

**Newton and Noss Draft Neighbourhood Plan**  
(Pre-Regulation 14 Version 11.5.17)

**Strategic Environmental Assessment  
and Habitats Regulations Assessment  
Screening Report**

July 10<sup>th</sup> 2017

**SCREENING OPINION**

**SEA**

Having taken all of the relevant policies of the draft Newton and Noss Neighbourhood Plan (Pre-Regulation 14 Version 11.5.17) into account, and assessed the potential environmental impact on designated sites and landscapes, it is the Council's opinion that a full SEA is not required for the Neighbourhood Plan, due to the limited nature of development proposed. The full reasons for this conclusion are set out in the screening report in Appendix 1.

**The Council has therefore determined under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the plan is unlikely to have significant environmental effects and that a full strategic environmental assessment is not required.**

**HRA**

Due to the limited amount of development proposed, the Council considers that the Newton and Noss Neighbourhood Plan will not have a significant effect on a European site and that therefore further assessment under the Habitats Regulations is not required. The full reasons are set out in Appendix 2 of this report.

# Summary

## SEA

This statement has been produced to comply with Regulation 15(1) e (ii) of the Neighbourhood Planning (General) (Amendment) Regulations 2015.

A neighbourhood plan is required to meet a number of basic conditions, one of which being it must not breach, and must be otherwise compatible with EU and Human Rights obligations. This requires neighbourhood plans to fully consider the requirements of the SEA regulations which transpose the EU's SEA Directive into law and which requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.

A Strategic Environmental Assessment (SEA) Screening Opinion was prepared by South Hams District Council for the Newton and Noss Neighbourhood Plan (see Appendix 1). The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on June 8th 2017.

**Having taken all of the relevant policies of the draft plan into account, and assessed the potential environmental impact on designated sites and landscapes, it is the Council's opinion that a full SEA is not required for the Newton and Noss Neighbourhood Plan. The reasons for this conclusion are set out in the screening report in Appendix 1.**

## 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.

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 is used to consider whether the plan would be likely to have significant effects on a European Sites, and if so whether an 'appropriate assessment' is necessary.

**Due to the limited amount of development proposed, the Council considers that the Newton and Noss Neighbourhood Plan will not have a significant effect on a European site and that therefore further assessment under the Habitats Regulations is not required. The full reasons are set out in Appendix 2 of this report.**

## Consultation

Consultation responses were received from the three statutory consultees, their conclusions are listed below with additional comments in Appendix 3.

**Environment Agency:**

*We concur with the conclusions of the screening report that the neighbourhood plan is unlikely to have any significant environmental effects and therefore that Strategic Environmental Assessment specific to the plan is not required.*

**Historic England:**

*I can confirm that on the basis of the draft provided we have no objection to the view that an SEA will not be required.*

**Natural England:**

SEA:

*We note that the pre-submission draft Neighbourhood Plan sets a framework for development within the parish boundary, and proposes a limited amount of development. It is considered unlikely that any significant environmental effects will result from the implementation of the Neighbourhood Plan.*

HRA:

*Your assessment notes that the aims and objectives of the NP accord with the emerging Local Plan which itself will be subject to HRA. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view. We note and support proposals to mitigate recreational impacts from development through a suitable financial contribution*

# Appendix 1

## Newton and Noss Neighbourhood Plan

### Strategic Environmental Assessment Screening Opinion

#### 1.1 - Strategic Environmental Assessment (SEA) Process

The need for environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC, this was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 or SEA Regulations. The Localism Act 2011 requires neighbourhood plans to comply with EU legislation, although not all neighbourhood plans will require full environmental assessment, depending on what they propose and what effect this might have on the environment.

The Neighbourhood Planning Regulations (General) 2012 as amended in January 2015 require qualifying bodies to submit to the LPA with their neighbourhood plan either a SEA report or a statement of reasons as to why this has not been necessary (Regulation 15(1)e). The latter will only be appropriate where the neighbourhood plan has been assessed using the criteria referred to in Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004; and where this assessment has shown that the neighbourhood plan is plan proposal is unlikely to have significant environmental effects. The 'Regulation 9' criteria are set out in Schedule 1 as follows:

1. The characteristics of plans and programmes, having regard, in particular, to—
  - (a) 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;
  - (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
  - (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
  - (d) environmental problems relevant to the plan or programme; and
  - (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, 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—
  - (a) the probability, duration, frequency and reversibility of the effects;
  - (b) the cumulative nature of the effects;
  - (c) the transboundary nature of the effects;
  - (d) the risks to human health or the environment (for example, due to accidents);
  - (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
  - (f) the value and vulnerability of the area likely to be affected due to—
    - (i) special natural characteristics or cultural heritage;
    - (ii) exceeded environmental quality standards or limit values; or
    - (iii) intensive land-use; and
  - (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

As part of its duty to support neighbourhood plans, South Hams District Council agreed to undertake the screening process to determine whether the Newton and Noss Neighbourhood Plan is likely to have significant environmental effects, and consequently whether SEA is required.

## 1.2. Newton and Noss and environmental constraints in the Neighbourhood Plan Area

The Newton and Noss Neighbourhood Plan Area covers the whole parish of Newton and Noss which is situated on the South Devon coast within South Hams District and located within the South Hams Area of Outstanding Natural Beauty. The Yealm Estuary Site of Special Scientific Interest (SSSI) straddles the western parish boundary and the parish also contains the smaller Blackstone Point SSSI and Special Area of Conservation (SAC) on the coast. Much of the parish lies within the Impact Zone for these two designated areas and there is potential for impacts on the Plymouth Sound and Estuaries SAC.

The main settlements of Newton Ferrers and Noss Mayo lie on the River Yealm estuary and both contain conservation areas and numerous listed buildings.

## 1.3. Newton and Noss Neighbourhood Plan

The Newton and Noss Draft Neighbourhood Plan (the Plan) sets out policies and approaches which will add local detail to policies within the Joint Local Plan. The Plan sets out a vision for Newton and Noss as follows:

**In 2031 Newton & Noss will be a lively sustainable community, whose development meets its housing needs and supports local economic and social activity whilst conserving biodiversity, habitat and heritage.**

Priorities are set out as:

**No. 1 Being a Devon waterside village that retains its local character and heritage**

**No. 2 Being a place that supports its local shops, businesses and services and ensures there is adequate infrastructure and accessibility for current and future needs**

**No. 3 Offering a balanced range of housing types and tenures: e.g. rented, open market, affordable rented and affordable open market**

**No. 4 Being a place that protects its environment, views, ecology and landscape**

**No. 5 Being a strong inclusive community that has lots to do, with clubs, societies, activities and leisure opportunities**

The Plan contains fourteen policies as summarised in the table below.

**Table 1. Summary of policies in the Plan**

<b>Policy</b>	<b>Summary of aims and key environmental effects</b>
POLICY N3P1 – THE VILLAGE SETTLEMENT BOUNDARIES	Updates the Settlement Boundaries and provides criteria for development inside the boundary and outside the boundary, in line with the Joint Local Plan.
POLICY N3P-2: PROTECTING THE WATERFRONT	Sets out environmental criteria for any development along the waterfront. Likely to have positive environmental effects.

POLICY N3P-3: DEVELOPMENT POLICY AREAS	Identifies areas where different criteria will apply to development, especially regarding appropriate density.
POLICY N3P- 4 : SITE DEVELOPMENT, CONSTRUCTION AND REDEVELOPMENT	Sets out criteria for development including design, environmental, renewable energy and energy efficiency. Likely to have a positive impact on the environment.
POLICY N3P - 5 : PARKING, ROADS, FOOTPATHS AND CYCLE PATHS	Aims to ensure adequate parking in new developments and attention to footpaths and cycle paths.
POLICY N3P - 6 : DEVELOPMENT SHOULD NOT INCREASE FLOOD RISK OR POTENTIAL POLLUTION	Sets out criteria aimed to ensure that new development does not increase flood risk.
POLICY N3P 7 : COMMUTED SUMS AND S106	Commuted sums and Section 106 sums generated by developments within the parish will be spent within the parish to benefit the local community, including for community led affordable housing.
POLICY N3P - 8 : HERITAGE AND CONSERVATION	Aims to give extra protection to heritage assets and conservation areas. Likely to have a positive impact on the environment.
POLICY N3P-9 : PROTECTING THE LANDSCAPE	Aims to give extra protection to the landscape including the AONB. Likely to have a positive impact on the environment.
POLICY N3P -10 : GREEN SPACES	Identifies a number of Local Green Spaces which will be protected from development.
POLICY N3P - 11 : NEW HOUSING - BALANCED HOUSING STOCK AND LOCAL NEEDS HOUSING	Identifies the type and size of new dwellings needed in the Neighbourhood Area and provides support for affordable housing in line with JLP policy and exception sites for community led housing.
POLICY N3P - 12 : SECOND HOMES AND 'PRINCIPAL RESIDENCE' REQUIREMENT	Requires all new dwellings to be occupied as a 'principal residence'.
POLICY N3P - 13 : BUSINESS PREMISES	Provides support for new business premises where there is no adverse impact on the environment.
POLICY N3P 14-: COMMUNITY FACILITIES AND INFRASTRUCTURE	Provides support and protection for community facilities and assets.

## 2.0. SEA Screening and Statement of Reasons

Table 2 below provides the screening determination of the need to carry out a full Strategic Environmental Assessment for the Newton and Noss Neighbourhood Plan, including a statement of reasons for why this has not been considered necessary. The statutory consultees consisting of Natural England, Historic England and the Environment Agency were consulted to ask for their comments.

**Table 2: SEA screening**

Criteria	Significant environmental effect?	Reason
1. The characteristics of plans and programmes, having regard, in particular, to—		
(a) 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;	NO	The broader policy framework is set by the NPPF and the Local Plan. The Newton and Noss Neighbourhood Plan does not propose significant new development in addition to or in contradiction to the Local Plan.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	NO	Neighbourhood plans should be taken into account by other proposed plans, including the Local Plan, but there are no plans or programmes that need to be in conformity with it. The Plan will therefore not significantly influence other plans and programmes.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	NO	The policies in the Newton and Noss Neighbourhood Plan are not considered likely to have a significant environmental impact on the integration of environmental considerations. Any development proposed will be in accordance with environmental protection policies of the adopted Local Plan and the National Planning Policy Framework (NPPF).
(d) environmental problems relevant to the plan or programme; and	NO	The Neighbourhood Plan Area contains and is adjacent to sensitive sites including SACs and SSSIs. However, the nature of the proposals in the Neighbourhood Plan are not considered likely to have significant effects on these sites. See the screening opinion below for more detail.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	NO	The Neighbourhood Plan is not relevant as a plan for implementing EC legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
(a) the probability, duration, frequency and reversibility of the effects;	NO	Any effects are considered to be minimal. While the proposals in the Plan would not be easily reversible should they be implemented, the plan proposes no new development beyond that proposed in the Joint Local Plan. The Plan provides mitigation against possible effects of development that is likely to come forward through JLP policy.

(b) the cumulative nature of the effects;	NO	The effects from the Plan as a whole are not considered to be significantly greater than those from any individual policy.
(c) the transboundary nature of the effects;	NO	The Plan will not have any transboundary effects.
(d) the risks to human health or the environment (for example, due to accidents);	NO	There are considered to be no risks to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	NO	The Neighbourhood Plan area covers the parish of Newton and Noss. The population of the Neighbourhood Area is less than 2,000. This is considered to be a small area in terms of wider environmental effects.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	NO	As discussed, the Neighbourhood Plan Area contains and is adjacent to sensitive sites including SACs and SSSIs but any effects are likely to be minimal due to the fact that no additional development is proposed.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	NO	As above. The Plan contains policies which are likely to have a positive effect on the environment generally.

## 2.1 SEA Screening Opinion

The Newton and Noss Neighbourhood Plan does not allocate any development sites, but instead provides criteria based policies to help guide development that is likely to come forward under the policies set out in the Joint Local Plan. The environmental impact of all Joint Local Plan policies have been assessed as part of the plan production process.

The criteria set out for development in the Newton and Noss Neighbourhood Plan are likely to prove beneficial in terms of mitigating against any possible environmental impacts of JLP policies. Where development is actively encouraged, criteria are given to ensure that there will be no adverse impacts, for example in Policy N3P 13.

The Neighbourhood Plan Area does contain potentially sensitive areas including SSSIs, SACs, numerous listed buildings, and two conservation areas within the two main villages. However, no development is proposed that is likely to have any significant effect on any of the designated areas, while the Neighbourhood Plan is likely to guard against any possible impacts on the built environment arising from development proposed in the Joint Local Plan. Policies N3P-3, N3P-4 and N3P-8 in particular address design quality in relation to existing heritage assets in Newton and Noss.

HRA screening has been carried out which concluded that the Newton and Noss Neighbourhood Plan will have no unacceptable impacts on any European designated sites but makes a recommendation to include a reference within Policy N3P-4 to JLP Policy SPT13 and the need for development to:

'Make a s106 contribution towards the provision of appropriate measures to avoid and reduce potential recreational impacts to ensure there is no adverse effect on the integrity of the European Marine Site.'

Having taken all of the relevant policies of the draft Newton and Noss Neighbourhood Plan into account, and assessed the potential environmental impact on designated sites and landscapes, this screening opinion has concluded that a full SEA is not required.

# Appendix 2

## Newton and Noss Neighbourhood Plan Habitats Regulations Assessment: Screening

### 1.0. The HRA process

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

### 1.1. 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 is used to consider whether the plan would be likely to have significant effects on a European Sites, and if so whether further assessment is necessary.

Straightforward mitigation measures can be included at this screening stage, which may rule out the likelihood of significant effects. 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.

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.

## **2.0. Selecting European sites that should be considered in the HRA screening**

The decision about which European Sites should be considered in the Appraisal is based upon the checklist below (*adapted from Figure 2 of HRA of Plans, David Tyldesley and Associates, 2012*).

- Sites within the plan area
- Sites upstream or downstream of the plan area in the case of river or estuary
- Wetland sites with relevant hydrological links to land within the plan area
- Sites which have significant ecological links with land in the plan area (e.g. migratory birds/mobile species)
- Sites which may receive increased recreational pressure from the plan
- Sites that may be used for water abstraction
- Sites that could be affected by discharge of effluent from waste water treatment
- Sites that could be affected by significant increases in emissions from traffic

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

SOUTH HAMS EUROPEAN SITES			
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects of plan
<b>Dartmoor SAC</b>	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
<b>Plymouth Sound and Estuaries SAC</b>	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
<b>South Dartmoor Woods SAC</b>	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
<b>Tamar Estuaries Complex SPA</b>	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 SPA increasing discharge of pollutants from waste water treatment works (non-toxic contamination)

## 2.1. 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 to 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.*

## 2.2 Criteria with which to screen the Newton and Noss Neighbourhood Plan

The following table sets out criteria to assist with the screening process of policies and proposals within the 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.

<b>Category A: No negative effect</b>	
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.
<b>Category B: No significant effect</b>	

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.
<b>Category C: Likely significant effect alone</b>	
C1	The option, policy or proposal could <b>directly affect</b> 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 <b>indirectly affect</b> 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 <b>magnitude of development</b> 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 <b>consideration of options in a later, more specific plan</b> . 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 <b>block options or alternatives</b> 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 <b>depend on how the policies etc are implemented</b> 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 <b>vulnerable to failure</b> 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 <b>plan provides the imperative reasons</b> of overriding public interest to justify its consent despite a negative assessment.
<b>Category D: Likely Significant effect in combination</b>	
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 <b>provided for or coordinated by Our Plan</b> the <b>cumulative</b> 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 <b>combined with the effects of other plans or projects</b> , 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 <b>programme or sequence of development</b> 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.

### 3.0. Newton and Noss Neighbourhood Plan screening

**Table 1: HRA Screening**

Policy/Proposal	Category (A,B,C,D)	Reason for category (unless clear)	Potential impacts on European sites	European sites affected	Mitigation required
All policies	A	No site allocations – all criteria based policies			

#### 3.1. Additions/revisions required to the Newton and Noss Neighbourhood Plan

Reflecting the HRA of the Joint Local Plan, Policy N3P – 4 of the Newton and Noss NP should include reference to the requirement for development in Newton and Noss to contribute towards mitigating the recreational impacts of new residents from development on the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.

Policy STP13 of the Joint Local Plan states:

**European Protected Sites – mitigation of recreational impacts from development.**

Mitigation measures for recreational impacts on European Sites will be required where development is proposed within the identified zones of influence around those European Sites that are vulnerable to adverse recreational impacts. Residential development, student and tourist accommodation within these zones of influence will be required to provide for appropriate management, mitigation and monitoring on site, and / or financial contributions towards off site mitigation and management. This will need to be agreed and secured prior to approval of the development. Mitigation measures will include:

1. On site access and management.
2. Off-site provision of suitable alternative recreational facilities

The detail of the Zone of Influence (within which Newton and Noss will fall), and financial contributions through planning obligations will be defined in the forthcoming Supplementary Planning Documents in support of the Joint Local Plan. Using evidence from the Plymouth Sound and Tamar Estuaries Recreation Study (Marine Biological Association, 2017), a single mitigation strategy will identify the interventions required and the SPD will then set out the charge that will be applied to all new dwellings and tourist developments within a ‘Zone of Charging’ as set out in Policy SPT13 ‘*European Protected Sites – mitigation of recreational impacts from development*’.

It is recommended that Policy N3P – 4 includes an additional criteria to read:

Make a s106 contribution towards the provision of appropriate measures to avoid and reduce potential recreational impacts to ensure there is no adverse effect on the integrity of the European Marine Site.

### **3.2. HRA CONCLUSION AND SCREENING OPINION**

It is considered that the Newton and Noss Neighbourhood Plan will not have a significant effect on a European site and that therefore further assessment under the Habitat Regulations is not required.

## Appendix 3

Consultation responses:

### 1. Environment Agency – By email

**From:** SPDC [mailto:SPDC@environment-agency.gov.uk]

**Sent:** 14 June 2017 16:17

**To:** Mandy Goddard <Mandy.Goddard@swdevon.gov.uk>

**Subject:** RE: Newton and Noss Neighbourhood Plan SEA/HRA screening

Thank you for your consultation of 08 June 2016 providing us with the opportunity to comment in respect of the Newton and Noss Neighbourhood Plan SEA/HRA screening.

We concur with the conclusions of the screening report that the neighbourhood plan is unlikely to have any significant environmental effects and therefore that Strategic Environmental Assessment specific to the plan is not required.

Any potential for environmental effects from growth in the parish should already have been addressed through the Sustainability Appraisal (SA) which supported the South Hams Local Development Framework (and will be addressed through the SA for the Plymouth and South West Devon Joint Local Plan).

Kind regards

**Marcus Salmon**

Sustainable Places Planning Specialist

Environment Agency – Devon, Cornwall & Isles of Scilly Area

\* Manley House, Kestrel Way, Exeter, EX2 7LQ

( 02084746289 (Internal 46289)

### 2. Historic England – By email

**From:** Stuart, David [mailto:David.Stuart@HistoricEngland.org.uk]

**Sent:** 30 June 2017 21:18

**To:** SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>

**Subject:** Newton and Noss Neighbourhood Plan SEA/HRA screening

FAO Mandy Goddard

Dear Mandy

Thank you for your consultation on the SEA Screening for the emerging Newton and Noss Neighbourhood Plan.

I can confirm that on the basis of the draft provided we have no objection to the view that an SEA will not be required.

We would also like to take this opportunity to offer our congratulations to the community in their ambition to protect and enhance the historic character of the area and to draft specific policies informed by an understanding of its distinctive qualities.

On that basis we do not envisage wishing to offer detailed comments on the Plan as it develops unless material changes occur, and would therefore be happy to defer to your authority's historic environment team on any matters which require relevant input.

Kind regards

David

David Stuart | Historic Places Adviser South West  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND  
<https://historicengland.org.uk/southwest>

### 3. Natural England – PDF by email

Date: 26 June 2017  
Our ref: 217687  
Your ref: SEA & HRA



Mandy Goddard, Neighbourhood Planning Officer  
Development Management  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE

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

**BY EMAIL ONLY**

T 0300 060 3900

Dear Mandy,

**Consultation: Newton and Noss Strategic Environmental Assessment and Habitats Regulations Assessment Screening**  
**Location: Newton and Noss**

Thank you for your consultation on the above dated 08 June 2017 which was received by Natural England on 08 June 2017. Our advice is based upon the *Strategic Environmental Assessment and Habitats Regulations Assessment DRAFT Screening Report (June 2017)*

*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.*

**WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**  
**ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES REGULATIONS 2004**  
**CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)**  
**THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012**

Natural England welcomes the importance attached to protecting and enhancing the natural environment and the designated landscape of Newton and Noss, as promoted in the pre-submission draft Neighbourhood Plan.

#### **Strategic Environmental Assessment – Screening**

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environmental Assessment of Plans and Programmes Regulations 2004.

We note that the pre-submission draft Neighbourhood Plan sets a framework for development within the parish boundary, and proposes a limited amount of development. It is considered unlikely that any significant environmental effects will result from the implementation of the Neighbourhood Plan. In addition and before reaching an opinion, we advise that you seek input from the South Devon AONB Unit regarding the proposals to evaluate potential impacts upon the AONB.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and

biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

#### **Habitats Regulations Assessment**

Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations.

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites. This will be particularly important if a neighbourhood plan is to progress before a local plan has been adopted and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan.

Natural England recognises that the framework for development proposes a limited amount of development and purports to meet local needs. Your assessment notes that the aims and objectives of the NP accord with the emerging Local Plan which itself will be subject to HRA. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view. We note and support proposals to mitigate recreational impacts from development through a suitable financial contribution.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

#### **Protected Species**

We are not aware of significant populations of protected species which are likely to be affected by the proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

#### **Opportunities through the Neighbourhood Plan Biodiversity**

There may be opportunities through the Neighbourhood Plan to identify suitable areas for the creation and enhancement of Priority Habitats which would demonstrate how planning applications could contribute to and restore the overall biodiversity network within the Parish. We recommend that you make reference to the Devon Biodiversity Action Plan.

We are aware that invasive Pacific oysters are present in the Yealm and we would welcome measures that seek to control this species in order to safeguard the biodiversity associated with native species and habitats, and prevent the spread to designated sites.

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 me on 02080267468. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Regards,

*Julien*

Julien Sclater  
Lead Planning Adviser, South Devon Team

[Julien.r.sclater@naturalengland.org.uk](mailto:Julien.r.sclater@naturalengland.org.uk)

Please note that all consultation with Natural England should be sent to our Consultation Hub at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) or sent to the address at the top of this letter