

# North Tawton Draft Neighbourhood Plan

(Pre Regulation 15 Version, November 2018)

# Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

March 2019

## **SCREENING OPINION**

### **SEA**

Having taken all of the relevant policies of the draft North Tawton Neighbourhood Plan (Submission Version November 2018) 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, due to the limited nature of development proposed and the continuity in land use. The full reasons for this conclusion are set out in the screening report in Appendix 1.

### **HRA**

Due to geographical separation of North Tawton from European Sites and accordingly the absence of impact pathways, and against a backdrop of a limited amount of development proposed, the Council considers that the North Tawton Neighbourhood Plan will not have any likelihood of significant effect on a European site alone or in-combination with other development and that therefore further assessment under the Habitats Regulations is not required. The 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 North Tawton Neighbourhood Plan (see Appendix 1). The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on 19 December 2018.

**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 North Tawton 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 geographical separation of North Tawton from European Sites and accordingly the absence of impact pathways, and against a backdrop of a limited amount of development proposed, the Council considers that the North Tawton Neighbourhood Plan will not have any likelihood of significant effect on a European site alone or in-combination with other development and that therefore further assessment under the Habitats Regulations is not required. The full reasons are set out in Appendix 2 of this Screening Opinion.**

## Consultation

Consultation with the three Statutory Consultees was carried out on 19<sup>th</sup> December 2018. The responses can be found at Appendix 3.

# Appendix 1

## North Tawton 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, West Devon Borough Council agreed to undertake the screening process to determine whether the North Tawton Neighbourhood Plan is likely to have significant environmental effects, and consequently whether SEA is required.

## 1.2. North Tawton and environmental constraints in the Neighbourhood Plan Area

The Neighbourhood Plan Area covers North Tawton Parish in West Devon Borough, Devon. North Tawton is a largely rural parish with a population of just over 2000, situated some seven miles north of Dartmoor National Park. The Plymouth & South West Devon Joint Local Plan (JLP) identifies the small town of North Tawton within the ‘Smaller Towns and Key Villages’ tier of rural settlements in which housing sites are allocated to help deliver the strategic housing needs of the Borough over the plan period.

North Tawton Parish contains a Site of Special Scientific Interest at Staddon Moor, described as ‘a species-rich remnant of Culm Grassland supporting well-developed and highly representative communities typical of this threatened and declining habitat’. Much of the parish lies within the SSSI Impact Risk Zone. There are areas of designated Ancient Woodland in the north of the parish at Western Copse, Rook Wood and Woodland Copse. The River Taw runs south-north through the western side of the parish and close to the western edge of the town with a number of streams and tributaries feeding the river through the parish. Two streams, broadly running west-east, feed the River Yeo in the south-east and north-east corners of the parish with part of the south-eastern boundary of the parish being formed by the river. There are some areas at risk from flooding (Flood Zone 2 and 3) which broadly follow the line of the rivers and their tributaries. Agricultural land in the parish is a range of quality grades of 2 (very good), 3 (good to moderate) and 4 (poor). There are over a dozen historic scheduled monuments within the Parish and numerous listed buildings many of which are in the town.

## 1.3. North Tawton Neighbourhood Plan

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

***The thriving North Tawton community-together with the surrounding areas-prides itself in its friendly community spirit and its commercial and social facilities which meet the residents daily needs.***

***We aim to balance new development with the conservation of our historic, rural character and want to ensure that any planned changes in the town contribute to its sustainability and viability in years to come.***

The Plan contains twenty six policies as summarised in the table below.

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

<b>Policy</b>	<b>Summary of aims and key environmental effects</b>
CH1: Local Green Space Designation	Designates nine areas as Local Green Spaces. Protects form inappropriate development on these sites and against their loss as amenity space.
CH2: Design Heritage and the Built Environment	To ensure that new development is sympathetic to the traditional and historic built character and landscape of the parish, and heritage assets protected, development proposals will only be supported where they are of high quality design, enhance visual amenity of the setting and minimise any adverse visual impact on local character and neighbouring properties.
CH3: Important Amenity Views and Landscape Character	Seeks to protect the local landscape setting and special character of North Tawton and important views towards the town and from the surrounding open countryside.
C01: Protecting Community Facilities from Loss	Seeks to protect identified community facilities from loss.

C02: Replacing, Improving and Increasing Play, Sport and Recreation Facilities	Provides criteria for the replacement or upgrading of play, sport and recreation facilities.
C03: Priority Local Infrastructure Projects	Sets out priorities for S106 or CIL funds.
E1: Local Employment Land	Sets out criteria for development on existing, committed and JLP allocated employment sites, including environmental criteria.
E2: Homeworking	Seeks to encourage that dwellings are designed to promote home working.
E3: Live-Work Units	Encourages proposals for Live-Work units and sets out development criteria, including measures to protect the environment.
E4: Maintaining the Business and Retail Offer	Identifies a business and retail centre for North Tawton town and protects against change of use to non-retail or non-business in that area.
E7: Safe Walking and Cycling Routes	Supports the creation of a safe off-road cycle and footpath routes.
H01: Site Allocation for Housing Development	<p>Sets out housing sites that are allocated in the Plan as follows:-</p> <ul style="list-style-type: none"> <li>i) Land at Yeo Lane</li> <li>ii) Land South of Strawberry Fields</li> <li>iii) Land East of Devonshire Gardens</li> <li>iv) Land South of Exeter Street</li> <li>v) Woollen Mill</li> </ul> <p>Also sets out criteria against which development proposals will be considered. Also sets out “mini-briefs” for each the sites including a guide to housing numbers and site specific guidance on site issues and sensitivities.</p>
H03: New Dwellings	Sets out development criteria for new development, including environmental criteria and space standards
H03: Affordable Housing	Requires development to provide affordable housing in line with the JLP. Requires proposals for affordable housing to demonstrate how they meet relevant requirements set out in the North Tawton Design Statement; and, how they meet local needs for dwelling sizes and type.
H04: Private Rear Amenity Space (Gardens)	Requires new housing developments to include appropriate garden areas.
H05: Residential, Supported Care and Sheltered Homes	Supports the development of accommodation for the elderly

H06: Parking in Residential Areas	Requires new developments to provide adequate parking.
H07: Small Scale Self-build Housing	Supports small scale self-build.
IN1: Development and Health Provision	Supports the development of purpose built Health Care facility in North Tawton.
IN2: Development and Implications for Education	Requires that new development consider the implications for education provision.
IN3: Development and the Implications for Car Parking	Requires that development proposals consider implications arising upon and from the demand for car parking provision in North Tawton.
IN4: Development and the Implications for Traffic Congestion	Supports proposal that assist the free flow of traffic in North Tawton.
IN5: Safe Cycling and Walking Routes	Supports the creation of a safe off-road cycle and footpaths.
EE1: Individual and Community Energy Schemes	Small scale energy schemes are supported subject to certain environmental criteria.
EE2: Commercial Energy Installations	Commercial energy schemes are supported where they are in accordance with EE2 and also provide community benefit.
EE3: Sustainability and Housing	New housing built in North Tawton within the period up to and including 2034 will only be supported if it is constructed to Passivhaus standards.

## 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 North Tawton 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	NO	The broader policy framework is set by the NPPF and the Local Plan. The North Tawton Neighbourhood Plan does not propose significant new development in

the location, nature, size and operating conditions or by allocating resources;		addition to or in contradiction to 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 and 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 North Tawton 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 Neighbourhood Plan area contains the Staddon Moor SSSI, but the nature of the proposals in the Neighbourhood Plan are not considered likely to have significant effects on the SSSI. See the screening opinion below for more detail.
(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 are considered to be minimal. Policies in the Plan that support new development also set out environmental criteria that would mitigate against the development.
(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 North Tawton. The population of the Neighbourhood Area is approximately 2,000. This is considered to be a small area in terms of wider environmental effects
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	NO	As discussed, the only vulnerable area which may be effected is considered to be the SSSI, and any effects are likely to be minimal.
(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.

## 2.1 SEA Screening Opinion

The North Tawton Neighbourhood Plan allocates five development sites as follows:-

- 1) Land South of Exeter Street
- 2) Land at Yeo Lane
- 3) Land South of Strawberry Fields
- 4) Land East of Devonshire Gardens
- 5) The Woollen Mill

All sites, apart, from the Strawberry Fields site, lie within the core of North Tawton. The criteria against which development will be considered is provided both generally and specifically for each site providing for mitigation to protect against the effects of development. The Strawberry Fields site lies at the southern edge of North Tawton again general and specific criteria are identified against which development will be considered and mitigated.

The criteria set out for development in the policies contained in the North Tawton Neighbourhood Plan are likely to prove beneficial in terms of mitigating against any possible environmental impacts. As indicated above where development is actively encouraged, criteria are given to ensure adverse impacts will be minimised.

The Neighbourhood Plan Area does contain potentially sensitive areas including an SSSI, a concentration of listed buildings and scheduled monuments, and a conservation area within North Tawton town. Where development is proposed full recognition of heritage interest is highlighted and the need for mitigation identified.

**No development is proposed that is likely to have any effect on the Staddon Moor SSSI, while the Neighbourhood Plan is likely to guard against any possible impacts on the built environment arising from development proposed in the Joint Local Plan.**

**HRA screening has been carried out which concluded that the North Tawton Neighbourhood Plan will have no unacceptable impacts on any European designated sites**

**Having taken all of the relevant policies of the draft North Tawton Neighbourhood Plan into account, and assessed the potential environmental impact on designated sites and landscapes, this screening opinion has concluded that a full SEA is not required.**



## Appendix 2

### North Tawton 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 (termed 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

## **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.*

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

WEST DEVON EUROPEAN SITES – Delete table as appropriate				
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects associated with development	Likelihood of a Significant Effect from the North Tawton Neighbourhood Plan
<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	The level of development proposed within the North Tawton NP is minimal. Given the geographical separation of North Tawton from Dartmoor SAC, and the variety of other recreational opportunities closer to North Tawton, there is no likelihood of a significant effect from new residents associated with the development proposed in the North Tawton NP.  There will be no likelihood of significant effect from air pollution associated with any new development proposed in North Tawton on the Dartmoor SAC.  The proposed developments/policies within the North Tawton NP will not lead to any increased water abstraction (namely in relation to the River Taw) reducing river flow, and this having an effect on Atlantic salmon associated with the Dartmoor SAC – accordingly there is no likelihood of significant effect.

### 3.2. HRA CONCLUSION AND SCREENING OPINION

It is considered that due to geographical separation of North Tawton from European Sites and accordingly the absence of impact pathways, and against a backdrop of a limited amount of development proposed, the North Tawton Neighbourhood Plan will not have any likelihood of significant effect on a European site alone or in-combination with other development and that therefore further assessment under the Habitats Regulations is not required.

## Appendix 3

### North Tawton Neighbourhood Plan Consultation Responses

#### *1. Historic England :-*

**From:** Stuart, David [<mailto:David.Stuart@HistoricEngland.org.uk>]

**Sent:** 26 March 2019 14:50

**To:** Duncan Smith <[Duncan.Smith@swdevon.gov.uk](mailto:Duncan.Smith@swdevon.gov.uk)>

**Cc:** SW-Neighbourhood Planning <[NeighbourhoodPlan@swdevon.gov.uk](mailto:NeighbourhoodPlan@swdevon.gov.uk)>; Graham Lawrence <[Graham.Lawrence@swdevon.gov.uk](mailto:Graham.Lawrence@swdevon.gov.uk)>; Bill Horner <[bill.horner@devon.gov.uk](mailto:bill.horner@devon.gov.uk)>

**Subject:** North Tawton Neighbourhood Plan SEA/HRA screening

Dear Duncan

Many thanks to you, Bill and Graham for this additional information.

I can confirm that we are happy to acknowledge that this can be deemed as establishing the acceptability in principle of the sites for development from a heritage point of view.

The issue then is whether the specific provisions intended for the sites, individually and collectively, are likely to generate significant environmental effects. Each allocation defines, with varying degrees of qualification and specification, quanta of development for the site in question. While criteria relating to each site and complementary policies for the protection and enhancement of the historic environment within the Plan and elsewhere can help ensure that harm to heritage assets is suitably avoided, mitigated or minimised, the quanta in question clearly give, and are no doubt intended to give, indications as to the level of development to be assumed. There is little to be gained in intimating that 24 dwellings are expected (for example, Land South of Strawberry Fields) if the application of those criteria then suggests that only a fraction of that number is deliverable, and such a scenario would be inconsistent with the need for any policy to be deliverable as demonstrated by its evidence base.

The comments of Bill and Graham do not refer to the issue of the specific development quanta but they no doubt took account of this consideration where relevant in coming to their respective conclusions. It may therefore be reasonable to conclude in turn that the precise number of units for each site is not in itself an issue, individually or collectively, which is likely in isolation to be a factor in determining the suitability of any scheme for any site that comes forward. In other words, there is sufficient flexibility within any site based on an understanding of its historic character and context to accommodate the number of units aspired to for it and at the same time satisfactorily accommodate the development criteria and complementary policy requirements which apply.

If so, there should be scope for ensuring that the sites can be delivered without causing significant environmental effects, and on that basis I can confirm we now have no objection to the view that a full SEA is not required.

Kind regards

David

David Stuart | Historic Places Adviser South West  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND  
<https://historicengland.org.uk/southwest>

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

**Sent:** 13 March 2019 11:47

**To:** Stuart, David

**Cc:** SW-Neighbourhood Planning; Graham Lawrence; Bill Horner

**Subject:** RE: North Tawton Neighbourhood Plan SEA/HRA screening

Dear David,

As a result of your email I asked Bill Horner at Devon CC and Graham Lawrence of South Hams to comment on your email and more generally on the North Tawton Plan.....I enclose the relevant emails. Bill's is enclosed below. Graham's is above.

In terms of Bill's comments he has commented on all the potential housing site.....I have coloured **red** those sites which are **actually allocated** in the North Tawton Plan.

Please let me know if this is adequate to address the concerns you raised.

Regards

Duncan

**From:** Bill Horner [<mailto:bill.horner@devon.gov.uk>]  
**Sent:** 09 March 2019 11:31  
**To:** Duncan Smith <[Duncan.Smith@swdevon.gov.uk](mailto:Duncan.Smith@swdevon.gov.uk)>; jean trewhitt <[jean\\_trewhitt@hotmail.com](mailto:jean_trewhitt@hotmail.com)>  
**Cc:** Graham Lawrence <[Graham.Lawrence@swdevon.gov.uk](mailto:Graham.Lawrence@swdevon.gov.uk)>  
**Subject:** North Tawton Local Plan SEA/HRA Screening

Dear Duncan and Jean,

Thank you for your emails and apologies for the delay in replying – I am afraid that I have had to prioritise programmed work.

My comments are in two parts – firstly addressing Historic England’s response and secondly some additional thought of mine, which you may be able to consider.

#### 1. **Historic England’s Comments**

Noting that Historic England say that the written comments of West Devon’s Heritage specialists could constitute appropriate evidence, here are my comments on the archaeological impacts of the proposed housing allocations:

##### **WD\_13\_02\_08\_13      Land at Yeo Lane**

This area has not previously been considered by the Devon County Historic Environment. However, appraisal of the Devon Historic Environment Record suggests that development here would not to have any impacts on the setting of designated archaeological assets or significant undesignated assets. The site does not contain any undesignated heritage assets and does not have obvious potential for any being discovered.

##### **WD\_13\_05\_08/13      Land at Devonshire Gardens**

This area has been considered by the Devon County Historic Environment Team as a proposed Local Plan allocation and as an outline planning application. It was considered not to have any impacts on the setting of designated archaeological assets such as the Castle Mound or significant undesignated assets. However, it has some potential for archaeological evidence related to medieval and post-medieval settlement. We have therefore recommended an archaeological recording condition on the outline planning application.

##### **WD\_13\_06\_03      Land above Bouchers Hill**

This area has been considered by the Devon County Historic Environment Team as a proposed Local Plan allocation. It was considered not to have any impacts on the setting of designated archaeological assets or significant undesignated assets.

**WD\_13\_07\_08/13 Batheway Fields**

This area has been considered by the Devon County Historic Environment Team as a proposed Local Plan allocation, as an outline planning application and full planning application. It was considered to have the potential to impact upon the setting of the prehistoric and Roman Scheduled Monument (SM) on the north side of North Tawton Barton and also to impact directly on undesignated heritage assets. The proposals have been the subject of archaeological desk-based assessment, including assessment of the visual impact on the SM, geophysical survey and pre-determination archaeological evaluation. The development has been deemed to be acceptable in terms of impact on the setting of the below-ground archaeology of the SM. We have recommended an archaeological recording condition on the full application in mitigation of the loss of undesignated archaeological assets. I do think that the current extent of approved development line is now at the closest acceptable distance from the SM. The current undeveloped buffer should be maintained.

**WD\_13\_08\_13 Taw Bridge, Pine Lodge**

This area has not previously been considered by the Devon County Historic Environment. However, appraisal of the Devon Historic Environment Record suggests that development here would not to have any impacts on the setting of designated archaeological assets or significant undesignated assets. However, it has some potential for archaeological evidence relating to prehistoric, Romano-British and medieval settlement. We would therefore recommended an archaeological recording condition on any planning consent.

**WD\_13\_10\_13 Taw Croft**

This area has been considered by the Devon County Historic Environment Team as a proposed Local Plan allocation and as a full planning application. It was considered not to have any impacts on the setting of designated archaeological assets such as Week Barn Cross or significant undesignated assets. However, it has some potential for archaeological evidence related to prehistoric ceremonial activity and Romano-British settlement. We have therefore recommended an archaeological recording condition on the Full Planning Application.

**WD\_13\_12\_13 Woollen Mill**

This area has been considered by the Devon County Historic Environment Team as a full planning application. It was considered to have a direct impact on the Woollen Mill a designated (Listed Building) industrial heritage asset and associated undesignated industrial heritage. The proposals have been the subject of archaeological desk-based assessment. We recommended refusal of the 2011 application due to unacceptable impact on designated and undesignated industrial heritage. However, residential development could, in principle, be acceptable – subject to appropriate design, conservation of key components of the heritage and suitable mitigation for loss of undesignated heritage.

**WD\_13\_13\_14 Land south of Exeter Street**

This area has not previously been considered by the Devon County Historic Environment. However, appraisal of the Devon Historic Environment Record suggests that development here would not to have any impacts on the setting of designated archaeological assets or significant undesignated assets. However, it has some potential for archaeological evidence relating to medieval settlement and landscape. We would therefore recommended an archaeological recording condition on any planning consent.

**WD\_13\_14\_14****Land at Letherens Lane**

This area has not previously been considered by the Devon County Historic Environment. However, appraisal of the Devon Historic Environment Record suggests that development here would not to have any impacts on the setting of designated archaeological assets or significant undesignated assets. However, it has some potential for archaeological evidence relating to medieval settlement and landscape. We would therefore recommended archaeological assessment and evaluation prior to determination of any planning application.

**WD\_13\_15\_16****Land south of Strawberry Fields**

This area has been considered previously by the Devon County Historic Environment team. Development here would not to have any direct impacts on designated archaeological assets and is unlikely to have any visual impacts on the setting of the Roman fort complex SM to its south. However, it is an area of archaeological potential which may contain evidence of prehistoric, Romano-British and medieval settlement. Romano-British evidence could relate to the Roman fort complex and therefore be of high significance. The area also contains field boundaries that the Devon Historic Landscape Character mapping identifies as a relatively intact medieval system. We would therefore recommended archaeological assessment and evaluation prior to determination of any planning application and for any site plan to maximise the retention of existing boundaries.

The assessment and evaluation should take place prior to determination of any outline or full planning application – to inform design (e.g. preserving key features in open space) and/or archaeological mitigation (e.g. full archaeological excavation of any archaeology that is found). From comparable work at Batheway Fields it is likely that archaeology will be found, but unlikely that this will be of Schedulable quality.

There are some allocations for Local Development Plans where we would strongly recommend that they are not included until more information is available about such constraints/risks. However, I do not think that this is the case here.

**2. Other Comments**

In terms of developing a positive strategy for the protection and enjoyment of the historic environment (as per NPPF) and also bolstering the treatment of designated assets in the plan (link to Historic England's comments), I have the following comments:

- The Themes and Objectives sections refer to the conservation of North Tawton's historic and natural environment and also its largely rural setting. In this context it would be worth noting that many of the parish's nationally designated archaeological assets (Scheduled Monuments), including the extensive Roman military site at North Tawton Barton (marching camps, fort, fortlet and probable fortress) and a significant concentration of prehistoric ritual/burial sites lie within the town's rural setting.
- Theme 1 refers to the Roman fort(s) but not to the significant concentration of designated prehistoric sites.



- It would also be worth mentioning that at the heart of the town there is a significant concentration of designated medieval heritage assets – Parish Church, cross and a Norman castle. The Church and churchyard do, rightly, get a strong mention as a valued space. However, can anything be said or done regarding the wider heritage resource/space here? I appreciate that the castle is not on public land. Could it still be celebrated/interpreted better?
- In the context of key views, public rights of way and North Tawton’s rural setting the Roman and prehistoric heritage of the town could be flagged up. I think that the view south, across/through the Bathway development (or from its southern end when complete) is a key view. The public footpath is part of the town’s medieval infield access system and the views out towards Dartmoor are dramatic and also take in the vast expanse of the Scheduled Roman fort complex. This could be picked up in Policy CH3 – Amenity Views and Landscape Character.
- Policy CH2 mentions the Conservation Area and Listed Buildings but not Scheduled Monuments.
- As mentioned in the comments on housing allocations, the Woollen Mill site is a significant aspect of the town’s industrial heritage. Conservation of the key components, including the Listed building, should be integral to any redevelopment proposals.
- Employment Land – The existing allocations at the Barton and former station yard are surrounded by or are adjacent to the Roman fort complex Scheduled Monument. Future expansion of or redevelopment within these areas will have to have regard for the heritage designation. There may also be a desire to expand the designated area and/or to enhance landscaping around the employment land areas – to improve the setting of the SM and also amenity views from the town?

I hope that the above is of help and also of interest. I will be happy to discuss any of these comments further with you if needed.

Kind regards.

Bill Horner  
County Archaeologist

**Environment Group**  
**Lucombe House**  
**County Hall**  
**Exeter**  
**EX2 4QD**  
**01392 382494**  
**07966 595812**

Disclaimer: <http://www.devon.gov.uk/email>

**From:** Stuart, David [<mailto:David.Stuart@HistoricEngland.org.uk>]

**Sent:** 04 February 2019 16:39

**To:** SW-Neighbourhood Planning <[NeighbourhoodPlan@swdevon.gov.uk](mailto:NeighbourhoodPlan@swdevon.gov.uk)>; Sarah Packham <[Sarah.Packham@swdevon.gov.uk](mailto:Sarah.Packham@swdevon.gov.uk)>

**Cc:** Duncan Smith <[Duncan.Smith@swdevon.gov.uk](mailto:Duncan.Smith@swdevon.gov.uk)>

**Subject:** North Tawton Neighbourhood Plan SEA/HRA screening

Dear Sarah/Duncan

Thank you for your revised SEA Screening Report for the emerging North Tawton Neighbourhood Plan. Our apologies for not responding before now.

We understand that an SEA Screening review is necessary as since the previous consultation in the summer of 2017 the Plan has been modified to now propose site allocations on 5 sites under policy HO1. Our interest is to ensure that in so doing the Plan is appropriately informed by evidence to demonstrate an understanding of how such allocations might impact on designated heritage assets and if so what measures have been taken to avoid or, if not possible, adequately mitigate these effects.

The Screening Report concludes that a full SEA is not necessary due to the limited nature of the development proposed and the continuity in land use. However, insofar as the Report covers issues relating to the policy in question, it makes assertions but contains no evidence, nor refers to evidence, which might substantiate this conclusion or demonstrate that the policy has taken account of the provisions for the protection and enhancement of the historic environment as set out in the National Planning Policy Framework (NPPF). (See Table 2(c), p9)

While development criteria within the policy and elsewhere in the Plan may help in the shaping of any development, policy HO1 itself is clearly intending to establish the principle of acceptability of development on these sites. The suitability of that principle, regardless of numbers of housing units, therefore needs to be demonstrated with appropriate evidence. It is not sufficient to concede that criteria will ensure adverse impacts are minimised (section 2.1, p10).

In addition to the information provided with this consultation we have looked at the Plan website. The Site Information Pack identifies heritage issues against each of the proposed sites but does not indicate the methodology which has been employed in its analysis of relevant heritage significance or how it has arrived at its conclusions. Appendix [5.3.4.7](#) – Site Assessment Matrices - elaborates on the individual characteristics of each site but does not provide evidence to substantiate its assertions. While using the same assessment criteria as the JLP is not in itself a problem the application requires informed judgement as far as carrying out assessments of heritage significance and impacts upon it are concerned.

Given that some of the sites are greenfield in nature there is unlikely to be a continuity of use in these scenarios and case law has established that the threshold for generating significant environmental effects is actually quite low.

In the circumstances therefore, and based on the information available to us, we unfortunately cannot agree with the view that the Plan is unlikely to generate significant environmental effects. We would be happy to review this position on receipt of additional evidence.

In order to assist the community in the provision of appropriate evidence we would refer to our guidance on Site Allocations, SEAs, Setting, Decision Making, and Neighbourhood Plans –

<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>

<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

<https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/>

It may be that the exercise to determine the suitability of the sites and the wording of the policy as it applies to each is a simple one and can be relatively straightforwardly undertaken by the simple expedient of getting your authority's conservation team to evaluate the sites from a heritage perspective. Their views in writing can constitute legitimate evidence.

Kind regards

David Stuart

David Stuart | Historic Places Adviser South West  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND  
<https://historicengland.org.uk/southwest>



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**From:** SW-Neighbourhood Planning [<mailto:NeighbourhoodPlan@swdevon.gov.uk>]  
**Sent:** 20 December 2018 12:31  
**To:** Stuart, David; [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk); [SPDC@environment-agency.gov.uk](mailto:SPDC@environment-agency.gov.uk)  
**Cc:** SW-Neighbourhood Planning; Duncan Smith  
**Subject:** North Tawton Neighbourhood Plan SEA/HRA screening

Dear Consultee

North Tawton Neighbourhood Plan SEA/HRA Screening

Please find attached a screening report covering Strategic Environmental Assessment and Habitats Regulation Assessment for the proposed North Tawton Neighbourhood Plan. A copy of the draft plan is also attached.

We would be grateful to receive any comments you wish to make on the report by **31<sup>st</sup> January 2018**. Please respond to SW-Neighbourhood Planning [neighbourhood.planning@swdevon.gov.uk](mailto:neighbourhood.planning@swdevon.gov.uk) . If we have not heard from you by that date we will assume that you have no comments to make.

Kind regards,

**Sarah Packham** | Neighbourhood Planning Senior Case Manager  
[West Devon Borough Council](#) | [South Hams District Council](#)

## 2. Graham Lawrence SHDC

RE: North Tawton Local Plan SEA/HRA Screening - Message (HTML)

FILE MESSAGE

Ignore Delete Sent Packages Reply Reply All Forward Meeting IM More

Move to: ? To Manager Done Create New

Team Email Reply & Delete

Move OneNote Actions

Mark Unread Categorize Follow Up

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Wed 13/03/2019 11:13  
Graham Lawrence  
RE: North Tawton Local Plan SEA/HRA Screening



To: Duncan Smith





Duncan

Having reviewed the policies and site allocations I have no fundamental heritage concerns relating to our remit (ie not archaeology). Provided suitable efforts are made in designing any developments I would not expect harm to heritage assets or the conservation area.

Graham

Graham Lawrence IHBC | Specialist (heritage) : Development Management  
**South Hams District Council | West Devon Borough Council**

  *Working together*

  [www.southhams.gov.uk](http://www.southhams.gov.uk)   [www.westdevon.gov.uk](http://www.westdevon.gov.uk)

From: Duncan Smith  
Sent: 11 March 2019 12:25  
To: Graham Lawrence <[Graham.Lawrence@swdevon.gov.uk](mailto:Graham.Lawrence@swdevon.gov.uk)>; Bill Horner <[bill.horner@devon.gov.uk](mailto:bill.horner@devon.gov.uk)>  
Cc: jean trewhitt <[jean\\_trewhitt@hotmail.com](mailto:jean_trewhitt@hotmail.com)>  
Subject: RE: North Tawton Local Plan SEA/HRA Screening

Graham Lawrence No Items

13:13 28/03/2019

### **3. Natural England**

Dear Sarah

#### **Planning consultation: North Tawton Neighbourhood Plan SEA/HRA**

Thank you for your consultation on the above dated 20 December 2018.

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.

We welcome the SEA and HRA screening document and have no comments to make.

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 queries relating to the specific advice in this letter only please contact Corine Dyke on 02080 268177 or [corine.dyke@naturalengland.org.uk](mailto:corine.dyke@naturalengland.org.uk).

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Corine Dyke

Lead Adviser

Sustainable Development Team – Devon, Cornwall & Isles of Scilly

#### **4. Environment Agency**

Dear Sarah,

Thank you for your consultation of 20 December 2018 providing us with the opportunity to comment in respect of the North Tawton 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.

Please note, this is a standard response. If you consider the plan will result in significant environmental effects please re-consult us.

Kind regards,

**Harriet Fuller**

Sustainable Places | Devon, Cornwall and the Isles of Scilly

✉ Email: [SPDC@environment-agency.gov.uk](mailto:SPDC@environment-agency.gov.uk)

📍 Manley House, Kestrel Way, Sowton Ind Est, EX2 7LQ