

Thurlestone Draft Neighbourhood Plan
(Pre-submission consultation draft, October 2017)

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

27th Nov 2017

SCREENING OPINION

SEA

Having taken all of the relevant policies of the draft Thurlestone Neighbourhood Plan (Pre-submission consultation draft, October 2017) 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 and the continuity in land use. The full reasons for this conclusion are set out in the screening report in Appendix 1.

HRA

Due to the limited amount of development proposed, the Council considers that the Thurlestone 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

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 Thurlestone Neighbourhood Plan (see Appendix 1).

Having taken all of the relevant policies of the draft Neighbourhood 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 Neighbourhood Plan, due to the limited nature of development proposed and the continuity in land use. The full 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 Thurlestone 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.

1. Natural England:

Natural England agrees with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required. We consider that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the plan are unlikely.

We also agree with the report's conclusions that the plan would not be likely to result in a significant effect on any European site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

2. Historic England:

I can confirm that we have no objection to the conclusion that an SEA is not required.

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.

Appendix 1

Thurlestone 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 Thurlestone Neighbourhood Plan is likely to have significant environmental effects, and consequently whether SEA is required.

1.2. Thurlestone and environmental constraints in the Neighbourhood Plan Area

Thurlestone is a coastal village in South Hams District, Devon. The parish is within the South Devon Area of Outstanding Natural Beauty, and is partially covered by both Undeveloped Coast and Heritage Coast policy designations. There are a number of County and Unconfirmed Wildlife sites within Thurlestone Parish. The Parish is also adjacent to the Regionally Important Geological Site of South Milton Sands, and close to the Site of Special Scientific Interest at South Milton marsh.

1.3. Thurlestone Neighbourhood Plan

The Thurlestone 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 Thurlestone as follows:

“A vibrant coastal and rural community where the quality of life of its residents and the preservation of the natural environment are paramount and where any development should be proportionate, balanced and sustainable in keeping with its designation within an Area of Outstanding Natural Beauty.”

The Plan contains 29 policies as summarised in the table below.

Table 1. Summary of policies in the Plan

Policy	Summary of aims and key environmental effects
POLICY TP1 - GENERAL DEVELOPMENT PRINCIPLES	Overarching set of criteria, designed to apply to all decision-making, with a focus on core planning principles. AONB specific criteria have been written in conjunction with South Devon AONB Manager. Environmental effects are likely to be positive or neutral.
POLICY TP2 - SETTLEMENT BOUNDARIES	Policy proposing the use of settlement boundaries to manage future growth within identified villages of Buckland and Bantham. Environmental effects are likely to be positive or neutral.
POLICY TP3 - AFFORDABLE HOUSING	Provides criteria which must be met in order to deliver affordable housing schemes. Environmental effects are likely to be positive or neutral.
POLICY TP4 - OPEN MARKET HOUSING	Introduces restrictive criteria that open market housing schemes need to meet. Environmental effects are likely to be positive or neutral.
POLICY TP5 - REUSE OF FARM AND RURAL BUILDINGS	Provides a criteria-based framework to enable reuse of agricultural buildings for residential purposes. Environmental effects are likely to be positive or neutral.

POLICY TP6 - PRINCIPAL RESIDENCE REQUIREMENT	Policy requiring all new homes to be occupied as a principal residence. Environmental effects are likely to be positive or neutral.
POLICY TP7 - REPLACEMENT DWELLINGS AND EXTENSIONS	Criteria for replacement of dwellings and extensions. Environmental effects are likely to be positive or neutral.
POLICY TP8 - ECONOMIC DEVELOPMENT	An enabling economic policy. Environmental effects are likely to be positive or neutral.
POLICY TP9 - EXPANSION OF EXISTING BUSINESSES	Enabling policy relating to existing business premises. Environmental effects are likely to be positive or neutral.
POLICY TP10 - NEW BUSINESSES	Prescriptive enabling policy applicable to certain use classes. Environmental effects are likely to be positive or neutral.
POLICY TP11 - CARAVAN, CAMPSITES AND CHALET SITES	An enabling policy for existing facilities, a restrictive policy for new facilities. This assumes that existing facilities are located in more appropriate places than new facilities could be. Environmental effects are likely to be positive or neutral.
POLICY TP12 - NEW BUSINESS HUB	An enabling policy for a new business facility. Criteria – based policy rather than site allocation makes effects more difficult to determine, although harm to environment is unlikely.
POLICY TP13 - NEW MARINE - RELATED WORKSHOPS	An enabling policy for a new marine enterprises. Criteria –based policy rather than site allocation makes effects more difficult to determine, although harm to environment is unlikely.
POLICY TP14 - STORAGE SPACE	An enabling policy for a new storage facilities. Criteria – based policy rather than site allocation makes effects more difficult to determine, although harm to environment is unlikely.
POLICY TP15 - CHANGE OF USE OF FARM AND RURAL BUILDINGS	Uses criteria to promote appropriate change of use from agricultural buildings to other commercial uses. Environmental effects are likely to be positive or neutral.
POLICY TP16 - RETENTION OF EMPLOYMENT USES	Uses criteria relating to change of use between a number of different uses, relating to buildings already in existence. Environmental effects are likely to be positive or neutral.
POLICY TP17 - FOOTPATHS AND CYCLE TRACKS	Policy promoting new footpaths and cycle tracks. Doesn't require the siting or location to subject to the requirements of TP1, which provides an element of

	<p>impact assessment and mitigation. However, the provision of new infrastructure is only likely to be funded in relation to new development, and the scope of this is limited. Environmental effects are likely to be positive or neutral.</p>
POLICY TP18 - RECREATION AND SPORT	<p>Criteria 1 relates to the provision of new facilities, subject to establishing need. Criteria 2 is actually a coastal management policy. Environmental effects are likely to be positive or neutral.</p>
POLICY TP19 - CHANGE OF USE TO OPEN SPACE, SPORT OR RECREATION	<p>Provides policy framework for change of use FROM agricultural or amenity land to OSSR. Environmental effects are likely to be positive or neutral.</p>
POLICY TP20 - CHANGE OF USE FROM OPEN SPACE, SPORT AND RECREATION TO OTHER USES	<p>Policy restricting change of use of OSSR to other uses, subject to proposal meeting TP1 and other criteria. Environmental effects are likely to be positive or neutral.</p>
POLICY TP21 - NON - DESIGNATED HERITAGE ASSETS	<p>Policy requiring assessment of harm to non-designated heritage assets. Environmental effects are likely to be positive or neutral.</p>
POLICY TP22 - THE NATURAL ENVIRONMENT	<p>Policy that seeks to reduce impact on the natural environment. Environmental effects are likely to be positive or neutral.</p>
POLICY TP23 - COASTAL MANAGEMENT	<p>Policy to manage coastal erosion and dune preservation. Environmental effects are likely to be positive or neutral.</p>
POLICY TP24 - COMMUNITY WIFI	<p>Policy relating to telecommunications infrastructure. Environmental effects are likely to be positive or neutral.</p>
POLICY TP25 - CAR PARK	<p>Permissive policy that enables change of use from agricultural or amenity land to car parking. Effects would have been assessed more effectively if sites had been selected for this land-use. Providing any development also accords with TP1, environmental effects are likely to be neutral.</p>
POLICY TP26 - AIR AMBULANCE NIGHT LANDING SITE	<p>Permissive policy that enables change of use from agricultural or amenity land to create a 'hard standing', and lighting, for use by air ambulance. Effects would have been assessed more effectively if a site had been selected for this land-use. Providing any development also accords with TP1, environmental effects are likely to be neutral.</p>

POLICY TP27 - SOLAR PANELS AND ARRAYS	Policy to manage the deployment of solar arrays. Environmental effects are likely to be positive or neutral.
POLICY TP28 - WIND TURBINES	Policy to manage the deployment of wind turbines. Environmental effects are likely to be positive or neutral.
POLICY TP29 - COMMUNITY HEATING	Permissive policy to enable the delivery of community heating, which is a positive approach to reducing carbon emissions. Environmental effects are likely to be positive or neutral.

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 Thurlestone Neighbourhood Plan, including a statement of reasons for why this is considered necessary.

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 Thurlestone 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;	UNLIKELY	Ongoing dialogue needs to be had regarding policy TP2, and its perceived conflict with adopted and emerging local plan policies. However, the alignment of these policies does not in itself warrant a need for a full Strategic Environmental Assessment.
(d) environmental problems relevant to the plan or programme; and	NO	The Neighbourhood Plan area contains no statutory sites. There are non-statutory sites, including County Wildlife Sites and Unconfirmed Wildlife Sites that adjoin villages that have been identified as

		'sustainable' by virtue of having settlement boundaries drawn around them.
(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	While potential effects are not considered to be reversible, any adverse effects resulting from the implementation of the plan are likely to be infrequent and improbable.
(b) the cumulative nature of the effects;	NO	The plan is unlikely to result in cumulative impact on the plan area.
(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 villages of Thurlestone, Buckland and Bantham. The population of the Neighbourhood Area is considered to be small 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	The plan seeks to apply specific policies that will have a positive effect on the value and vulnerability of the plan area.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	NO	As above, the plan seeks to apply specific policies that will have a positive effect on the recognised landscapes within the plan area.

2.1 SEA Screening Opinion

The Thurlestone Neighbourhood Plan seeks to closely manage development within a sensitive landscape, whilst enabling small-scale organic development that meets the priorities and needs of the local community first. The broad aspirations of the plan are consistent with adopted and emerging local policy.

The suite of policies that has been devised to meet the Vision, Aims and Objectives of the NP could be considered too numerous, and some elements of policy echo only parts of relevant national and local policy and may result in some ambiguity over interpretation of wording that varies only slightly between neighbourhood plan, local plan and NPPF.

It is acknowledged that the emerging neighbourhood plan has been subject to a 'health check', and subject to some proposed amendments has been considered 'sound'. The purpose of this screening opinion is to consider the likely environmental effects of implementing the policies with the neighbourhood plan, and not to provide a critique of whether the policies can be considered robust enough to meet the aims and objectives of the plan.

Policy TP1 is the single most relevant policy in considering the how the plan will be implemented. Almost every policy within the plan looks to policy TP1 to provide the basis for minimising harm to natural and built environment. This policy has benefited from the input of the South Devon AONB Manager working alongside the neighbourhood plan group, and as such it is considered that the policy affords sufficient protection to the sensitive landscapes that make up the vast majority of the plan area.

Having taken all of the relevant policies of the draft Thurlestone 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

Thurlestone 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 THURLESTONE NEIGHBOURHOOD PLAN

SOUTH HAMS EUROPEAN SITES				
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects of development	Relevance to Thurlestone Neighbourhood Plan
Blackstone Point SAC	Shore Dock	This small site supports the largest known extant population of shore dock <i>Rumex rupestris</i> in Devon, and one of the largest concentrations of this species on rocky sea-cliffs in southwest England. In 1999 there were five discrete colonies totalling at least 29 plants, including one large 'clump' (7 x 4 metres) which could have been made up of several individual plants. This site is under protective management through a Countryside Stewardship Scheme. (Source: Natura 2000 Standard Data Form – Joint Nature Conservation Committee). The key management principle is to allow the dynamic processes of the cliffs and foreshore, such as erosion and slumping, to proceed freely.	Diverting or culverting of streams, the construction of coastal defences and building of boat ramps. Excessive recreational pressure.	This site can be screened out.
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 resulting from new development Increased water abstraction reducing river flow	This site can be screened out.
Lyme Bay and Torbay cSAC	Reefs, subdivided into: <ul style="list-style-type: none"> • Bedrock reefs • Stony reefs • Biogenic reefs Submerged or partially submerged sea caves	Trawling, dredging, anchoring causing physical damage Sewage discharge	See below	This site can be screened out.
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 physical damage from visitor and recreational pressure on shoreline habitats associated with new development Increased recreational use and potential for oil pollution and disturbance of allis shad Waterside development including coastal defenses, boat ramps, pontoons	Parts of the Neighbourhood Plan area fall within the Zone of Influence for recreational impacts of new residents on the Plymouth Sound and Estuaries SAC – 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	Visitor and recreational pressures Nutrient/acid deposition causing habitat loss	Increased recreational use – trampling and erosion/fires Air pollution associated with development	This site can be screened out.

	European dry heath			
South Devon Shore Dock SAC	Vegetated sea cliffs of the Atlantic and Baltic coasts. Shore Dock	Interference with natural processes of slumping cliffs and streams entering beaches. Physical damage from visitor/recreational activity	Development leading to culverting of streams, coastal defence, and boat-ramp construction near beaches Increased recreational pressure associated with development	This site can be screened out.
South Hams SAC	Caves not open to the public Greater horseshoe bats <i>Rhinolophus ferrumequinum</i> European dry heaths Dry grasslands Vegetated Sea Cliffs Mixed-woodland on base-rich soils associated with rocky slopes	Loss of roost sites. Removal of navigation/commuting features such as tree lined hedgerows Increase in illumination affecting foraging areas and navigation/commuting routes Loss of foraging habitat through development/change in land use Use of pesticides/insecticides reducing prey	Potential for development to: - Impact on roost sites (including damage, destruction and disturbance); - Removal, severance or disturbance of linear features used for navigation and commuting; - Change in habitat structure and composition (loss or change in quality of foraging habitat); - Disturbance from new illumination causing bats to change their use of an area; - Loss of foraging habitat through installation of solar farms; - Physical injury by wind turbines;	This site can be screened out.
Start Point to Plymouth Sound and Eddystone cSAC	Reefs, subdivided into: <ul style="list-style-type: none"> • Bedrock reefs • Inshore reefs • Offshore reefs 	Physical loss through direct removal or smothering Physical damage through abrasion (e.g. from anchoring or fishing gear) One of the species (<i>Cancer pagurus</i>) recorded in the inshore reef areas has a low level sensitivity to visual disturbance Toxic contamination (e.g. from pollution and shipping wreckage) Discharges of pollution from land changing temperature, turbidity, salinity, and increasing nutrient and organic matter Biological disturbance including selective extraction of species from the ecosystem (e.g. fishing)	Additional housing in vicinity of cSAC bringing increased recreational fishing and anchoring causing abrasive physical, visual non-physical damage, and selective extraction of species associated with inshore reefs Additional housing in vicinity of cSAC increasing discharge of pollutants from waste water treatment works (non-toxic contamination)	This site can be screened out as the Neighbourhood Plan would have no perceptible effects
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)	This site can be screened out.

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 Thurlestone 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.

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.

3.0. Thurlestone Neighbourhood Plan screening

Table 1: HRA Screening

Policy/Proposal	Category (A,B,C,D)	Potential impacts on Plymouth Sound and Estuaries SAC	Mitigation required
All policies fall within this category	A – No negative effect	None	N/a
	B – No significant effect		
	C –LSE alone		
	D –LSE in combination		

3.1. Additions/revisions required to the Thurlestone Neighbourhood Plan

None necessary.

3.2. HRA CONCLUSION AND SCREENING OPINION

The policies within the Thurlestone Neighbourhood Plan do not have potential to have a significant effect on any European Site, namely because they do not in themselves propose or allocate development sites.

In support of the HRA of the Joint Local Plan a survey of recreational use within the Plymouth Sound and Estuaries European Marine Site was completed. This considered the recreational impacts from residents and drew a Zone of Influence around the European Sites from which new developments would need to contribute towards mitigating the recreational impacts of new residents on the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.

Much of the Thurlestone Neighbourhood Plan area (namely the western parts) falls within the Zone of Influence around the Plymouth Sound and Estuaries SAC component of the Zone of Influence.

Accordingly new developments in this area will be required to contribute towards mitigation which will deliver interventions identified within a single mitigation strategy, to be collected by South Hams District Council in accordance with a charging schedule within the forthcoming Supplementary Planning Document in support of the Joint Local Plan.

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.

Accordingly, it is considered that there is no requirement to add further reference within Thurlestone Neighbourhood Plan policies to this requirement as it is firmly established through the Joint Local Plan, and will ensure that development does not have a significant effect on the European Sites.

Appendix 3

Responses from Statutory Consultees

1. Natural England

Date: 24 November 2017
Our ref: 229188



Mandy Goddard
Neighbourhood Planning Officer
Planning Policy Section
East Devon District Council
Mandy.Goddard@swdevon.gov.uk

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

T 0300 060 3900

BY EMAIL ONLY

Dear Mandy,

Planning consultation: Thurlestone Neighbourhood Plan - SEA/HRA Screening

Thank you for your consultation on the SEA and HRA Screening of the above Neighbourhood Plan (NP), which was received by Natural England on 18 October 2017.

TOWN AND COUNTRY PLANNING, ENGLAND – THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012

The parish sits wholly within the South Devon Area of Outstanding Natural Beauty (AONB), reflecting the high quality of the local landscape. We are pleased to see that you have worked with the South Devon AONB Unit to ensure adequate protection of this designated landscape in your Neighbourhood Plan.

SEA and HRA Screening

Natural England agrees with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required. We consider that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the plan are unlikely.

We also agree with the report's conclusions that the plan would not be likely to result in a significant effect on any European site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

These screening opinions are given based on the provided material. If the plan were to change significantly (e.g. especially if it introduced site allocations) then a screening update may be needed.

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 Darren Horn. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Darren Horn
Planning Adviser – Devon, Cornwall and Isles of Scilly Team
darren.horn@naturalengland.org.uk

2. Historic England

By email only

From: Stuart, David <David.Stuart@HistoricEngland.org.uk>
Sent: 26 October 2017 16:42
To: Mandy Goddard
Subject: Thurlestone Neighbourhood Plan SEA/HRA screening
Attachments: Thurlestone Parish Neighbourhood Plan

Dear Mandy

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

I can confirm that we have no objection to the conclusion that an SEA is not required.

I also attach our response to the recent Regulation 14 from which you can see that there are essentially no issues associated with the Plan upon which we wish to comment.

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. Environment Agency

By email only

From: SPDC <SPDC@environment-agency.gov.uk>
Sent: 01 November 2017 11:15
To: Mandy Goddard
Subject: RE: Thurlestone Neighbourhood Plan SEA/HRA screening

Dear Mandy

Thank you for your consultations of 10th and 9th of September 2017 providing us with the opportunity to comment in respect of the Thurlestone Neighbourhood Plan SEA/HRA screening opinion.

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