
Silverton Neighbourhood Plan

Strategic Environmental Assessment & Habitats Regulation Assessment Screening Report

Prepared on behalf of Silverton Parish
Council by the Planning Department of
Mid Devon District council



November 2018

Contents

| | |
|--|----|
| 1. Introduction | 2 |
| 2. Legislative Background | 3 |
| Strategic Environment Assessment (SEA) | 3 |
| Habitats Regulation Assessment (HRA) | 3 |
| 3. Strategic Environmental Assessment Screening | 4 |
| Criteria for Assessing the Effects of Silverton NP | 4 |
| SEA Screening Assessment | 5 |
| Screening Outcome | 8 |
| 4. Habitats Regulation Assessment Screening | 9 |
| Screening Outcome | 9 |
| 5. Conclusions and Recommendations of the Screening Assessment | 10 |

Appendix 1: Map of Protected Areas within 10km of Silverton Neighbourhood Area

Appendix 2: SEA Screening Assessment

Appendix 3: Consultation Responses

1. Introduction

This screening report is designed to determine whether the content of the emerging Silverton Neighbourhood Plan (hereafter known as NP) 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.

This report will also screen to determine whether or not the NP requires a Habitats Regulation 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 (as amended). A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. Sites within a 10km range of the plan/project boundary are generally included within a HRA.

The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 3 provides a screening assessment of the likely significant environmental effects of the NP and the need for a full SEA. Section 4 provides a screening assessment of the likely significant effects of the implementation of the NP and the need for a HRA.

This report was sent to the three statutory consultees (Environment Agency, Historic England and Natural England) who were invited to provide their screening opinion in accordance with the requirements set out in 'The Environmental Assessment of Plans and Programmes Regulations 2004'. The results of this consultation are included in Appendix 3 and this report represents a formal screening opinion of the emerging NP submitted to Mid Devon District Council 27th June 2018, indicating the outcomes of the screening stage to Silverton Parish Council.

2. Legislative Background

A NP must meet the basic conditions, as set out in 8(2) of Schedule 4B of the Town and Country Planning Act 1990. This includes demonstrating that the NP does not breach, and is otherwise compatible with EU obligations.

Strategic Environment Assessment (SEA)

The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was adopted into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA. Further guidance is provided by the National Planning Policy Framework (NPPF) paragraph 32. However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only Development Plan Documents (DPDs), but did not remove the requirement to produce a Strategic Environmental Assessment. A NP is not a development plan document and therefore does not legally require a Sustainability Appraisal. Paragraph 027 of the National Planning Practice Guidance (NPPG) notes that in some limited circumstances, where a NP is likely to have significant environmental effects, a SEA may be required. This should be undertaken in accordance with SEA regulations.

Section 3 of this report fulfils the legal requirement to identify if the NP requires screening for an SEA and outlines the criteria for establishing whether a full assessment is needed.

Habitats Regulation Assessment (HRA)

It is required by Article 6(3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) that an appropriate assessment of plans and programmes is carried out with regard to the Conservation Objectives of the European Sites (Natura 2000 sites) and with reference to other plans and projects to identify if any significant effect is likely for any European Site.

European Sites include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). For ease of reference during HRA, 'European Sites' also includes Ramsar designations despite these being at the international level. To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the NP on European Sites, a screening assessment has been undertaken in Section 4 of this report.

3. Strategic Environmental Assessment Screening

Criteria for Assessing the Effects of Silverton NP

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

1. The characteristics of plans and programmes, having regard, in particular, to:
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - > special natural characteristics or cultural heritage,
 - > exceeded environmental quality standards or limited values,
 - > intensive land-use.
 - the effects on areas or landscapes which have recognised national, Community or international protection status.

Source: Annexe II of SEA Directive 2001/42/EU

SEA Screening Assessment

The basic conditions require NP to be in general conformity with the strategic policies contained in the development plan for the area of the authority. Mid Devon District Council has a Core Strategy which was adopted in 2007. The Core Strategy was subject to a full Sustainability Appraisal which included an SEA assessment. This ensured that there were no likely significant effects which would be produced from the implementation of the Core Strategy and if so ensured that mitigation measures were in place.

The emerging Local Plan Review will supersede the Core Strategy as well as the Allocations and Infrastructure Development Plan Document and Local Plan Part 3: Development Management Policies. The Local Plan Review was submitted for Independent Examination on 31 March 2017 and is currently at Examination. The emerging Local Plan Review was subject to a full Sustainability Appraisal and included an SEA. This ensured that no likely significant effects are expected to arise from the implementation of the Local Plan Review.

NPPF paragraph 48 enables decision-takers to give weight to relevant policies in emerging plans (in accordance with certain criteria). The emerging strategic policies in the Local Plan Review may therefore influence decision-taking prior to adoption.

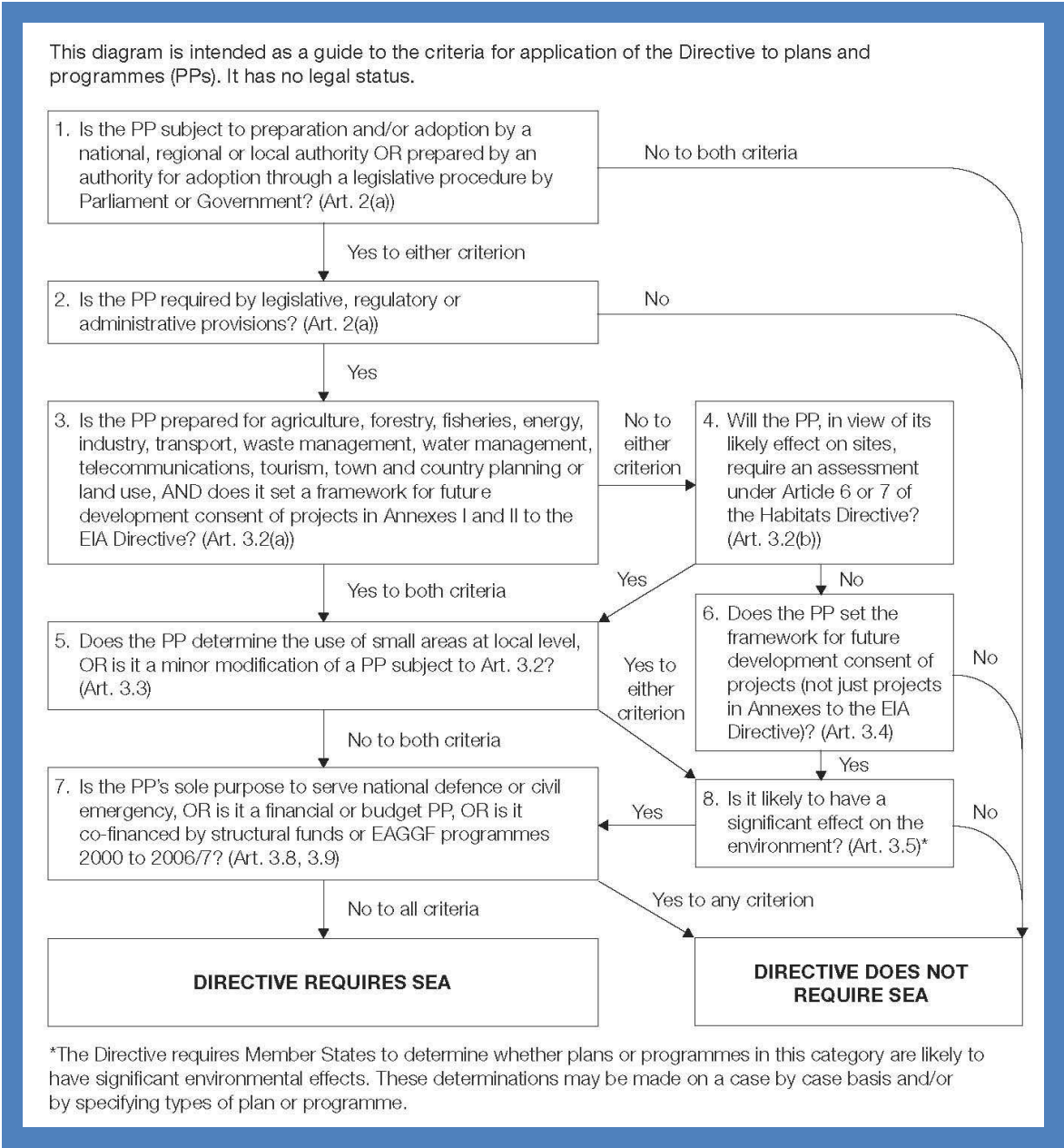
NP's are not required to conform to emerging plans. However, if the Local Plan Review is adopted by Mid Devon District Council before the Silverton Neighbourhood Plan is submitted, the NP would be required to demonstrate how general conformity with those strategic policies has been achieved. In the draft Silverton NP it appears that the Parish Council are considering the Local Plan Review policies rather than the existing Core Strategy given the likely adoption of the Local Plan Review in the near future. Any amendments to the Local Plan Review strategic policies will need to be considered by the Parish Council in developing the Silverton Neighbourhood Plan.

The Silverton NP area sits on the east side of the Exe Valley, descending from hilly country in the north to flat land in the south. It is rural in nature and the majority of the area is comprised of agricultural land. Silverton is a designated village in accordance with Policy S13 of the Local Plan Review and is considered suitable for limited development meeting local needs appropriate to their individual opportunities. New development brought about by the NP is not expected to be of a scale or type to alter the overall strategy for growth set out by the Local Plan Review. The NP may include policies which provide specific criteria to influence development proposals.

An assessment of the proposed NP policies and their conformity to the policies of the emerging Local Plan Review, likely significant effects in regards to SEA criteria and potential impacts on relevant European sites is provided in Appendix 2. This assessment raises some potential conformity issues between the emerging Local Plan Review and the NP.

Guidance on SEA's written by the Department of the Environment produced a diagram showing the process for screening a planning document to ascertain whether a full SEA is required, see Figure 1.

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



The process in Figure 1 has been undertaken and the findings can be viewed in Table 1. Table 1 shows the assessment of whether the NP will require a full SEA. The questions in Table 1 are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Assessment of Requirement for SEA

| Stage | Y/N | Reason |
|---|-----|--|
| 1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a)) | Y | The Silverton Neighbourhood Plan is being prepared by Silverton Parish Council and not by a national, regional or local authority. However, if the NP receives 50% or more votes in support at the referendum stage, the Neighbourhood Plan will be adopted by Mid Devon District Council. |
| 2. Is the PP required by legislative, regulatory or administrative provisions? (Art 2(a)) | N | Communities have a right to prepare a Neighbourhood Plan on behalf of the local community. However there is no legislative, regulatory or administrative requirement to prepare a Neighbourhood Plan. This plan however, if adopted, would form part of the statutory development plan, therefore it is considered necessary to answer the following questions to determine if an SEA is required. |
| 3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a)) | Y | The Silverton Neighbourhood Plan is prepared for town and country planning purposes and may include policies which address issues surrounding energy, transport, industry, employment and retail development which may fall under 7(a) of Annex I and 3(a) 10(b and e) of Annex II of the EIA Directive. |
| 4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b)) | N | See screening assessment for HRA in section 4. |
| 5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art 3.2? (Art 3.3) | Y | The Silverton NP allocates two small sites for housing development (Policies HS03 and HS04) and a further small site for employment use (BJ01). The NP also extends and sets local context for some of Mid Devon District Council's Local Plan Review Policies. |
| 6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4) | Y | Once adopted, planning applications will be determined against the policies set out in the Silverton Neighbourhood Plan. |
| 7. Is the PP's sole purpose to serve the | N | N/A |

| | | |
|---|---|--|
| national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 4.8, 3.9) | | |
| 8. Is it likely to have a significant effect on the environment? (Art 3.5) | Y | See screening outcome in Section 3 (below) and Appendix 2. |

Screening Outcome

The result of the assessment in Table 1 (and Appendix 2), identifies potential for significant environmental effects to occur from the implementation of the NP that were not considered and dealt with by the Sustainability Appraisal of the emerging Local Plan Review. Specifically, these environmental effects relate to potential impacts on the setting of a church and conservation area arising from the inclusion of a proposed site for housing at the Glebe, Silverton (Policy HS03). The SEA process will also need to demonstrate that all relevant considerations have been understood and used to inform the allocation at Tiverton Road, Silverton (Policy HS02). As such it is considered that the Silverton NP does require a full SEA to be undertaken.

4. Habitats Regulation Assessment Screening

The purpose of the screening at this stage of the plan-preparation is to identify whether any European Site might be exposed to likely significant effects as a result of implementation of the plan, and therefore determine whether further stages of the HRA process are required. European Sites include Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (although Ramsar sites are an international designation).

The screening process should provide a description of the plan and an identification of the European Sites which may be affected by the plan and assess the significance of any possible effects on the identified sites. A 10km buffer zone has been applied to the identified European Sites which has then been mapped to determine if this coincides with the Silverton Neighbourhood Plan Area. The 10km buffer was used in accordance with the distance agreed between Mid Devon District Council and Natural England for the Local Plan Review Habitats Regulation Assessment (HRA) March 2015. As this buffer was used for the Local Plan Review HRA, it is suitable to use a buffer of the same distance for the Neighbourhood Plan HRA.

Screening Outcome

A map showing the Silverton Neighbourhood Plan Area and the location of European Sites is included in Appendix 1. This shows that the NP plan area is outside the 10km buffer for European sites. As such it is considered that the NP does not require an appropriate assessment HRA.

5. Conclusions and Recommendations of the Screening Assessment

This screening report is based on the emerging NP submitted to Mid Devon District Council 27th June 2018 for consideration and screening. This screening report concludes that based on the policies currently presented, specifically Policy HS03 (The Glebe housing site) and Policy HS02 (Tiverton Road housing site), there is potential for significant effects in relation to the SEA criteria identified. As such it is recommended that a full SEA is required for the Silverton NP. This screening report concludes that there is no requirement for an HRA, given that the NP area does not coincide with a 10km buffer from European sites.

On the whole the policies are in conformity with the Local Plan Review strategic policies; however some policies or aspects of policies have been identified as not in conformity. In these cases please see the detailed comments in the table in Appendix 2 for the reasons for non-conformity. The deletion or modification to ensure conformity is recommended for these policies. In some cases, policies may benefit from rewording to improve clarity and make the aims of the policy clearer. In some cases, policies are lacking a clear evidence base. Where policies identify thresholds or requirements, justification needs to be provided through evidence. This includes for example, how the policy will achieve the objectives set out in the justification, how the threshold figures or requirements in the policy have been derived, whether they will be viable, deliverable and reasonable for development to provide and what mechanisms will be in place to ensure the requirements of the policy are achievable.

It is suggested that consideration is given to National Planning Practice Guidance (NPPG) when drafting neighbourhood plan policies to ensure they are clear and unambiguous. Policies should be concise, precise and supported by appropriate evidence. They should also be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared. A number of the policies in the Silverton Neighbourhood Plan repeat policies set out in the Local Plan Review. The policies aim to address generic issues such sustainable travel, flooding and protection of local heritage. Where such issues have been identified, more detailed comments relating to the relevant policy are provided in the table in Appendix 2. Although the Local Plan Review policies cover Mid Devon as a whole they will be applied on a case-by-case basis and will address the issues raised by development proposals in the context of Silverton. Repeating policies can be problematic for decision makers and applicants who will be required to refer to two separate policies which generally aim to achieve the same objective although with slightly different wording. It also means that if a policy is similar to a Local Plan Review policy it is likely that the policy is not responding to the unique characteristics and planning context of the local area. It is recommended that consideration is given to the added value provided by these policies in light of existing Local Plan Review policies. Deletion or

amendment of policies may be required to ensure that the Neighbourhood Plan is specific and unique to Silverton.

This report was sent to the three statutory consultees (Environment Agency, Historic England and Natural England) who were invited to provide their screening opinion in accordance with the requirements set out in 'The Environmental Assessment of Plans and Programmes Regulations 2004' during a 6 week consultation period 7th September – 19th October 2018. The consultation period was extended for an additional 2 weeks until 2nd November to enable additional time for the statutory consultees to respond. Responses were received from each of the statutory consultees. The full responses from Historic England, Natural England and the Environment Agency can be found in Appendix 3 of this report.

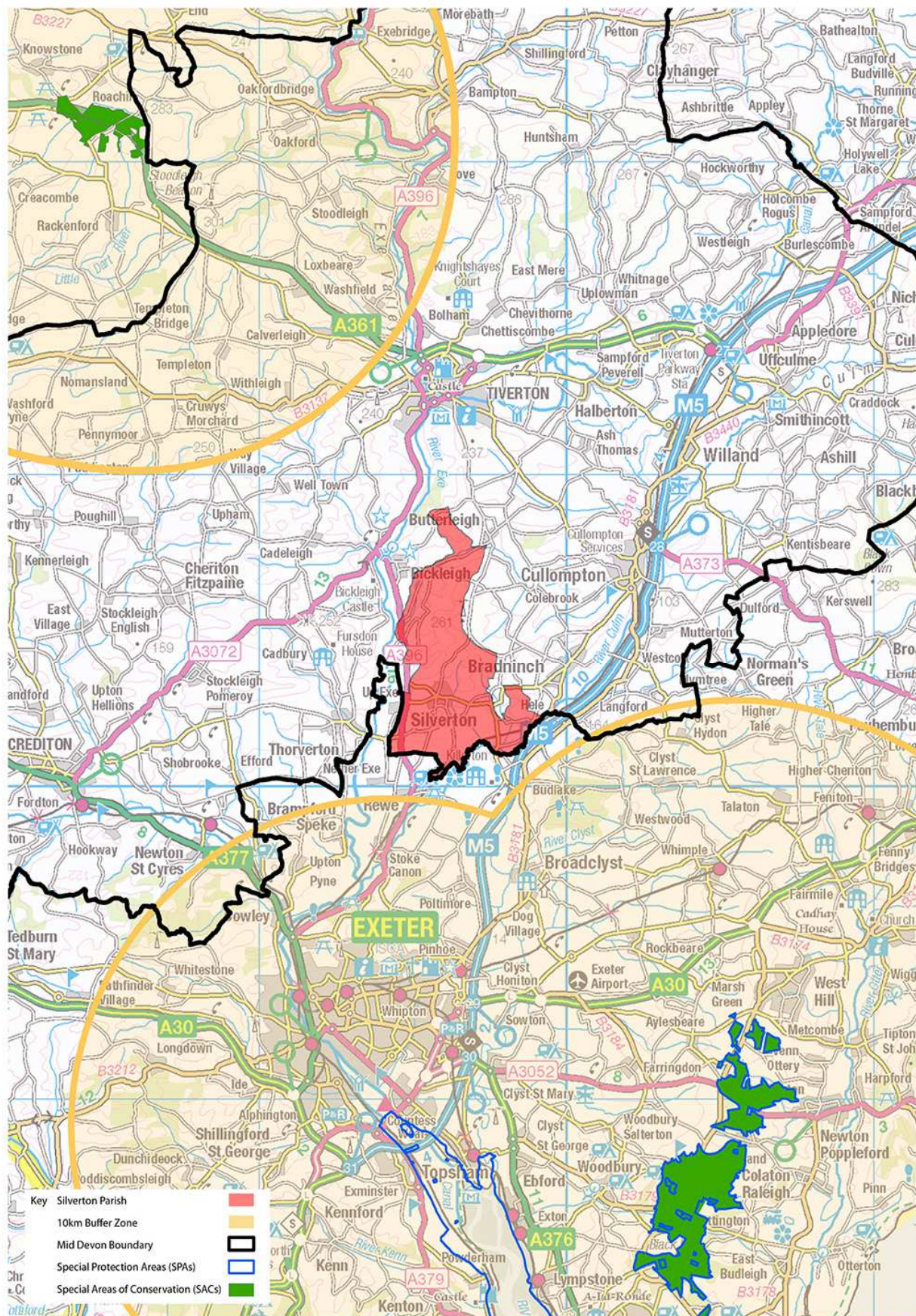
Historic England agreed with the screening conclusions provided in section 3 of this report that there is a strong likelihood of significant environmental effects to heritage assets arising from the Plan and that a full SEA should therefore be undertaken. The response also recommended that reference is made to appropriate Historic England guidance in preparation of the SEA. Further information on these guidance documents is provided in the full response in Appendix 3.

Natural England agreed with the conclusions set out in section 4 of this screening report that the Silverton NP does not require an Appropriate Assessment under the Habitats Regulations. Advice was given regarding amending the map in Appendix 1 to show the 10km buffer from the European sites rather than the Neighbourhood Plan Boundary. The map has now been amended accordingly.

The response from the Environment Agency indicated that the areas where the screening report identified significant effects were outside of their remit; on matters relating to their remit, they supported the conclusions that the plan is unlikely to have significant environmental effects.

The responses summarised above support the conclusions of this screening report that the Silverton Neighbourhood Plan requires a full SEA; however an Appropriate Assessment under the Habitats Regulations is not required.

Appendix 1: Map of Silverton Neighbourhood Plan Area in relation to 10km buffers from Protected Areas.



Appendix 2: SEA Screening Assessment

Table detailing the conformity between the Silverton Neighbourhood Plan and the Local Plan Review policies and the likely significant effects of each policy option in regards to the SEA criteria. As explained in section 4, the HRA screening assessment identified that the NP area is not within a 10 km buffer from European sites. Therefore individual policies have not been assessed in relation to potential HRA impacts.

| Silverton NP Policy Options | Relevant Local Plan Review Policies | Conformity between Silverton NP options and Local Plan Review (LPR) Policy | Likely effects of the policy/option in regards to SEA criteria (p.3) |
|---|--|---|--|
| Policy No. EN01 Retaining and Enhancing the Natural Beauty of our Parish | S1; S9; S13; S14; DM1; DM9; DM25; DM26; DM27; DM28 | Aims of policy are in line with LPR strategic policies in relation to the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape. Provides supplementary landscape/ environment protection in relation to specific local context. However, allowing development only where there are no adverse impacts creates potential conformity issue in relation to DM28 which supports development where its benefits clearly outweigh impact. | Policy sets requirement for development to demonstrate no adverse impact on natural environment (landscape and biodiversity) or satisfactory mitigation of impacts. Promotes sustainable development. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. EN02 Rights of Way (Public Footpaths, Bridleways and Cycleways) | S1; S9; DM1; DM26 | In conformity with LPR policies. However question whether policy responds to unique local characteristics of NP area. National and LPR policies already seek to promote new routes for sustainable travel modes and 'green corridors' as well-functioning and coherent ecological networks. Need clarification on intent and meaning of 'development of or affecting public rights of way'; not clear that this relates to impacts of development, i.e. a policy applicable in a planning/development management context. Recommend consideration is given to added value/need for policy in light of existing national and local policies. | Policy sets requirement to enhance or maintain existing rights of way and 'biodiversity corridors'. Promotes sustainable development. Therefore, no likely significant effects are identified in relation to the SEA criteria. |

| Silverton NP Policy Options | Relevant Local Plan Review Policies | Conformity between Silverton NP options and Local Plan Review (LPR) Policy | Likely effects of the policy/option in regards to SEA criteria (p.3) |
|---|---|---|---|
| Policy No. EN03 Local Green Space | S1; S9; DM24 | Conforms to LPR policies. The NPPF enables NPs to designate areas of Local Green Space beyond those listed in the Local Plan (Policy DM24). Policy EN03 sets out the relevant criteria to qualify for designation, however in line with national policy (NPPF para 100), further evidence and analysis may be required to justify the inclusion of these areas. | Policy sets requirement to protect designated areas of local green space. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. EN04 Minimising Flood Risk | S1; S9; DM1; DM26 | Conforms to LPR policies. However, this policy is not distinct to reflect and respond to the unique characteristics and planning context of Silverton. Reconsider whether policy is needed or adds value as the flood risk reduction requirements considered in this policy are provided by the Local Plan Review policies noted and national requirements. | Policy sets requirement for incorporation of Sustainable Urban Drainage Systems (SUDS) into development proposals. Promotes sustainable development with aim of reducing flood risk. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. BE01 Local Character and Design Standards | S1; S9; S13; S14; DM1; DM2; DM6; DM7; DM8; DM9; DM10; DM11; DM12; DM20; DM21; DM22; | Conforms to LPR policies. However design objectives under first section of policy are covered by strategic and development management policies in the Local Plan Review; recommend consideration given to value added by this element of policy. Second section of policy which references Silverton Design Policy does add value as sets policy in a specific local context. | Policy sets requirement for local character and design standards to be taken into account in assessing development proposals. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. BE02 Local Heritage | S1;S7; S9; S13;S14; SI1; SI2; DM1; DM25 | General conformity with LPR policies, however it should be noted that where development proposals lead to less than substantial harm, that harm will be weighed against any public benefits. Objectives of this policy option are fulfilled by the LPR strategic and development | Policy sets requirement for development proposals to demonstrate how they will positively conserve and enhance characteristics of conservation area. Therefore, no likely significant effects are |

| Silverton NP Policy Options | Relevant Local Plan Review Policies | Conformity between Silverton NP options and Local Plan Review (LPR) Policy | Likely effects of the policy/option in regards to SEA criteria (p.3) |
|---|---------------------------------------|--|---|
| | | management policies. In particular, LPR policy DM25 sets out the requirement for applications to take account of Conservation Area Appraisals and justify the design approach taken. Recommend consideration is given to added value/need for policy in light of LPR policies. | identified in relation to the SEA criteria. |
| Policy No. HS01 Scale of Housing Development | S1; S2; S13; S14; S11;S12; DM6; | Not in conformity with LPR policies, in particular strategic policies relating to rural settlements (S13), countryside (S14) and development management policy relating to rural exception sites (DM6). Under national policy, affordable housing contributions are not required on sites of five or fewer dwellings. While LPR policy allows for sites of 5 or fewer dwellings to come forward within defined settlement limits, the added reference in policy HS01 to edge of village sites has the effect of undermining the LPR rural exceptions sites policy (DM6). DM6 allows for housing on sites adjoining settlements where the proposal is for predominantly affordable or low cost housing (including self-build); limiting such sites to 5 or fewer units would result in delivery of no affordable dwellings. More generally, restricting sites to 5 or fewer dwellings (within or outside settlement limits) would have implications for the delivery of affordable housing. Policy S13 identifies Silverton as a village suitable for limited development meeting local needs appropriate to its individual opportunities; restricting sites to 5 dwellings or fewer within Silverton will not deliver development meeting the village's needs in | Policy sets framework for delivery of small scale housing development. Relevant LPR/NP policies would provide protection/mitigation as required. Magnitude and extent of effects not significant in relation to SEA criteria due to small scale of development and measures within LPR/NP policies. |

| Silverton NP Policy Options | Relevant Local Plan Review Policies | Conformity between Silverton NP options and Local Plan Review (LPR) Policy | Likely effects of the policy/option in regards to SEA criteria (p.3) |
|--|--|---|---|
| | | relation to affordable housing provision. Recommend that consideration is given to deleting this policy. | |
| Policy No. HS02 Meeting Local Housing Need | S1; S3; S11;S12; DM6; DM8; DM10; | Conforms to LPR policies. However, objectives of this policy option are fulfilled by the LPR strategic and development management policies. Recommend consideration is given to added value/need for policy in light of LPR policies. | Policy sets requirement for mix of housing types to meet local needs. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. HS03 The Glebe Housing Development Site | S1; S3; S5; S13; DM1; DM3; DM5; DM12; DM25 | General principle of development broadly in conformity with LPR strategic policies. Additional evidence, justification and/or mitigation in relation to heritage impact required in order to satisfy requirements of Policy DM25. | Policy allocates potential site for delivery of small scale housing development and includes mitigation measures. Potential for significant heritage impacts as identified by MDDC conservation officer: 'major concerns about potential impact to the setting of both the church, the conservation area and other listed houses in proximity to the church...there are clear sight lines from the church and the areas in front of the church'. Therefore, the neighbourhood plan may have significant environmental effects that have not already been considered and addressed as part of the sustainability appraisal of the Local Plan Review. Consequently, a strategic environmental assessment is required. |
| Policy HS04 Tiverton Road | S1; S3; S13; DM1; DM3; | General principle of development broadly in conformity with LPR strategic policies. | Policy allocates potential site for delivery of small scale housing development and |

| Silverton NP Policy Options | Relevant Local Plan Review Policies | Conformity between Silverton NP options and Local Plan Review (LPR) Policy | Likely effects of the policy/option in regards to SEA criteria (p.3) |
|---|-------------------------------------|---|---|
| Development Site | DM12 | | includes mitigation measures. The potential for harmful impact is less obviously identifiable, although there is a need for consistency in the assessment process to demonstrate that relevant considerations (such as heritage) have been understood and used to inform the allocation process. |
| Policy No. HS05 Community Housing | S1; S3; S13;S14; DM6 | Aims of policy are broadly in conformity with strategic LPR policies; however, reference to 'locations within a reasonable and safe walking distance of existing community facilities' has potential to undermine rural exceptions sites policy (DM6) which seeks to deliver affordable housing on sites adjoining settlements. In other respects, policy objectives are met by DM6 and not clear that any value is added through policy HS05. | Policy sets framework for delivery of community housing schemes (more than 5 dwellings). Relevant LPR/NP policies provide protection/mitigation as required; magnitude and extent of effects not expected to be significant in relation to SEA criteria. |
| Policy No. HS06 Parking Spaces on Housing Developments | S1; DM5 | Not consistent with LPR policy DM5 and Parking SPD which set a minimum parking standard of 1.7 spaces per dwelling. Need for empirical evidence to justify policy. Should also be noted that MDDC does not count garages against the parking requirement. This is due to a low percentage of them actually being used for the storage of vehicles. Instead they tend to be used for general storage or are converted into extra living accommodation. | Policy sets minimum parking standards for new developments in NP area. Promotes parking standards above level set by LPR; potential negative impact in relation to promoting sustainable development, however consider that magnitude and extent of effects not expected to be significant in relation to SEA criteria. |
| Policy No. BJ01 Roosters, Babylon Road Employment | S1; S2; S6; S14; DM18; DM19 | Conforms to LPR policy, in particular supports rural employment development policy (DM18). Need for evidence to demonstrate insufficient suitable sites or | Policy allocates potential site for employment use and provides mitigation. Scale of development would indicate |

| Silverton NP Policy Options | Relevant Local Plan Review Policies | Conformity between Silverton NP options and Local Plan Review (LPR) Policy | Likely effects of the policy/option in regards to SEA criteria (p.3) |
|---|---|---|--|
| Site | | premises in the immediate area. | magnitude and extent of effects not significant in relation to SEA criteria. |
| Policy No. BJ02 Superfast Connectivity | S1; S8; S13; S14; SI1; SI2; DM1 | Conforms to LPR policy; supportive of sustainable development objectives. However Policy S8 already seeks to ensure that new development is served by necessary infrastructure which can include superfast broadband. Provision largely dependent on third party service providers and would not provide adequate reason for refusal. Reconsider need/added value of policy. | Policy sets framework for improvements to broadband network in local area. Likely positive impact overall in terms of sustainable development. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. BJ03 Home Working | S1; S13; S14; SI1; SI2; DM9; DM18 | Conforms to LPR policy. However largely duplicates provisions of LPR policies relating to rural employment and conversion of rural buildings, in particular S14, DM9 and DM18. Query implementation of clause requiring return of redundant space to former use; may need to clarify aims of this part of policy. Be mindful of permitted development rights in relation to conversion of outbuildings. | Policy sets framework for conversion of buildings for employment use in local area, providing home-working opportunities. Likely positive impact overall in terms of sustainable development. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. TR01 Non-Car Travel | S1; S13; S14; SI1; SI2; DM1; DM3 | Principle conforms to LPR policy. However unclear that policy adds value to LPR policies aimed at promoting improved networks for non-car travel. Seems to duplicate policy EN02 to a large extent; query added value/ need for policy. | Policy sets requirement to enhance or maintain existing rights of way, promoting sustainable travel options. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. TR02 Pedestrian Link to Main Road | S1; S8 | Principle conforms to LPR policy. Aspirational policy, however delivery mechanisms are unclear; could form part of local infrastructure delivery plan? | Policy sets requirement to enhance pedestrian facilities. Promotes sustainable travel options. Therefore, no likely significant effects are identified in relation to the SEA criteria. |

| Silverton NP Policy Options | Relevant Local Plan Review Policies | Conformity between Silverton NP options and Local Plan Review (LPR) Policy | Likely effects of the policy/option in regards to SEA criteria (p.3) |
|---|--|---|--|
| Policy No. TR03 Traffic Management | S1; S13; S14; SI1; SI2; DM3; DM5 | Conforms to Local Plan Review strategic policies. However, the policy is not distinct to reflect and respond to the unique characteristics and planning context of Silverton. LPR Policies DM3 and DM5 set out the requirements for development proposals to assess traffic and sustainable travel impacts; reconsider need/added value of this policy. | Policy sets requirement for assessment of traffic/sustainable travel impacts of proposed developments. Promotes sustainable travel. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. TR04 Off Road Parking | S1; DM5 | Potential conformity issue; unclear on aims of policy. LPR Policy DM5 sets out standards to ensure development provides an appropriate level of parking. These standards allow for off road parking as well as an element of well-designed and appropriate on-street parking. NP could allocate a site for development and include provision of public car park, although would need to demonstrate evidence of need, land availability etc. | Policy sets requirement to ensure provision of off-road parking. Therefore no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. CS01 Existing Community Facilities and Assets | S1; S13; S14; DM23 | Conforms to LPR strategic and development management policies. Protection of community facilities and assets is provided through LPR policies noted here, in particular DM23. Please note that the facilities listed in policy CS01 are not currently on the Mid Devon Assets of Community Value Register. MDDC welcomes engagement with the local community in identifying important local assets; applications to the register can be made by completing the nomination form on our website: https://www.middevon.gov.uk/your-council/town-parish-councils/assets-of-community-value/ . Overall it is not clear that added value is offered by this policy in light | Policy sets requirements to ensure new development doesn't lead to loss of community facilities. Therefore, no likely significant effects are identified in relation to the SEA criteria. |

| Silverton NP Policy Options | Relevant Local Plan Review Policies | Conformity between Silverton NP options and Local Plan Review (LPR) Policy | Likely effects of the policy/option in regards to SEA criteria (p.3) |
|---|-------------------------------------|--|---|
| | | of LPR Policy DM23. | |
| Policy No. CS02 Existing Recreation Spaces | S1; S5; S9; DM24 | Principle of policy conforms to LPR strategic and development management policies. Policy states that identified areas for recreation should be protected in accordance with LPR Policy DM24. Policy DM24 makes reference to the Open Space and Play Area Strategy (2014) which identifies the recreation spaces included in CS02. Strategy recognises undersupply of recreation and play area space in Silverton. Welcome encouragement for local groups to be more involved in management and maintenance of outdoor spaces; however, unclear that Policy CS02 adds value beyond what is included in Local Plan Review policy. | Policy provides protection for existing recreation spaces. Therefore, no likely significant effects are identified in relation to the SEA criteria. |
| Policy No. CS03 New Public Open Space | S1; S5; S13; DM24 | Principle of policy confirms to LPR strategic and development management policies. LPR policies allow for delivery of new public open space; unclear that proposed NP policy adds value or provides specific local context. | Policy sets framework for new recreational and sports facilities. Relevant LPR/NP policies provide protection/mitigation as required, ensuring magnitude and extent of effects not significant in relation to SEA criteria. |

Appendix 3: Consultation Responses

On 6th September 2018, the three statutory consultees (Environment Agency, Historic England and Natural England) were invited to comment on the above screening report in accordance with the requirements set out in 'The Environmental Assessment of Plans and Programmes Regulations 2004'. Following a 6 week consultation period, responses were received from each of the statutory consultees. These responses are attached below.

[Email date: Tue 06/11/2018 14:24]

Dear Ben

Thank you for your consultation on the SEA Screening Opinion for the emerging Silverton Neighbourhood Plan. Our apologies for not responding before now.

This is our first involvement with this Plan and we are grateful for the opportunity to familiarise ourselves with its content and respond to your Screening consultation accordingly.

The focus of our attention for SEA Screening purposes tends to be where Plans intend to allocate sites for development. We note that the Silverton Plan intends to allocate housing sites at The Glebe (Policy No. HS03), Tiverton Road (Policy No. HS04). Where such allocations are proposed we seek to ensure that there is an adequate evidence base based on an understanding of the significance of relevant heritage assets to avoid harm to them or, where harm is unavoidable, there is a robust case for that development and appropriate mitigation measures, in accordance with the National Planning Policy Framework (NPPF).

Enclosed with your consultation were a copy of the draft Plan and SEA Screening Report. We have also looked on the Plan website to find supporting documents which might cover the evidence need set out above. The most relevant of these appear to be a Site Appraisal and Allocation Report and DRAFT Land Availability and Potential Development Site Assessment Report. Additionally, we have also looked at the Silverton Conservation Area Appraisal and Management Plan available on your authority's website.

The Glebe is an area of open land on the southern edge of the settlement and just within the conservation area boundary. It is identified in the Conservation Area report as forming the oldest part of the settlement and, though historically previously developed, has a key role in defining the rural setting of the Grade I Listed St Mary the Virgin Church as a "Space of Merit". The development of the site therefore has potential in principle to significantly harm the setting of the church and the character and appearance of the conservation area.

The two site appraisal/assessment reports refer to this important heritage significance but there is little evidence to demonstrate how it has been properly understood or that the site can be developed to provide up to 5 dwellings in an acceptable manner. While the site may have been looked at previously as part of a SHLAA exercise it cannot be assumed that this process would, in the extent to which it was carried out, automatically have assessed the heritage significance of the site or the potential for and nature of any impact on the settings of other relevant heritage assets to an appropriate degree.

Similar comments apply to the Tiverton Road site. Although the potential for harmful impact on relevant heritage assets may be less obviously identifiable, there remains a need for consistency in the site assessment process to demonstrate that relevant heritage considerations have been understood and used to inform the allocation

process. For example, although the site lies outside the conservation area, it makes up, however modestly, part of its rural setting.

On this basis, we wholeheartedly agree with the conclusion of your Screening Report that there is a strong likelihood of significant environmental effects to heritage assets arising from the Plan and that a full SEA should therefore be undertaken.

It is a shame that there has not been an opportunity for us to provide advice on the making of this Plan before now. Had this existed, and we were aware of the desire to allocate sites for development, we would have referred the community to our respective guidance on Site Allocations, Setting, and SEAs which would have assisted them by providing information on the assessment methodologies most helpful to their exercises. These can be found at:

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

Further, we have recently updated our guidance on Neighbourhood Plans and this can be found at:

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

We would encourage the community to utilise this guidance in the preparation of its SEA and to substantiate any eventual site allocations which the Plan proposes.

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>



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[Email Date: Fri 19/10/2018 13:11]

Dear Benjamin,

We have reviewed the SEA screening report and we concur that, on the matters relating to our remit, the plan is unlikely to have a significant environmental effect. In particular the report highlights that policies EN01 (natural beauty), EN02 (rights of way including biodiversity corridors), EN03 (local green space) and EN04 (minimising flood risk) will have no significant effects and in some cases could be positive.

The areas where the screening report has identified significant effects are matters outside our remit.

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)

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Creating a better place
for people and wildlife



[Email Date: Wed 10/10/2018 12:02]

Dear Ben

Please find attached Natural England response to the SEA/HRA screening report for Silverton Neighbourhood Plan. Please give me a call if you have any queries.

Regards

Carol

Carol Reeder
Lead Advisor – Planning Policy
Devon, Cornwall and Isles of Scilly Team
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Working days: Monday, Tuesday & Wednesday

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Date: 10 October 2018
Our ref: 257760
Your ref: Silverton Neighbourhood Plan HRA/SEA Screening



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T 0300 060 3900

BY EMAIL ONLY

Dear Ben

Planning consultation: Silverton Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening report.

Thank you for your consultation on the above dated 06 September 2018

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.

Natural England welcomes the preparation of the Neighbourhood Plan and recognise the effort that has gone into its development.

As regards the screening assessment we concur with the conclusions set out in section 4 which state that the Neighbourhood Plan does not require an Appropriate Assessment under the Habitats regulations. We note that the 'Local Plan Review Habitats Regulations Assessment' (dated Oct 2014) referred to in the second paragraph does not appear to be the most recent version: a report dated 2015 is included as one of the core documents submitted to the Local Plan Review Examination. You may wish to check that you are referring to the most recent, relevant document. Also the map in Appendix 1 shows a 10km buffer from the Neighbourhood Plan Boundary. We advise that the map is revised to show the buffer zone distances from the European sites as the buffer zones are designed to protect those sites.

The screening assessment does not appear to make a specific conclusion regards the need for SEA in respect of the natural environment. For completeness we advise that a concluding sentence is added to cover this issue.

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 Carol Reeder on 0208 225 6245/07721 108902 or carol.reeder@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Carol Reeder
Lead Adviser
Sustainable Development Team – Devon, Cornwall & Isles of Scilly