

**Kingsbridge, West Alvington and Churchstow Draft
Neighbourhood Plan (KWAC NP)
(Regulation 14 Consultation Version, May 2021)**

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

July 2021

Draft SCREENING OPINION

SEA

Having taken all of the relevant policies of the draft KWAC NP (Regulation 15 Version February 2021) 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 Plan does propose the potential development of identified brownfield sites within the Kingsbridge urban area. Other than this no develop, apart from that identified in the JLP, is proposed. The full reasons for this conclusion are set out in the screening report in Appendix 1.

HRA

Northern parts of the Kingsbridge/Churchstow Parish fall within the Landscape Connectivity Zone of the South Hams SAC for Greater Horseshoe Bats. The Plan (Regulation 14 Consultation Version, May 2021) does not allocate any development sites in the LCZ. In the light of this Council consider the KWAC NP. Neighbourhood Plan will not have a significant effect on a European Site and therefore further assessment under the Habitat Regulations is not required. Full reasons are set out in Appendix 2 to this Report.

NB Since issuing the Draft Screening opinion correspondence has taken place with the Statutory Consultees. This correspondence is contained in Appendix 3. Subject to the recommendations made by the Consultees being included in the KWAC NP, this Screening Opinion remains as set out above.

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 KWAC 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 KWAC 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 KWAC 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.

NB Since issuing the Draft Screening opinion correspondence has taken place with the Statutory Consultees. This correspondence is contained in Appendix 3. Subject to the recommendations made by the Consultees being included in the KWAC NP, these Screening Opinions remain as set out above.

Consultation

The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on 12th July 2021. As a result of comments made by the Statutory Consultees, each has suggested amendments (see Appendix 3) that should be included in the KWAC NP that would enable the NP to proceed without the need for Strategic Environmental Assessment nor Appropriate Assessment. It is the intention of the KWAC NPG to include these amendments in the Regulation 15 Version of the KWAC NP.

Appendix 1

KWAC NP

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

1.2. Kingsbridge, West Alvington and Churchstow: Environmental Constraints in the Neighbourhood Plan Area

The Neighbourhood Plan Area covers the town of Kingsbridge and the parishes of West Alvington and Churchstow all of which are located in the administrative area of South Hams District Council, Devon. Kingsbridge is a market town with a population of around 6000. The parishes of West Alvington and Churchstow lie to west of Kingsbridge and are largely rural in character with respective populations of 2042 and 465 predominantly located in the settlements which give the Parishes their names. The Plymouth & South West Devon Joint Local Plan (JLP) identifies Kingsbridge as a “Main Town” whilst the JLP does not identify either West Alvington or Churchstow in the ‘Smaller Towns and Key Villages’ tier of rural settlements.

Kingsbridge is situated at the northern end of the Kingsbridge Estuary that extends six miles south from the town. It is the third largest settlement in South Hams. The urban area of Kingsbridge in largest part does not fall within the AONB but the rural proportion to the west, south and east do. The parishes of West Alvington and Churchstow fall wholly with the AONB.

Kingsbridge and West Alvington lie adjacent to and contain parts of the Salcombe to Kingsbridge Estuary SSSI. Both West Alvington and Churchstow include contain sites included on the Devon Inventory of Ancient Woodlands and non statutory wildlife sites.

Northern parts of the Kingsbridge and Churchstow parishes fall within the Landscape Connectivity Zone of the South Hams SAC for Greater Horseshoe Bats

There are two Conservation Areas within the Plan area in Kingsbridge covering the central part of Kingsbridge and a central portion of the West Alvington settlement. There are 186 Listed Buildings in the Plan area and one Scheduled Ancient Monument.

1.3. KWAC NP

The Draft KWAC 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 KWAC area as follows:

A Vision Statement for the Plan area

- 1. The surrounding countryside, water and farmland are celebrated as the natural setting for the town and villages, a source of produce, recreation and biodiversity.*
- 2. Development is supported where it helps sustain the settlements and does not compromise the area’s historic and natural assets.*
- 3. The town and surrounding villages are equally welcoming to residents and visitors, the principles of ‘respect our unique natural environment, shop local and use local services’ are communicated to all.*
- 4. Healthy lifestyles are promoted with easy local access to recreation and health care for all ages and requirements.*
- 5. There are locations for permanent and temporary seasonal markets that promote local produce and crafts. These should be flexibly planned and are complimentary to local shops and businesses.*
- 6. Local supply chains are encouraged and developed to serve the local markets and businesses.*
- 7. A broad and balanced resident population by age and occupation is fostered to maintain the much valued, rounded and all-year-round resident community, which is also needed to sustain the capability of the town to provide services for the whole area. This is facilitated by pursuing a promotional strategy to encourage higher added value businesses based on higher level craft skills and intellectual property to locate in the town using access to superfast broadband, and thereby extending the range of salaries on offer locally.*
- 8. Small/ micro businesses are encouraged, on employment sites, live work units or working from home.*
- 9. Service businesses and infrastructure are developed to support efficiently the new and existing employment uses, for example supplies and servicing of materials, equipment and high quality IT and communications.*
- 10. The town centre is re-imagined as retailing evolves; vacant retail units and other properties are redeveloped for employment, residential and community use.*

11. *Provision of a range of affordable housing stock by size, tenure and price band is facilitated through partnerships between the local authorities, housing associations, a charitable community land trust and community minded landowners, brokered by the local authorities. An important aspect of this is to enable key workers to live locally rather than commute into the area.*
12. *Sustainable low carbon modes of transport are developed to interconnect the settlements and to link to transport, service and business hubs (Totnes, Plymouth, main line railway and A38) this can include; safe cycle and walking routes, electric cars (with infrastructure), car shares and community buses. Where possible inward commuting by car should be reduced.*
13. *Future changes, whichever body proposes them, are supported locally through full engagement of the community. Community spirit and voluntary endeavour are supported and valued.*

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

Table 1. Summary of policies in the Plan

Policies	Summary of aims and key environmental effects
Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence	and settlements of West Alvington and Churchstow.
Policy KWAC Env2 Local Green Spaces(LGS)	This policy identifies Local Green Spaces.
Policy KWAC Env3 Impact on the South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.	This policy seeks to protect areas within the AONB, green corridors and green infrastructure from inappropriate development.
Policy KWAC Env 4 Locally Important Views	This policy seeks to protect identified important views.
Policy KWAC Env 5 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 KWAC Env 6 Prevention of Flooding	This policy seeks to protect against flooding.
Policy KWAC Env 7 Carbon Reduction	This policy seeks to reduce the carbon footprint of development.
Policy KWAC Env 8, Encouraging renewable energy	This policy encourages appropriate renewable energy production.
Policy KWAC Env 9, Allotments	This policy seeks to protect existing allotments and promote further provision.

Policy KWAC Env 10 Promotion of tree planting	This policy promotes tree planting and seeks to protect existing trees.
Policy KWAC H1 Affordable Housing	This policy supports initiatives to provide affordable homes.
Policy KWAC H2 Market Housing	This policy supports the provision of market housing on JLP allocated site , where necessary to support the provision of affordable homes and seeks to ensure house types are provided that meet local needs.
Policy KWAC H3 Rural Exception Sites outside the settlement boundaries	This policy supports JLP Policy TTV27 regarding the development of “exception sites”.
Policy KWAC H4 - Principal Residence	This Policy requires that principal residence restrictions apply in parts of the plan area where “second homes” exceed 20% of existing dwellinghouses.
Policy KWAC Em1 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 KWAC Em2 the regeneration and intensification of employment sites at Lower Union Road and Orchard Industrial Estate.	This policy seeks the regeneration of and the intensification of employment uses within the Lower Union St/Orchard Industrial site area.
Policy KWAC Em3 Support for the central shopping area of Kingsbridge	This policy seeks to protect against inappropriate development in the central shopping area and promote appropriate development.
Policy KWAC Em4 Mixed use employment including living over the shop, and live work.	This policy seeks to promote mixed use development combining living and employment uses.

<p>Policy KWAC Em5 Promotion of innovative tourism businesses</p>	<p>This policy promotes appropriate innovative tourism uses.</p>
<p>Policy KWAC Em6 Support for training links that reinforce the existing skills base and emerging new types of employment.</p>	<p>This policy encourages employment uses that combine training opportunities.</p>
<p>Policy KWAC BE1 Brownfield first</p>	<p>This policy seeks to promote the development of brownfield sites in advance of greenfield development.</p> <p>The policy identifies sites (see Appendices B36 and B14) that could be suitable sites for redevelopment. The Council have expressed concerns regarding the content of this policy.</p> <p>NB Since issuing the Draft Screening opinion correspondence has taken place with the Statutory Consultees. This correspondence is contained in Appendix 3. Subject to the recommendations made by the Consultees being included in the KWAC NP, this Screening Opinion remains as set out above. These recommendations relate to the content of this Policy.</p>
<p>Policy KWAC BE2 Kingsbridge Quayside and town square</p>	<p>This Policy identifies criteria against which proposal for improvements/development of the Quayside/Town Square should be considered.</p>
<p>Policy KWAC BE3 Design Quality</p>	<p>This policy promotes good quality design in new development.</p>
<p>Policy KWAC BE4 Safeguarding Designated and Non-Designated heritage assets and the conservation areas of Kingsbridge and West Alvington</p>	<p>This policy seeks to protect designated and non-designated heritage assets.</p>

Policy KWAC T1 Sustainable Transport routes	This policy seeks to protect and promote sustainable transport links.
Policy KWAC T2 Non-fossil fuel vehicle hub	This policy proposes a non-fossil fuel vehicle hub at the Kingsbridge Quayside car park.
Policy KWAC T3 Car Parking	This policy seeks to protect against the loss of car parking and the provision of appropriate levels in new development.
Policy KWAC T4 Traffic calming	This policy seeks to encourage the provision of traffic calming at identified location in the Plan area
Policy KWAC T5. The Primrose Trail	This policy supports the development of the section of the Primrose Trail within the Plan area boundary.
KWAC HW1 Community facilities	This policy seeks to protect identified community facilities against inappropriate development.
KWAC HW2 Open Space	This policy seeks the adequate provision of open space in new developments.
KWAC HW3 A community centre for Kingsbridge	This policy supports the provision of a new community centre in Kingsbridge.

Table 2 below provides the screening determination of the need to carry out a full Strategic Environmental Assessment for the KWAC 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 environmental effect?	Reason
1. The characteristics of plans and programmes, having regard, in particular, to—		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	NO	The broader policy framework is set by the NPPF, the Local Plan and the Joint Local Plan (JLP). The KWAC 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 KWAC 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	The Plan does, in its current form, identify sites with the potential for redevelopment (see Policy KWAC BE1 Brownfield first). The Council have expressed concerns regarding the content of this Policy. In terms of this Screening Opinion, however, since these sites lie within the Kingsbridge urban area and are brownfield in nature it is not considered their redevelopment would give rise to issues necessitating SEA .
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for	NO	The Neighbourhood Plan is not relevant as a plan for implementing EC legislation.

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;	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 Kingsbridge and the settlements of West Alvington and Churchstow alongside their rural hinterlands. The total resident population of these areas is approximately 8507 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 and on the SSSI.

2.1 SEA Screening Opinion

The KWAC 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 KWAC BE1 Brownfield first** which identifies “brownfield sites” which 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 Kingsbridge urban area and are potentially brownfield in nature it is not considered their redevelopment would give rise to issues necessitating SEA.

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 into account 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

KWAC 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 KWAC 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 due to geographical separation and lack of impact pathways
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 northern part of the Kingsbridge and Churchstow Parishes falls within the Landscape Connectivity Zone of the South Hams SAC for Greater Horseshoe Bats. The NP does not allocate any development within the LCZ and no policy would have any impact on the sustenance zone.

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	A-No negative effect				

3.1. Additions/revisions required to the KWAC NP

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

3.2. HRA CONCLUSION AND SCREENING OPINION

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

12th July 2021

Duncan Smith
Neighbourhood Planning Officer

South Hams District and West Devon Borough Councils

Email: Duncan.smith@swdevon.gov.uk

Telephone: 01803 861178

APPENDIX 3: Correspondence with Statutory Consultees since issuing the Draft Screening Opinion.

Historic England

Hi Duncan

I have now been able to refresh my memory of Appendices B14 and B36.

These were referred to by me in our Regulation 14 response and don't appear to have changed since that time. The observations on them therefore remain extant and the consideration now is therefore only how policy BE1 might be amended to provide better assurance that any consideration for further development of the sites identified in the appendices would need to demonstrate that the need to protect and enhance the historic environment and relevant heritage assets had been taken account of.

In that respect the inclusion suggested by the community below is helpful in itself but in addition a simple inclusion along the lines above would probably suffice overall. But if there is a desire for a more all embracing provision to pick up other environmental considerations then something which instead to the above said any proposals for development will need to demonstrate conformity with other policies for the protection of the natural and historic environment would probably suffice also.

I don't think I need to provide a precise drafting here – I am happy to leave that to the discretion of you and the community between you.

But on that basis – and anticipating agreement on the above - I would be happy to confirm that we no longer have any objection to the view that a full SEA is not required.

Kind regards

David

Hope that's helpful!

David Stuart | Historic Places Adviser

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

<https://historicengland.org.uk/southwest>

From: Stuart, David

Sent: 04 November 2021 14:43

To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>

Subject: RE: Kingsbridge SEA/HRA Consultation Responses

Thanks Duncan

The heritage safety net provision in BE1 helpful.

Reference to the schedule of sites may be tantamount to a back door site allocation and potential hostage to fortune, the more so as this is included in the policy rather than the supporting text. The helpful – and possibly sufficient - caveat could be the inclusion of “may” but that could be interpreted as creating ambiguity which is still unhelpful.

I'll need to look at the two appendices in question to put myself in the full picture before getting back to you with a properly considered response. Unfortunately this is now unlikely to be before w/c 15th Nov.

Just when I thought this was done and dusted!

Kind regards

David

David Stuart | Historic Places Adviser

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

<https://historicensland.org.uk/southwest>

From: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Sent: 04 November 2021 14:27
To: Stuart, David <David.Stuart@HistoricEngland.org.uk>
Subject: RE: Kingsbridge SEA/HRA Consultation Responses

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David....Thanks for your comments. I enclose an amended version of Policy BE1 referred to in the original text from the Group upon which your comments below are based. You will note the wording proposed has been added in regarding heritage surveys (below):-

Re-development of brownfield sites should be subject to a comprehensive survey of existing heritage assets and must avoid harm to these assets and protect and enhance the historic environment as set out in national and local policy.

For information the Group, as you will see second paragraph (below), intend to include a list of potential sites in the NP:-

As stated in policy KWAC EM1 changes of use resulting in the loss of employment land to the plan area will not be supported. A schedule of sites **that the community may look favourably on** ~~considered suitable~~ for intensification or re-development and a plan locating these are included as Appendix B36 and B14.

I would appreciate your comments.

Regards

Duncan

From: Stuart, David <David.Stuart@HistoricEngland.org.uk>
Sent: 02 November 2021 15:05
To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>
Subject: Kingsbridge SEA/HRA Consultation Responses

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Dear Duncan

Thank you for your further information sent in response to our previous advice on the SEA Screening for the emerging Kingsbridge etc (KWAC) Neighbourhood Plan.

We note the comments which the community has provided and would respond to these in turn as follows:

Policy KWAC BE2 – Kingsbridge Quayside

The community states that the allocation of this site is in accordance with the Joint Local Plan Policy TTV 10. Having looked at this it does include specific provision for the development of 60 new homes and 200m² of business floor space and in that respect policy BE2 is in conformity and further evidence to substantiate it is not required. It would be more helpful to the Plan if this were more explicitly cited as the basis for the policy as the status and evidence base for the 2017 masterplan in isolation is unclear.

Either way, we are happy that our concerns concerning this policy have now been satisfactorily addressed.

Policy KWAC HW3 – A Community Centre

No additional evidence has been provided but the community proposes adding the following to existing supporting text:

'Historic England have advised that prior to bringing a proposal forward all the historic assets of St. Edmunds Church must be fully understood and applied in the exploration of this site in accordance with national and local planning policy for the historic environment.'

The basis for such a provision is not that we have highlighted this need but that we are only drawing attention to the need which exists in national and local planning policy for the protection and enhancement of the historic environment. Reference to ourselves therefore needs to be removed. And while consideration of the site for this or any development should understandably take account primarily of those heritage assets relating to the Church, all relevant heritage assets (ie including those which may be offsite) should be taken account of. We appreciate that as the policy itself is not specific to the Church it would not be appropriate to include this safeguard within it.

While this addition of text would then be welcome, and acknowledging that the policy itself does not specify a particular site or location for a new community centre, para 5.8.8. of the

Plan states that it supports the use of the Church as a new community centre within the constraint imposed by it being a Grade I Listed Building. At the same time there is also the schedule of accommodation which the policy requires a new community centre to deliver as a total provision with no indication that the Church, as the preferred location, is capable of delivering all this in an acceptable manner as far as its heritage significance is concerned.

On that basis there exists a tension – that once the special interest of the Church has been fully understood it may be difficult if not impossible to deliver the brief for the community centre in full as required by the policy.

Or, while the Listed status of the Church, the policy and other safeguards within the Plan, and overarching local and national policy for the protection and enhancement of the historic environment may well be sufficient to prevent the delivery of a community centre which harms its heritage significance, the requirements of the policy may as a result be incapable of delivery.

None of this automatically suggests that significant environmental effects in the form of harm to the Church is likely but the tension creates ambiguity which is unhelpful in terms of having confidence in the deliverability of the policy.

On balance therefore, we are prepared to concede that a full SEA may therefore not be required and offer no objection to such an outcome. At the same time, unless resolved beforehand our lack of comfort in the situation this creates is likely to be reiterated in our response to the Regulation 16 consultation.

Kind regards

David

David Stuart | Historic Places Adviser

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

<https://historicengland.org.uk/southwest>



Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

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From: Duncan Smith <Duncan.Smith@swdevon.gov.uk>

Sent: 15 October 2021 14:56

To: Stuart, David <David.Stuart@HistoricEngland.org.uk>; Dixon, Naomi-Beth <Naomi.Dixon@naturalengland.org.uk>; Environment Agency (2 <SPDC@environment-agency.gov.uk>

Subject: FW: Kingsbridge SEA/HRA Consultation Responses

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David, Naomi and Sarah.....Here is the response from Kingsbridge Neighbourhood Plan Group in response to your comments on the Screening Opinion I sent to you in the summer. I did ask the Group to supply me with a revised Plan for Screening but they declined. I would be grateful to receive your comments in order that I can rescreen.....Regards Duncan

From: Peter Sandover <petersandover@icloud.com>

Sent: 05 October 2021 11:00

To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>

Cc: Richard and Lis Smith <smith.linhey@btinternet.com>; Kingsbridge Town Clerk <clerk@kingsbridge.gov.uk>

Subject: Re: Kingsbridge SEA/HRA Consultation Responses

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Duncan

Following your email below and earlier exchange please find attached a consolidated response to the comments made by HE, NE and the EA with respect to your SEA/HRA screening.

I would be grateful if you could forward this information to the consultees with a view to finalising the SEA/HRA Screening and submitting the Regulation 15 Version of the Plan to SHDC at the earliest opportunity.

Best Regards

Peter

Peter Sandover
Sandover Associates

Barnfield
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Phone 01548 532818

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www.sandoverassociates.co.uk

On 4 Oct 2021, at 11:33, Duncan Smith <Duncan.Smith@swdevon.gov.uk> wrote:

Peter.....Here are the letters from the three consultees....Regards Duncan

Duncan Smith

Neighbourhood Planning Officer

South Hams District and West Devon Borough Councils

Email: Duncan.smith@swdevon.gov.uk

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Environment Agency

Hi Duncan,

We would support your position with regard to removing reference to specific sites unless a full assessment is undertaken.

However, if they do include an Appendix, the status of the sites listed will need to be clear, in order that future decisions on any planning applications are not prejudiced, e.g. the sites are not allocated

by their inclusion in the NDP and applications will therefore need to be determined with reference to NPPF and JLP policies on flood risk etc.

Kind regards

Sarah Squire MRTPI

Sustainable Places – Planning Advisor

Environment Agency – Devon, Cornwall and the Isles of Scilly Area

Tel: 0208 474 6316

Email: SPDC@environment-agency.gov.uk

Sir John Moore House, Victoria Square, Bodmin, Cornwall, PL31 1EB

Manley House, Kestrel Way, Exeter, Devon, EX2 7LQ

From: Duncan Smith [<mailto:Duncan.Smith@swdevon.gov.uk>]

Sent: 28 October 2021 11:09

To: SPDC <SPDC@environment-agency.gov.uk>

Subject: RE: Kingsbridge SEA/HRA Consultation Responses

Hi Sarah.....I enclose an email sent to me by the consultant acting on behalf of the Kingsbridge Group. As you will note the Group are removing any specific allocation of sites in Policy BE1 but are retaining a list as an Appendix of sites that may be looked on favourably. The Council considers that any reference to specific sites should be removed from the NP unless full assessment is undertaken. We also have concerns that amongst the sites there are active uses whose potential displacement has not been considered in the NP.

I would appreciate your comments.

Regards

Duncan

From: SPDC <SPDC@environment-agency.gov.uk>

Sent: 27 October 2021 12:21

To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>

Subject: RE: Kingsbridge SEA/HRA Consultation Responses

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Hi Duncan,

Thank you for re-consulting us on this.

We have reviewed the proposed amended wording proposed for the revised NDP, however we still have some concern about sites being proposed for residential development without the Sequential Test being applied first. This would provide a lack of certainty for both decision-makers and developers about whether the development of these sites will be acceptable in principle.

I think we would still give the steer that if they want to promote the development of sites within the floodplain, they should undertake the Sequential Test at this stage to show that such development would be appropriate. This would involve them looking at the development need for Kingsbridge and whether this need is met by the existing allocations. If there is a shortfall then they could justify that the Sequential Test is satisfied and because they are brownfield sites they may provide sufficient wider sustainability benefits to the community to outweigh flood risk in line with the first part of the Exception Test. With regard to the second part of the Exception Test, we consider that the policy wording should be clearer on the local expectations, for example by stating that developers will need to submit a site-specific Flood Risk Assessment which will need to demonstrate that development be safe from flooding over its lifetime, not increase flood risk elsewhere and reduce flood risk to others.

If they are keen to include a 'brownfield first' policy without undertaking the sequential test, it might be better to remove reference to specific sites as part of the policy. We consider that it needs to be made clear that any sites listed in any supporting text are not allocations and have not previously been subject to the Sequential Test; they are just sites that the community may look favourably on. Any planning application made for development on those sites may still be refused on planning policy grounds if it cannot satisfy the flood risk Sequential and Exception Tests as set out in the NPPF.

Please let me know if you have any questions.

Kind regards

Sarah Squire MRTPI

Sustainable Places – Planning Advisor

Environment Agency – Devon, Cornwall and the Isles of Scilly Area

Tel: 0208 474 6316

Email: SPDC@environment-agency.gov.uk

Sir John Moore House, Victoria Square, Bodmin, Cornwall, PL31 1EB

Manley House, Kestrel Way, Exeter, Devon, EX2 7LQ

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From: Duncan Smith [<mailto:Duncan.Smith@swdevon.gov.uk>]

Sent: 15 October 2021 14:56

To: David.Stuart@HistoricEngland.org.uk; Dixon, Naomi-Beth
<Naomi.Dixon@naturalengland.org.uk>; SPDC <SPDC@environment-agency.gov.uk>

Subject: FW: Kingsbridge SEA/HRA Consultation Responses

David, Naomi and Sarah.....Here is the response from Kingsbridge Neighbourhood Plan Group in response to your comments on the Screening Opinion I sent to you in the summer. I did ask the Group to supply me with a revised Plan for Screening but they declined. I would be grateful to receive your comments in order that I can rescreen.....Regards Duncan

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Sent: 05 October 2021 11:00

To: Duncan Smith <Duncan.Smith@swdevon.gov.uk>

Cc: Richard and Lis Smith <smith.linhey@btinternet.com>; Kingsbridge Town Clerk

[<clerk@kingsbridge.gov.uk>](mailto:clerk@kingsbridge.gov.uk)

Subject: Re: Kingsbridge SEA/HRA Consultation Responses

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Duncan

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I would be grateful if you could forward this information to the consultees with a view to finalising the SEA/HRA Screening and submitting the Regulation 15 Version of the Plan to SHDC at the earliest opportunity.

Best Regards

Peter

Peter Sandover
Sandover Associates

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Duncan Smith

Neighbourhood Planning Officer

South Hams District and West Devon Borough Councils

Email: Duncan.smith@swdevon.gov.uk

Telephone: 01803 861178

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Natural England

Date (amended): 02 November 2021

Natural England

Polwhele

Truro

Cornwall

TR4 9AD

T 0300 060 3900

Our ref: 371252

Your ref: Kingsbridge SEA/HRA Consultation Responses

Duncan Smith

South Hams District and West Devon Borough Councils

Follaton House

Plymouth Road

Totnes

TQ9 5NE

BY EMAIL ONLY

Duncan.Smith@swdevon.gov.uk

Dear Duncan Smith

Thank you for your consultation on the above dated 15 October 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.

Kingsbridge, West Alvington & Churchstow Neighbourhood Plan – SEA/HRA Screening assessment post consultation amendments:

Strategic Environmental Assessment (SEA) Screening: We note and welcome the addition to Policy KWAC BE1 ‘Brownfield First’, highlighting the risks from development to water quality within the Kingsbridge Estuary. We recommend however, that direct reference is also made within this wording to the Salcombe to Kingsbridge Estuary Site of Special Scientific Interest (SSSI). This is to better ensure that potential water quality impacts from any future development in the locations suggested in BE1 are assessed for their impact on the features for which this site is designated.

Although we acknowledge that the Brownfield First presents a presumption in favour of development, should the KWAC NP be amended as recommended above we would be satisfied that in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. We would therefore agree with the conclusion of the SEA screening report that a full Strategic Environmental Assessment would not be required.

Habitats Regulations Assessment (HRA) Screening: In light of the removal of the allocation for allotments in West Alvington (Policy KWAC Env 9), and the amendments made to the settlement boundaries, Natural England agrees with the conclusion of the HRA report that the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan would not be likely to result in a significant effect, either alone or in combination, on the Landscape Connectivity Zone of the South Hams Special Area of Conservation (SAC), and therefore no further assessment work under the Habitats Regulations would be required.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this screening stage, should the responsible authority seek our views on the scoping or environmental report stages.

Page 2 of 2

For any queries relating to the specific advice in this letter only please contact Naomi-Beth Dixon at naomi.dixon@naturalengland.org.uk. For any new consultations, or to provide further information on this

consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Naomi-Beth Dixon

Lead Adviser (Sustainable Development)

Devon, Cornwall and Isles of Scilly