations to those within the Joint Local Plan, and accordingly it is similarly concluded that subject to reflecting the same requirement for SANGS to mitigate for potential recreational pressure (as per the forthcoming Joint Local Plan HRA), the Bickleigh Neighbourhood Plan will not have a significant effect on these Dartmoor European Sites.

An addition to Policy Bick01, and revision of the supporting 'explanation/justification' text has been proposed to ensure it meets the requirements of the HRA Screening (in terms of incorporating mitigation to avoid/reduce impact on the European Site), and enabling a conclusion to be drawn that the Bickleigh Neighbourhood Plan will not have a significant effect on a European Site.

APPENDIX 1 – HABITATS REGULATIONS SCREENING ASSESSMENT

EUROPEAN SITES THAT COULD POTENTIALLY BE AFFECTED BY THE BICKLEIGH NEIGHBOURHOOD PLAN

SOUTH HAMS EUROPEAN SITES				
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects of plan	Relevance to Bickleigh Neighbourhood Plan
Dartmoor SAC	Northern Atlantic wet heath with <i>Erica tetralix</i> European dry heath Blanket bog Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles Southern damselfly <i>Coenagrion mercuriale</i> Otter <i>Lutra lutra</i> Atlantic salmon <i>Salmo salar</i>	Visitor and recreational pressure including accidental and deliberate burning, trampling and erosion particularly of blanket bog, disturbance of otters by activity on/near rivers Nutrient/acid deposition causing habitat loss Water quality – effect on Atlantic salmon and Otter	Increased recreational pressure resulting from new development Air pollution associated with new development	New residents from development in Bickleigh will lead to a small increase in visitor numbers on Dartmoor. Sensitive parts of the SAC are commonly not subject to high visitor pressure, instead high visitor numbers are 'absorbed' at honey-pot sites. To mitigate for potential impacts, there will be a requirement for new development in Bickleigh to contribute towards SANGS within the Plym Valley area to the east of the potential site allocation in Bickleigh with respect to mitigating potential impact on the Dartmoor SAC. This SANGS will form part of the Master planning process for the Woolwell allocations, and will be detailed in the Joint Local Plan policy and HRA.
Plymouth Sound and Estuaries SAC	Sandbanks which are slightly covered by sea water all the time Estuaries Mudflats and sandflats not covered by seawater at low tide Large shallow inlets and bays Reefs Atlantic salt meadows Shore dock Allis shad	Increased pressure for recreational moorings and facilities, port development, dredging Sensitivity to oil pollution Allis shad vulnerable to noise, vibration and degraded water quality	Increased recreational pressure - physical damage	Work has been commissioned with respect the SAC and recreational pressure associated with development. This work will redraw the zone of influence on the SAC. It is reasonable to anticipate that Bickleigh will be inside the zone of influence – this site should be considered further.
South Dartmoor Woods SAC	Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles European dry heath	Visitor and recreational pressures Air pollution (associated with atmospheric nitrogen deposition from agriculture, industry, vehicles)	Increased recreational use – trampling and erosion/fires Air pollution associated with new development	A component of the South Dartmoor Woods SAC is in relative close proximity to Bickleigh – this comprising the Shaugh Prior Woods SSSI. The Site Improvement Plan for South Dartmoor Woods SAC (04/11/2014) does not include recreational use as a threat or issue for the woods, and the Shaugh Prior Woods SSSI is currently (11/02/2015) assessed as being in Favourable Condition New residents from development in Bickleigh will lead to a small increase in visitor numbers to South Dartmoor SAC. Sensitive parts of the SAC are commonly not subject to high visitor pressure, instead high visitor numbers are 'absorbed' at honey-pot sites. To mitigate for potential impacts, there will be a requirement for new development in Bickleigh to contribute towards SANGS within the Plym Valley area to the east of the potential site allocation in Bickleigh with respect to mitigating potential impact on the South Dartmoor Woods (notably with respect to area around Dewerstone Rocks). This SANGS will form part of the Master planning process for the Woolwell allocations, and will be detailed in the Joint Local Plan policy and HRA.
Tamar Estuaries Complex SPA	Internationally important populations of Avocet and Little Egret	Disturbance to Avocet and Little Egret Habitat loss – water quality, acid and nitrate deposition in important wetland areas	Increased recreational pressure associated with development – visual and noise disturbance of Avocet and Little Egret Additional housing in vicinity of cSAC increasing discharge of pollutants from waste water treatment works (non-toxic contamination)	Work has been commissioned with respect the SPA and recreational pressure associated with development. This work will redraw the zone of influence on the SPA, the financial sum required to mitigate impact, and the specific mitigation required. It is reasonable to anticipate that Bickleigh will be inside the zone of influence – this site should be considered further.

CONSERVATION OBJECTIVES

Natural England publish Conservation Objectives for each European site. Conservation Objectives are intended to assist competent authorities with meeting their obligations under the Habitats Regulations, providing a framework to inform HRA, in particular the Appropriate Assessment stage of HRA.

Where Conservation Objectives are met for the Qualifying Species, the site is considered to exhibit a high degree of integrity and to be achieving a Favourable Conservation Status for that species or habitat.

With regards the European sites, natural habitats and/or species for which the site has been designated (the Qualifying Features):

Avoid deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained or restored as appropriate and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.

Subject to natural change, to maintain or restore:

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species;*
- *The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;*
- *The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;*
- *The populations of qualifying species;*
- *The distribution of qualifying species within the site.*

CRITERIA WITH WHICH TO SCREEN THE BICKLEIGH NEIGHBOURHOOD PLAN

The following table sets out criteria to assist with the screening process of policies and proposals within the Bickleigh Neighbourhood Plan to consider their potential effects on European Sites. Policies and proposals that fall within categories A and B are considered not to have an effect on a European Site and are not considered further within the HRA process. Policies and proposals that fall within categories C and D are considered further, including an in-combination consideration. If straightforward mitigation measures cannot be applied to avoid any significant effects, then any remaining policies and proposals that would be likely to have a significant effect on a European site, either alone or in combination must be taken forward to an Appropriate Assessment.

Category A: No negative effect	
A1	Options / policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.
A2	Options / policies intended to protect the natural environment, including biodiversity.
A3	Options / policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
A4	Options / policies that positively steer development away from European sites and associated sensitive areas.
A5	Options / policies that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
Category B: No significant effect	
B	An option or policy or proposal that could have an effect but would not be likely to have a significant (negative) effect because the effects are trivial or 'de minimis', even if combined with other effects.
Category C: Likely significant effect alone	
C1	The option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.
C2	The option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.
C3	Proposals for a magnitude of development that, no matter where it was located, the development would be likely to have a significant effect on a European site.
C4	An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following consideration of options in a later, more specific plan . The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information.
C5	Options, policies or proposals for developments or infrastructure projects that could block options or alternatives for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided.
C6	Options, policies or proposals which depend on how the policies etc. are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a

	significant effect on a European site.
C7	Any other options, policies or proposals that would be vulnerable to failure under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning.'
C8	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the plan provides the imperative reasons of overriding public interest to justify its consent despite a negative assessment.
Category D: Likely Significant effect in combination	
D1	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals provided for or coordinated by Our Plan the cumulative effects would be likely to be significant.
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects , and possibly the effects of other developments provided for in Our Plan as well, the combined effects would be likely to be significant.
D3	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.

(Source – The Habitats Regulations Assessment of Local Development Documents Revised Draft Guidance for Natural England, David Tyldesley and Associates, February 2009)

BICKLEIGH NEIGHBOURHOOD PLAN SCREENING

Policy/Proposal	Category (A,B,C,D)	Reason for category (unless clear)	Potential impacts on European sites	European sites affected	Mitigation required
Bick01, 09	A2	Ecology policy, acknowledges requirement for mitigation measures, and Local Green Space policy	None	None	None
Bick02, 03, 04, 06, 07, 07, 08, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28	A1	Criteria or design policies	None	None	None
Bick05	C6	New Housing Development policy	<p>This policy is not introducing development/site allocations additional to that with the forthcoming Joint Local Plan.</p> <p>There is potential for recreational impact from new housing development in Bickleigh</p>	Plymouth SAC, Tamar SPA Dartmoor SAC South Dartmoor Woods SAC	<p>Recreational impact – requires inclusion of reference to financial sum to mitigate recreational impacts on the Tamar EMS NB – the policy notes that development should be in accordance with the Local Plan, and accordingly the forthcoming conclusions of the HRA of the Local Plan</p> <p>There will also be a requirement to contribute towards SANGS with respect to mitigating potential impact on the Dartmoor SAC and South Dartmoor Woods (notably with respect to area around Dewerstone Rocks). This SANGS will form part of the Master planning process for the Woolwell allocations, and will be detailed in the Joint Local Plan policy and HRA.</p>
Bick 16	B	Business Development policy	None	None	None

ADDITIONS/REVISIONS REQUIRED TO THE BICKLEIGH NEIGHBOURHOOD PLAN

Existing Policy Bick01

Policy Bick01

Ecology, Geology and Diversity

Development proposals will be expected to protect local sites of ecological and/or geological importance and protect and enhance local biodiversity and wildlife.

In particular, they will need to include where appropriate:

- i. the safeguarding or protection of designated sites, protected species, priority species and habitats, ancient or species rich hedgerows, grasslands and woodlands;
- ii. the provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation measures;
- iii. the safeguarding and preservation of ecologically sensitive areas and ecological corridors;
- iv. the safeguarding of important geological sites;
- v. the protection of trees and tree groups of arboricultural or amenity value; and
- vi. the appropriate planting of new native trees and hedges.

Additional line required for Policy Bick01 stating:

The provision of appropriate measures to avoid and reduce potential recreational impacts to ensure there is no adverse effect on the integrity of European Sites.

Existing supporting 'Explanation/Justification'

Explanation/Justification

The Parish has a number of areas that are recognised by the Devon Wildlife Trust as being ecologically significant. These include county wildlife sites, ancient woodlands and two special areas of conservation (SAC) that impinge on the Parish boundaries. Paragraph 109 of the NPPF asks us to minimise impacts on biodiversity and provide net gains in biodiversity where possible. The areas we regard as worthy of protection under our policy Bick01 are shown on map 3. The status and description of each site is set out in the report prepared for the Parish Council by the Devon Biodiversity Records Centre⁹.

Development proposals should safeguard these areas by ensuring that development does not take place any nearer than is deemed likely to cause damage or significant disturbance to local habitats and species. Should damage or disturbance be unavoidable but the development justified for other reasons, such as substantial community benefits, then the development proposal should include sufficient mitigation to bring about a net ecological gain.

New development generally should be seen as an opportunity to encourage wildlife and enhance local biodiversity. Major development proposals will be expected to conform to the requirements of the local planning authority regarding ecology and tree statements. These should include not only measures to protect what is on or near the development site but proposals to extend, or increase the number of, areas of ecological significance in the Parish. We regard the loss of existing woodlands as a measure of last resort and the planting of new woodland alone in compensation for the loss as unlikely to result in a net ecological gain in the short to medium term.

The use of tree and hedgerow species common to the local area should always be used.

Suggest revision to supporting 'Explanation/Justification:'

The Parish has a number of statutory and non-statutory designated areas that are recognised as being ecologically significant. These include parts of the South Dartmoor Woods and Plymouth Sound and Estuaries Special Area of Conservation (SAC), the Tamar Estuaries Complex SPA, Sites of Special Scientific Interest, County Wildlife Sites, and

Ancient Woodlands within the Parish boundaries. Paragraph 109 of the NPPF asks us to minimise impacts on biodiversity and provide net gains in biodiversity where possible. The areas we regard as worthy of protection under our policy Bick01 are shown on map 3. The status and description of each site is set out in the report prepared for the Parish Council by the Devon Biodiversity Records Centre.

Development proposals should safeguard these areas by ensuring that development does not take place any nearer than is deemed likely to cause damage or significant disturbance to local habitats and species. Should damage or disturbance be unavoidable but the development justified for other reasons, such as substantial community benefits, then the development proposal should include sufficient compensation to bring about a net ecological gain. Evidence is being gathered by South Hams District Council and Plymouth City Council to inform a Habitats Regulation Assessment (HRA) of the Joint Local Plan. The HRA will consider the potential impacts of proposed site allocations on European Sites (of relevance to Bickleigh are the South Dartmoor Woods, Plymouth Sound and Estuaries, and Dartmoor SACs, and the Tamar Estuaries Complex SPA). The Joint Local Plan policies/allocations will set out the mitigation required to ensure that proposed development does not have an adverse effect on the integrity of European Sites. Whilst the HRA process of the Joint Local Plan is not yet concluded, it is expected that the following mitigation will be required for proposed development within the Bickleigh Neighbourhood Plan area:

- *Tamar European Marine Site (Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA)*
The evidence base currently being gathered will inform a revised 'Zone of Influence' around the Tamar European Marine Site, within which new development will be required to contribute a financial sum to mitigate for the increased recreational pressure on the European Marine Site by new residents. This financial sum will deliver activities within a new Management/Mitigation Plan for the Site, and will ensure that potential recreational impact from new residents is reduced to a level where it is not significant. The Bickleigh Neighbourhood Plan is not proposing additional site allocations to those within the Joint Local Plan, however it is nonetheless acknowledged that new development within Bickleigh Parish will be subject to the same requirement for a financial sum to mitigate for additional recreational pressure (as per the forthcoming Joint Local Plan HRA), and accordingly the Bickleigh Neighbourhood Plan will not have a significant effect on the European Marine Site.

- *Dartmoor SAC and South Dartmoor Woods SAC*
Whilst the number of dwellings 'allocated' to Bickleigh is not yet clear, the proposed site allocation within the Joint Local Plan could increase recreational pressure on the Dartmoor SAC and South Dartmoor Woods SACs. To reduce the potential for impact, it is understood that the HRA for the Joint Local Plan will advocate the Masterplan for the proposed site allocation to include a requirement for establishment of a Suitable Alternative Natural Greenspace (SANG) within the Plym Valley to the east of Woolwell. This SANG will accommodate much of the recreational activity from new residents, thus reducing the likelihood of their activity impacting on the European Sites further afield. The Bickleigh Neighbourhood Plan is not proposing additional site allocations to those within the Joint Local Plan, and accordingly it is considered that subject to reflecting the same requirement for SANG to mitigate for potential recreational pressure (as per the forthcoming Joint Local Plan HRA), the Bickleigh Neighbourhood Plan will not have a significant effect on these Dartmoor European Sites.