

Our Frogmore & Sherford Community NEIGHBOURHOOD PLAN



Basic Conditions Statement

February 2021

Submitted by the qualifying body:
Frogmore and Sherford Parish Council
<https://frogmoreandsherford.co.uk/>

for:
Frogmore and Sherford Neighbourhood Plan
<https://frogmoreandsherford.co.uk/neighbourhood-plan/>

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ASSESSMENT **(Added June 2021)**

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1. LEGAL REQUIREMENTS

- 1.1. This statement has been prepared by the Frogmore and Sherford Neighbourhood Plan Group on behalf of Frogmore and Sherford Parish Council. It accompanies the submission to South Hams District Council of the Frogmore and Sherford Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012 (referred to as the Regulations).
- 1.2. The Neighbourhood Plan is submitted by Frogmore and Sherford Parish Council, the appropriate qualifying body. It covers the area designated by South Hams District Council on 25th March 2017. Details of the application and its approval are available on the district council's website at <https://www.neighbourhoodplanning.swdevon.gov.uk/frogmoreandsherford>.
- 1.3. The plan has been prepared on behalf of the parish council by a steering group and consultants. The assistance of the district council is also gratefully acknowledged.
- 1.4. It relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from 2014-2034, the same period as that for the Plymouth and South West Devon Joint Local Plan (the JLP).
- 1.5. As laid out in the Regulations, it does not contain policies relating to excluded development – county matters, nationally significant infrastructure or other matters.
- 1.6. The neighbourhood plan area is shown at Appendix 1. It includes the whole of Frogmore and Sherford parish.
- 1.7. This statement addresses each of the 'basic conditions' required by the Regulations and explains how the neighbourhood plan meets the requirement of paragraph 8 of schedule 4B of the 1990 Town and Country Planning Act.
- 1.8. To meet the basic conditions the neighbourhood plan must:
 - a) have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - b) have special regard to listed buildings, features of special architectural or historic interest and any conservation area;
 - c) contribute to the achievement of sustainable development;
 - d) be in general conformity with the strategic policies of the development plan for the area; and
 - e) not breach and be compatible with European Union (EU) obligations.

2. LOCAL CONTEXT AND THE NEED FOR A PLAN

- 2.1. Frogmore and Sherford is a rural parish set at the head of one of the tributaries of the Kingsbridge estuary in south Devon. The parish population is about 440 people, and the villages still provide local facilities including the parish church and the village hall at Sherford and the pub at Frogmore.
- 2.2. The parish experiences the social, economic and environmental pressures and challenges commonly associated with an attractive rural location. The local economy rests primarily on tourism and agriculture. Job opportunities are few and house prices are high which can make it hard for local people, especially the young, to afford to stay in the parish. To address such issues the community has decided to produce a neighbourhood plan.

3. PLAN PROCESS AND CONSULTATION

- 3.1. Frogmore and Sherford Parish Council decided to proceed with the development of a neighbourhood plan in late 2016. To enable an effective start a small representative group was established, and as the process progressed a steering group was formed and the wider parish community engaged through a series of events and surveys.
- 3.2. Drop-in sessions in September 2017 were followed by a questionnaire survey of the whole parish which resulted in 186 responses (a 46% return rate). More detail of the process can be found in the Statement of Consultation which accompanies the plan.
- 3.3. The neighbourhood plan website (<https://frogmoreandsherford.co.uk/about/>) shows a great deal of helpful information including the plan area, terms of reference, steering group minutes, records of consultations and the current state of progress.
- 3.4. The plan was published in draft form for consultation in accordance with Part 5, Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. It was open for comments for a period of 6 weeks (from 21st February 2020). Details of representations received are set out in a Response Report.
- 3.5. The plan has been amended in light of the representations received and is now submitted to South Hams District Council together with associated documents including this Basic Conditions Statement, the Statement of Consultation, the Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA) screening opinions (neither is required), the Monitoring Report, and a schedule of evidence.
- 3.6. The district council will arrange for the plan's examination by an independent examiner who will decide whether it meets the basic conditions. If these conditions are considered to have been met the district council will hold a local referendum on the plan. So long as more than 50% of those voting in the referendum support the plan it will be declared “duly made” and will become part of the development plan and statutory planning decision making framework for the parish.

4. VISION AND OBJECTIVES

4.1. The local community expects the plan to:

- a) sustain and enhance quality of life in the parish;
- b) make new homes available, including affordable homes for local people;
- c) support existing and new businesses and job opportunities; and
- d) maintain and improve community facilities, services and infrastructure.

4.2. The vision for Frogmore and Sherford is thus:

We would like Frogmore and Sherford to grow as a sustainable community meeting the needs of local people, to be an ever-better place to live and work, retaining the historic character of the two villages, its rural setting and the community spirit. We want to achieve improvements in local infrastructure and enhanced facilities. Our ambition is also to protect and celebrate the rich landscapes and waterscapes within our parish.

5. POLICIES AND PROPOSALS

5.1. The plan's policies are laid out under the following main headings:

- 1. The Local Environment
- 2. Development and Design
- 3. Homes and Jobs
- 4. Transport, Community facilities and Infrastructure

5.2. Of particular local importance are policies seeking to protect the local environment and quality of life.

6. SUBMISSION DOCUMENTS

6.1. In addition to this Basic Conditions Statement, the following documents have been prepared to support the Frogmore and Sherford Neighbourhood Plan:

- a) **The Neighbourhood Plan** – the neighbourhood development plan for the designated area containing policies to guide future development in the area;
- b) **The Statement of Consultation** – setting out the community engagement and consultation undertaken from the outset of the process;
- c) **A schedule of evidence** to support the plan;
- d) **A Monitoring Framework** – showing performance indicators against which the effectiveness of the plan's policies can be assessed; and
- e) **Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment screening opinions** – neither is found to be required.

7. COMPLIANCE STATEMENT

7.1. The draft Frogmore and Sherford Neighbourhood Plan is submitted to South Hams District Council in accordance with Part 5, Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. The Regulations set out the requirements for the submission of a neighbourhood plan, as follows:

Plan proposals: Where a qualifying body submits a plan proposal to the local planning authority, it must include –

- (a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- (b) a consultation statement;
- (c) the proposed neighbourhood development plan; and
- (d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act

7.2. Part (a) is provided at **Appendix 1** to this statement and includes the map and a hyperlink to the application and designation notice. Parts (b) and (c) are now submitted alongside the plan. The requirements of part (d) are that the plan meets the basic conditions which are (set out at para 1.8 above), that:

- the plan has regard to national policies and advice contained in guidance issued by the Secretary of State;
- it has special regard to listed buildings, features of special architectural or historic interest and any conservation area;
- it contributes to the achievement of sustainable development;
- it is in general conformity with the strategic policies contained in the development plan for the area; and
- it does not breach and is compatible with EU obligations.

7.3. The following sections of this statement explain how the Frogmore and Sherford Neighbourhood Plan meets those requirements.

8. REGARD TO NATIONAL POLICIES AND GUIDANCE

8.1. The National Planning Policy Framework (NPPF) was published in March 2012 and its revision in July 2018. It provides a framework to plan for sustainable development, including by local communities through the production of neighbourhood plans.

8.2. The Frogmore and Sherford Neighbourhood Plan aims to focus on those planning matters which have been identified as priority concerns by the local community. It seeks to neither hinder nor duplicate policies in existing plans, which should be read alongside the neighbourhood plan. Both independently of one another and in combination the plans meet the requirements of the NPPF.

8.3. **Appendix 2** sets out the way that the policies of the plan conform with the NPPF.

9. SPECIAL REGARD TO CONSERVATION INTERESTS

- 9.1. The policies of the plan aim to ensure that listed buildings, features of special architectural or historic interest and the Sherford conservation area are conserved and enhanced. The relevant policy addresses both designated and non-designated conservation assets and requires that development comply with all relevant national and local strategic policies.

10. CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

- 10.1 The policies of the plan aim to support development which will be sustainable and which will address local needs, particularly for homes and jobs. The plan establishes a settlement boundary for Frogmore with clear policy distinctions inside and outside of that boundary. It fosters sustainable housing provision and business growth, enhanced community infrastructure, good design and renewable energy in scale with the locality.

11. CONFORMITY WITH STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 11.1 The development plan for the area is the Plymouth and South West Devon Joint Local Plan (the JLP), adopted in March 2019. It replaces the various plans which had preceded it. A Supplementary Planning Document (SPD) provides further detail.
- 11.2 The Frogmore and Sherford Neighbourhood Plan has been prepared in cooperation with the district council. It generally conforms with and does not undermine or constrain the strategic content of the JLP as it relates to Frogmore and Sherford.
- 11.3 More detail about the way in which the plan's policies generally conform with the strategic content of the development plan policies is set out in **Appendix 2** (along with details of conformity with the NPPF).

12. COMPATIBILITY WITH EU LEGISLATION

- 12.1 The Frogmore and Sherford Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The consultation process has aimed to include all sections of the community, including hard-to-reach and under-represented groups such as young people and the disabled, with local events in accessible locations and an effective digital presence.
- 12.2 Screening opinions are that neither Strategic Environmental Assessment (SEA) Habitats Regulations Assessment (HRA) are required.

13. STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITATS REGULATIONS ASSESSMENT

- 13.1 South Hams District Council has concluded assessments and report:
- 13.2 Strategic Environmental Assessment
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 Frogmore and Sherford Neighbourhood Plan Neighbourhood Plan which has been dispatched along with the relevant Version of the Plan.

Having taken all of the relevant policies of the draft Frogmore and Sherford Neighbourhood Plan (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 since no development proposals are included in the Plan.

The full reasons for this conclusion are set out in the screening report, copied at **Appendix 3**.

13.3 Habitats Regulations Assessment

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.

Much of the northern part of the Parish, including the village of Sherford, falls within the Landscape Connectivity Zone of the South Hams SAC for Greater Horseshoe Bats. The Plan (Regulation 15 Version, February 2021) does not allocate any development sites. In the light of this Council consider the Frogmore and Sherford Neighbourhood Plan will not have a significant effect on a European Site and therefore further assessment under the Habitat Regulations is not required.

The full reasons are set out in the copied report at **Appendix 3**

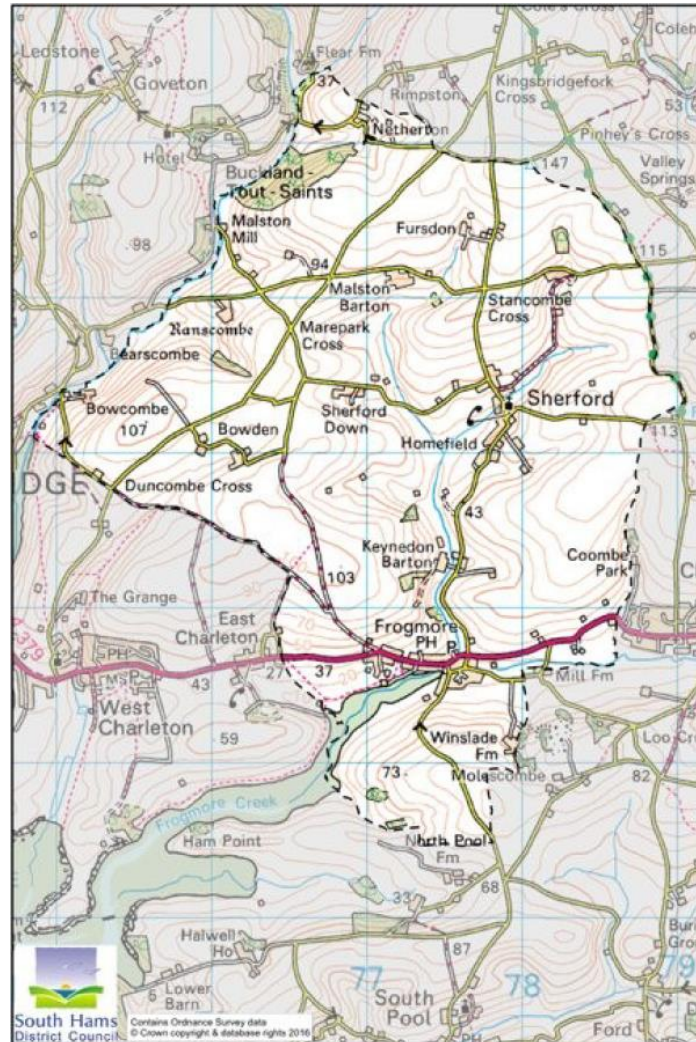
13.4 Consultation

The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on 6th May 2021. The responses from these consultees are contained in Annex 1 in **Appendix 3**

APPENDIX 1

FROGMORE AND SHERFORD NEIGHBOURHOOD PLAN AREA DESIGNATION

1. The plan area shown on the map below is that confirmed on 25th March 2017 by South Hams District Council.



2. The application for and notice of designation of the Frogmore and Sherford Neighbourhood Plan area can be found at <https://frogmoreandsherford.co.uk/about/> and also at <https://www.neighbourhoodplanning.swdevon.gov.uk/frogmoreandsherford>.

APPENDIX 2 – FROGMORE AND SHERFORD NEIGHBOURHOOD PLAN POLICIES' REGARD TO THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF) AND GENERAL CONFORMITY WITH STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

1. The table below maps the policies of the Frogmore and Sherford Neighbourhood Plan, their regard for the National Planning Policy Framework (NPPF) and their general conformity with the strategic policies of the development plan for the area.

Frogmore and Sherford Neighbourhood Plan	Regard to NPPF	General conformity with strategic policies
Overall	<p>The plan has regard to the NPPF and particularly to the objectives for neighbourhood plans and in the achievement of sustainable development.</p> <p>It sets out a vision for the future and contains policies which respond to priority concerns expressed by the local community.</p> <p>It sets out a strategy that provides for sustainable development within its area.</p> <p>Its policies align with the NPPF in general and in particular ways as shown below.</p>	<p>The plan is in general conformity with the strategic policies of the development plan and in particular those contained in the South West Devon Joint Local Plan (the JLP) adopted in March 2019.</p> <p>JLP policy TTV25 is of key relevance.</p>
FSNP1: The Landscape and Biodiversity	The policy has regard to NPPF part 15 in aiming to protect and enhance valued landscapes, allocating for development land with the least environmental and amenity value.	The policy generally conforms with JLP policies DEV20, DEV23, DEV24, DEV25, DEV27 and DEV28.
FSNP2: Frogmore Creek	The policy has regard to NPPF parts 15 in aiming to conserve and enhance the natural environment.	The policy generally conforms with JLP policies DEV20, DEV23, DEV24 and DEV25.
FSNP3: Heritage and Conservation	The policy has regard to the NPPF part 16 in aiming to conserve and provide for the enjoyment of historic assets.	The policy generally conforms with JLP policies DEV20 and DEV21.
FSNP4: Tranquillity and Dark Skies	The policy has regard to NPPF parts 8 and 15 in aiming to safeguard tranquillity and prevent light pollution.	The policy generally conforms with JLP policies DEV2, DEV23 and DEV25.

FSNP5: Development and Settlement Boundary	The policy has regard to NPPF part 2 in aiming to facilitate sustainable development, part 5 in helping to deliver sufficient homes, part 6 in helping to build a prosperous rural economy, part 11 by making effective use of land, and parts 15 and 16 by aiming to conserve and enhance the landscape and historic environment.	The policy generally conforms with JLP policies SPT1, SPT2, SPT3, SPT12, TTV2 and TTV26.
FSNP6: Design and Construction	The policy has regard to NPPF parts 12 and 14 in aiming to ensure well designed places and helping to meet the challenges of climate change and flooding.	The policy generally conforms with JLP policies SPT1, SPT2, DEV2, DEV10, DEV20, DEV32 and DEV33.
FSNP7: Renewable Energy	The policy has regard to NPPF part 14 (meeting the challenge of climate change, flooding and coastal change).	The policy generally conforms with JLP policies SPT1, SPT2, DEV32 and DEV33.
FSNP8: Affordable Housing Provision	The policy has regard to NPPF part 2 in aiming to facilitate sustainable development, part 5 in helping to deliver sufficient homes, part 8 by promoting healthy and safe communities, and part 11 by making effective use of land.	The policy generally conforms with JLP policies SPT1, SPT2, SPT3, TTV2, TTV25, DEV8, DEV9 and DEV10.
FSNP9: Private Housing Development	The policy has regard to NPPF part 2 in aiming to facilitate sustainable development, part 5 in helping to deliver sufficient homes, and part 11 by making effective use of land.	The policy generally conforms with JLP policies SPT1, SPT2, SPT3, TTV2, TTV25, DEV8, DEV9 and DEV10.
FSNP10: Sustainable Business Growth	The policy has regard to NPPF part 6 in seeking to support a prosperous rural economy.	The policy generally conforms with JLP policies SPT1, SPT2, SPT4, TTV2, DEV14, DEV15 and DEV19.
FSNP11: Existing Businesses	The policy has regard to NPPF part 6 in seeking to support a prosperous rural economy.	The policy generally conforms with JLP policies SPT1, SPT2, SPT4, TTV2, DEV14, DEV15 and DEV19.

FSNP12: Telecommunications	The policy has regard to NPPF part 10 in supporting high quality communications infrastructure for sustainable economic growth.	The policy generally conforms with JLP policies SPT2 and SPT8.
FSNP13: Local Transport, Footpaths and Bridle Paths	The policy has regard to NPPF parts 8 and 9 in promoting sustainable transport and opportunities for walking.	The policy generally conforms with JLP policies SPT1, SPT2, SPT9, SPT10 and DEV29.
FSNP14: Community Facilities and Infrastructure	The policy has regard to NPPF part 8 in promoting a healthy and safe community and safeguarding and enhancing local services and facilities.	The policy generally conforms with JLP policies SPT1, SPT2, SPT6, DEV3, DEV4, DEV5, DEV18 and DEV30.
FSNP15: Local Green Spaces	The policy has regard to NPPF part 8 in promoting a healthy community and protecting green areas of particular local importance.	The policy generally conforms with JLP policy DEV27.

APPENDIX 3 - STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITATS REGULATIONS ASSESSMENTS SCREENING REPORT

Frogmore and Sherford Draft Neighbourhood Plan
(Submission Version, February 2021)

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

May 2021

Draft SCREENING OPINION

SEA

Having taken all of the relevant policies of the draft Frogmore and Sherford Neighbourhood Plan (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 since no development proposals are included in the Plan. The full reasons for this conclusion are set out in the screening report in Appendix 1.

HRA

Much of the northern part of the Parish, including the village of Sherford, falls within the Landscape Connectivity Zone of the South Hams SAC for Greater Horseshoe Bats. The Plan (Regulation 15 Version, February 2021) does not allocate any development sites. In the light of this Council consider the Frogmore and Sherford 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.

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 Frogmore and Sherford Neighbourhood Plan Neighbourhood Plan 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 Frogmore and Sherford Neighbourhood Plan. 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.

Due no development being proposed in the Plan, the Council considers that the Frogmore and Sherford 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

The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on 6th May 2021. The responses from these consultees are contained in Annex 1

Appendix 1

Frogmore and Sherford Neighbourhood Plan Strategic Environmental Assessment Screening Opinion

1.1 - Strategic Environmental Assessment (SEA) Process

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

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

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

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

1.2. Frogmore and Sherford: Environmental Constraints in the Neighbourhood Plan Area

The Neighbourhood Plan Area covers the Frogmore and Sherford Parish in South Hams District Council, Devon. Frogmore and Sherford is a largely rural parish with a population of 440 (2011 Census). The residents live predominantly in the villages of Frogmore (180 dwellings) and Sherford (45 dwellings). The Plymouth & South West Devon Joint Local Plan (JLP) does not identify Frogmore nor Sherford in the 'Smaller Towns and Key Villages' tier of rural settlements. The A379 runs through the southern portion of the Parish bisecting the village of Frogmore.

Located at the head of a tributary (Frogmore Creek) of the Salcombe-Kingsbridge Estuary, the Frogmore and Sherford Parish lies wholly within the South Devon AONB and partly in the Undeveloped Coast and Heritage Coast Designations. The Frogmore Creek is a designated SSSI. Much of the northern part of the Parish, including the village of Sherford falls within the Landscape Connectivity Zone of the South Hams SAC for Greater Horseshoe Bats. The north west section of the Parish is included in the Devon inventory of Ancient Woodlands.

There is one Conservation Area covering most of the historic village of Sherford and there are 20 Listed Buildings across the Parish. A list of non-designated heritage assets is provided in paragraph 3.12 (page 12) of the Plan.

1.3. Frogmore and Sherford Neighbourhood Plan

The Draft Frogmore and Sherford 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 Frogmore and Sherford as follows:

'We would like the parish of Frogmore and Sherford to grow as a sustainable community meeting the needs of local people, to be an ever- better place to live and work, retaining the historic character of the two villages, its rural setting and the community spirit. We want to achieve improvements in local infrastructure and enhanced facilities. Our ambition is also to protect and celebrate the rich landscapes and waterscapes within our parish'.

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

Table 1. Summary of policies in the Plan

Policy	Summary of aims and key environmental effects
POLICY FSNP 1: THE LANDSCAPE	This Policy seeks to enhance and maintain the landscape setting and biodiversity of the Plan area.
POLICY FSNP 2: FROGMORE CREEK	This Policy seeks to maintain and enhance the setting and biodiversity of Frogmore Creek
POLICY FSNP 3: HERITAGE AND CONSERVATION	This policy seeks to protect heritage assets from unacceptable development.

POLICY FSNP 4: TRANQUILITY AND DARK SKIES	This policy aims to maintain to protect against development that would undermine the dark sky currently enjoyed by the parish.
POLICY FSNP 5: SETTLEMENT BOUNDARY	This Policy defines the settlement boundary for the Frogmore village which is illustrated on “Settlement Boundary identification map (page 15).
POLICY FSNP 6: DESIGN AND CONSTRUCTION	This policy sets out criteria against which development will be considered in respect of design, materials, car parking and amenity.
POLICY FSNP 7: RENEWABLE ENERGY	This policy seeks to promote appropriate low carbon /renewable energy production and sets out criteria against which development, which is aimed at this, is considered.
POLICY FSNP 8: AFFORDABLE HOUSING PROVISION	This policy supports the provision of affordable housing and sets out criteria against which such proposals will be considered.
POLICY FSNP 9: PRIVATE HOUSING DEVELOPMENT	This Policy sets parameters for the scale and nature of private housing development proposals.
POLICY FSNP 10: SUSTAINABLE BUSINESS GROWTH	This Policy supports the establishment of appropriate new businesses within the settlement boundary and sets criteria against which development outside the settlement boundary will be considered.
POLICY FSNP 11: EXISTING BUSINESSES	This Policy seeks to protect existing businesses from inappropriate changes of use.
POLICY FSNP 12: TELECOMMUNICATIONS	This policy supports proposals that bring about improved connectivity and sets out criteria against which development required to achieve this aim should be considered.
POLICY FSNP 13: LOCAL TRANSPORT, FOOTPATHS & BRIDLE PATHS	This policy seeks to encourage improvements to the system of footpaths and bridleways. And specifically seeks to encourage safe links between Frogmore and Sherford.
POLICY FSNP 14: COMMUNITY FACILITIES & INFRASTRUCTURE	This Policy supports the provision of additional appropriate community facilities and seeks to protect existing facilities from inappropriate development.

POLICY FSNP 15: LOCAL GREEN SPACE	This policy identifies Local Green Spaces.
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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 Frogmore and Sherford Neighbourhood Plan, 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 Frogmore and Sherford 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 Frogmore and Sherford 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 proposes no development and contains policies that seek to protect the environment and will not give rise to unacceptable environmental impacts.

(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	NO	The Neighbourhood Plan is not relevant as a plan for implementing EC legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
(a) the probability, duration, frequency and reversibility of the effects;	NO	Any effects of the proposals advanced by the Plan are considered to have minimal environmental impact. Policies in the Plan, that support development, seek to minimise any potential impacts.
(b) the cumulative nature of the effects;	NO	The effects from the Plan as a whole are not considered to be significantly greater than those from any individual policy.
(c) the transboundary nature of the effects;	NO	The Plan will not have any transboundary effects.
(d) the risks to human health or the environment (for example, due to accidents);	NO	There are considered to be no risks to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	NO	The Neighbourhood Plan area covers the villages of Frogmore and Sherford as well as the rural area forming the remainder of the Parish. The total resident population at the 2011 was 440 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 Frogmore and Sherford Neighbourhood Plan does not identify any sites for development and proposes a continuity of land uses as they exist at present. 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.

[Note Page 9 of this report is empty and therefore omitted]

Appendix 2

Frogmore and Sherford 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 (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 FROGMORE AND SHERFORD NEIGHBOURHOOD PLAN

SOUTH HAMS EUROPEAN SITES				
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects associated with development (general)	Likelihood of a Significant Effect from the Frogmore and Sherford Neighbourhood Plan
Dartmoor SAC	Northern Atlantic wet heath with <i>Erica tetralix</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	Increased recreational pressure resulting from new development	None due to geographical separation and lack of impact pathways
	European dry heath		Air pollution associated with new development	
	Blanket bog			
	Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles	Nutrient/acid deposition causing habitat loss		
	Southern damselfly <i>Coenagrion mercuriale</i>	Water quality – effect on Atlantic salmon and Otter		

Plymouth Sound and Estuaries SAC	<p>Otter <i>Lutra lutra</i></p> <p>Atlantic salmon <i>Salmo salar</i></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>	Increased recreational pressure - physical damage	None due to geographical separation and lack of impact pathways
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	Allis shad				
South Dartmoor Woods SAC	Old sessile oak woodlands flex 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	Much of the northern part of the Parish, including the village of Sherford, falls within the Landscape Connectivity Zone of the South Hams SAC for Greater Horseshoe Bats. The NP does not allocate any development 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. Frogmore and Sherford 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 Frogmore and Sherford Neighbourhood Plan

The policies within the Frogmore and Sherford Neighbourhood Plan 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 Frogmore and Sherford Neighbourhood Plan will not have a significant effect on a European site and that therefore further assessment under the Habitats Regulations is not required.

6th May 2021

Duncan Smith
Neighbourhood Planning Officer

South Hams District and West Devon Borough Councils

Email: Duncan.smith@swdevon.gov.uk

Telephone: 01803 861178

Annex 1: Consultation Responses

Natural England

Date: 10 June 2021
Our ref: 355607
Your ref: Frogmore and Sherford NP
Duncan Smith
Neighbourhood Planning Officer
South Hams District and West Devon
Borough Councils
BY EMAIL ONLY
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Electra Way
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T 0300 060 3900

Dear Mr Smith,

Frogmore and Sherford Neighbourhood Plan – SEA and HRA Screening

Thank you for your consultation on the above dated 6th May 2021 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Strategic Environmental Assessment Screening

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

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance.

Habitats Regulations Assessment Screening

Natural England welcomes the consideration given to the Habitats Regulations. We agree with the conclusion of the report of no likely significant effect upon a European designated site and therefore advise that further Habitats Regulations Assessment is not required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

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

Yours sincerely

Victoria Kirkham

Historic England

Dear Duncan

Thank you for your consultation on the Draft SEA Screening Opinion for the Regulation 15 version of the Frogmore and Sherford Neighbourhood Plan.

I can confirm that we have no objection to the view that a full SEA is not required.

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>

Environment Agency

Dear Duncan,

Thank you for your consultation providing us with the opportunity to comment in respect of the Frogmore and Sherford Neighbourhood Plan SEA/HRA screening opinion.

In general we consider that it is unlikely that neighbourhood plans will result in any significant environmental effects unless the plan allocates or encourages development over that set out in the Local Plan. Otherwise we consider that any potential for environmental effects from growth in the parish should already have been addressed through the Sustainability Appraisal (SA) which supported the adopted Local Plan. We therefore have no further comments to make at the current time.

Please note that due to resource pressures we need to limit our input in Neighbourhood Plan work. The Frogmore and Sherford NDP is not within a priority area for the Environment Agency and therefore we are unlikely to have any comments to make on the plan as it develops.

Kind regards

Sarah Squire MRTPI

Sustainable Places – Planning Advisor

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

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