



# **Draft Mid Devon Eastern Urban Extension Area B Supplementary Planning Document**

## **Habitat Regulations Assessment Screening Report**

**December 2019**

## 1.0 Mid Devon Eastern Urban Extension Area B Supplementary Planning Document (SPD)

### *Purpose, scope and content*

- 1.1 The Tiverton Eastern Urban Extension (EUE) Area B Masterplan sets out the relationship between the Adopted Masterplan SPD and Area B Masterplan whilst identifying its purpose as bridging the gap between high level policy aspirations and delivery on the ground. This is to ensure that the development achieves high quality design and sense of place in a coordinated manner.
- 1.2 The Area B Masterplan is set out in 6 Chapters. A brief description of each part is provided below:

#### Introduction

This sets out the relationship between the Adopted Masterplan SPD and Draft Area B Masterplan and the purpose the Masterplan.

#### About the Site

This introduces the site within the wider context of the EUE. It provides background and context including land ownerships, constraints and opportunities across Area B.

#### Vision and Objectives

This outlines the overarching ambition for the development of Area B as an attractive, well designed garden neighbourhood that will create a positive future both for those who reside in the new development and the wider Tiverton area. This is borne out in four development concepts and guiding principles.

#### Creating the Structure

This provides specific detail for the Masterplan area whilst providing an Illustrative Framework Plan and land use budget embedded in a costed viability assessment.

#### Creating the Place

This chapter seeks to communicate the varied character that will be required for the new development including the green Infrastructure. Eight distinctive locations are described in more detail alongside a series of street sections which are important to convey the varied character and response required in different areas of the masterplan area.

#### Delivering Place

This takes a specific look at the infrastructure requirements for Area B and the delivery of it including S106 contributions and their triggers as well housing delivery rates and phasing of development.

#### *Relationship with the National Planning Policy*

- 1.3 The National Planning Policy Framework (2019), in 'Identifying Land for Homes' paragraph 72 sets out the following:

*"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and*

*with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:*

*a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;*

*b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*

*c) set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;*

*d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and*

*e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size."*

- 1.4 Tiverton Eastern Urban Extension was identified as part of the Mid Devon Local Plan Review (2013-2033) as an urban extension to Tiverton town as it is considered to be well located and supported by the necessary infrastructure and facilities. Policies TIV1-TIV5 are consistent with the National Planning Policy Framework. The Tiverton Eastern Urban Extension Area B SPD provides further detail on the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains. It ensures the community has sufficient access to services and employment opportunities within the development itself as well as setting out clear expectations for the quality of the development to ensure there are a variety of homes to meet the needs of different groups in the community. It also makes a realistic assessment of likely rates of delivery.

*Relationship with the Mid Devon Local Plan*

- 1.5 The Council is preparing a new local plan for Mid Devon. The Mid Devon Local Plan Review 2013-2033 ("Local Plan Review") is at an advanced stage in its preparation. It is currently being examined by an Inspector appointed by the Planning Inspectorate and is currently subject to a main modifications stage. It is anticipated it will be adopted in the spring 2020. Once adopted the Local Plan Review will replace the current Mid Devon Local Plan, which includes:

- Core Strategy (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

- 1.6 The Local Plan Review Policies TIV1-TIV5 Tiverton Eastern Urban Extension will provide the policy baseline for the more detailed guidance included in the Mid Devon Tiverton Eastern Urban Extension SPD:

***Policy TIV1***

***Eastern Urban Extension***

**A site of 153 hectares east of Tiverton is allocated for mixed use development as follows:**

- a) 1580 to 1830 dwellings;**
- b) A proportion of affordable dwellings subject to further assessment of viability to include at least five pitches for gypsies and travellers;**
- c) At least 30,000 square metres commercial floorspace;**
- d) 47 hectares strategic green infrastructure;**
- e) Highway mitigation measures and transport provision to ensure appropriate accessibility for all modes;**
- f) Environmental protection and enhancement;**
- g) Community facilities to meet local needs arising, including a new primary school and neighbourhood centre;**
- h) An agreed strategy to bring forward development and infrastructure in step and retain the overall viability of development; and**
- i) Compliance with the adopted masterplan and completion of a public Masterplanning exercise in respect of the southeast of the site (Area B in the adopted masterplan).**

***Policy TIV2***

***Eastern Urban Extension Transport Provision***

**To support the Eastern Urban Extension, the following transport infrastructure will be provided:**

- a) Provision of a new grade-separated junction to the A361 and road links into the site;**
- b) Traffic calming and environmental enhancement between Heathcoat Way and Putson Lane, including Blundell's Road;**
- c) Provision of bus, pedestrian and cycle routes at appropriate locations throughout the development, creating an attractive, permeable network for non-car modes travelling within, into and out of the area;**
- d) Cycle and pedestrian links to the Railway Walk, Grand Western Canal and nearby public rights of way;**
- e) Implementation of Travel Plans and other non-traditional transport measures to minimise carbon footprint and air quality impacts;**
- f) Bus service enhancements between the main residential areas of Tiverton and the employment areas within the Eastern Urban Extension;**
- g) Bus service enhancements between Exeter, Tiverton Bus Station, the Eastern Urban Extension and Tiverton Parkway Station; and**

h) New and improved offsite pedestrian and cycle links including improvements to a wider green infrastructure network.

### ***Policy TIV3***

#### ***Eastern Urban Extension Environmental Protection and Green Infrastructure***

As part of the Eastern Urban Extension, the following environmental protection and enhancement measures will be implemented at the expense of all new development in the Eastern Urban Extension:

- a) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;
- b) Provision and management of 47 hectares of land for strategic green infrastructure on the western and southern edges of the urban extension, including management and funding arrangements for the protection and enhancement of Tidcombe Fen Site of Special Scientific Interest, its catchment and land west of Pool Anthony Bridge;
- c) Areas of equipped and laid out public open space, totalling 2 hectares of children's play, 8 hectares of sports pitches and 2 hectares of allotments;
- d) A strategic landscaping and tree planting scheme to mitigate landscape impact, enhance biodiversity and the character of development;
- e) Appropriate provision of a sewerage system to serve the development and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- f) The provision of a strategic Sustainable Urban Drainage Scheme provided in step with development to deal with all surface water from the development, paying particular attention in relation to runoff into Tidcombe Fen SSSI in terms of quality and quantity of water entering the fen, and arrangements for future maintenance of the scheme;
- g) Detailed archaeological investigation and measures to record, and where necessary protect the archaeological interest of the site through appropriate design layout and mitigation; and
- h) Design solutions which respect the character and setting of heritage assets within and adjoining the site.

### ***Policy TIV4***

#### ***Eastern Urban Extension Community Facilities***

As part of the Eastern Urban Extension, the following community infrastructure will be provided at the expense of all new development in the urban extension area:

- a) One serviced site of 1.93 hectares for a primary school at no cost to the Local Education Authority;
- b) Construction cost for one primary school of 420 places and early years provision;
- c) A site of 2.0 hectares for a shopping and community centre, of which 1.0 hectare will be for community buildings at no cost to the provider;

- d) Contribution to new and improved facilities at the secondary school; and
- e) Construction cost of appropriate community facilities and buildings including youth and children's provision and a community hall.

***Policy TIV5***

***Eastern Urban Extension Phasing***

The development of the Eastern Urban Extension must be carried out in accordance with an approved phasing strategy, to ensure that the development and infrastructure come forward in step, minimising the impact of the development and taking account of the need for development to remain viable. Detailed justification must be provided if there is any proposed deviation from the following requirements:

- a) The provision of on and off slip roads on the south side of the A361 to a standard suitable to form construction access prior to any development;
- b) The provision of the completed on and off slip roads on the south side of the A361 (forming the southern element of the A361 junction) and the highway link between this junction and Blundell's Road prior to the occupation of any development;
- c) The occupation of no more than 200 dwellings or 4,000 square metres employment floorspace before the provision of a 'Phase 1' traffic calming scheme at Blundell's School and improvements to the roundabouts at Heathcoat Way and Lowman Way, as set out in the adopted masterplan;
- d) Prior to the commencement of construction south of Blundell's Road the transfer of land for the primary school and its access to the Local Education Authority;
- e) Prior to the first occupation of development south of Blundell's Road the servicing of the site for the primary school;
- f) The occupation of no more than 400 dwellings before the construction of the first phase of the primary school;
- g) The occupation of no more than 400 dwellings before the provision of temporary open space on the future school and neighbourhood centre site;
- h) The occupation of no more than 600 dwellings or 10,000 square metres commercial floorspace before the completion of the full movement grade separated junction to the A361 and completion of the traffic calming and environmental enhancement of Blundell's Road between Putson Lane and Heathcoat Way;
- i) The occupation on no more than 600 dwellings before the implementation of arrangements for the management and funding for the Green Infrastructure west of Pool Anthony Bridge;
- j) The occupation of no more than 600 dwellings before the implementation of bus service enhancements;
- k) The occupation of no more than 600 dwellings before the provision of a 2.0 ha serviced neighbourhood centre site;
- l) The occupation of no more than 1000 dwellings before the provision of Green Infrastructure between Pool Anthony Bridge and Manley Railway Bridge within Area A as defined in the adopted masterplan, with necessary management and funding arrangements;
- m) The occupation of no more than 1250 dwellings before the provision of Green Infrastructure between Pool Anthony Railway Bridge and Manley Railway Bridge within

the Area B as defined in the adopted masterplan, with necessary management and funding arrangements; and

n) Phased delivery of cycle and pedestrian links to the railway walk, Grand Western Canal and nearby public rights of way.

- 1.7 At the time of preparing the Mid Devon Eastern Urban Extension Area B SPD, the Council has followed post examination hearings advice from the Planning Inspector and has proposed Main Modifications to Policy TIV3 and TIV4. These include the following amendments:

***TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure***

Amend criterion e) as follows:

Appropriate provision of sewerage system to serve the development ~~and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance~~

***TIV4: Eastern Urban Extension Community Facilities***

Replace criterion b) as follows:

**“Construction cost for one primary school of 410 places and early years provision Provision of a 420-place primary school with early years provision and a children’s centre service delivery base funded by appropriate contributions from developers;”**

Add additional policy criterion as follows:

**“f) Contributions towards a new recycling centre to serve Tiverton”**

- 1.8 The Mid Devon Local Plan Review (2013 – 2033) has been subject to a Sustainability Appraisal (SA) , which has incorporated a Strategic Environmental Assessment (SEA). The Local Plan Review has also been subject to a Habitat Regulations Assessment.

*Status of the Mid Devon Eastern Urban Extension Area B SPD*

- 1.9 The Mid Devon Eastern Urban Extension Area B SPD will be adopted by the Council as a Supplementary Planning Document. The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications.

**2.0 Habitat Regulations Assessment**

*Habitat Regulations Assessment*

- 2.1 A Habitat Regulations Assessment (HRA) refers to the several distinct stages of Assessment. These must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine whether a plan or project may affect the protected features of a European site (‘habitats site’) identified under these regulations before deciding whether to undertake, permit or authorise it.

### Screening

- 2.2 All plans and projects which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration is typically referred to as the 'Habitats Regulations Assessment screening' and should take into account the potential effects both of the plan/project itself and in combination with other plans or projects.
- 2.3 Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives must be undertaken. A plan or project may be agreed to only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
- 2.4 In April 2018, the Court of Justice of the European Union delivered its judgement in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta ('People over Wind'). The judgment clarified that making screening decisions as part of the HRA and for the purposes of deciding whether an appropriate assessment is require, mitigation measures cannot be taken into account. Mitigation measures intended to avoid or reduce the harmful effects of a plan or project can only be taken into account at the appropriate assessment stage.
- 2.5 The Mid Devon Tiverton Eastern Urban Extension Area B SPD has been 'screened' for the purpose of Habitat Regulations Assessment (HRA) to assess whether it may affect the protected features of a 'habitats site' identified under the Conservation of Habitats and Species Regulations 2017 as amended and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

### 3.0 Habitats site

- 3.1 A Habitats site refers to any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.
- 3.2 There are no Habitats sites within Mid Devon although there are 11 such sites within 10km (Table 1), the closest being the Culm Grasslands SAC which lies immediately adjacent to the north western boundary of Mid Devon District.

Table 1: Habitats Sites within 10km of Mid Devon District		
Special Areas of Conservation (SACs)	Special Protection Areas (SPAs)	Ramsar Sites
<ul style="list-style-type: none"><li>• East Devon Pebblebed Heaths</li><li>• Culm Grasslands</li></ul>	<ul style="list-style-type: none"><li>• Exe Estuary</li><li>• East Devon Heaths</li></ul>	<ul style="list-style-type: none"><li>• Exe Estuary</li></ul>



<ul style="list-style-type: none"> <li>• South Dartmoor Woods</li> <li>• Holme Moor and Clean Moore</li> <li>• Dartmoor</li> <li>• Exmoor Heaths</li> <li>• Quants</li> <li>• Exmoor and Quantock Oakwoods</li> </ul>		
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*Potential Impacts on Habitats Site*

3.3 There are a number of categories that can affect Habitats Sites which include:

- Physical Loss
- Physical Damage
- Non-physical disturbance
- Water table/availability
- Toxic contamination
- Non-toxic contamination
- Biological disturbance

**4.0 Mid Devon Local Plan Review 2013 – 2033 HRA**

4.1 As the competent authority under The Conservation of Habitats and Species Regulations (2010) (now 2017 as amended) Mid Devon District Council has been required to assess its Local Plan Review 2013-2033 as part of the HRA process.

4.2 A full HRA Report for the Mid Devon Local Plan Review 2013-2033 was undertaken March 2015 and related to the Publication Draft version of the Local Plan Review. This concluded that adverse effects on the integrity of European sites (referred to in this report as Habitats sites) around Mid Devon from policy and site options in the new Local Plan, either alone or in combination with other plans, will not occur.

4.3 Two HRA Addenda were prepared in 2016. The first (dated August 2016) was prepared in order to update the findings of the March 2015 HRA Report in light of changes to the supply of housing and employment land that were made in the Submission version of the Local Plan Review. The HRA Addendum screened the changes to policies in the Local Plan Review and concluded that, for each change, the screening conclusions of the March 2015 HRA Report would have been the same and the same Appropriate Assessment work would therefore have been undertaken. The second HRA Addendum (December 2016) presented Appropriate Assessment work that was undertaken in relation to potential air pollution impacts on the Culm Grasslands SAC that could result from development at Junction 27 and the associated additional housing required.

4.4 A third HRA Addendum was prepared in October 2019 which presented an assessment of the proposed Main Modifications raised by the Planning Inspector appointed by the

Secretary of State to undertake the independent examination of the Mid Devon Local Plan Review (2013-2033). This concluded that the HRA for the Mid Devon Local Plan Review remain that the Local Plan Review (taking into account the Proposed Main Modifications) is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. These proposed Main Modifications include the proposed Main Modifications to Mid Devon Local Plan Review Policy TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure and TIV4: Eastern Urban Extension Community Facilities. The third HRA addendum has found that the proposed Main Modifications to Policy TIV3 and TIV4 does not change the HRA findings previously reported.

## **5.0 Mid Devon Eastern Urban Extension Area B SPD HRA Screening**

5.1 The Mid Devon Eastern Urban Extension Area B SPD expands upon policies within the Mid Devon Local Plan Review 2013-2033. The SPD does not introduce new policies or proposals outside the scope of the Local Plan Review. Policies in the Mid Devon Local Plan Review, including Policy TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure and TIV4: Eastern Urban Extension Community Facilities have already been subject to HRA with the conclusion that the Mid Devon Local Plan Review is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. The Tiverton Eastern Urban Extension Area B SPD does not result in development itself but seeks to guide development in the allocated area. The Mid Devon Eastern Urban Extension Area B SPD is therefore not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

## **6.0 Conclusion**

6.1 This screening report has identified that the draft Mid Devon Eastern Urban Extension Area B SPD is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

## **7.0 Next steps**

7.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.

7.2 The screening opinion will be published alongside the Draft Mid Devon Eastern Urban Extension Area B SPD and will also be subject to public consultation.