

**Kingston Neighbourhood Plan**  
(Regulation 15 version draft submitted 7<sup>th</sup> May 2020)

# **Strategic Environmental Assessment and Habitats Regulation Assessment June 2020**

## **SCREENING OPINION**

### **SEA**

Having taken all of the relevant policies of the draft Kingston Neighbourhood Plan (Regulation 15 version draft submitted 7<sup>th</sup> May 2020) 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**

Kingston lies adjacent to the Start Point to Plymouth Sound and Eddystone SAC which comprises a reef off the coast of Devon and Cornwall. The Plan does not allocate any development sites. In the light of this Council consider the Kingston 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 of 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 Kingston 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 Kingston 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 to the no development being proposed in the Plan, the Council considers that the Kingston 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 18<sup>th</sup> June 2020 and their responses can be found in Appendix 3.

# Appendix 1

## Kingston Neighbourhood Plan

### Strategic Environmental Assessment Screening Opinion

#### 1.1 - Strategic Environmental Assessment (SEA) Process

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

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

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

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

### 1.2. Kingston and environmental constraints in the Neighbourhood Plan Area

The Neighbourhood Plan Area covers Kingston in South Hams District Council, Devon. Kingston is a largely rural parish with a population of 380 (2011 Census). The residents live predominantly in village of Kingston itself. The Plymouth & South West Devon Joint Local Plan (JLP) does not identify Kingston in the ‘Smaller Towns and Key Villages’ tier of rural settlements.

The Kingston Parish lies wholly within the South Devon AONB and partly in the Undeveloped Coast and Heritage Coast Designations.

The Parish lies adjacent to the Start Point to Plymouth Sound and Eddystone Special Area of Conservation (SAC).

There is one designated SSSIs in and close to the Parish, the Erme Estuary SSSI. The Erme Estuary is also a Marine Conservation Zone. Apart from these designated sites the Parish includes range of non-statutory designated sites which are identified in the Kingston Character Assessment which accompanies this Screening Opinion.

There are two conservation areas in Kingston’s village centre and there are 23 Listed Buildings across the Parish. A list of non-designated heritage assets is provided in Appendix I of the Plan. Furthermore part of the Flete Registered Park and Garden lies within the Parish

### 1.3. Kingston Neighbourhood Plan

The Draft Kingston 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 Kingston as follows:

**Kingston must maintain its character as a living country village in an area of outstanding natural beauty.**

The Plan contains 15 policies which are summarised below:-

**Table 1. Summary of policies in the Plan**

Policy	Summary of aims and key environmental effects
<p><b>POLICY KNP1: DEVELOPMENT AND THE DEVELOPMENT BOUNDARY</b></p> <p>1. Development will be permitted inside the development boundary shown in the plan, provided it is in scale and character with the site and surroundings, is of an</p>	<p>This Policy defines the settlement boundary for the Kingston village which is illustrated on page 12 of the Plan.</p>

<p>appropriate density, and will cause no significant adverse impacts on the AONB, natural or historic assets, local amenity, traffic, parking or safety.</p> <p>2. Elsewhere in the parish development will be strictly controlled and permitted only where it can be delivered sustainably and requires a countryside location or will meet a proven local need which cannot be met inside the development boundary. Given our aims with regard to housing (see 2.10 above), the latter may include development of a suitable small exception site or sites outside the development boundary (but adjacent or very near to it) such as is described in 4.12.4 below and in KNP 5 subparagraph 5.</p>	
<p><b>POLICY KNP2: DESIGN AND CONSTRUCTION</b></p> <p>All new development should be informed by the relevant site and its context and:</p> <ol style="list-style-type: none"> <li>1. respect local character to safeguard local distinctiveness,</li> <li>2. buildings and their boundaries should be in scale and keeping with its setting and protect locally important views and skylines,</li> <li>3. retain and enhance local landscape character, including significant field patterns, hedgerows, trees and woodlands, and incorporate suitable features to integrate development with the landscape, and use only mixed native species for hedges and traditional laid Devon hedgebanks wherever boundaries abut open countryside,</li> <li>4. protect biodiversity and improve habitats and micro-climate,</li> <li>5. exclude street lighting and minimise security and external lighting,</li> <li>6. incorporate meters, bin storage and other features appropriately, conveniently and so as not to clutter the street scene,</li> <li>7. wherever possible incorporate modern technologies and building materials to maximise sustainability and energy efficiency and meet the challenges of climate change, and minimise use of non-renewable resources, contribute to reducing carbon emissions and maximise solar gain,</li> <li>8. be safe, attractive, inclusive and accessible, reducing opportunities for crime and the fear of crime,</li> </ol>	<p>This policy sets out criteria against which development will be considered in respect of design, construction, landscape and biodiversity.</p>

<p>9. provide for its own car parking requirements. For residential development there should be at least two dedicated car parking spaces per 2-bedroom dwelling and three spaces for 3-bedroom or more,</p> <p>10. not cause unnecessary noise, light or other pollution and safeguard against risks of contamination and erosion.</p>	
<p><b>POLICY KNP3: FLOODING AND SEWERAGE</b></p> <p>1. Surface water drainage from new developments shall not be connected to the village sewerage system. Any new development shall incorporate a Sustainable Drainage System (SuDS) that at least meets current standards.</p> <p>2. In the light of issues regarding the capacity of the local sewage treatment works and the pipework system in the Village leading to it, new developments must ensure that they do not cause a deterioration in the status of local water bodies nor exacerbate sewer flooding.</p> <p>3. New development shall be designed so as to ensure satisfactory water drainage, not give rise to flooding and wherever possible and reasonable also assist in the alleviation of existing and historic flood problems.</p>	<p>This policy seeks to ensure development does not exacerbate problems with the surface water/sewerage system.</p>
<p><b>POLICY KNP4: RENEWABLE ENERGY</b></p> <p>1. Proposals for small scale renewable energy developments will be welcomed where the purpose is to generate power for use within the parish and if they can be shown to have no unacceptable impacts, particularly on landscape, views and skylines, biodiversity or local amenities. Proposals for large scale renewable energy developments would have unacceptable impacts and will not be permitted.</p> <p>2. Proposals for individual or community scale renewable energy schemes, such as solar voltaic panels, biomass facilities, anaerobic digestions and wood fuel products, will be welcomed providing they will:</p> <ul style="list-style-type: none"> <li>• be appropriate in siting and scale to the local setting and the wider landscape,</li> <li>• create no unacceptable impact on the amenities of local residents, and</li> <li>• have no unacceptable impact on any important natural or biodiversity feature.</li> </ul>	<p>This policy seeks to encourage appropriate provision of renewable energy.</p>

<p>3. The installation of solar panels on a listed building or building within a Conservation Area will be supported only if it can be shown that there will be no negative effect on the appearance, character or historic value of the building.</p> <p>4. Proposals for solar arrays or wind turbines on open farmland would have unacceptable impacts and will not be permitted.</p> <p>5. Proposals for solar arrays or any wind turbines will not be permitted within the Erme Estuary SSSI, a Conservation Area, the curtilage of a listed building or scheduled ancient monument. In order to protect views and sightlines from the Coast Path, solar panels and wind turbines will also not be permitted in any location where they may affect views from the Coast Path, or from the navigable waters of the Erme estuary.</p>	
<p><b>POLICY KNP5: HOUSING DEVELOPMENT</b></p> <p>1. Housing development sites in Kingston shall be limited to single buildings or small sites in order to ensure that growth is at a scale in keeping with the special qualities of the village and the AONB.</p> <p>2. To help balance housing stock, new developments should be of smaller units, primarily 2-3 bedroom, as terraces and semi-detached dwellings</p> <p>3. Extensions to existing dwellings should be in keeping with and consistent in scale and form to the existing dwelling.</p> <p>4. Affordable homes for local people will be particularly welcomed.</p> <p>5. The provision of affordable homes on a suitable small exception site or sites outside the Development Boundary (but adjacent or very near to it) will be welcomed where the site meets proven housing need, is to be occupied by people with a local connection and has the clear support of the local community.</p> <p>6. New homes shall be designed to meet at least the latest standards, preferably to exceed these, and to incorporate innovative low carbon construction techniques, sustainable use of resources and high energy efficiency.</p>	<p>This policy seeks to encourage the provision of housing that meets local need and incorporates low energy/carbon in their design.</p>
<p><b>POLICY KNP6: PRINCIPAL RESIDENCE REQUIREMENT</b></p> <p>1. New housing, excluding replacement dwellings or those managed by a registered social landlord, will be supported only where there is a restriction to ensure its</p>	<p>This policy requires that all new dwellings in the Parish be subject of a Principal Residence restriction.</p>

<p>occupancy as a principal residence.</p> <p>2. This must be guaranteed through a planning condition or legal agreement.</p> <p>3. New unrestricted second or holiday homes will not be supported at any time.</p> <p>4. Where proposals for the replacement of existing dwellings, by more than the number of dwellings to be demolished, are approved, the additional properties will be subject to a planning condition or legal agreement to ensure occupancy as a principal residence.</p> <p>5. A principal residence is defined as one occupied as the residents' sole or main residence, where the resident(s) spend the majority of their time when not working away from home, and the condition or obligation on new open market homes will require that they are occupied only as the principal residence of those persons entitled to occupy them.</p>	
<p><b>POLICY KNP7: PROTECTING THE LANDSCAPE AND BIODIVERSITY</b></p> <p>Development, either individually or cumulatively, shall not harm but should conserve and enhance the landscape and biodiversity by:</p> <ol style="list-style-type: none"> <li>1. having regard to national and local strategic policies for the AONB, the coast and protected landscapes, and to the South Devon AONB Planning Guidance Version 1;</li> <li>2. having regard to national and local strategic policies for Sites of Special Scientific Interest (SSSIs), wildlife, species and habitats;</li> <li>3. conserving the skyline and important views, including those identified in Appendix IV;</li> <li>4. safeguarding and conserving local features that make a positive contribution to the landscape, particularly Devon lanes, footpaths and hedgebanks, green lanes, green spaces and important trees;</li> <li>5. retaining and not harming any ancient Devon lane, footpath, hedge, hedgebank or green lane, which is shown in the 1839 Kingston Tithe Map, apart from essential minor works:  <a href="https://new.devon.gov.uk/historicenvironment/tithe-map/kingston/">https://new.devon.gov.uk/historicenvironment/tithe-map/kingston/</a>; and</li> <li>6. retaining and preserving important trees, including all those subject to Tree Preservation Orders and those identified in the plan at Appendix II.</li> </ol>	<p>This policy seeks to ensure biodiversity and the landscape is protected from inappropriate development.</p>
<p><b>POLICY KNP8: PROTECTING THE ERME ESTUARY SSSI AND THE COAST</b></p>	<p>This policy seeks to ensure the Erme Estuary SSSI and coastal area is protected from inappropriate development.</p>

<p>1. In addition to the protection afforded by national and local strategic policies, proposals for the development of any new building, track or road, vehicle park, communications mast/dish, wind or solar panel array will not be permitted within the boundary of the Erme Estuary Site of Special Scientific Interest (SSSI).</p> <p>2. Development should not affect the existing tranquillity of the estuary or result in an increase in traffic along the Blackpost Cross to Wonwell beach lane.</p> <p>3. Development close to the coast will not be permitted unless it can be shown, using accepted landscape analysis technique, that the proposal will not affect views from the coast path or from the navigable waters of the Erme estuary.</p>	
<p><b>POLICY KNP9: PROTECTING AGRICULTURAL LAND</b></p> <p>Development should, wherever possible, avoid building on good quality agricultural land (grades 1, 2 and 3a) and, unless there is no practicable alternative and the benefits of the development to the community outweigh the need to protect it, also on grade 3b agricultural land.</p>	<p>This policy seeks to protect agricultural land from inappropriate development.</p>
<p><b>POLICY KNP10: HERITAGE AND CONSERVATION</b></p> <p>1. Development shall not harm but conserve and enhance designated and non-designated historic and heritage assets and their settings, including archaeological features and historic field boundaries and structures, particularly, but not exclusively in the Conservation Areas. Non – designated heritage assets are described at Appendix 1.</p> <p>2. Development at, or adjacent to, a Listed building or feature should have no adverse impact upon it and will be supported only where the design respects the Listed building or feature and its setting with regard to scale, height, massing, alignment and use of appropriate materials. Development shall retain the spaces between buildings, the grouping of buildings and the elements of the landscape and/or street-scene which form the setting of Listed buildings and features.</p> <p>3. Development in the Conservation Areas must preserve or enhance the special character of the area and be designed to respond to existing scale, height, form and massing, respecting the traditional street-scene and pattern of frontages, vertical or horizontal emphasis, detailing and materials. There will be a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Areas.</p>	<p>This Policy seeks to protect designated and non-designated heritage assets.</p>

<p><b>POLICY KNP11: DARK SKIES AND TRANQUILLITY</b></p> <p>Development shall not cause any undue disturbance, noise or light pollution.</p> <ol style="list-style-type: none"> <li>1. There shall be no street lights in the parish.</li> <li>2. Proposals for any necessary external lighting should comply with the current guidelines established for the South Devon AONB and for other Areas of Outstanding Natural Beauty by the Institution of Lighting Professionals.</li> <li>3. Security and external lighting installed as part of any development shall not be permanently switched on, (be normally switched off at 23.00hrs), or unnecessarily bright, (i.e. above 800 lumens.)</li> </ol>	<p>This policy seeks to mitigate light impact from new development.</p>
<p><b>POLICY KNP12: COMMUNITY FACILITIES AND INFRASTRUCTURE</b></p> <ol style="list-style-type: none"> <li>1. Development that will support the vibrancy and vitality of the village and wider community will be supported provided it complies with national and local strategic policies and the other policies of this plan.</li> <li>2. Proposals for additional community facilities and infrastructure will be supported, providing they include appropriate design, adequate access and parking arrangements and will not lead to traffic danger or congestion or generate unacceptable noise, smell, loss of privacy or nuisance to neighbours.</li> <li>3. The following priorities for the provision or enhancement of local facilities have been identified: improved sewage treatment capacity, additional public car parking, improved facilities for young people, children and families; and provision for older and/or vulnerable people. New development where appropriate will be required during the life of the plan and where the requirement arises directly from any proposed development, should contribute to these priorities through a S106 obligation or Community Infrastructure Levy, (CIL), in accordance with adopted standards.</li> <li>4. In order to help safeguard the sustainability of the local community, development that would result in the loss of or significant harm to a local community facility or asset, particularly St James the Less Parish Church, the Dolphin Inn, the Reading Room, the Recreation Ground and the Allotments will not be permitted unless there is adequate alternative provision in the parish or it can be shown that the facility is no longer viable and no change of use should be permitted unless the asset has been marketed for sale for at least 12 months.</li> </ol>	<p>This policy seeks to protect community facilities and infrastructure and set priorities for new provision.</p>

<p><b>POLICY KNP13: LOCAL GREEN SPACES</b></p> <p>1. The following areas are designated as green spaces in the plan:</p> <ul style="list-style-type: none"> <li>• the Recreation Ground,</li> <li>• the churchyard of St James the Less,</li> <li>• the allotments,</li> <li>• the entrance to Westentown</li> </ul> <p>2. These local green spaces, (described in Appendix III), will be safeguarded from development. Any development that would result in the loss of any part of these green spaces or that results in any harm to their character, setting, accessibility, appearance, general quality or amenity value will not be permitted. Only minor non-residential development directly associated with and necessary for the public enjoyment of the green space will be permitted.</p>	<p>This policy identifies proposed Local Green Space allocations.</p>
<p><b>POLICY KNP14: NEW BUSINESS AND EMPLOYMENT DEVELOPMENT</b></p> <p>1. New business development will be welcomed providing it will:</p> <ol style="list-style-type: none"> <li>a. be in keeping with the locality, causing no harm to local character and amenity;</li> <li>b. not increase traffic through the village centre;</li> <li>c. provide safe access from the existing highway and incorporate sufficient parking for employees and delivery vehicles; and</li> <li>d. cause no nuisance to neighbours, particularly in cases of home working or homebased business.</li> </ol> <p>2. Change of use of farm buildings will be supported where these will provide additional ongoing businesses and employment opportunities and will:</p> <ol style="list-style-type: none"> <li>a. involve no more than minimal alteration to the existing external structure or building footprint;</li> <li>b. not compromise the rural setting of the building; and</li> <li>c. meet the requirements of clause 1 above.</li> </ol> <p>3. Proposals for the redevelopment or change of use of farm buildings that are currently being used, wholly or in part, as commercial premises for local businesses will not be permitted unless:</p> <ol style="list-style-type: none"> <li>a. the proposed development continues to provide accommodation to any existing business at an economically viable price; or</li> <li>b. alternative local accommodation is offered to existing business at an economically viable price.</li> </ol>	<p>This policy sets out considerations that should be taken into account in assessing proposals for new businesses and employment development.</p>
<p><b>POLICY KNP15: BROADBAND AND TELECOMMUNICATIONS INFRASTRUCTURE</b></p>	<p>This policy expresses support for new broadband and telecommunications infrastructure when appropriately located.</p>

<p>1. Proposals to expand electronic communications and broadband are encouraged and will be supported providing:</p> <p>a. apparatus is erected on existing buildings or structures wherever possible;</p> <p>b. apparatus is kept to the minimum necessary for efficient operation; and</p> <p>c. apparatus is sited to minimise impacts on the AONB.</p> <p>2. Proposals for housing must include a Connectivity Statement and provide for suitable ducting to enable service providers to install appropriate connections</p>	
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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 Kingston 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 will be 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 and the Local Plan. The Kingston Neighbourhood Plan does not propose significant new development in addition to or in contradiction of the 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, 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 Kingston 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 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;		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 Parish of Kingston. The population of the Neighbourhood Area is approximately 380 and covers a small geographical area. This is considered to be a small area in terms of potential wider environmental effects.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	NO	As already illustrated, the vulnerable areas which may be effected have been identified in the Plan and are protected against in appropriate development by the policies contained therein.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	NO	As above and elsewhere in this document. In addition, the Plan contains policies which are likely to have a positive effect on the environment generally.

## 2.1 SEA Screening Opinion

The Kingston 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.

## Appendix 2

### Kingston 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 an 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. 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 KINGSTON 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 Kingston Neighbourhood Plan
<b>Dartmoor SAC</b>	<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>Otter <i>Lutra lutra</i></p> <p>Atlantic salmon <i>Salmo salar</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>	None due to geographical separation and lack of impact pathways
<b>Plymouth Sound and Estuaries SAC</b>	<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>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

	Reefs  Atlantic salt meadows  Shore dock  Allis shad			
<b>South Dartmoor Woods SAC</b>	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
<b>Tamar Estuaries Complex SPA</b>	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
<b>Start Point to Plymouth Sound and Eddystone SAC</b>	Reefs	Fishing	Recreational angling	None: the Neighbourhood Plan is not proposing any development that may affect the SAC.
<b>South Devon Shore Dock SAC</b>	Vegetated sea cliffs of the Atlantic and Baltic coasts  Shore dock <i>Rumex rupestris</i>	Recreational disturbance	Additional pressure from new residents recreation along coastal areas	None due to geographical separation and lack of impact pathways

<b>Blackstone Point SAC</b>	Shore dock Rumex rupestris	None identified in SIP	Changes to surface water runoff quality	None due to geographical separation and lack of impact pathways
<b>Lyme Bay and Torbay SAC</b>	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
<b>South Hams SAC</b>	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	None due to geographic separation and lack of impact on pathways.

## 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.

<b>Category A: No negative effect</b>	
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.
<b>Category B: No significant effect</b>	

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.
<b>Category C: Likely significant effect alone</b>	
C1	The option, policy or proposal could <b>directly affect</b> 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 <b>indirectly affect</b> 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 <b>magnitude of development</b> 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 <b>consideration of options in a later, more specific plan</b> . 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 <b>block options or alternatives</b> 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 <b>depend on how the policies etc are implemented</b> 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 <b>vulnerable to failure</b> 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 <b>plan provides the imperative reasons</b> of overriding public interest to justify its consent despite a negative assessment.
<b>Category D: Likely Significant effect in combination</b>	
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 <b>provided for or coordinated by Our Plan</b> the <b>cumulative</b> 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 <b>combined with the effects of other plans or projects</b> , 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 <b>programme or sequence of development</b> 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. Kingston 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	A1, A2, A3,A4 and A5	No development proposed and policies proposed seek to protect and mitigate potential impacts.	None	None	None

#### 3.1. HRA CONCLUSION AND SCREENING OPINION

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

## Appendix 3

<p>David Stuart   Historic Places Adviser South West Direct Line: 0117 975 0680   Mobile: 0797 924 0316</p> <p>Historic England   29 Queen Square   Bristol   BS1 4ND <a href="https://historicengland.org.uk/southwest">https://historicengland.org.uk/southwest</a></p>	<p>Dear Kingston Neighbourhood Plan Team</p> <p>Thank you for your Regulation 14 consultation on the Pre-submission version of the Kingston Neighbourhood Plan.</p> <p>Our apologies for not using the formal response form but we felt that its format did not fit comfortably with the broad nature of our response.</p> <p>We have no comments we wish to make on specific provisions within the Plan other than to note the decision not to allocate sites for development.</p> <p>As a consequence we would want only to congratulate your community on its progress to date and to wish it well in the making of its Plan.</p> <p>Kind regards</p> <p>David Stuart</p>
<p>Natural England Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ T 0300 060 3900</p>	<p>Dear Mr Smith,</p> <p><b>Kingston Neighbourhood Plan - SEA and HRA</b></p> <p>Thank you for your consultation on the above dated 18th June 2020 which was received by Natural England on the same day.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p><b>Strategic Environmental Assessment Screening</b></p> <p>We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. that 'a full SEA is not required for the Neighbourhood Plan since no development proposals are included in the Plan'.</p> <p>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.</p> <p><b>Habitats Regulations Assessment Screening</b></p> <p>Natural England welcomes the consideration given to the Habitats Regulations. Natural England agrees with the report's conclusions that the Kingston Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or</p>

	<p>in combination and therefore no further assessment work would be required.</p> <p>Please note the Kingston SEA HRA Draft Screening document refers to the 'South Huish Neighbourhood Plan' on Page 1.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p> <p>For any new consultations, or to provide further information on this consultation please send your correspondences to <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p> <p>Yours sincerely Victoria Kirkham Consultations Team</p>
<p><b>Sarah Squire MRTPI</b> Sustainable Places – Planning Advisor Environment Agency – Devon, Cornwall and the Isles of Scilly Area</p> <p>Tel: 0208 474 6316 Email: <a href="mailto:SPDC@environment-agency.gov.uk">SPDC@environment-agency.gov.uk</a></p>	<p>Dear Duncan,</p> <p>Thank you for your consultation of 18 Jun 2020 providing us with the opportunity to comment in respect of the Kingston Neighbourhood Plan SEA/HRA screening opinion.</p> <p>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.</p> <p>Please note, this is a standard response. If you consider the plan will result in significant environmental effects please reconsult us.</p> <p>Kind regards</p>



