

Examination Document ED06

Mid Devon Local Plan Review 2013 – 2033 Proposed Submission incorporating proposed modifications (January 2017) - examination

Response by Mid Devon District Council to examination document reference “ED05 – 2004 Regs EPL Commentary extracts” submitted by Mr Drew

The Council agrees that Reg. 9(1) relates to the position where an authority thinks that a project or plan as a whole will not have any significant environmental effects - in which case the regulations require an explanation for arriving at that conclusion. The plan to be taken as a whole is the Mid Devon Local Plan Review 2013 - 2033. Where it is concluded that there are environmental effects as recorded in the SEA, there is no requirement to explain why the authority reached the view that the non-significant effects are not significant. If an effect isn't covered in the SEA then the inference is that the authority does not think that there is a material effect (as with the Grand Western Canal Conservation Area).

The Council does not agree with Mr Drew's reference to the Seaports Investments case in respect of the EIA. This is since one derogation will not render the EIA something other than an EIA unless the flaw is very serious: A R (Blewett) v Derbyshire County Council [2004] Env LR 29.