

Brixton Draft Neighbourhood Plan
(Regulation 14 version November 2017)

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

February 2018

Draft SCREENING OPINION

SEA

It is not possible to conclude on the basis of the current version of the Neighbourhood Plan (November 2017) that full Strategic Environmental Assessment is not needed. However, it is considered that should the recommended amendments be made to the draft Plan, and further evidence supplied as requested, it may be possible to update this screening report with a conclusion that full SEA is not needed.

The reasons for this conclusion and the recommended amendments to the plan are set out in the screening report in Appendix 1.

HRA

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

NB. This is a draft screening opinion, subject to consultation with the statutory bodies. A determination has not yet been made under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004. 13th Feb 2018

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 Brixton Neighbourhood Plan (see Appendix 1). The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on **March 14th 2017**.

It is not possible to conclude on the basis of the current version of the Neighbourhood Plan (November 2017) that full Strategic Environmental Assessment is not needed.

However, it is considered that should the recommended amendments be made to the draft Plan, and further evidence supplied as requested, it may be possible to update this screening report with a conclusion that full SEA is not needed.

The reasons for this conclusion and the recommended amendments to the plan are set out in the screening report in Appendix 1.

HRA

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

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

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

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

Consultation

Consultation responses were received from the three statutory consultees, their conclusions are listed below with additional comments in Appendix 2

Summarise consultees' responses when received

Note: Status of the emerging Local Plan

While neighbourhood plans should not reference emerging policy, at the time of writing the Plymouth and South West Devon Joint Local Plan (JLP) is undergoing examination. Given the likely similar timescales for adoption of the Brixton Neighbourhood Plan and the JLP, the JLP is therefore referenced as the relevant Local Plan.

Appendix 1

Brixton Neighbourhood Plan

Strategic Environmental Assessment Screening Opinion

1.1 - Strategic Environmental Assessment (SEA) Process

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

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

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

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

1.2. Brixton and environmental constraints in the Neighbourhood Plan Area

The designated Brixton Neighbourhood Area covers the Parish of Brixton excluding the Sherford New Town area, and the southern part of the area lies within the South Devon Area of outstanding Natural Beauty

(AONB). The Neighbourhood Area also lies within the Zone of Influence for the Plymouth Sound and Estuaries Special Area of Conservation (SAC): this is addressed further within the accompanying Habitats Regulation Assessment screening report. The Yealm Estuary Site of Special Scientific Interest (SSSI) lies immediately to the south east of the Neighbourhood Area, while a small proportion of the SSSI falls within the Neighbourhood Area boundary. Much of the Neighbourhood Area falls within the Impact Risk Zone for the SSSI. In addition, there is a County Wildlife Site at Winston to the south east of Brixton village. There are a number of listed buildings throughout the Neighbourhood Plan area which are concentrated in Brixton village.

1.3. Brixton Neighbourhood Plan

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

Our Vision is:

- *to conserve and enhance the rural and historic environment of Brixton Parish, with its beautiful landscape of woods, farmland and estuary;*
- *to retain the identity and independent character of Brixton village and its surrounding hamlets;*
- *to nurture thriving communities across the parish by providing improved facilities and taking opportunities to meet the needs and wishes of the community.*

The Plan contains policies as set out in the table below.

Table 1. Summary of policies in the Plan

Policy	Summary of aims and key environmental effects
Env1. No development shall be permitted that would harm the natural beauty and special qualities of the South Devon AONB. Any development must maintain and enhance the South Devon AONB and its setting, paying full regard to national and local strategic policies for the AONB and to the South Devon AONB Planning Guidance. This is particularly relevant in the case of cumulative impact of individual developments, and the preservation of tranquillity and biodiversity of the Yealm Estuary and Cofflete Creek environs.	Aims to protect the AONB and is likely to have positive environmental effects.
Env2. The land identified on Environment Policy Env Map 2: Policy Area Env2 will be protected from development to maintain the important public open views across the South Devon AONB that define the setting and character of Brixton village and its eastern and western approaches.	Aims to protect the locally important landscape setting of Brixton village. Likely to have positive environmental effects.
Env3. (a) Priority Habitat throughout the parish, including deciduous woodland, wood pasture/parkland, ancient woodland and wildlife corridors as shown on Environment Habitat Policy Map, will be protected and enhanced. (b) Important woodlands are to be conserved and enhanced for their contribution to the character and biodiversity of the parish. See Appendix 9: Env Map 4.	Aims to protect woodland and wildlife corridors. Likely to have positive environmental effects.
Env4. A green corridor will be maintained for visual and ecological significance to protect against the further urban expansion east of Plymouth along the A379, and to safeguard the individual identities of Chittleburn, Combe, and Brixton village, as defined on Env Map 2: Policy Area Env4.	Aims to maintain a green corridor for landscape and ecological reasons. Likely to have positive environmental effects.

<p>Env5. (a) Local Green Spaces will be protected and enhanced. Only development directly associated with and necessary to improve the green spaces will be permitted within them (Environment Policy Map Env Map 2 and Appendix 7). (b) Measures to improve the appearance of the A379 route through Brixton, particularly through measures such as tree planting and green landscaping, will be supported. See Env Map 2.</p>	<p>Aims to protect Local Green Spaces and enhance the A379 route. Likely to have positive environmental effects.</p>
<p>Env6. The area identified as the Brixton Strategic Green Space (Env Map 2) shall be safeguarded during the Plan period (2014-2034) except in the event that a future Housing Needs Survey identifies the need for essential, affordable local housing for Brixton community. In which case small numbers of well designed, sensitively located housing might be considered; in any event not before 2023 when the first review of this Plan is due. This review will also consider the development progress of Sherford and any impact on the Brixton Strategic Green Space. No development will be permitted that adds substantially to the cumulative impact of development in the village that will adversely impact on the social wellbeing and character of the village.</p>	<p>Aims to protect an area of land as identified from all development except that necessary local affordable housing needs. Likely to have positive environmental effects.</p>
<p>Env7. Designated historic and heritage assets and their settings, both above and below ground, shall be conserved and enhanced. Development proposals are required not to harm but to conserve, restore and enhance designated and non-designated historic and heritage assets and their settings.</p>	<p>Aims to protect heritage assets. Likely to have positive environmental effects.</p>
<p>Env8. Private or community renewable energy generation schemes will be supported provided they are designed to minimize harm to local heritage, biodiversity, landscape, views and skylines, through noise or other nuisance and be in keeping with its setting and surroundings.</p>	<p>Aims to permit renewable energy generation where there is minimal harm. There is some potential for negative environmental effects in this policy as currently worded due to the lack of detail as regards the size, type and location of development that would be supported.</p>
<p>Cof1. The following local facilities are designated as Assets of Community Value*: The Post Office / village shop The Foxhound pub The Scout hut St Mary's School Assets of Community Value shall be protected and retained. Development that would result in the loss of or harm to any such asset will not be permitted unless there is equivalent or improved alternative provision in the parish.</p>	<p>Aims to protect community facilities. Likely to have neutral environmental effects.</p>

<p>Cof2. New development will be required to contribute towards the provision or improvement of community facilities in Brixton in accordance with adopted standards and local priorities which could include but is not restricted to:</p> <ul style="list-style-type: none"> • a parish hall, • off-street car parking and/or car park, • a visitor car park in Brixton Village • play spaces, • allotments, • Network improvements to footpaths, bridleways and cycle paths, • measures to mitigate traffic flow and speed through the village, • improvements to and “greening” of the A379 corridor, • public river access 	<p>Aims to secure contributions from development towards priority infrastructure. Possibility of some indirect environmental impacts if any of the identified infrastructure is delivered.</p>
<p>Cof3. Developments of more than 5 homes shall incorporate adequate public landscaped space and provision for safe children’s play within the development.</p>	<p>Aims to secure public space and children’s play areas around new development. Likely to have positive environmental effects.</p>
<p>Sar1. Public open space, private outdoor sports grounds, school playing fields and allotments shall be protected and retained in that use. Only development directly associated with and necessary for their improvement will be permitted unless:</p> <p>(a). an alternative and improved provision is provided that retains its original functional requirements for existing and future users; and</p> <p>(b). the proposal would not result in the loss of an area important for its amenity or contribution to the character of the area in general.</p>	<p>Aims to protect public open spaces. Likely to have positive environmental effects.</p>
<p>Sar2. Development that will enhance or extend the footpath, bridleway and cycle network will be welcomed and permitted, providing it meets other policy requirements. Proposals will be particularly welcome which will improve those routes identified in the Brixton Community Action Plan</p>	<p>Aims to extend the network of public rights of way. Possibility of minor negative environmental effects due to increased traffic in the countryside. However these are not likely to prove significant and are likely to be outweighed by the social and health benefits.</p>
<p>Sar3. Development that will enhance public access to the River Yealm and/or Cofflete Creek will be welcomed and permitted, providing it meets other policy requirements.</p>	<p>Aims to improve public access to the River Yealm and Cofflete Creek. Possibility of minor negative environmental effects due to increased traffic in sensitive areas. However these are not likely to prove significant and are likely to be outweighed by the social and health benefits.</p>
<p>Tpt1. Development shall be designed to enable and encourage the use of sustainable modes of transport. Nonresidential developments shall provide suitable secure cycle racks.</p>	<p>Aims to encourage the use of sustainable modes of transport. Likely to have positive environmental effects.</p>
<p>Tpt2. Highway improvements which mitigate the impact of traffic flow and speed will be welcomed.</p>	<p>Aims to improve road safety. Likely to have positive environmental effects.</p>
<p>Emp1. The change of use of existing employment land will not be permitted without a clear demonstration of community benefit.</p>	<p>Aims to protect employment land. Likely to have neutral environmental effects.</p>

<p>Emp2. Employment Area 1 (refer to inset Map Emp1: Insert 2)</p> <p>(a) Within the existing employment area at Chittleburn, Employment Area 1, the change of use resulting in the loss of land or premises from employment use will not be permitted.</p> <p>(b) A site of approximately 2.5 Ha in the vicinity of Dodovens Farm/Chittleburn Business Park is preferred for B1 light industrial development to complement the existing businesses already operating at this location and Chittleburn.</p>	<p>Aims to protect an existing employment area and supports its extension. This site is in the Plymouth Urban Fringe. There is a possibility of negative environmental effects depending on whether adequate assessment of the proposed employment site has been carried out. No site assessments have been seen by the Council.</p>
<p>Emp3. Employment Policy Area at Staddiscombe Service Station/Supermarket . See Map Emp1: Insert 1.</p> <p>The triangular site at Carrollsland between Wembury Road and Staddiscombe Road shall be retained in use for the existing supermarket/petrol filling station or, should that cease to operate, for A1 or B1 uses only. Other changes of use will not be permitted.</p>	<p>Aims to retain an existing employment site in the current or other employment use.</p> <p>Possibility of minor negative environmental effects if a change of use occurs. However these are likely to be minimal given the similarity of land use proposed, the location within a built up area, and the need for any change of use proposal to have regard to other policies in this plan and in the Local Plan.</p>
<p>Emp4. The land currently occupied by the South Devon Repairs and Sales Garage (Map Emp1: Insert 3) is of strategic value to Brixton village. Development will only be permitted on this site if there is a significant and demonstrable community gain.</p>	<p>The aim of this policy is not entirely clear – whether to retain the site in its current use or to retain the site for possible future community led housing or employment development. The site lies within the South Devon AONB and there is a possibility of negative environmental effects depending on whether adequate assessment of the site and possible change of use has been carried out. No site assessments have been seen by the Council.</p>
<p>Dev1. Development shall not harm but maintain and enhance the South Devon AONB and its setting, paying full regard to national and local strategic policies for the AONB and to the South Devon AONB Planning Guidance.</p>	<p>Aims to protect the landscape qualities of the AONB. Likely to have positive environmental effects.</p>
<p>Dev2. Location, scale and character of development.</p> <p>(a) Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views, outlooks or skylines, local amenity, traffic, parking or safety.</p> <p>(b) Elsewhere in the parish development will be strictly controlled and only permitted where it is small scale (1 - 2 dwellings) and can be delivered sustainably and not in conflict with any other policy.</p> <p>(c) In the event that a future Housing Needs Survey identifies the need for essential, affordable local housing for Brixton community, small numbers of sensitively located, well designed housing, might be considered within the Parish outside the AONB.</p> <p>(d) Small scale development that secures a viable long-term future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met may be permitted.</p>	<p>Aims to manage the location and type of development across the Parish.</p> <p>Part a) accords with existing and emerging Local Plan policy and as such is likely to have neutral environmental effects.</p> <p>Parts b) and c) as currently worded are in conflict with emerging JLP policy (TTV31) and may lead to negative environmental effects due to the possibility of development in locations that would not be permitted by Local Plan policy.</p> <p>Part d) is broadly in conformity with JLP TTV31 and therefore is likely to lead to neutral environmental effects.</p>

Dev3. All new development should be of high quality and appropriately designed for the context in which it is proposed with respect to its neighbours and the rural character of Brixton village and Parish. Development shall take into account topography, layout, building orientation, massing, landscaping, public green space and associated public realm, to minimise visual, ecological and social impact. Housing will comply with the Department of Communities & Local Government "Technical housing standards – nationally described space standard."	Aims to ensure high quality design of new development. Likely to lead to neutral or positive environmental effects.
Dev4. Design shall maximise, where possible, the orientation of new development to capitalise on solar energy and other natural sustainable resources to reduce energy consumption. Development comprising the use of renewable energy and low carbon materials will be encouraged where it does not harm the character and appearance of the Parish and the landscape.	Aims to encourage reduced energy consumption in new development. Likely to lead to neutral or positive environmental effects.
Dev5. All new developments shall include adequate off street parking and cycle storage for residents, users and visitors. Residential developments shall also provide at least one parking space per bedroom.	Aims to encourage cycling and adequate parking spaces in new development. Environmental effects are likely to be neutral.
Dev6. Existing Recreation and Tourism facilities shall be retained for that use. Only development directly associated with and necessary for their improvement will be permitted unless: (a) alternative and improved provision will be made in a location well related to the functional requirements of the use and its existing and future users; and (b) the proposal would not result in the loss of an area important for its contribution to the character of the area in	Aims to retain existing recreation and tourism facilities. Environmental effects are likely to be neutral
Dev7. No development will be permitted that adds substantially to the cumulative impact of development in the village that will adversely impact on the social wellbeing and character of the village.	Aims to address to potential cumulative impact of development. Likely to lead to neutral or positive environmental effects.
Dev8. Future development of former Steer Point Brickworks hard standing (refer to Dev Map 2 and Dev Map 3). This large area of previously developed land lies within a highly sensitive area of the AONB. Only development proposals to enhance this site and provide significant overall community benefit in this special location will be considered.	Aims to manage development on a previously developed site within the AONB. Possibility of negative environmental effects depending on whether adequate assessment of the proposed site and possible change of use has been carried out. No site assessments have been seen by the Council.

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 Brixton Neighbourhood Plan. The statutory consultees consisting of Natural England, Historic England and the Environment Agency will be consulted to ask for their comments.

Table 2: SEA screening

Policies where there are concerns are highlighted in amber

Criteria	Significant environmental effect?	Reason
1. The characteristics of plans and programmes, having regard, in particular, to—		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	Uncertain	The broader policy framework is set by the NPPF and the Local Plan. The Brixton Neighbourhood Plan does not propose significant new development in addition to or in contradiction to the Local Plan. However, Policy Dev 2 does support minor development in locations that have not been identified as sustainable in the JLP.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	NO	Neighbourhood plans should be taken into account by other proposed plans, including the Local Plan, but there are no plans or programmes that need to be in conformity with it. The Plan will therefore not significantly influence other plans and programmes.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	Uncertain	The current wording of the plan may lead to unintended negative environmental effects in some instances. In addition there is a lack of available evidence to demonstrate the sustainability of supported development sites.
(d) environmental problems relevant to the plan or programme; and	NO	The Neighbourhood Plan area contains a small proportion of the Yealm Estuary SSSI. The only other significant designation in the area is a County Wildlife Site. The nature of the proposals in the Neighbourhood Plan are not considered likely to have significant effects on either the SSSI or the County Wildlife site. The Neighbourhood Area falls within the Zone of Influence for the Plymouth Sound and Estuaries Special Area of Conservation (SAC): this is addressed further within the accompanying Habitats Regulation Assessment screening report
(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;	Uncertain	While the proposals in the Plan would not be easily reversible should they be implemented, the proposed land use is not significantly different from existing uses. Therefore the probability of significant effects is not great. However there are concerns as addressed above.

(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;		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 around two thirds of the Parish of Brixton. This is considered to be a small area in terms of wider environmental effects.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	Uncertain	There is not considered to be any likelihood of significant effects on the Yealm Estuary SSSI, or the County Wildlife Site. Mitigation for possible impacts on the Plymouth Sound and Estuaries SAC is addressed in the accompanying HRA screening report. However, no evidence has been seen to demonstrate that the supported development sites will have no impact on cultural heritage such as listed buildings.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Uncertain	While the plan contains policies aimed at protecting the special landscape of the neighbourhood area, there are concerns due to the lack of site assessment evidence as above.

2.1 SEA Screening Opinion

The Brixton Neighbourhood Plan does not propose any major new development beyond that which is likely to come forward within the Plan period anyway in response to Local Plan policy. As such, it is considered unlikely that the fundamental development strategy set out in the Neighbourhood Plan will have any significant negative environmental impacts. However there are concerns about some of the current wording within the policies, which may lead to unintended consequences and negative environmental effects. In addition, there are concerns that development sites are supported for employment which may not have been adequately assessed for potential environmental impacts, and that minor development is supported in areas not judged to be sustainable within the emerging Joint Local Plan. For these reasons it is not possible to conclude on the basis of the current version of the Neighbourhood Plan (November 2017) that full Strategic Environmental Assessment is not needed. However, it is considered that should the following amendments be made to the draft Plan, and further evidence supplied as requested, it may be possible to update this screening report with a conclusion that full SEA is not needed.

Recommendations (please see policies and comments highlighted in Table 1)

1. **Policy Env8:** Reword to provide clarification on the size, type and location of renewable energy that would be supported.
2. **Employment policies:** Employment sites are identified for possible development but not clearly allocated. Clarify the status of these sites and where appropriate provide clear allocations. Provide evidence that any proposed development sites have been assessed for their sustainability and any possible impacts on the environment, landscape or cultural heritage.
3. **Dev2 b) and c):** As currently worded these policies permit development in areas not identified as sustainable by the JLP. Recommend these policies are either removed or reworded in line with the wording in JLP TTV31:

1. Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

2. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity, or

ii. Secure the long term future and viable use of a significant heritage asset, or

iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use.

iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area.

- 4. Dev8:** Further clarity should be provided about the type and extent of any development that may be supported on this sensitive site, or at the minimum, what evidence is likely to be needed to demonstrate that any development on the site will not cause harm to the environment and in particular the Landscape setting of the AONB.

Appendix 2

Brixton Neighbourhood Plan

Habitats Regulations Assessment: Screening

1.0. The HRA process

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

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

With respect to this HRA, all of the following designations, to which the HRA process applies, are referred to as 'European sites':

- **Special Areas of Conservation (SACs)** special protection to flora, fauna and habitats
- **Special Protection Areas (SPAs)** are areas of land, water or sea of international importance for the breeding, feeding, wintering or the migration of rare, vulnerable or migratory species of birds
- **Ramsar sites**, identified through the Convention on Wetlands of International Importance
- **Proposed and candidate SPAs and SACs** (pSPA, cSPA, pSAC, cSAC) that are being considered for designation

1.1. The HRA screening process for neighbourhood plans

There are particular requirements for plans and projects set out within the European Directives (and transposed into domestic legislation in England by the 'Habitats Regulations').

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

Straightforward mitigation measures can be included at this screening stage, which may rule out the likelihood of significant effects. If likely significant effects remain after straightforward mitigation measures are applied, the HRA process should proceed to a second stage which is called an 'Appropriate Assessment.'

An Appropriate Assessment will consider the implications for the European Site in view of the conservation objectives (generally to restore or maintain the features which led to the designation of the site), and consider whether the plan could affect the integrity of the site. More detailed mitigation measures may be considered at this stage. A plan should only be agreed once the competent authority has established that the plan will not adversely affect the integrity of the European Sites.

With respect to Neighbourhood Plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed Neighbourhood Plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of the basic conditions requires Neighbourhood Plans to be compatible with EU obligations and to demonstrate that it is not likely to have a significant effect on a European Site.

The Habitats Regulations do not prescribe a specific methodology for undertaking or reporting the appraisal of plans, however there is guidance within various documents and the following are most relevant:

- ODPM Circular 06/2005
- *The Habitats Regulations Assessment of Local Development Document (David Tyldesley and Associates for Natural England – final draft 2009)*

- *Habitats Regulations Appraisal of Plans, Guidance for Plan-Making bodies in Scotland (David Tyldesley and Associates, 2012).*

As this Neighbourhood Plan is not directly connected with or necessary for the management of a European site for nature conservation purposes it must proceed through the HRA screening process.

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

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

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

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

SOUTH HAMS EUROPEAN SITES			
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects of plan
Dartmoor or SAC	Northern Atlantic wet heath with <i>Erica tetralix</i> European dry heath Blanket bog Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles Southern damselfly <i>Coenagrion mercuriale</i> Otter <i>Lutra lutra</i> Atlantic salmon <i>Salmo salar</i>	Visitor and recreational pressure including accidental and deliberate burning, trampling and erosion particularly of blanket bog, disturbance of otters by activity on/near rivers Nutrient/acid deposition causing habitat loss Water quality – effect on Atlantic salmon and Otter	Increased recreational pressure resulting from new development Air pollution associated with new development
Plymouth Sound and Estuaries SAC	Sandbanks which are slightly covered by sea water all the time Estuaries Mudflats and sandflats not covered by seawater at low tide Large shallow inlets and bays Reefs Atlantic salt meadows Shore dock Allis shad	Increased pressure for recreational moorings and facilities, port development, dredging Sensitivity to oil pollution Allis shad vulnerable to noise, vibration and degraded water quality	Increased recreational pressure - physical damage
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
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)

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 Plan the cumulative effects would be likely to be significant.
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects , and possibly the effects of other developments provided for in Our Plan as well, the combined effects would be likely to be significant.
D3	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.

3.0. Brixton 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
Cof1, Co2, Sar1, Dev3, Dev 4, Dev 5	A1				None
Env2, Env3, Env4, Env6, Dev7	A2				None
Env1, Env5, Env7, Dev1	A3				None
Env8, Sar2, Sar3, Tpt1, Tpt2, Emp1, Emp2, Emp3, Emp4, Dev 6, Dev 8	B				
Dev2	C2	May lead to housing development	Recreational pressures	Plymouth Sound and Estuaries SAC	The NP should acknowledge that, in accordance with JLP policy, development will need to make a payment to mitigate recreational pressures of new residents on the Plymouth Sound and Estuaries SAC

3.1. Additions/revisions required to the Brixton Neighbourhood Plan

Brixton falls within the Zone of Influence for new residents having a recreational impact upon the Plymouth Sound and Estuaries SAC. Accordingly any development proposed within the area will need to make a payment towards measures to mitigate these recreational pressures. A Strategic Access Management and Monitoring Strategy/SAMMS list is currently being agreed with partner LPAs and Natural England – this will form the basis of the level of contributions we seek from development to be included in our subsequent SPD.

3.2. HRA CONCLUSION AND SCREENING OPINION

Subject to the above amendment, the Council is satisfied that the NP would not have a significant effect on any European Sites.