

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

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**Screening Report**

Prepared by Officers of East Devon District Council

**January 2018**

## 1.0 Introduction

- 1.1 The purpose of this report is to assess the draft proposals in the Payhembury Neighbourhood Development Plan (hereafter referred to as the PNP) to determine whether it requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. An SEA is required under this legislation for all plans which may have a significant effect on the environment.
- 1.2 This report will also screen to determine whether or not the PNP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010. An HRA is required when it is deemed that the implementation of the plan is likely to cause negative significant effects on protected European Sites (Natura 2000 sites).
- 1.3 The conclusion of the assessment is that the PNP is unlikely to have a significant effect on the environment so an SEA is not required to accompany the Plan. It is also unlikely to have a negative impact on any Natura 2000 sites so should not be subject to HRA.
- 1.4 This report was sent to the three statutory consultees designated in the Regulations (Historic England, Environment Agency and Natural England) to elicit their views on the findings. The consultees concur with the conclusion that neither SEA nor HRA are required.
- 1.5 The statutory Consultees responded as follows:

### Historic England

Thank you for your consultation on the SEA Screening for the emerging Payhembury Neighbourhood Plan.

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

I can also confirm that on that basis the Plan is unlikely to generate issues upon which we will feel the need to comment.

### Environment Agency

Thank you for your consultation of 19 December 2017 providing us with the opportunity to comment in respect of the Payhembury 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 planned development in the parish should already have been addressed through the Sustainability Appraisal (SA) which supported the East Devon Local Plan.

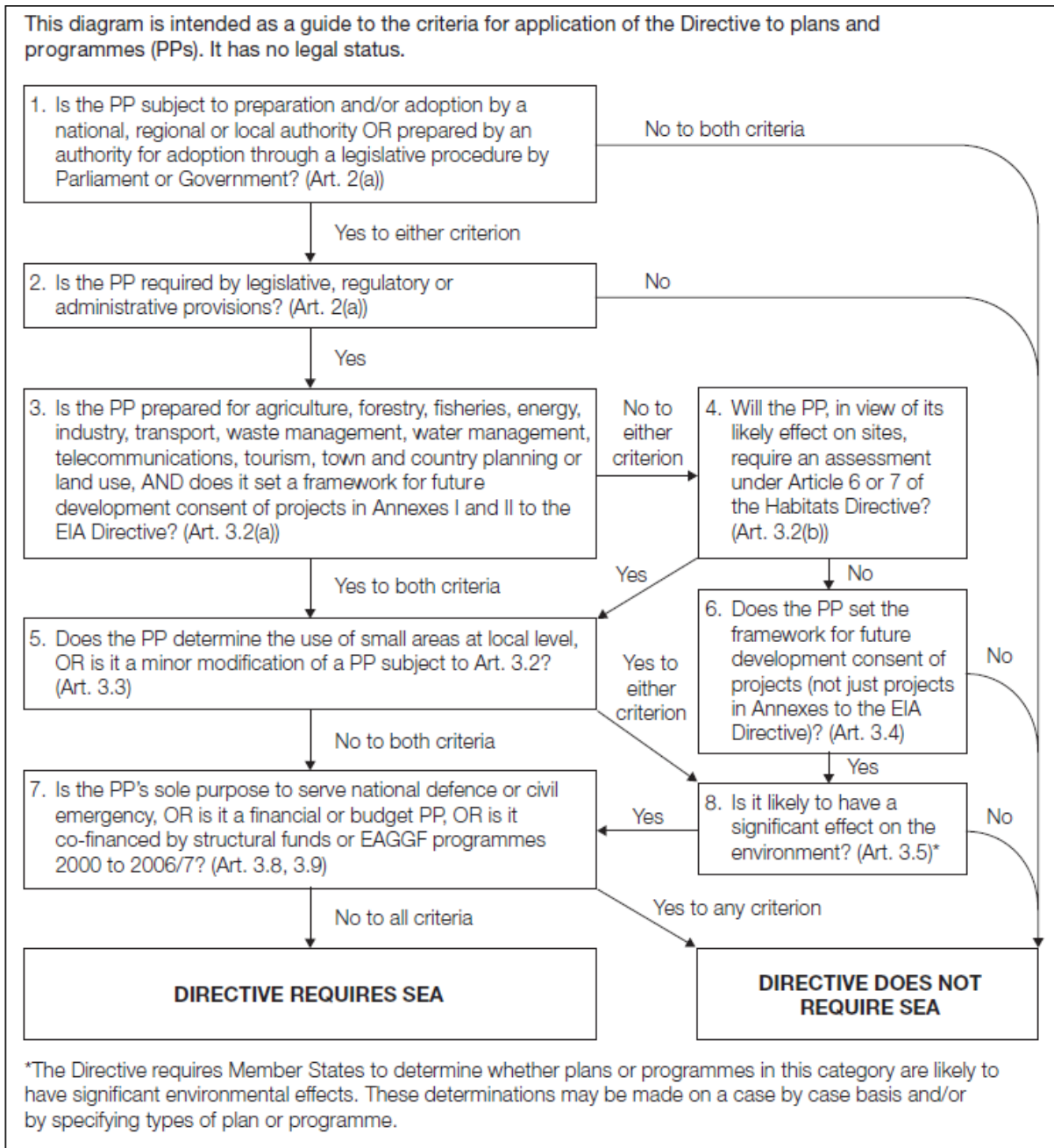
### Natural England

Natural England welcomes the preparation of the Neighbourhood Plan. We concur with the conclusions set out in the Screening Report (section 3.7 & 4.3) that the Plan, as currently drafted, is unlikely to have a significant effect on the environment or an adverse effect on the integrity of a European site. We also concur, therefore, that the Plan does not require Strategic Environmental Assessment or a Habitats Regulations Assessment.

## 2.0 SEA screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The objective of SEA is '*to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans.... with a view to promoting sustainable development*' EU Directive 2001/42/EC (Article 1).
- 2.3 Although there is no definitive guidance stating that a Neighbourhood Plan will require an SEA, Local Authorities are legally obliged to advise the plan producers as to whether an SEA is required.
- 2.4 To ascertain if SEA is required, a "screening" exercise has been undertaken by East Devon District Council evaluating the proposals the PNP against the criteria set out in the SEA Directive. This criterion is set out in the SEA Directive and can be found in Figure 1.
- 2.5 Should the screening report reach the conclusion that that plan will have a significant impact on the environment; a full SEA should be undertaken.
- 2.6 If the conclusion is that a full SEA is not required, any significant variations or additions to the Neighbourhood Plan will also be subject to screening.
- 2.7 An SEA has been undertaken as part of the adopted East Devon Local Plan 2013-2031 and has been taken into account whilst undertaking this screening assessment.

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



### **3.0 Payhembury Neighbourhood Plan**

- 3.1 The Neighbourhood Plan has been in production for approximately two years. It has undergone public consultation and the producers are currently at a stage of drawing up draft proposals.
- 3.2 East Devon District Council has been kept abreast of progress and has offered support and guidance to the Neighbourhood Plan group and therefore can be fairly confident in the Plan's direction of travel.
- 3.3 The key point of the Neighbourhood Plan is the group's ambition to restrict development to within the existing settlement of Payhembury and the conversion of existing buildings elsewhere in the Parish. Affordable housing, under exceptions Policy of the Local Plan (and potentially the PNP) could still take place. The Local Plan does not identify Payhembury as a settlement for which a Built-up area Boundary is designated under Strategy 27, although it does allow Neighbourhood Plans to promote development provided it is justified and will promote the objectives of sustainable development. The PNP intends to establish a Built-up Area Boundary (drawn using the same criteria as those used for designating the BUAB's in the East Devon Villages Plan), within which a small amount of additional in-fill development may occur. The village is not located within a protected landscape and is compact, so visually any impact will be extremely limited. There is a large employment/agricultural/retail site in the centre of the village, but this will be protected from change of use to residential so, on balance, these proposals are not considered likely to result in a significant environmental effect. The employment/agricultural/retail site needs to be retained in its current use as it contributes to the sustainability of the village by providing local services and employment and reducing the need to travel.
- 3.4 Whilst the plan will also include various other policies, they are fairly general in nature and are considered very unlikely to have a significant environmental effect. Should this circumstance change it will be important to rescreen the plan to take any changes into account.
- 3.5 On this basis, this screening report has considered the potential for significant environmental effects from the proposed allocation site.

**Figure 2:** Screening assessment against the criteria for whether the PNP requires an SEA.

Stage	Y/N	Reason
Is the PNP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The Plan will be prepared by the Parish and adopted by East Devon District Council as part of the Development Framework, subject to a successful referendum.
		↓
Is the PNP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	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 probably involving consultation with interested parties.
		↓
Is the PNP 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? (Art 3.2(a))	Y	The NP is prepared for Town and Country Planning and land use and may provide the framework for development of a scale that would fall within Annex II of the EIA Directive at a Neighbourhood Area level.
		↓
Does the PNP 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 NDP will determine the use of small areas at a local level.
		↓
Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See screening assessment for environmental effects in figure 3 of this report.

## Directive Does Not Require SEA

#### 4.0 Screening Assessment for Environmental effects

4.1 Under step 8 of the Application of the SEA directive (Figure 1), in order to establish whether a plan requires an SEA, it was necessary to conduct a thorough assessment of whether the plan was likely to have a significant effect on the environment.

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

**Figure 3:** Environmental impact screening assesment

<b>Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)</b>	<b>Is the ANP likely to have a significant environmental effect?</b>	<b>Justification for Screening Assessment</b>
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>N</b>	The thrust of the PNP is to restrict any further development (other than exceptions affordable housing schemes) to the existing settlement of Payhembury. In the Local Plan, Payhembury is generally not considered to be a suitable place for further open market housing development, but this is largely due to the lack of a frequent bus service- the train station at Feniton (approx. 3km) is used by some residents for commuting and the village does offer basic facilities such as a school, small employment units and a shop.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	<b>N</b>	The PNP must be in general conformity with the adopted East Devon Local Plan and have regard to national policies. It must also be compatible with EU law and the ECHR obligations. It is not considered to have a particular influence on any plans other than the planning application that will dictate the development of the allocation.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting	<b>N</b>	The neighbourhood plan will need to contribute towards the achievement of sustainable development, as required by the “basic conditions” on which the

sustainable development.		plan will be judged by at examination. The Built-up Area Boundary will be designated using the criteria which were applied to the Built-up Area Boundaries in the East Devon Villages Plan.
Environmental problems relevant to the plan or programme.	<b>N</b>	Payhembury does not have any significant environmental problems that the Neighbourhood Plan is likely to impact.
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).	<b>N</b>	These community legislation types are not relevant to the PNP and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	<b>N</b>	As the Neighbourhood Plan will not be allocating a site, this will not apply.
The cumulative nature of the effects.	<b>N</b>	The cumulative effects of the PNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	<b>N</b>	The PNP only sets a framework for development within the Neighbourhood Area which corresponds to the existing parish boundary. The scale of development it will impact upon is unlikely to have a significant effect on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents).	<b>N</b>	There are no risks to human health identified, other than the usual risks associated with the construction of dwellings and a small increase in traffic running along narrow, country lanes.
The magnitude and spatial extent of the effects (geographical area and size of	<b>N</b>	The PNP is concerned only with development within the Parish of Payhembury. If there are any effects



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. **N**

they are not considered to be wide ranging.

No sites are proposed for allocation and the thrust of the Plan is protective in nature. In drawing the Built-up Area Boundary the local Plan criteria will be used to ensure consistency and, should there be potential for harm to any conservation interests then setting studies will be undertaken.

### **4.3 Conclusion**

4.4 The Payhembury Neighbourhood Plan does not require a Strategic Environmental Assessment

**4.5** The Neighbourhood Plan will provide for a very small level of development over and above the provision in the Local Plan (around 5-10 houses over 15 years), and will not otherwise impact upon internationally or nationally important features which would be deemed to have a significant environmental effect.

### 3.0 Habitat Regulations Screening Assessment

- 3.1 The draft policies of the plan (Appendix 1) have been used to undertake this initial screening assessment. As the conclusion is that a full Habitat regulations screening is not required, any variations or additions to the aims and objectives will be subject to a further screening. A draft screening report was produced as part of the production of the emerging Local Plan and has been taken into account in undertaking this screening assessment.
- 3.2 The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.
- 3.3 Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.
- 3.4 Article 6(3) of the Habitats Directive states:
- ‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives’.
- 3.5 Sites which are potentially relevant to the Payhembury Neighbourhood Plan are the Blackdown Hills ESA (partly within parish) and several areas of ancient woodland, wild/semi-wild woodland and ancient orchards.
- 3.6 Natural England will be consulted on this document by the District Council.

#### Screening Criteria Questions

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

*No*

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

*Not specifically. The Plan does allow for infill development within the settlement of Payhembury and for conversions of existing buildings and for exceptions affordable housing but no specific sites are identified. Any development is likely to be extremely limited in size and scale (a total 5-10 houses in the Plan period).*

*The objectives in the Neighbourhood Plan accord with the Local Plan for the District which is subject to an HRA. A screening opinion was provided by Land Use Consultants early in the Plan production process and an HRA was completed by Footprint Ecology before, and informed, the*

*adopted Local Plan. It indicated that the Local Plan will have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.*

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

*No*

### **3.7 Conclusion**

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

3.9 The Payhembury Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan (which was itself subject to HRA).