

To the Neighbourhood Planning Group.

The Local Authority is the 'competent authority' as referred to within the Habitats Regulations (2010), and needs to ensure that Neighbourhood Plans have been subject to a Habitat Regulations Assessment (HRA). It is the responsibility of those preparing a Neighbourhood Plan to provide sufficient information for the Local Authority to provide a HRA screening opinion (and a full assessment, known as an 'Appropriate Assessment', if one is required). Therefore it is important that those preparing a Neighbourhood Plans engage early with the HRA process. It is suggested that this document be used as a template for such a HRA Screening, identifying likely significant effects (if any) of the plan on European Sites, identifying mitigation to avoid/reduce these effects, and setting out clearly whether or not they believe an Appropriate Assessment is required and the information upon which this conclusion is based.

# **Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report for Ugborough Neighbourhood Plan**

## INTRODUCTION

In order to fully assess the potential impacts of a neighbourhood plan, a number of assessments and appraisals may be used. It is the job of the Local Planning Authority (LPA) to determine if a full Strategic Environmental Assessment and Habitats Regulations Assessment will be required. The LPA can also provide guidance on how to use a Sustainability Appraisal to help examine the potential environmental, social and economic impacts of a plan.

<b>Type of Assessment</b>	<b>What does this assessment involve?</b>	<b>Is this assessment required for a neighbourhood plan?</b>
<b>Habitats Regulations Assessment (HRA)</b>	An assessment of the significant effects on European Sites protected under the habitats regulations.	HRA screening is a required part of the neighbourhood plan process. To be determined by SHDC/WDBC, who will provide a screening opinion to the Town/Parish Council preparing the neighbourhood plan. If the screening opinion determines that an HRA is required, the neighbourhood plan group are responsible for producing this work. SHDC/WDBC will provide advice and guidance on this.
<b>Strategic Environmental Assessment (SEA)</b>	An assessment of the significant environmental effects of the neighbourhood plan.	SEA screening is a required part of the neighbourhood plan process. To be determined by SHDC/WDBC, who will provide a screening opinion to the Town/Parish Council preparing the neighbourhood plan. If the screening opinion determines that an SEA is required, the neighbourhood plan group are responsible for producing this work. SHDC/WDBC will provide advice and guidance on this.
<b>Sustainability Appraisal (SA)</b>	An assessment of the potential social, economic and environmental effects of the plan.	An SA is not legally required, but is the best way of demonstrating that the potential impacts of the plan have been assessed, understood and where relevant, mitigated and/or amended. SHDC/WDBC provide an assessment framework to neighbourhood plan groups to help assess the impact of their plan policies.

In accordance with the Neighbourhood Planning (General) Regulations 2012, the HRA screening report considers the likely significant effects of the Ugborough Neighbourhood Plan upon European sites within West Devon/South Hams and makes recommendations for avoiding, reducing and mitigating effects where necessary.

The Planning and Compulsory Purchase Act 2004 and the Environmental Assessment of Plans and Programmes Regulations 2004 require Strategic Environmental Assessments

(SEA) to be carried out on land-use and spatial plans to assess the social, environmental and economic impacts of the Plan. SEAs help planning authorities fulfil the objective of contributing to sustainable development in preparing their plans through a structured assessment of objectives and policies against key sustainability issues for the area. Where the Council can demonstrate that the plan will not have any significant environmental effects, an SEA will not be required.

The Ugborough Neighbourhood Plan has been produced to guide development within the Parish over the next 15 years.

The overall aim of the Ugborough Neighbourhood Development Plan is to manage development that will be permitted by the Local Planning Authority in a locally prescribed way that maintains local character, through design criteria, and supports local economic development.

The Plan:

- Sets out what people value and what people want to change.
- Provides a clear community vision for the future.
- Sets out objectives and policies to achieve that vision and create a sustainable community.
- Helps shape what the Plan Area will look like in the future.

The vision for the Plan is:

“The Ugborough Neighbourhood Plan Area sits between Dartmoor and the sea with a distinct historic and natural environment and is a strong, balanced, rural community. Our aim is to maintain and enhance its character, support the local community while responding to evolving needs and aspirations and striving towards a sustainable future for all.”

The themes of the plan are:

- Heritage
- Transport & Movement
- Housing
- Economy
- Community Wellbeing

## LEGISLATIVE BACKGROUND

### 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.

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

### SEA

The basis for **Strategic Environmental Assessments** and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA. This is also discussed within the NPPF para 165.

However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents (DPD's), but did not remove the requirement to produce a Strategic Environmental Assessment. A Neighbourhood Plan is not a development plan document and therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA assessment still needs to be undertaken in line with the SEA regulations.

In order to assess the potential significant effects of a plan or programme, it is considered best practice to incorporate the requirements of the SEA Directive into a Sustainability Appraisal.

Specific guidance on the process of undertaking a Strategic Environmental Assessment is available on the Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

## 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').

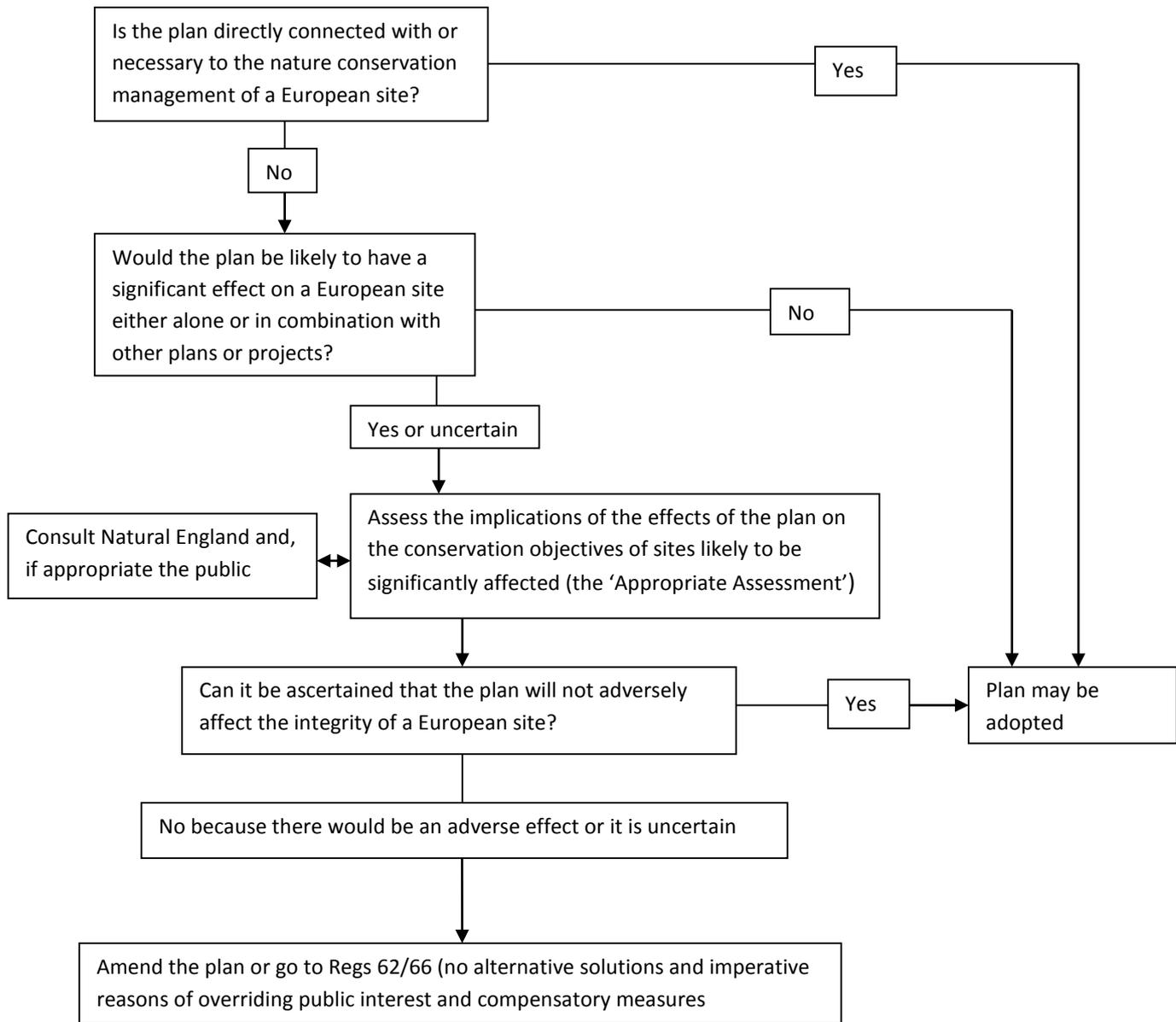
The process of HRA encompasses the requirements of the Habitats Directive and Habitats Regulations, and includes a decision on whether the plan (including Neighbourhood Plans) should be subject to appraisal, the 'screening' process to consider whether the plan would be likely to have significant effects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

The first stage of the HRA process is the 'screening' which considers any likely significant effects of the plan on the European Site. Straightforward mitigation measures can be included at this screening stage, which may rule out the likelihood of significant effects. If likely significant effects can be ruled out (alone or in combination with other plans or projects), the HRA can conclude, however if likely significant effects remain after straightforward mitigation measures are applied, the HRA process should proceed to a second stage which is called an 'Appropriate Assessment.'

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

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.

**Figure 1: The application procedure required by the Habitats Regulations**



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.

## THE SEA SCREENING PROCESS FOR NEIGHBOURHOOD PLANS

Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the [Local Plan](#).

To decide whether a draft neighbourhood plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan's preparation according to the requirements set out in regulation 9 of the [Environmental Assessment of Plans and Programmes Regulations 2004](#). These include a requirement to consult the environmental assessment consultation bodies; Historic England, Natural England and the Environment Agency.

Each consultation body will be able to advise on particular topics relevant to its specific area of expertise and responsibility, and the specific information that it holds.

Where it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination should be prepared. A copy of the statement must be submitted with the neighbourhood plan proposal and made available to the independent examiner.

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

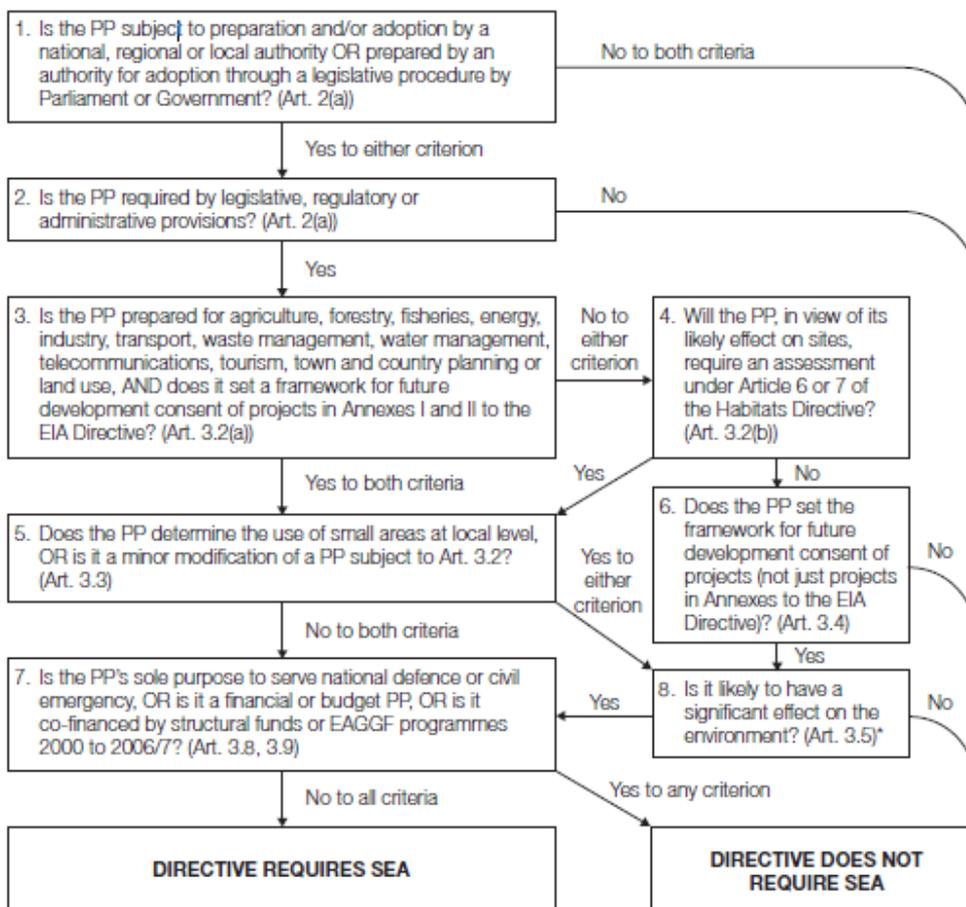
1. The characteristics of plans and programmes, having regard, in particular, to
  - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
  - environmental problems relevant to the plan or programme,
  - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. 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

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage,
  - exceeded environmental quality standards or limit values,
  - intensive land-use,
  - the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive

**Figure 2: SEA Directive as applied to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

The process in Figure 2 has been applied to the Ugborough Neighbourhood Plan, and the findings can be viewed in Table 2.

**Table 2: Establishing the need for SEA**

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure	Y	The NP will be adopted by SHDC once approved in referendum
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	Town and country planning policies are contained within the NP
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The NP does relate to land uses, but does not allocate specific sites
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NP uses criteria-based policies rather than identifying or allocating sites
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	

## **Local Plan Assessments**

Does the HRA that has been done for the SH Local Plan inform the HRA screening opinion given regarding the Ugborough Neighbourhood Plan?

The Local Plan for South Hams is being updated, and will be accompanied by a new HRA. The emerging HRA has been guided by input from Natural England, and the advice that SHDC have been given in recent months is being applied within screening opinions for emerging Neighbourhood Plans.

Does the SEA that has been done for the WD/SH Local Plan inform the HRA screening opinion given regarding the Ugborough Neighbourhood Plan?

The Local Plan for South Hams is being updated, and will be accompanied by a new SEA. The emerging SEA has been guided by updates to Planning Practice Guidance, and is being applied to SEA screening opinions for emerging Neighbourhood Plans.

## **Conclusion and Screening Opinion**

**The Ugborough Neighbourhood Plan does not introduce policies that are likely to result in significant environmental impacts, or have detrimental impact on identified habitats. The draft Plan in its current form does not trigger the need for an SEA and/or an HRA to accompany future iterations of the Ugborough Neighbourhood Plan.**

This screening opinion outcome reflects the lack of site allocations, proposed for specific land-uses, identified in the draft Plan. The criteria-based policies propose minimal change, although it is unclear how the potential effectiveness of these policies have been understood, due to the lack of site specific assessment.

If the Plan is revised to introduce site allocations, and/or offers a greater degree of evidence regarding the impact of criteria-based policies, the SEA and HRA screening opinion may need to be reconsidered.

## APPENDIX 1 – HABITATS REGULATIONS SCREENING ASSESSMENT

### 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

A useful checklist for potential impacts on European sites was contained in the Regional Spatial Strategy (now abolished) and is included below for reference:

Broad categories of potential impacts on SACs	Examples of operations/impacts
Physical loss	<ul style="list-style-type: none"> <li>• Direct loss through house building, coastal and flood defence and other development and fragmentation</li> <li>• Recreational pressure (erosion, trampling)</li> </ul>
Physical damage	<ul style="list-style-type: none"> <li>• Through habitat severance and fragmentation</li> <li>• Erosion, severance, prevention of natural erosion (flood defence)</li> <li>• Increased pressure for wind farms</li> <li>• Erosion due to:               <ul style="list-style-type: none"> <li>• waterside and port development</li> <li>• transport infrastructure development; and</li> <li>• recreation</li> </ul> </li> </ul>
Non-physical disturbance	<ul style="list-style-type: none"> <li>• Human presence and pets</li> <li>• Noise/visual presence</li> </ul>
Toxic contamination	<ul style="list-style-type: none"> <li>• Air, soil and water pollution, tipping.</li> </ul>
Non-toxic contamination	<ul style="list-style-type: none"> <li>• Eutrophication due to sewage treatment works discharge</li> <li>• Dust</li> </ul>
Biological disturbance	<ul style="list-style-type: none"> <li>• Natural succession</li> <li>• Introduction of non-native species</li> </ul>
Water table	<ul style="list-style-type: none"> <li>• Changes in water levels due to abstraction, drainage, development on floodplain etc.</li> <li>• Changes in turbidity (flood defence)</li> </ul>
Water resource	<ul style="list-style-type: none"> <li>• Water pollution               <ul style="list-style-type: none"> <li>• agricultural run-off</li> <li>• domestic</li> <li>• industrial</li> </ul> </li> <li>• Water availability</li> </ul>
Air quality	<ul style="list-style-type: none"> <li>• Air pollution               <ul style="list-style-type: none"> <li>• traffic and transport</li> <li>• industrial</li> </ul> </li> </ul>

## EUROPEAN SITES THAT COULD POTENTIALLY BE AFFECTED BY THE UGBOROUGH NEIGHBOURHOOD PLAN

SOUTH HAMS EUROPEAN SITES				
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects of plan	Relevance to Ugborough Neighbourhood Plan
<b>Blackstone Point SAC</b>	Shore Dock	This small site supports the largest known extant population of shore dock <i>Rumex rupestris</i> in Devon, and one of the largest concentrations of this species on rocky sea-cliffs in southwest England. In 1999 there were five discrete colonies totalling at least 29 plants, including one large 'clump' (7 x 4 metres) which could have been made up of several individual plants. This site is under protective management through a Countryside Stewardship Scheme. (Source: Natura 2000 Standard Data Form – Joint Nature Conservation Committee). The key management principle is to allow the dynamic processes of the cliffs and foreshore, such as erosion and slumping, to proceed freely.	Diverting or culverting of streams, the construction of coastal defences and building of boat ramps.  Excessive recreational pressure.	This European site can be screened out.
<b>Dartmoor SAC</b>	Northern Atlantic wet heath with <i>Erica tetralix</i> European dry heath Blanket bog Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles Southern damselfly <i>Coenagrion mercuriale</i> Otter <i>Lutra lutra</i> Atlantic salmon <i>Salmo salar</i>	Visitor and recreational pressure including accidental and deliberate burning, trampling and erosion particularly of blanket bog, disturbance of otters by activity on/near rivers  Nutrient/acid deposition causing habitat loss  Water quality – effect on Atlantic salmon and Otter	Increased recreational pressure resulting from new development  Air pollution resulting from new development  Increased water abstraction reducing river flow	Dartmoor SAC warrants further consideration throughout this screening process, namely due to vicinity to Ugborough.
<b>Lyme Bay and Torbay cSAC</b>	Reefs, subdivided into: <ul style="list-style-type: none"> <li>• Bedrock reefs</li> <li>• Stony reefs</li> <li>• Biogenic reefs</li> </ul> Submerged or partially submerged sea caves	Trawling, dredging, anchoring causing physical damage  Sewage discharge	See below	This European site can be screened out.
<b>Plymouth Sound and Estuaries SAC</b>	Sandbanks which are slightly covered by sea water all the time Estuaries Mudflats and sandflats not covered by seawater at low tide Large shallow inlets and bays Reefs Atlantic salt meadows Shore dock Allis shad	Increased pressure for recreational moorings and facilities, port development, dredging  Sensitivity to oil pollution  Allis shad vulnerable to noise, vibration and degraded water quality	Increased physical damage from visitor and recreational pressure on shoreline habitats associated with new development  Increased recreational use and potential for oil pollution and disturbance of allis shad  Waterside development including coastal defences, boat ramps, pontoons	Work has been commissioned with respect the SAC and recreational pressure associated with development. This work will redraw the zone of influence on the SAC. It is reasonable to anticipate that Ugborough would be outside of the zone of influence, and accordingly this European site can be screened out.
<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  Nutrient/acid deposition causing habitat loss	Increased recreational use – trampling and erosion/fires  Air pollution associated with development	Considered to be sufficiently distant from Ugborough to be screened out.
<b>South Devon Shore Dock SAC</b>	Vegetated sea cliffs of the Atlantic and Baltic coasts. Shore Dock	Interference with natural processes of slumping cliffs and streams entering beaches.  Physical damage from visitor/recreational activity	Development leading to culverting of streams, coastal defence, and boat-ramp construction near beaches  Increased recreational pressure associated with development	This European site can be screened out.
<b>South Hams SAC</b>	Caves not open to the public Greater horseshoe bats <i>Rhinolophus ferrumequinum</i> European dry heaths Dry grasslands Vegetated Sea Cliffs Mixed-woodland on base-rich soils associated with rocky slopes	Loss of roost sites.  Removal of navigation/commuting features such as tree lined hedgerows  Increase in illumination affecting foraging areas and navigation/commuting routes  Loss of foraging habitat through development/change in land use	Potential for development to: - Impact on roost sites (including damage, destruction and disturbance); - Removal, severance or disturbance of linear features used for navigation and commuting; - Change in habitat structure and composition (loss or change in quality of foraging habitat); - Disturbance from new illumination causing bats to change their use of an area; - Loss of foraging habitat through installation of solar farms;	Ugborough Parish lies outside of sustenance zones and strategic flyways associated with the South Hams SAC.  This European site can be screened out.

		Use of pesticides/insecticides reducing prey	- Physical injury by wind turbines;	
<b>Start Point to Plymouth Sound and Eddystone cSAC</b>	Reefs, subdivided into: <ul style="list-style-type: none"> <li>• Bedrock reefs</li> <li>• Inshore reefs</li> <li>• Offshore reefs</li> </ul>	<p>Physical loss through direct removal or smothering</p> <p>Physical damage through abrasion (e.g. from anchoring or fishing gear)</p> <p>One of the species (<i>Cancer pagurus</i>) recorded in the inshore reef areas has a low level sensitivity to visual disturbance</p> <p>Toxic contamination (e.g. from pollution and shipping wreckage)</p> <p>Discharges of pollution from land changing temperature, turbidity, salinity, and increasing nutrient and organic matter</p> <p>Biological disturbance including selective extraction of species from the ecosystem (e.g. fishing)</p>	<p>Additional housing in vicinity of cSAC bringing increased recreational fishing and anchoring causing abrasive physical, visual non-physical damage, and selective extraction of species associated with inshore reefs</p> <p>Additional housing in vicinity of cSAC increasing discharge of pollutants from waste water treatment works (non-toxic contamination)</p>	This European site can be screened out.
<b>Tamar Estuaries Complex SPA</b>	Internationally important populations of Avocet and Little Egret	<p>Disturbance to Avocet and Little Egret</p> <p>Habitat loss – water quality, acid and nitrate deposition in important wetland areas</p>	<p>Increased recreational pressure associated with development – visual and noise disturbance of Avocet and Little Egret</p> <p>Additional housing in vicinity of cSAC increasing discharge of pollutants from waste water treatment works (non-toxic contamination)</p>	Work has been commissioned with respect the SPA and recreational pressure associated with development. This work will redraw the zone of influence on the SPA. It is reasonable to anticipate that Ugborough would be outside of the zone of influence, and accordingly this European site can be screened out.

## 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 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.*

## CRITERIA WITH WHICH TO SCREEN THE UGBOROUGH NEIGHBOURHOOD PLAN

The following table sets out criteria to assist with the screening process of policies and proposals within the Ugborough 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.

*(Source – The Habitats Regulations Assessment of Local Development Documents Revised Draft Guidance for Natural England, David Tyldesley and Associates, February 2009)*

## UGBOROUGH NEIGHBOURHOOD PLAN SCREENING

Policy/Proposal	Category (A,B,C,D)	Reason for category (unless clear)	Potential impacts on European sites	European sites affected
UG1, UG2	A3	Historic features policies	None	None
UG3	A1	Traffic flow policy	None	None
UG4, UG5, UG6, UG7, UG8, UG9, UG10	B	Housing policy – 30 new homes during life of Plan	Additional residents and associated recreational pressure - no significant effect	Dartmoor SAC
UG11	A3	Landscape and built environment policy	None	None
UG12, UG13, UG14, UG15, UG16, UG17	A1	Design, sustainability, economy and facilities policies	None	None

## **CONCLUSIONS OF THE HABITATS REGULATIONS SCREENING ASSESSMENT**

All policies/proposals were recorded as categories A and B – it is concluded that the Ugborough Neighbourhood Plan will not lead to any likely significant effects on any European Sites.