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Mid Devon Local Plan: Submission Draft

Habitats Regulations Assessment Addendum

Prepared by LUC
August 2016

Project Title: Habitats Regulations Assessment of Mid Devon's Local Plan Review

Client: Mid Devon District Council

Version	Date	Version Details	Prepared by	Checked by	Approved by
1	25/07/16	Draft for client review	Katherine Sydney	Jeremy Owen	Jeremy Owen
2	03/08/16	Final version	Katherine Sydney	Jeremy Owen	Jeremy Owen



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Contents

1	Introduction	1
	Changes to the Local Plan	1
	Methodology	3
2	HRA Findings	7
	Local Plan Review Proposed Submission – HRA findings	7
	Local Plan Submission Draft – changes to HRA findings	8
Tables		
	Table 1.1 Proposed changes to overall housing supply	1
	Table 1.2 Proposed changes to overall employment supply	2
	Table 1.3 Proposed changes to site allocations	3
	Table 1.4 Stages in HRA	4
	Table 2.1 Changes to HRA findings as a result of proposed changes to the Plan	8
Figures		
	Figure 1.1 European sites within 10km of Mid Devon District	5

1 Introduction

- 1.1 In February 2015, Mid Devon District Council (MDDC) published its Local Plan Review Proposed Submission document. The third and most recent round of consultation on this occurred between February and April 2015; MDDC then reviewed and revised the document for submission. The Local Plan Submission Draft is the current version of the plan.
- 1.2 The Habitats Regulations Assessment (HRA), which assesses the likely effects of the proposed plan on European designated sites, was prepared by LUC and completed for the Local Plan Review Proposed Submission in March 2015¹. Natural England was consulted during the HRA process, and the 2015 HRA Report responded to their comments.
- 1.3 This report forms an addendum to the 2015 HRA Report. It reviews the changes incorporated into the Local Plan Submission Draft and considers whether the nature and scale of the proposed changes are sufficient to change the findings of the HRA.

Changes to the Local Plan

- 1.4 The proposed changes to the Local Plan include both the overall supply and specific site allocations for housing and employment. The changes to the overall figures for housing supply are shown in Table 1.1 and for employment supply in Table 1.2. Changes to site allocations are shown in Table 1.3.
- 1.5 MDDC does not yet have the monitoring data available to update the employment supply figures for 2015/16. Therefore, while the figures for housing supply are based on the Local Plan Submission Draft 2016, for employment supply the latest figures available have been used, which are based on 2014/15 data rather than 2015/16.

Table 1.1 Proposed changes to overall housing supply

Supply	Local Plan Review Proposed Submission February 2015	Local Plan Submission Draft 2016	Notes
Housing commitments and completions	1,689 dwellings	2,936 dwellings	Increase of 1,247, due to a number of sites being consented.
Housing allocations	6,139 dwellings	5,388 dwellings	Decrease of 751, of which some have been consented and some are due to changes to site allocations (see below).
Total housing supply	7,828 dwellings	8,324 dwellings	Increase of 496.

¹ Mid Devon Local Plan Review Publication Draft: Habitats Regulations Assessment Report, March 2015

Table 1.2 Proposed changes to overall employment supply

Supply	Local Plan Review Proposed Submission February 2015	Local Plan Review Proposed Submission updated with latest allocation information and 2014/15 monitoring data	Notes
Employment commitments and completions	53,046 m ²	73,877 m ²	Increase of 20,831 m ² , arising from 12,000 m ² at Venn Farm (CU18) and 2,456 m ² at Land south of A377 (CRE10) having gained permission, as well as an increase in windfall permissions/commencements.
Employment allocations	121,620 m ²	123,364 m ²	Increase of 1,744 m ² . The decrease due to consented schemes is offset by an increase at site allocations. 14,456 m ² from Venn Farm (CU18) and Land South of A377 (CRE10) now under commitments, whilst 13,200 m ² added allocation total arising from increase in size of Willand Industrial Estate has (WI2)
Total employment supply	174,666 m ²	197,241 m ²	Increase of 22,575 m ²

Table 1.3 Proposed changes to site allocations

Site (and relevant policy)	Local Plan Review Proposed Submission February 2015	Local Plan Submission Draft 2016	Notes
Tiverton Eastern Urban Extension (S10 & TIV1-TIV5)	1,520 dwellings	1,730 dwellings	Quantity of development on Area B has been increased to reflect the density assumed on Area A, which has been subject to detailed masterplanning.
Farleigh Meadows, Tiverton (S10 & TIV6)	300 dwellings	255 dwellings	Revisions in the reserved matters application have reduced the number of dwellings. This was previously included within Mid Devon commitments at time of the Local Plan Review Proposed Submission 2015.
Wynnards Mead, Tiverton (S10 & TIV14) contingency site	70 dwellings	0 dwellings	This site is proposed for deletion.
East Cullompton (S11 & CU7-CU12)	2,600 dwellings (of which 2,100 within plan period)	2,600 dwellings (but for 1,700 within plan period and remainder post-2033)	Development to occur later than previously planned.
Exeter Road, Cullompton (S11 & CU15)	45 dwellings	24 dwellings	Site has permission for 24 dwellings. There is sufficient uncertainty about delivery of remainder to reduce site numbers.
School Close, Bampton (S13 & BA4)	0 dwellings	26 dwellings	The number of dwellings was originally part of Mid Devon commitments, but will now be included in a policy. No actual increase in allocation number.
Land off Church Lane, Cheriton Bishop (S13 & CB1)	30 dwellings	20 dwellings	Reduced number and site area.
Hemyock, Depot (S13 & HE1)	10 dwellings	0 dwellings	This site is proposed for deletion.
Land west of Uffculme (S13 & UF1)	0 dwellings	60 dwellings	Site granted on appeal.
Willand Industrial Estate (WI2)	8,800 m ² employment	22,000 m ² employment	Site granted planning permission in part, remainder now considered deliverable.
Venn Farm (S11 & CU18)	9,000 m ² employment	12,000 m ² employment	Updated to reflect planning permission.

Methodology

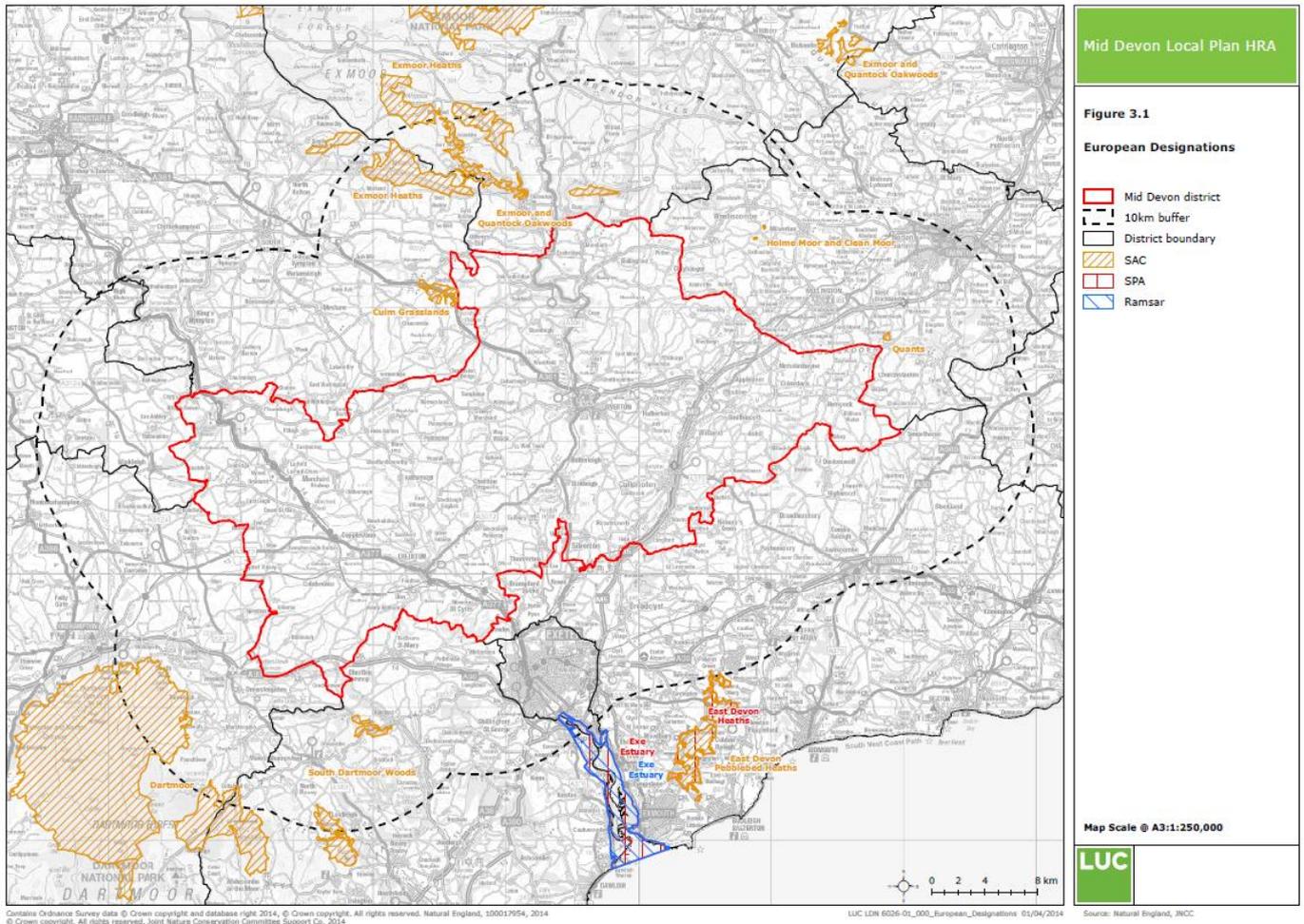
- 1.6 The stages in undertaking a full HRA, as followed for the 2015 HRA, are summarised in Table 1.3 below.

Table 1.4 Stages in HRA

Stage	Task	Outcome
Stage 1: Screening (the 'Significance Test')	Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites (taking into account potential mitigation provided by other policies in the plan).	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (the 'Integrity Test')	Gather information (plan and European Sites). Impact prediction. Evaluation of impacts in view of conservation objectives. Where impacts considered to affect qualifying features, identify alternative options. Assess alternative options. If no alternatives exist, define and evaluate mitigation measures where necessary.	Appropriate Assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify and demonstrate 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

- 1.7 The screening stage of the HRA took the approach of screening each development strategy (policies S1-S15) individually, although the site allocations were grouped by geographical location where the likely significant effects that could be identified during the screening stage of the HRA would be broadly the same.
- 1.8 The European sites considered in the HRA are shown in Figure 1.1.

Figure 1.1 European sites within 10km of Mid Devon District



1.9 During the screening stage a number of assumptions were applied in relation to assessing the likely significant effects on European sites that may result from the Local Plan Review. The assumptions made are summarised below and explained in full in the 2015 HRA:

- Physical loss of habitat: only Culm Grasslands SAC is in a location that could be affected.
- Noise, vibration and light pollution: only Culm Grasslands SAC is in a location that could be affected.
- Air pollution: Culm Grasslands SAC, Exe Estuary SPA and Exe Estuary Ramsar are all close enough to strategic roads that they could be affected.
- Impacts of recreation: where policies or site allocations are likely to result in an increase in the local population or where an increase in tourism is considered likely, an increase in visitor numbers and the associated impacts could affect any sensitive European sites nearby.
- Water quantity and quality: South West Water advised that there is sufficient capacity to accommodate water supply and sewage treatment for the expected growth in the area. Water quality and quantity effects were therefore screened out of the assessment.

1.10 Since the 2015 HRA, South West Water has reviewed its capacity studies and confirmed the following in relation to expected growth arising from the Local Plan as a whole:

At a high level our treatment works and trunk sewers will be able to cope with the additional foul only flows from the indicated increase in numbers.

There will still be a need to evaluate the ability of the local infrastructure to cope with the increase in flows and in some instances we may ask for Planning Conditions to be imposed to allow time to either finish the evaluation or agree with the developer the best way forward and deliver it.

- 1.11 Water quality and quantity effects remain excluded from the assessment on the grounds that any potential likely significant effects will be avoided by way of planning conditions.
- 1.12 In this HRA addendum, the changes to the proposed sites and overall provision have been screened to identify potential effects on European sites. Any changes to the findings of the HRA are explained.

2 HRA Findings

- 2.1 The proposed changes to the Local Plan Submission Draft alter the overall number of dwellings and commercial floor space to be accommodated during the Plan period, and the distribution of residential development within the district. HRA Screening and Appropriate Assessment findings relating to the following policies are therefore relevant:
- General policies: Policy S2 Amount and distribution of development, Policy S3: Meeting housing needs, and Policy S6: Employment;
 - Area policies: Policy S10 Tiverton, Policy S11 Cullompton, and Policy S13 Villages; and
 - Site allocation policies: Tiverton (Policies TIV1-TIV16), Cullompton (Policies CU1-CU22), and Rural Areas (Policies BA4, UF1, WI2, CB1, and HE1).

Local Plan Review Proposed Submission – HRA findings

- 2.2 The findings of the HRA Screening and Appropriate Assessment are summarised below, with full details available in the 2015 HRA.
- 2.3 The relevant policies would result in 7,200 new homes focussed mainly at Tiverton, Cullompton and Crediton, and 154,000 m² of employment development, which would increase traffic and (in the case of residential development) recreation pressure. These could have an effect on European sites, resulting in loss of or damage to off-site habitat, non-physical disturbance (noise/vibration and light), erosion or trampling, and/or air pollution. Policies S1 Sustainable Development Priorities and S9 Environment, along with good practice construction techniques, would provide mitigation, with S5 Public Open Space providing additional mitigation for residential development.
- 2.4 Potentially any European sites within Mid Devon (+10km) could be affected by increased visitor pressure, although the proximity of some of the sites means that it would be more likely to occur at Culm Grasslands SAC (nearest to Tiverton); Exe Estuary SPA and Ramsar site, the East Devon Pebblebed Heaths SAC or the East Devon Heaths SPA (nearest to Cullompton); and Quants SAC, South Dartmoor SAC or Exmoor and Quantock Oakwoods SAC (nearest to some of the named villages).
- 2.5 The Appropriate Assessment determined that the distance of most European sites around Mid Devon from the District, and in particular the locations that will be the main focus of development (Tiverton, Crediton and Cullompton) means that a significant increase in day-to-day visitor numbers at any of the European sites for activities such as dog walking is not considered likely. While there may still be some increase in visits to sites such as Dartmoor SAC, South Dartmoor Woods SAC and the East Devon Heaths SAC which are known to be popular visitor destinations, there are a wide range of mitigation measures already in place. The Appropriate Assessment concluded that the Plan would have no adverse effect on the integrity of any European sites as a result of recreational activity associated with the planned development.
- 2.6 Major roads, which could experience an increase in traffic, run close to the Culm Grasslands SAC, Exe Estuary SPA and Exe Estuary Ramsar site; however the Appropriate Assessment identified that only the Culm Grasslands SAC has features which are sensitive to air pollution. Following further detailed analysis of the likely air pollution impacts, the Appropriate Assessment concluded that an increase in traffic would have no adverse effect on the integrity of Culm Grasslands SAC.
- 2.7 Noise, vibration and light pollution effects, as well as effects relating to the loss of offsite habitat, could only affect the Culm Grasslands SAC due to the distance of other European sites from the District boundary. The Appropriate Assessment determined that the area of the District in which development would need to occur for these effects to be possible is small and peripheral and does not include any major towns/villages or locations where site allocations are included in the Local Plan review. Any such development in that area is therefore expected to comprise only individual

rural dwellings in exceptional circumstances and is not expected to be of a scale that is likely to affect the integrity of the SAC in relation to offsite loss of habitat or noise/vibration, particularly taking into account mitigation. The assessment concluded that there would be no adverse effect on the integrity of Culm Grasslands SAC as a result of noise, vibration, light pollution, or the loss of offsite habitat.

Local Plan Submission Draft – changes to HRA findings

- 2.8 The changes to the HRA findings that could result from the proposed changes to the Plan are identified in Table 2.1. Air quality effects due to traffic and the effects on visitor pressure resulting from overall population change in the District are discussed in relation to the overarching policies. Effects arising due to proximity to European sites (loss of or damage to off-site habitat, non-physical disturbance, and visitor pressure related to proximity, such as dog walking) are discussed in relation to the site-specific policies.

Table 2.1 Changes to HRA findings as a result of proposed changes to the Plan

Proposed change to policy (and policy relevant to HRA)	Change to likely activities, effects, site(s) affected or mitigation	Changes to HRA / Appropriate Assessment findings
All sites: an overall increase of 496 homes over the Plan period (S2 & S3)	<p>No change to likely activities, likely effects or mitigation, although the increase in population could increase the overall effects of recreation pressure and air pollution.</p> <p>Only Culm Grasslands SAC has the potential to be affected by air pollution, due to its features and proximity to strategic roads. Although the transport assessment has not been updated with the revised number of homes, the assessment of the Local Plan Review Proposed Submission identified an increase in traffic levels of 507 vehicles Annual Average Daily Traffic (AADT) on the A361 near to Culm Grasslands SAC. The threshold for significant effects is considered to be 1,000 AADT, which would require almost double the quantum of development proposed in the Local Plan Review Proposed Submission. The changes proposed in the Local Plan Submission Draft are of a much smaller scale than this and will therefore not trigger significant effects in relation to air pollution.</p> <p>Many of the European sites around Mid Devon are vulnerable to the effects of erosion/trampling from recreation (e.g. heathland habitats) and several sites include birds and other qualifying species that could be affected by disturbance, in particular the sites to the south of Mid Devon (Exe Estuary SPA and Ramsar Site, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA). However, the distances of most of the sites from the main centres of proposed development remain the same, and the mitigation measures in place mean that the increase in population will not change the findings of the Appropriate Assessment.</p>	<p>No change to original HRA Screening findings for Policies S2 & S3: HRA effects would remain uncertain.</p> <p>No change to Appropriate Assessment conclusions: recreation pressure and air pollution will not have an adverse effect on the integrity of European sites.</p>

Proposed change to policy (and policy relevant to HRA)	Change to likely activities, effects, site(s) affected or mitigation	Changes to HRA / Appropriate Assessment findings
<p>Tiverton Eastern Urban Extension: an increase of 210 homes (TIV1-TIV5)</p> <p>Farleigh Meadows, Tiverton: a reduction of 45 homes (TIV6);</p> <p>Wynnards Mead, Tiverton: a reduction of 70 homes (site removed from Plan) (TIV14)</p> <p>Increase of 95 homes in Tiverton (S10)</p>	<p>No change to likely activities or likely effects, although the increase in population would increase the expected magnitude of the recreation pressure effects, over the plan period.</p> <p>No change to sites affected (any site, but Culm Grasslands SAC is the nearest) or mitigation.</p> <p>Although the proposed changes result in an overall increase in the number of homes to be built in and around Tiverton, this represents a less than 5% increase on the total number of homes proposed around Tiverton within the plan, which is considered to be an insignificant increase. The overall findings of the HRA and Appropriate Assessment therefore remain the same.</p>	<p>No change to original HRA Screening findings for Policies TIV1-TIV6 and S10: HRA effects would remain uncertain.</p> <p>No change to Appropriate Assessment conclusions: recreation pressure will not have an adverse effect on the integrity of European sites.</p> <p>Policy TIV14 is removed.</p>
<p>East Cullompton: a reduction of 400 homes during the Plan period (no change over longer time period) (CU7-CU12)</p> <p>Exeter Road, Cullompton: a reduction of 21 homes (CU15)</p> <p>Reduction of 421 homes in Cullompton (S11)</p>	<p>No change to likely activities or likely effects, although reduction in population would reduce the magnitude of the recreation pressure effects, over the plan period.</p> <p>No change to sites affected (any site, but Exe Estuary SPA and Ramsar site and the East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA are the nearest) or mitigation.</p> <p>Although the proposed changes result in an overall reduction in the number of homes to be built in and around Cullompton, over 3,000 are still proposed within the plan. The overall findings of the HRA therefore remain the same.</p>	<p>No change to original HRA Screening findings for Policies CU7-CU12 & S11: HRA effects would remain uncertain.</p> <p>No change to Appropriate Assessment conclusions: recreation pressure will not have an adverse effect on the integrity of European sites.</p>
<p>School Close, Bampton: no change overall to number of homes included in Plan (BA4 & S13)</p>	<p>No change</p>	<p>No change to original HRA Screening findings.</p> <p>Appropriate Assessment conclusions are unaffected.</p>
<p>Land off Church Lane, Cheriton Bishop: a reduction of 10 homes (CB1 & S13)</p>	<p>No change to likely activities or likely effects, although reduction in population would reduce the magnitude of the recreation pressure effects, over the plan period.</p> <p>No change to sites affected (any site, but South Dartmoor Woods SAC is the nearest) or mitigation.</p> <p>The site is close to South Dartmoor Woods SAC, which has some areas of heavy recreation pressure. Any reduction in population increase is therefore positive; however the change is small in scale and will not affect the conclusions of the HRA and Appropriate Assessment.</p>	<p>No change to original HRA Screening findings for Policies S13 & CB1: HRA effects would remain uncertain.</p> <p>No change to Appropriate Assessment conclusions: recreation pressure will not have an adverse effect on the integrity of European sites.</p>

Proposed change to policy (and policy relevant to HRA)	Change to likely activities, effects, site(s) affected or mitigation	Changes to HRA / Appropriate Assessment findings
Hemyock, Depot: a reduction of 10 homes (site removed from Plan) (HE1 & S13)	<p>The site will not be developed, therefore the likely activities (residential development, recreation pressure and increased traffic) and likely effects (erosion/trampling and air pollution) will not occur.</p> <p>The site most likely to have been affected by this site was Quants SAC, however the proposed change is small in scale and will not affect the conclusions of the HRA and Appropriate Assessment.</p>	<p>No change to original HRA Screening findings for Policy S13: HRA effects would remain uncertain.</p> <p>No change to Appropriate Assessment conclusions: recreation pressure will not have an adverse effect on the integrity of European sites.</p> <p>Policy HE1 is removed.</p>
Land west of Uffculme: an increase of 60 homes (new site) (UF1 & S13)	<p>As with other sites allocated in rural areas, the likely activities (residential development, recreation pressure and increased traffic) could result in the following likely effects: erosion/trampling and air pollution.</p> <p>Any of the European sites could be affected by recreation pressure, but Quants SAC is the nearest, and air pollution could affect the Culm Grasslands SAC. The addition of homes in this location is unlikely to result in any significant increase in day to day visitors to nearby sites (e.g. for dog walking). The overall contribution to recreation pressure and air pollution across the District has been taken into consideration in assessing the district-wide change in housing figures. No changes are expected to the conclusions of the HRA Screening and Appropriate Assessment.</p> <p>Mitigation is as for other rural sites: Policies S1 Sustainable Development Priorities, S9 Environment, and S5 Public Open Space</p>	<p>This site was not included in the 2015 HRA and therefore needs to be considered here, however it has been granted planning permission and now forms part of the MDDC commitments.</p> <p>If the site had been included in the 2015 HRA, likely significant effects in relation to UF1 would have been considered uncertain, as it would not be possible to rule out likely significant effects until an Appropriate Assessment had been completed.</p> <p>There would be no change to original HRA Screening findings for Policy S13, however, and the overall Appropriate Assessment conclusions would remain unaffected: recreation pressure will not have an adverse effect on the integrity of European sites.</p>

Proposed change to policy (and policy relevant to HRA)	Change to likely activities, effects, site(s) affected or mitigation	Changes to HRA / Appropriate Assessment findings
<p>Willand Industrial Estate: an increase of 13,200 m² commercial floor space over the Plan period (WI2)</p> <p>Venn Farm: an increase of 3,000 m² of commercial floor space over the Plan period (S11 & CU18)</p>	<p>The likely activities associated with employment development could result in increased traffic and effects on European sites associated with air pollution. However, as this site is not very close to any European sites, loss of/damage to offsite habitat, non-physical disturbance such as noise/vibration and light pollution, and erosion/trampling are not relevant to this site.</p> <p>The nearest sites are Quants SAC (Willand) and East Devon Heaths SPA and East Devon Pebblebed Heaths SAC (Venn Farm), but air pollution would only affect the Culm Grasslands SAC.</p> <p>Although the provision at these two sites is increasing, it is the overall provision in the District that could affect air quality. Based on the latest figures available, the increase in employment supply across the District will be c.13%. This will not result in changes to traffic (AADT) significant enough to have adverse effects on the integrity of Culm Grasslands SAC.</p>	<p>There is not expected to be any change to the original HRA findings for Policy WI2 or the Appropriate Assessment: air pollution will not have an adverse effect on the integrity of European sites.</p>

2.9 Overall, no changes are expected to the findings and conclusions of the 2015 HRA Report, although reference to sites at Wynnards Mead (TIV14) and Hemyock (HE1) would need to be removed and Uffculme (UF1) and Bampton (BA4) added.

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August 2016