

Dartmouth Draft Neighbourhood Plan

(Regulation 15 Submission Version (with Track Changes), November 2021)

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

February 2021

SCREENING OPINION

SEA

Having taken all of the relevant policies of the draft Dartmouth NP 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. The full reasons for this conclusion are set out in Appendix 1 to this screening report.

HRA

Eastern parts of the Dartmouth NP area fall within the Sustainance and Landscape Connectivity Zones of the South Hams SAC for Greater Horseshoe Bats. The plan area lies adjacent to the Lyme Bay and Torbay SAC. The Plan does not specifically allocate any development sites. In the light of this Council consider the Dartmouth Neighbourhood Plan will not have a significant effect on a European Site and therefore further assessment under the Habitat Regulations is not required. The full reasons for this conclusion are set out in Appendix 2 to this screening report.

Summary

SEA

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

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

A Strategic Environmental Assessment (SEA) Screening Opinion was prepared by South Hams District Council for the Dartmouth NP which has despatched along with the relevant Version of the Plan.

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 Dartmouth NP. The reasons for this conclusion are set out in the screening report in Appendix 1.

HRA

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

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

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

The Council considers that the Dartmouth NP 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

The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on 2nd December 2020. The replies received from those bodies is included in Appendix 3.

Appendix 1

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

1.2. Dartmouth: Environmental Constraints in the Neighbourhood Plan Area

The Neighbourhood Plan Area covers the town of Dartmouth and its rural surrounds located in the administrative area of South Hams District Council, Devon. Dartmouth is a market town: the parish area has a population of around 5500. The Plymouth & South West Devon Joint Local Plan (JLP) identifies Dartmouth as a “Main Town”.

Dartmouth is situated at the mouth of the River Dart. A large part of the eastern section of the plan area falls within the South Devon AONB this includes the eastern section of the built up area of the town. A proportion of the southern part of the plan area, which is largely rural, falls within the Undeveloped Coast. The Plan area lies adjacent to the Lyme Bay and Torbay SAC which comprises a reef complex off the coast of Devon. Furthermore parts of the plan lie within the Sustenance and Landscape Connectivity Zones of the South Mams SAC for Greater Horseshoe Bats.

The plan area contains no designated SSSI but includes a range of non-designated sites which are identified in the document entitled “Wildlife Site Resource Map and Species Information for Neighbourhood Planning-Dartmouth” (Appendix E2) which can be located on the Dartmouth Neighbourhood Plan Website.

There is one Conservation Area within the Plan area Dartmouth covering the eastern part of part of the Town. There are a range of Designated and Non-Designated heritage assets which are recorded in Appendices J1 and J2.

1.3.

The Draft Dartmouth NP (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 statement for Dartmouth area as follows:

Dartmouth towards 2034 – Planning our future

With its exceptional setting between dramatic coastline and countryside in an area of outstanding natural beauty, it is no surprise that historic Dartmouth with its naval traditions is so loved by residents and visitors alike. The future success of our town depends on an understanding of the delicate balance between many competing factors. We identify these factors, and endeavour to sustain and nourish those elements that will enable Dartmouth to thrive for future generations.

The beauty and appeal of our town cannot be taken for granted. With only limited space available, increasing demands for development must be balanced by the need to enhance our environment and protect our heritage. We wish to conserve our matrix of green spaces, vital for the wellbeing of wildlife and people, young and old alike. A healthy community is a cohesive one. We identify opportunities for housing, employment and recreation. These, combined with more efficient and sustainable transport, good communications, excellent schools, and health and social facilities that cater for all needs, will help all members of our community. And we will encourage biodiversity and effective protection against coastal erosion and flooding from climate change. New technological advancements will offer new and exciting opportunities to improve our lives; we intend to embrace them.

Careful planning, done for the benefit of all, will enhance our town so that our healthy and vibrant community can continue to grow and flourish.

The Plan contains thirty five policies as summarised in the table below.

Table 1. Summary of policies in the Plan

Policies	Summary of aims and key environmental effects
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Policy DNP GE 1 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)	This policy seeks to prevent inappropriate impact on the AONB.
Policy DNP GE 2 Safeguarding the biodiversity and Green Infrastructure throughout the Parish	This policy seeks to protect biodiversity and Green Infrastructure from inappropriate development.
Policy DNP GE 3 Local Green Spaces	This policy identifies Local Green Spaces.
Policy DNP GE4 Allotments	This policy seeks to protect existing allotments and promote further provision.
Policy DNP GE5 Maintaining the character and the environmental quality of the river	This policy seeks to protect the Dart Estuary from inappropriate development
Policy DNP GE 6 Locally Important Views	This policy seeks to protect identified important views.
Policy DNP GE7 Actions to mitigate against climate change and carbon reduction	This policy seeks to reduce the carbon footprint of development.
Policy DNP GE 8 Promotion of tree planting;	This policy promotes tree planting and seeks to protect existing trees.
Policy DNP GE 9 Encouraging Renewable Energy	This policy encourages appropriate renewable energy production.
Policy DNP GE 10 Prevention of light Pollution	This policy aims to maintain to protect against development that would undermine the dark sky currently enjoyed by the parish.
Policy DNP GE11 Prevention of Flooding	This policy seeks to protect against flooding.
Policy DNP GE12 Settlement boundary and avoidance of coalescence	This policy defines the settlement boundaries for the town of Dartmouth.
Policy DNP EC 1 Tourism related employment and retention of hotels	This policy seeks to protect hotels from inappropriate changes of use.
Policy DNP EC 2 Promotion of innovative tourism businesses	This policy promotes appropriate innovative tourism uses.

Policy DNP EC3 Additional employment land and safeguarding of existing employment uses.	This policy seeks to protect appropriately located employment land from unacceptable development or change of use.
Policy DNP EC4 Support for the primary and secondary shopping area of Dartmouth	This policy seeks to protect against inappropriate development in the central shopping area and promote appropriate development.
Policy DNP EC 5 Business start-ups and mixed use employment including living over the shop, and live work	This policy seeks to promote new business start-ups and mixed use development combining living and employment uses.
Policy DNP EC 6 Employment uses in the countryside	This policy seeks to encourage appropriate employment uses in the countryside.
Policy DNP ST1: Footpaths and cycleways	This policy seeks to protect the existing and promote enhancement to the network of footpaths and cycleways.
Policy DNP ST2: Car Parking and Coach Parking	This policy seeks to protect against the loss of car parking, ensure the provision of appropriate levels in new development and prevent the loss of coach parking.
Policy DNP Inf 1 Broadband Infrastructure	This Policy encourages the provision of appropriate broadband infrastructure with new development.
Policy DNP TE1–Subdivision of existing plots	This policy seeks to prevent the inappropriate sub division of existing housing plots to accommodate further development.
Policy DNP TE2: Design Quality throughout the Parish	This policy promotes good quality design in new development.

<p>Policy DNP TE3 Safeguarding Designated and Non-Designated heritage assets and the conservation area of Dartmouth</p>	<p>This policy seeks to protect designated and non-designated heritage assets.</p>
<p>Policy DNP TE 4 ; Respect, protection and enhancement of civic spaces</p>	<p>This policy seeks to protect and enhance identified civic spaces.</p>
<p>Policy. DNP TE5 Brownfield first;</p>	<p>This policy seeks to promote the development of brownfield sites in advance of greenfield development. The policy does not identify sites but refers to a list of sites identified in Appendices R2 and R3 that “the community may look favourable on for intensification or redevelopment”. Suggested uses are C2, C3 or mixed use C3/E.</p> <p>The Council have expressed concerns regarding the content of this policy in the light of the fact that none of the identified sites have undergone formal assessment for alternative use and that promotion of these sites could act to dislodge sustainably located uses particularly those providing employment. Neither of these issues impinge upon this Draft Screening Opinion. The Dartmouth NP has been amended to take account of comments made on a similar Policy contained in the Kingsbridge, West Alvington and Churchstow NP by Natural England, Historic England and the Environment Agency that were suggested by those consultees.</p>
<p>Policy DNP H1 - Market Housing</p>	<p>This policy supports the provision of market housing on infill sites and exception sites subject to relevant JLP and DNP policies being applied.</p>
<p>Policy DNP H2- Exception Sites outside the settlement boundary</p>	<p>This policy supports JLP Policy TTV27 regarding the development of “exception sites”.</p>
<p>Policy DNP H3 Affordable Housing</p>	<p>This policy supports initiatives to provide affordable homes.</p>

Policy DNP H4 - Principal Residence	This Policy requires that principal residence restrictions apply in respect of new housing development within the Plan area.
Policy DNP H5 Residential care and nursing homes for the elderly	This policy supports the provision of specialist care facilities for the elderly and seeks to prevent the loss of such facilities.
Policy DNP HW 1 Re-use of former hospital and Zion Health Clinic site.	This policy seeks to ensure adequate healthcare facilities are retained in Dartmouth
Policy DNP HW 2, Community Facilities	This policy seeks to protect identified community facilities against inappropriate development
Policy DNP HW3 Improved water access for recreational users.	This policy seeks to promote improved access to the River Dart generally and specifically in terms of the North Embankment.
Policy DNP HW4 Education Facilities	This policy seeks to safeguard Dartmouth's educational provision.

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 Dartmouth NP, including a statement of reasons for why this has not been considered necessary. The statutory consultees consisting of Natural England, Historic England and the Environment Agency have been consulted to ask for their comments.

Table 2: SEA screening

Criteria	Significant environ-	Reason
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	mental effect?	
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, the Local Plan and the Joint Local Plan (JLP). The Dartmouth Neighbourhood Plan does not propose development in addition to or in contradiction to the Local Plan or the Joint 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 and the JLP, but there are no plans or programmes that need to be in conformity with it. The Plan will therefore not significantly influence other plans and programmes.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	NO	The policies in the Dartmouth Neighbourhood Plan are not considered likely to have a significant environmental impact on the integration of environmental considerations. Any development proposed will be in accordance with environmental protection policies of the adopted Local Plan, the JLP, and the National Planning Policy Framework (NPPF).
(d) environmental problems relevant to the plan or programme; and	NO	See comments on Policy DNP TE5 above.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	NO	The Neighbourhood Plan is not relevant as a plan for implementing EC legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
(a) the probability, duration, frequency and reversibility of the effects;	NO	Any effects of the proposals advanced by the Plan are considered to have minimal environmental impact. Policies in the Plan, that support development, seek to minimise any potential impacts.
(b) the cumulative nature of the effects;	NO	The effects from the Plan as a whole are not considered to be significantly greater than those from any individual policy.
(c) the transboundary nature of the effects;	NO	The Plan will not have any transboundary effects.
(d) the risks to human health or the environment (for example, due to accidents);	NO	There are considered to be no risks to human health.

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	NO	The Neighbourhood Plan area covers the town of Dartmouth and the surrounding rural hinterland. The total resident population of these areas is approximately 5500 whilst the geographic area covered by the Neighbourhood Plan is small.
(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 policies that will have a positive effect on the value and the potential 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. In addition, the Plan contains policies which are likely to have a positive effect on the environment generally.

2.1 SEA Screening Opinion

The Dartmouth NP does not formally identify any sites for development and proposes a continuity of land uses as they exist at present. Attention is drawn, however, to Policy DNP TE5 Brownfield First which refers to sites identified in Appendices R2 and R3 which may have a potential for redevelopment. The Council have expressed concerns regarding the content of this Policy. In terms of this Screening Opinion, however, since these sites lie within the Dartmouth urban area and have the potential to become vacant brownfield sites it is not considered their redevelopment would give rise to issues necessitating SEA. In addition, Policy DNP TE5 contains safeguards that will ensure adequate mitigation of environmental impacts.

Furthermore, the Plan includes a suite of policies that are devised to meet the Plan’s Vision and Objectives which seek to protect the environment and mitigate any impacts that may arise from implementation of the Plan.

Having taken all the policies included into account and having assessed potential impacts on Designated Sites and Landscapes, this screening opinion has concluded that SEA is not required.

Appendix 2

Dartmouth NP: 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 (Appropriate Assessment) is necessary.

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 DARTMOUTH NP

- SOUTH HAMS EUROPEAN SITES				
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects associated with development (general)	Likelihood of a Significant Effect from the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan
Dartmoor SAC	<p>Northern Atlantic wet heath with <i>Erica tetralix</i></p> <p>European dry heath</p> <p>Blanket bog</p> <p>Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Southern damselfly <i>Coenagrion mercuriale</i></p>	<p>Visitor and recreational pressure including accidental and deliberate burning, trampling and erosion particularly of blanket bog, disturbance of otters by activity on/near rivers</p> <p>Nutrient/acid deposition causing habitat loss</p> <p>Water quality – effect on Atlantic salmon and Otter</p>	<p>Increased recreational pressure resulting from new development</p> <p>Air pollution associated with new development</p>	<p>None due to geographical separation and lack of impact pathways</p>

	<p>Otter <i>Lutra lutra</i></p> <p>Atlantic salmon <i>Salmo salar</i></p>			
<p>Plymouth Sound and Estuaries SAC</p>	<p>Sandbanks which are slightly covered by sea water all the time</p> <p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Large shallow inlets and bays</p> <p>Reefs</p> <p>Atlantic salt meadows</p> <p>Shore dock</p>	<p>Increased pressure for recreational moorings and facilities, port development, dredging</p> <p>Sensitivity to oil pollution</p> <p>Allis shad vulnerable to noise, vibration and degraded water quality</p>	<p>Increased recreational pressure - physical damage</p>	<p>None due to geographical separation and lack of impact pathways</p>

	Allis shad			
South Dartmoor Woods SAC	Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles European dry heath	Visitor and recreational pressures Air pollution (associated with atmospheric nitrogen deposition from agriculture, industry, vehicles)	Increased recreational use – trampling and erosion/fires Air pollution associated with new development	None due to geographical separation and lack of impact pathways
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 SPA increasing discharge of pollutants from waste water treatment works (non-toxic contamination)	None due to geographical separation and lack of impact pathways
Start Point to Plymouth Sound and	Reefs	Fishing	Recreational angling	None: the Neighbourhood Plan is not proposing any development that may affect the SAC.

Eddystone SAC				
South Devon Shore Dock SAC	Vegetated sea cliffs of the Atlantic and Baltic coasts Shore dock Rumex rupestris	Recreational disturbance	Additional pressure from new residents recreation along coastal areas	None due to geographical separation and lack of impact pathways
Blackstone Point SAC	Shore dock Rumex rupestris	None identified in SIP	Changes to surface water runoff quality	None due to geographical separation and lack of impact pathways
Lyme Bay and Torbay SAC	Reefs and sea caves	Public access and disturbance	Additional pressure from new residents recreation along coastal areas	None: the Neighbourhood Plan is not proposing any development that may impact on the SAC.
South Hams SAC	Various habitats (associated with Berry Head site) and Greater Horseshoe Bat	Lighting, loss of supporting habitat in wider landscape for foraging and commuting, disturbance	Lighting, loss of supporting habitat in wider landscape for foraging and commuting, disturbance	The eastern part of the Dartmouth NP area falls within the Sustainance and Landscape Connectivity Zones of the South Hams SAC for Greater Horseshoe Bats. The NP does not allocate any development sites and no policy proposed would have an impact on the Sustainance or Landscape Connectivity Zones.

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 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 Plans 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 KWAC Neighbourhood Plan screening

Table 1: HRA Screening

Policy/Proposal	Category (A,B,C,D)	Reason for category (unless clear)	Potential impacts on European sites	European sites affected	Mitigation required
All Policies fall within this category. NB Please refer to comments made in regard of Policy DNP TE5 above.	A-No negative effect				

3.1. Additions/revisions required to the Dartmouth NP

The policies within the Dartmouth NP do not have the potential to have a significant effect on any European Site since the Plan does not specifically propose the allocation of any development sites. Indeed the NP policies seek to closely manage development within a sensitive environment.

3.2. HRA CONCLUSION AND SCREENING OPINION

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

8th February 2022
Duncan Smith
Neighbourhood Planning Officer

South Hams District and West Devon Borough Councils

Email: Duncan.smith@swdevon.gov.uk

Telephone: 01803 861178

Appendix 3 – Consultation Responses

<p>Sarah Squire MRTPI Sustainable Places – Planning Advisor Environment Agency – Devon, Cornwall and the Isles of Scilly Area</p>	<p>Hi Duncan,</p> <p>Thank you for consulting us on the Draft SEA/HRA Screening Opinion and the draft NDP with the revised wording for the Brownfield First policy (DNP TE5).</p> <p>We consider that it is now clearer that the sites listed in Appended R2 are not allocations and simply ‘sites that the community may look favourably on for intensification or redevelopment. We are also pleased that the policy requires: as a minimum, as well as being safe from flooding over its lifetime, development on such sites must also contribute to reducing the overall flood risk to the town.</p> <p>The wording ‘all proposals on brownfield plan will be required to set out the development expectation to address flood risk’ seems a bit confusing in this context. We would normally expect the plan to set the development expectations rather than ask applicants to set these expectations. It may be worth re-wording this to avoid confusion, for example:</p> <p><i>Developers should submit sufficient information to address flood risk to and from development sites. Development proposals within Flood Zones 2 and 3 will only be acceptable if they can satisfy the flood risk Sequential Test. The Exception Test may also need to be applied for certain uses. As a minimum, as well as being safe from flooding over its lifetime, development on such sites must also contribute to reducing the overall flood risk to the town.</i></p> <p>However, on the basis that the sites are not allocations and the policy, as currently worded, includes a strong commitment to reducing overall flood risk, we accept the conclusion of your draft SEA/HRA Screening Opinion.</p> <p>Please let me know if you have any further queries.</p>
<p>David Stuart Historic Places Adviser Historic England South West 1st Floor Fermentation North Finzels Reach Hawkins Lane Bristol BS1 6WQ</p>	<p>Dear Duncan</p> <p>Thank you for your SEA Screening consultation associated with the emerging Dartmouth Neighbourhood Plan.</p> <p>The modification to policy DNP TE5 in the version of the Plan sent through is welcomed and supported, and the other proposed modifications overall do not generate any additional issues of concern or upon which we would wish to comment.</p> <p>I can therefore confirm that we have no objection to the view that a full SEA is not required.</p> <p>Kind regards</p> <p>David</p>

<p>Direct Line: 0117 975 0680 Mobile: 0797 924 0316</p>	
<p>Stephanie Parker- Stephenson Lead Adviser (Sustainable Development) Devon, Cornwall and Isles of Scilly Natural England, Sterling House, Dix's Field Exeter, EX1 1QA,</p>	<p>Dear Duncan,</p> <p>Dartmouth Neighbourhood Plan: Draft SEA/HRA Screening</p> <p>Thank you for your consultation on the above dated 02 December 2021. 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.</p> <p>Habitats Regulations Assessment</p> <p>Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the plan to check for the likelihood of significant effects.</p> <p>Your assessment concludes that the plan can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.</p> <p>Strategic Environmental Assessment</p> <p>We welcome the production of this SEA Screening report. Before we are able to concur with the SEA screening report we seek confirmation that the undeveloped areas of land within the settlement boundary have been assessed in terms of their landscape and visual impact on the South Devon Area of Outstanding Natural Beauty and that such an assessment is included within the landscape assessment evidence. Alternatively, if these undeveloped areas aren't intended to be site allocations, then the evidence supporting/justifying the identification of the settlement boundary needs to explain the existing use, and any protection they are afforded by other policies, of the undeveloped areas and make it clear that they are not site allocations for development.</p> <p>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 Stephanie Parker-Stephenson on 07799438517 or stephanie.parker-stephenson@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p> <p>Yours sincerely Stephanie Parker-Stephenson Lead Adviser (Sustainable Development) Devon, Cornwall & Isles of Scilly Area Team Natural England</p> <p>From: Duncan Smith Sent: 12 January 2022 10:54 To: Parker-Stephenson, Stephanie <Stephanie.Parker-Stephenson@naturalengland.org.uk> Subject: RE: Draft SEA/HRA Screening: Dartmouth Neighbourhood Plan</p> <p>Stephanie.....Many Thanks for your response. I have discussed with the Dartmouth NPG and their response is as follows:-</p>

“We consider that the proposed Settlement Boundary in Policy DNP GE12 is tightly wrapped around existing development and generally follows previous boundaries and guidance proposed by SHDC that informed the JLP and earlier adopted Development Plans. We consider that the proposed DNP does not create or identify undeveloped areas within the settlement boundary other than brownfield sites within the town centre. As stated in earlier correspondence the brownfield sites referred to in Policy DNP TE5 are not allocated and this we believe has been accepted by the Environment Agency and Historic England.

It is our opinion that you can confirm to NE that there are no undeveloped sites created by the proposed Settlement Boundary that require assessment.”

For your information the Settlement Boundary(SB) identified falls in line with that proposed by the Council and submitted to the JLP Inquiry. I enclose a copy: **NB The Council’s proposed SB goes beyond the Dartmouth Plan Area boundary in recognition of the JLP TTV4 allocation: Land at Cotton. For information this allocation lies within the Stoke Fleming PC area.**

Although not accepted for inclusion in the JLP by the Inspectors the proposed Dartmouth SB enjoys the support of the Council.

I would be pleased therefore if you could specifically indicate those sites within the SB that have given rise to your concerns.

Regards
Duncan

Hi Duncan,

Apologies for the delay in responding to your email.

It’s not the brownfield sites that I’m especially concerned about, it is more the need for the evidence to support their approach to the settlement boundary policy.

For example, whilst you, I, and they know why the playing pitches and allotments have been included within the settlement boundary, it might not be obvious to others, and there is no clear justification in their evidence base. The group are relying on the criteria used for the JLP, but as the settlement boundaries were dropped from the JLP then the group should really reproduce the criteria as part of their own evidence base and set out their reasoning for any changes they might have made to the approach (if applicable), or to the boundary line etc. This evidence would support the effectiveness of their policy by making it clear that the boundary represents a settlement boundary policy rather than a development boundary policy, thereby demonstrating that the ‘undeveloped plots’ on the edge of the boundary are actually amenity spaces that form a function for the settlement and are not potential development sites. If there was any ambiguity (lack of evidence) then these sites might be viewed as having development potential, and if that were the case, then they would need to be

assessed for their landscape impact due to their relationship with the South Devon AONB.

I hope that helps to explain what I'm looking for from the evidence base but if you or the group have any further queries please let me know.

Kind regards
Steph

On 3rd February the following Paper entitled “Evidence supporting the Settlement Boundary included in Policy DNP GE12” was submitted to Natural England by the Dartmouth Neighbourhood Planning Group.

**Dartmouth Neighbourhood Plan
Appendix T
Evidence supporting the Settlement Boundary included in
Policy DNP GE12 (Settlement**

Boundary and the avoidance of coalescence)

1. Boundaries for each settlement within the district are not included in the adopted JLP2019. They were initially included for the Thriving Towns and Villages (TTV) and supported by a draft Topic Paper (TP2) March 2017 but were excluded after the Examination into the soundness of the JLP at the suggestion of the Inspector

<https://www.plymouth.gov.uk/sites/default/files/PSWDJLPInspectorsPostHearingAd>

[viceNote.pdf](#). Development boundaries that informed previous Development Plans are no longer available or in force. In response to the Inspector's suggestion the LPA gave a commitment to provide settlement boundaries for the TTV areas in a subsequent Development Plan.

2. In the absence of a current Settlement Boundary for Dartmouth the Neighbourhood Plan Steering Group in consultation with the Town Council decided to include a boundary for Dartmouth in the Neighbourhood Plan. It was agreed that the boundary be set tightly around the built settlement, it should generally follow the line proposed by the Joint LPAs in their Topic Paper TP2 and the principles applied to set and revise settlement boundaries included in the paper. A copy of the Topic Paper, the relevant map for Dartmouth (boundary lined in pink), all text and guiding principles is included as Appendix 1 to this document.

3. The Neighbourhood Plan settlement boundary (NPSB) excludes development shown in TP2 that is outside the Neighbourhood Plan Area, notably the Cotton Farm development which is in Stoke Fleming Parish.

4. There are only minor differences between the NPSB and the TP2 boundary: -

- a. The addition of existing housing along Weeke Hill (B3025)
- b. Exclusion of land at the top of Churchfields West

5. It is recognised by the Neighbourhood Plan Steering Group that there may be potential development sites located outside the settlement boundary including those covered in Plan Policy DNP H2 (Rural Exception Sites outside the settlement boundary), and DNP EC6 (Employment Uses in

the Countryside) however these would be subject to full landscape and environmental assessments as part of the Planning Application process . JLP Policies TTV 27 (Meeting local housing needs in rural areas) and TTV26

(Development in the Countryside) would also apply.

Dartmouth Neighbourhood Plan Steering Group

3rd February 2022.

Appendix 1

Extract from Topic Paper TP2 including the Settlement Boundary Map proposed by the Joint Local Authorities for Dartmouth (lined in pink) supporting text and principles

Dear Duncan,

Dartmouth Neighbourhood Plan: Draft SEA Screening – further information

Thank you for your consultation on the above dated 12 January 2022.

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.

Strategic Environmental Assessment

Natural England notes, and welcomes, the preparation of the Settlement Boundary Paper (Appendix T) in light of our previous comments. The paper provides the rationale behind the conclusions made in the SEA Screening report. To reiterate, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soil) are concerned, we concur that there are unlikely to be significant environmental effects from the proposed plan. 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 Stephanie Parker-Stephenson on 07799438517 or stephanie.parker-stephenson@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

Stephanie Parker-Stephenson

Lead Adviser (Sustainable Development)

Devon, Cornwall & Isles of Scilly Area Team

Natural England

