



**Supplementary Planning Document
on Air Quality and Development**

**Habitat Regulations Assessment Screening and
Appropriate Assessment Report**

June 2022

Contents

Title	Page
1.0 Introduction to SPD on Air Quality and Development	2
2.0 Habitat Regulations Assessment (HRA)	10
3.0 Habitats site	11
4.0 Mid Devon Local Plan 2013 – 2033 HRA	12
5.0 SPD on Air Quality and Development HRA Screening	14
6.0 Appropriate Assessment	16
7.0 Conclusion	19
8.0 Next Steps	19

1.0 Introduction to Supplementary Planning Document (SPD) on Air Quality and Development

Purpose, scope and content

1.1 The 2008 Ambient Air Quality Directive¹ sets legally binding limits for concentrations in outdoor air of major air pollutants including particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂). The planning of a new development has a direct influence on local air quality and therefore the health of people and ecosystems. Air quality should therefore be a material consideration when planning new developments to ensure they are designed and constructed in ways to minimise emissions and reduce the exposure of people to air pollution.

1.2 The purpose of this guidance is to:

1. Provide direction on the relevant policies adopted in the Mid Devon Local Plan 2013 – 2033² in relation to air quality.
2. Assist developers in determining when an air quality assessment is required for a new development.
3. Provide guidance through the emissions and air quality assessment procedures.
4. Identify suitable mitigation measures to be included at the planning stage.

1.3 Through application of this guidance the Council aims to:

1. Sustain and contribute towards compliance with the national air quality objectives, with consideration given to the presence of AQMAs in Crediton and Cullompton, and the cumulative impacts from individual sites in local areas.
2. Encourage early engagement in the development process to identify the points that need to be considered and addressed prior to making a planning application and decrease the risk of any potential delays during the assessment process.
3. Set out a clear and consistent method for developers to provide the relevant information that will be required to be submitted with planning applications for developments that are likely to have an impact on local air quality.
4. Ensure better regulation by setting out the approach to undertaking air quality assessments and determining mitigation; and applying these consistently in planning decisions.

1.4 This SPD has been developed to align with existing plans and policies that influence air quality impacts. Appendix A1 provides a summary of relevant air quality guidance within planning policy context. Under the Council's Local Plan, Policy DM3 (Transport and air quality) states that: 'Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment.'

1.5 Under DM3 these assessments are only required where there are significant levels of vehicular movement. Whereas, in following this SPD, large potential impact can include smaller developments in planning terms, particularly where they are within or adjoining an Air Quality Management Area (AQMA). Under this SPD, 'significant levels of vehicular movement' in relation to air quality is defined by its potential impact, as per Figure 2.2. Furthermore, the 'traffic pollution

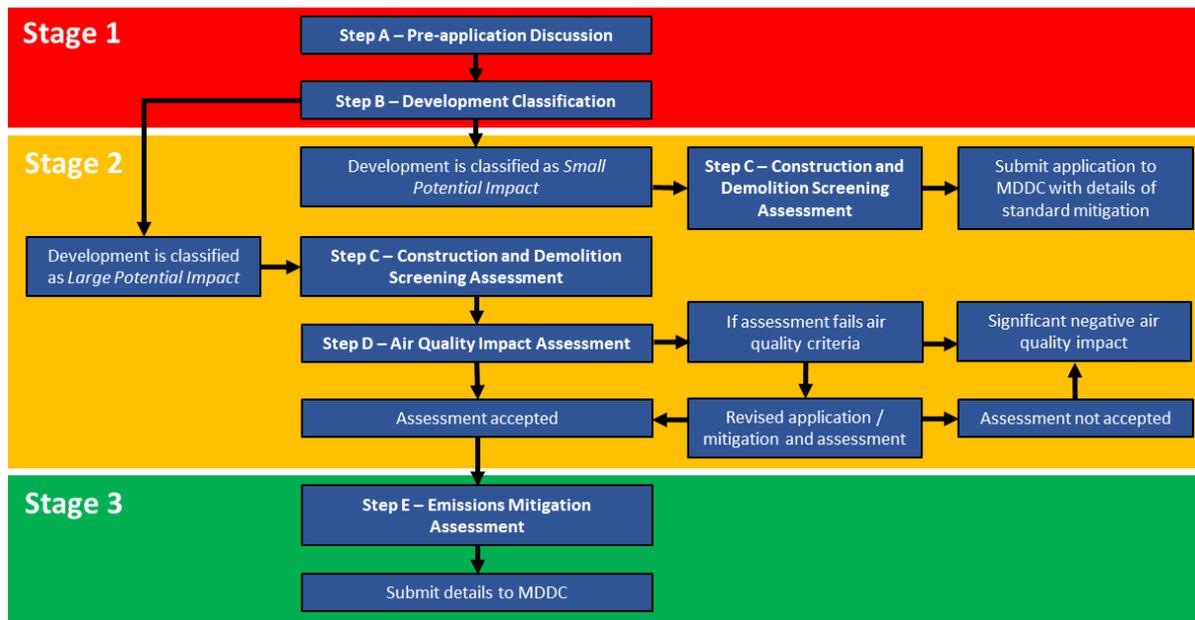
¹ Ambient Air Quality Directive (2008/50/EC) <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:152:0001:0044:EN:PDF>

² MDDC Adopted Local Plan. Available from: <https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan/>

assessment' and 'low emission assessment' in DM3, can be considered equivalent to the Air Quality Impact Assessment and Emissions Mitigation Assessment referred to in this SPD.

- 1.6 The guidance sets out a process for determining the classification of a proposed development and assigning the appropriate level of mitigation for air quality impacts. A summary of the process is set out below.

Figure 1.1: Process for evaluating new developments



National Planning context

1.7 The UK and EU air quality limits³ set out target values for ten pollutants: PM₁₀, PM_{2.5}, NO₂, ozone (O₃), sulphur dioxide (SO₂), polycyclic aromatic hydrocarbons (PAHs), benzene (C₆H₆), 1,3-butadiene, carbon monoxide (CO) and lead (Pb). The pollutants of specific concern in Mid Devon are NO₂ and particulates (PM₁₀ and PM_{2.5}), the primary source of which is road transport emissions. In 2019, concentrations within 10% of the annual mean objective for NO₂ were identified on the High Street in Crediton (within Crediton AQMA) and Fore Street in Cullompton (within Cullompton AQMA). There are currently two AQMAs declared within the district; the Crediton AQMA for exceedances of the NO₂ annual mean objective and the PM₁₀ 24-hour mean objective, and the Cullompton AQMA for exceedances of the NO₂ annual mean objective.

1.8 This guidance is aligned with the National Planning Policy Framework⁴ (NPPF) and aims to provide a consistent approach to assessing air quality impacts from planning proposals. The NPPF contains the Government's planning policies for England and is designed in favour of sustainable development, stressing the importance of local development plans, and states that the planning system should perform an environmental role to minimise pollution. The Framework also

³ National air quality objectives and European Directive limit and target values for the protection of human health. Available from: https://uk-air.defra.gov.uk/assets/documents/Air_Quality_Objectives_Update.pdf

⁴ National Planning Policy Framework (2012, last updated 2021). Available from: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

emphasises the importance of local development plans and early engagement as part of the process.

1.9 The Institute of Air Quality Management (IAQM) air quality planning guidance⁵ summarises the NPPF guidance on planning policies in relation to national objectives and AQMAs, and states that:

“Planning policies should sustain compliance with, and contribute towards, meeting EU limit values or national objectives for air pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in an Air Quality Management Area is consistent with the local Air Quality Action Plan.”

1.10 Key paragraphs in the NPPF that relate to air quality include:

- **NPPF paragraph 7 (Sustainable development)**

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

- **NPPF paragraph 39 (Early engagement)**

“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.”

- **NPPF paragraph 92 (Promoting healthy and safe communities)**

“Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.”

- **NPPF paragraph 174 (Promoting healthy and safe communities)**

“Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.”

- **NPPF paragraph 185 (Promoting healthy and safe communities)**

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.”

- **NPPF paragraph 105 (Promoting sustainable transport)**

“The planning system should actively manage patterns of growth in support of the (sustainable transport) objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and

⁵ Land-Use Planning & Development Control: Planning for Air Quality (2017). Available from: www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf

improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

- **NPPF paragraph 107 (Promoting sustainable transport)**

“If setting local parking standards for residential and non-residential development, policies should take into account: the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”

1.11 The IAQM published a Position Statement on the Mitigation of Development Air Quality Impacts⁶, (last updated in June 2018). The statement advised that an *“appropriate mitigation solution for the air quality impact of any given individual general development scheme should be principle-led rather than specified by detailed prescription.”* Basic hierarchy principles were proposed to be applied as the basis for the mitigation of air quality impacts associated with development schemes. This hierarchy is based on well-established mitigation hierarchies used for EIA development⁷ and pollution exposure in workplace/occupational situations^{8,9}.

Prevention or avoidance
<p>“Preference should be given to preventing or avoiding exposure/impacts to the pollutant in the first place by eliminating or isolating potential sources or by replacing sources or activities with alternatives. This is usually best achieved through taking air quality considerations into account at the development scheme design stage.”</p>
Reduction and minimisation
<p><i>“Reduction and minimisation of exposure/impacts should next be considered, once all options for prevention/avoidance have been implemented so far as is reasonably practicable (both technically and economically). To achieve this reduction/minimisation, preference should be given first to:</i></p> <ul style="list-style-type: none"> <i>a. mitigation measures that act on the source; before</i> <i>b. mitigation measures that act on the pathway; which in turn should take preference over</i> <i>c. mitigation measures at or close to the point of receptor exposure all subject to the efficacy, cost and practicability of the available solutions. In each case, measures that are designed or engineered to operate passively are preferred to active measures that require continual intervention, management or a change in people's behaviours.”</i>
Off-setting
<p><i>“Off-setting a new development's air quality impact by proportionately contributing to air quality improvements elsewhere (including those identified in air quality action plans and low emission strategies) should only be considered once the solutions for preventing/avoiding, and then for reducing/minimising, the development-specific impacts have been exhausted. Even then, offsetting should be limited to measures that are likely to have a beneficial impact on air quality in the vicinity of the development site. It is not appropriate to attempt to offset local air quality impacts by measures that may have some effect remote from the vicinity of the development site.”</i></p>

⁶ IAQM Position Statement – Mitigation of Development Air Quality Impacts (2018)

http://iaqm.co.uk/text/position_statements/mitigation_of_development.pdf

⁷ Institute of Environmental Management & Assessment (IEMA), Guidelines for Environmental Impact Assessment (2004).

⁸ The Management of Health and Safety at Work Regulations 1999, Regulation 4

⁹ COSHH Regulation 7, Prevention or control of exposure to substances hazardous to health.

1.12 In addition, the IAQM Guidance on the assessment of dust from demolition and construction¹⁰ provides guidance on minimising dust and other emissions to atmosphere during the construction phase and should be considered in the planning phase of a new development.

Regional Planning Context

Devon and Torbay Local Transport Plan 3

1.13 The Devon and Torbay Local Transport Plan 3 (LTP3)¹¹ is a 15-year plan, covering the period 2011 – 2026. The plan aims to deliver a transport system that can meet economic, environmental, and social challenges. The five key objectives of the plan, which aim to develop a low carbon transport system that offers choice and encourages sustainable travel behaviour, are:

1. Deliver and support new development and economic growth
2. Make best use of the transport network and protect the existing transport asset by prioritising maintenance
3. Work with communities to provide safe, sustainable and low carbon transport choices
4. Strengthen and improve the public transport network
5. Make Devon the ‘place to be naturally active’

The Strategic Connections Strategy aims to:

1. Manage maintenance of the transport network
2. Proactively address congestion and increased demand
3. Support low carbon measures
4. Promote sustainable communities

Devon Climate Emergency

1.14 On 26th June 2019 the elected Members voted unanimously to support the ambitious cut in carbon emissions by signing the Devon Climate Declaration. The declaration acknowledges the need to understand the near-term and future risks for Mid Devon and beyond, and sets out the joint ambition with our partners to plan for how our infrastructure, public services and communities will have to adapt to a 1.5°C rise in global average temperature.

1.15 It was agreed that the Policy Development Group (PDG) for Environment would act as the initial owner of policy activity regarding Climate Change Emergency within the Council.¹²

Local Planning context

1.16 The SPD has been designed to build on the air quality and sustainability policy headings within the MDDC local plans and policies, as outlined below and aims to clarify the specific actions required to make schemes sustainable in terms of air quality.

Air Quality Action Plan

1.17 The current MDDC AQAP outlines the actions that the Council will take to improve air quality in Mid Devon 2021 – 2025. This plan aims to reduce concentrations of air pollutants and exposure to air pollution; thereby positively impacting on the health and quality of life of residents and visitors to the Mid Devon District area. Some AQAP priorities to be considered in the planning of future developments are:

¹⁰ Guidance on the assessment of dust from demolition and construction (2014) <https://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

¹¹ Devon and Torbay Local Transport Plan 5, 2011 – 2026. Available from: <https://www.devon.gov.uk/roadsandtransport/traffic-information/transport-planning/devon-and-torbay-local-transport-plan-3-2011-2026/>

¹² Devon Climate Emergency. Available from: <https://www.middevon.gov.uk/residents/devon-climate-emergency/>

- To work with Devon County Council and the key bus service providers to maximise patronage and link the bus routes more effectively.
- To improve the Electric Vehicle Charging Network through the installation of units at Council Parks or other appropriate locations and within design specifications for future housing developments (home charging).
- To support alternative forms of transport such as local car sharing schemes, e-bikes, cycles and local bus services that minimise personal car use.
- To adopt Local Plan Policies (Low Emission Strategies) and monitor their implementation in all future development applications.
- To expand and improve the local network of foot and cycle paths to facilitate a move towards walking or cycling as an alternative to car use for short to medium length journeys.
- To pro-actively engage all stakeholders with responsibility and or/interest in the development of roads, transport and infrastructure to ensure air quality is central to planning and delivery.
- To acknowledge that the car will remain the only alternative for some rural locations and to take this into consideration when making policy or undertaking measures that may directly or indirectly affect rural communities.
- To continue to monitor Mid Devon’s two AQMAs and carry out mitigation strategies that will result in their removal from the register.

Mid Devon Local Plan 2013 – 2033

1.18 This SPD is designed to provide guidance to relevant policies in the adopted Mid Devon Local Plan 2013 – 2033¹³ in relation to air quality. The Local Plan which was adopted in July 2020 supersedes the previous Local Plan which was adopted in three parts: The Core Strategy 2026 (Local Plan Part 1) adopted in 2007, the Allocations and Infrastructure Development Plan Document (AIDPD) (Local Plan Part 2) adopted in 2010 and the Local Plan Part 3: Development Management Policies, adopted in 2013.

1.19 As part of the spatial strategy, developments will be targeted to “Protect and enhance the key environmental assets including heritage, biodiversity and air quality” within Cullompton and other market towns.

1.20 A number of key strategies have been updated since the previous Local Plan, the following list provides information on the original policy and the more recently adopted policy. Where a policy has been replaced, this document will explore the details of that specific policy.

- AL/TIV/5 Eastern Urban Extension Carbon Reduction & Air Quality, deleted as covered by Development Management policies on renewable energy, air quality and transport and pollution (2013).
- AL/CU/5 North West Cullompton Carbon Reduction & Air Quality, replaced by CU5 North West Cullompton Carbon Reduction and Air Quality.
- AL/CU/15 Cullompton Air Quality, replaced in part by S11 Cullompton; also, each site allocation within Cullompton is required in their policy to have a transport assessment and implement a travel plan to minimise the carbon footprint and air quality impacts.
- AL/CRE/8 Crediton Air Quality, replaced in part by S12 Crediton CRE11 Crediton Infrastructure.
- DM6 (LP part 3) Transport and Air Quality, replaced by DM3 Transport and air quality.

¹³ MDDC Adopted Local Plan. Available from: <https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan/>

1.21 The new Local Plan includes key policies which explore the relationship between the Local Plan and air quality impacts and mitigation. The policies can be split up into strategic policies, specific site allocation policies and sustainable development principles.

Strategic policies

1.22 There are five strategic policies within the MDDC Local Plan which relate to air quality. They are the S1 Sustainable Development Priorities, S2 Amount and Distribution of Development, S8 Infrastructure, S11 Cullompton and S12 Crediton. The key message from this set of policies is to prevent and improve air quality issues within the area, specifically at Crediton and Cullompton. This is planned to be achieved by including new road linkages to relieve traffic congestion in town centres, improve infrastructure for new developments, to offer co-benefits for air quality and other planning objectives, and to implement monitoring to assess if pollutants have been reduced to a level where AQMAs can be withdrawn.

Site allocation policies

1.23 There are three areas within Mid Devon which have been identified to include site allocation policies referencing air quality, they are Cullompton, Crediton and Tiverton. All three areas highlight policies to implement proposed developments accounting for the effects they will have on traffic congestion and subsequently air quality impacts. The developments include policies relating to transport provisions, such as a travel plans and non-traditional transport measures. Developments will also include carbon reduction and Air Quality Impact Assessments to help minimise the impacts of the development on the environment. As Cullompton and Crediton both have AQMAs there is a policy for both areas relating to infrastructure to help deliver air quality improvements within and adjacent to the AQMAs.

Sustainable development principles

1.24 There are two sustainable development principles which relate to air quality in the Local Plan; DM3 Transport and Air Quality and DM4 Pollution. DM3 encompasses developments which give rise to vehicular movement. If this is the case, the following documents are required to be submitted: Integrated Transport Assessment, Travel Plan, Traffic Pollution Assessment, and a Low Emissions Assessment. DM4 stipulates that any proposals that may negatively impact the environment must be accompanied by a Pollution Impact Assessment and implement mitigation schemes where necessary.

DM3 Transport and air quality

1.25 Policy DM3 states that “Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment. The traffic pollution assessment must consider the impact of traffic-generated nitrogen oxides on environmental assets including protected sites listed in Policy DM28, and propose mitigation measures where appropriate. The Low Emission Assessment shall include the following:

- a) Assessment of the impact on existing Air Quality Management Areas, or an impact likely to result in the declaration of an additional Air Quality Management Area, in cases where a demonstrable negative impact on ambient concentrations of air pollutants is considered likely;
- b) Modelling of local residual road transport emissions from the development without mitigation measures; and
- c) Onsite mitigation measures to reduce negative impacts on local air quality.

DM4 Pollution

1.26 Policy DM4 states that “Applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.”

Cullompton Neighbourhood Plan

1.27 The Cullompton Neighbourhood Plan¹⁴ now forms part of the statutory development plan for the Cullompton area, alongside the Mid Devon Local Plan and the Devon Waste and Minerals Plans, and carries full weight for guiding planning applications submitted to the Council for determination and the decisions made on these.

1.28 The Plan outlines Policy SD01, which is consistent with the Cullompton Air Quality Management Area Action Plan 2009 which recognised the need to bring effective traffic relief to the town centre and introduce town centre traffic management measures.

Policy SD01 Traffic Impact of Major Development

1.29 Proposals for major development which are required to provide a Traffic Impact Assessment must demonstrate how the proposal will mitigate any negative impacts of the traffic generation associated with the proposed development on Cullompton town centre, including vehicular access/egress and circulation arrangements. Road infrastructure requirements should be in place in good time so as to prevent an unacceptable impact on the existing road network, and the town centre in particular, as a result of the development.

Status of the Mid Devon SPD on Air Quality and Development

1.30 The SPD on Air Quality and Development 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.

¹⁴ Cullompton Neighbourhood Plan. Available from: <https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/cullompton-neighbourhood-plan/>

2.0 Habitat Regulations Assessment

- 2.0 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.
- 2.1 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.
- 2.2 Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the plan or project must be undertaken, in view the relevant Habitats Sites conservation objectives. 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.
- 2.3 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.

3.0 Habitats site

3.1 A Habitats site (or European 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.

Special Areas of Conservation (SACs)	Special Protection Areas (SPAs)	Ramsar Sites
<ul style="list-style-type: none"> • East Devon Pebblebed Heaths • Culm Grasslands • South Dartmoor Woods • Holme Moor and Clean Moore • Dartmoor • Exmoor Heaths • Quants • Exmoor and Quantock Oakwoods 	<ul style="list-style-type: none"> • Exe Estuary • East Devon Heaths 	<ul style="list-style-type: none"> • Exe Estuary

Table 1: Habitats Sites within 10km of Mid Devon District

3.3 Small parts to the East of the Mid Devon District also fall within the Somerset Levels and Moor Ramsar Tone Catchment area, for which Natural England has set out advice explaining how plans or projects with the potential to have nutrient impacts on Habitats site should be considered when making decisions in relation to planning.

Potential Impacts on Habitats Site

3.4 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 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 was required to assess its Local Plan 2013-2033 as part of the HRA process. A full HRA Report for the Mid Devon Local Plan 2013-2033 was undertaken March 2015 and related to the Publication Draft version of the Local Plan. 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.
- 4.2 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. The HRA Addendum screened the changes to policies in the Local Plan 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.
- 4.3 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 (2013-2033). This concluded that the HRA for the Mid Devon Local Plan remain that the Local Plan (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.
- 4.4 Subsequent to this conclusion in the Local Plan 2013-2033 HRA, new advice on the potential to have nutrient impacts on Habitats sites was received in 2020 from Natural England in light of a court Judgement (known as Dutch N). Of relevance to Mid Devon District this identified the Somerset Levels and Moors Ramsar Tone Catchment, in which small areas to the East of the District falls within the 'area of risk' Tone Catchment. Development types that require a HRA to determine the impacts on this Habitat Site include:
- New residential units – including tourist accommodation, gypsy sites/pitches
 - Commercial developments – where overnight accommodation is provided
 - Agricultural Development – additional barns, slurry stores etc. where it is likely to lead to an increase in herd size
 - Prior Notifications of agricultural development where, as a result of development, the herd size may increase. Prior notifications for change of use of office to dwellings and agricultural buildings to dwellings
 - Anaerobic Digesters
 - Some tourism attractions
- 4.5 No relevant types of development that could affect the Somerset Levels and Moors Ramsar are allocated within the Mid Devon Local Plan and DM28 sets out that where development proposals are likely to have a significant effect on a European site an Appropriate Assessment will be required. In which case, planning permission will be refused unless it has been

ascertained that with mitigation measures in place the development will not adversely affect the integrity of the site.

5.0 SPD on Air Quality and Development HRA Screening

- 5.1 In taking into account the Mid Devon Local Plan 2013-2033 HRA screening and the policies relevant to the SPD on Air Quality and Development. S1 Sustainable Development Priorities was screened out on the basis it included measures designed to protect or enhance the quality of the natural environment. The Development Management policies included in the Local Plan 2013-2033 were largely brought forward from the adopted Local Plan Part 3: Development Management Policies. Although most of the policies were unchanged, a number were deleted or amended and those policies were included in the HRA screening. It was screened that these policies would have no likely significant effect. A screening process was carried out by Mid Devon District Council during 2016 to determine the requirement for an Appropriate Assessment HRA for the Cullompton Neighbourhood Plan. The screening opinion which involved consulting appropriate statutory consultees concluded an Appropriate Assessment HRA would not be required given the unlikely significant effects in relation to European sites. On the basis of these findings above, these policies are not considered further during the Appropriate Assessment Stage.
- 5.2 Uncertain effects were identified for some of the strategic policies and all of the site allocations as part of the Local Plan 2013-2033. Of relevance to the SPD on Air Quality and Development the policies where screening effects were uncertain were:
- S3 Amount and distribution of development
 - S9 Infrastructure
 - S11 Cullompton
 - S12 Crediton
 - All site allocations
- 5.3 In most cases the reason why screening effects were uncertain were because a proposal made provision for development on a scale which may result in the effects on European sites (either alone or in combination). The potential effects of these policies were broad ranging. All could result in increased recreation pressure which may result in erosion/trampling and disturbance at European sites. This effect could potentially be experienced at any of the European sites around Mid Devon. Increased air pollution from vehicle traffic may also result, which could affect the European sites that lie within 200m of the strategic road network (Culm Grasslands SAC, Exe Estuary SPA and Exe Estuary Ramsar site). In the case of S3 and S9 it was possible that effects relating to the physical loss of offsite habitat as well as non-physical disturbance (such as noise/vibration and light pollution) could occur at the Culm Grasslands SAC as these policies could result in development anywhere in the District, including potentially along the north western edge of Mid Devon in close proximity of the SAC. However S11 and S13 would not be expected to result in non-physical disturbance or loss of offsite habitat at the Culm Grasslands SAC or any other European sites as development under those policies would be focussed in locations that are too far from the nearest European sites to occur.
- 5.4 All of the site allocation policies at Tiverton, Cullompton and Crediton, as well as the site allocations in rural areas were identified as potentially having significant effects on European sites. The allocations in combination will deliver development of a scale that may result in increased vehicle traffic and associated air pollution, and increased pressure for recreation that could result in disturbance at European sites. The allocation of development sites in

rural areas may be particularly likely to generate additional vehicle traffic as a result of the relatively poorer public transport provision in those areas. The site allocations at Tiverton, Cullompton and Crediton and in the rural areas would not be expected to result in the loss of offsite habitat or non-physical disturbance from noise/vibration or light pollution due to the distance of all the site allocations from the nearest European sites.

- 5.5 On the basis of the screening conclusion for the Mid Devon Local Plan 2013-2033, these policies were considered in more detail during Stage 2 of the HRA, the Appropriate Assessment and are considered below in the Appropriate Assessment stage of this HRA for the SPD on Air Quality and Development.

6.0 Appropriate Assessment

- 6.1 Policies in the Mid Devon Local Plan have already been subject to HRA Appropriate Assessment which concluded that the Mid Devon Local Plan will not have adverse effects on the integrity of European sites (Habitats sites), either alone or in-combination with other plans or projects.
- 6.2 The SPD on Air Quality and Development does not introduce new policies or proposals outside the scope of the Local Plan. The SPD on Air Quality and Development does not result in development itself but seeks to guide development across Mid Devon within the parameters of the policies within the Mid Devon Local Plan. For the above reasons the findings of the HRA for the Local Plan 2013-2033 are applicable for the Appropriate Assessment of the SPD on Air Quality and Development.

Recreation Pressure

- 6.3 In considering the identified possible impact of increased pressure for recreation space, 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).
- 6.4 However, 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.
- 6.5 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, for example through the Dartmoor National Park Management Plan and the South East Devon European Site Mitigation Strategy that should help to avoid adverse effects. In addition, policies within the Local Plan will help to ensure that green infrastructure is included within development sites.
- 6.6 In October 2019 a HRA Addendum 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 (2013-2033). This concluded that the HRA for the Mid Devon Local Plan remain, that the Local Plan (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.
- 6.7 Therefore, it is concluded that the SPD on Air Quality and Development, alone or in-combination with other plans and proposals will not have an adverse effect on the integrity of European sites as a result of increased recreation pressure.

Air Pollution

- 6.8 Air pollution from traffic is most likely to affect European sites which have plant, soil and water habitats amongst their qualifying features but some qualifying animal species may also be directly affected, or indirectly affected by deterioration in habitat. Therefore, where

European sites do not include species that are vulnerable to these impacts amongst their qualifying features, air pollution-related effects can be ruled out. The qualifying heathland habitats of the Culm Grassland SAC are known to be vulnerable to the effects of air pollution and due to its proximity to a strategic road (A361), it was identified in the HRA for the Mid Devon Local Plan as having the potential to be affected by air pollution as a result of proposals in the Local Plan.

- 6.9 Nitrogen dioxides (NO_x) are considered to be the key pollutants from traffic emissions. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.
- 6.10 For the Culm Grasslands SAC, in considering the identified possible impact of increased vehicle traffic, the Local Plan Appropriate Assessment included a transport model used to obtain traffic data for assessment year of 2033 i.e. the end of the Local Plan period, when all of the development in the Local Plan are likely to be completed and occupied, and the traffic impacts will be greatest. The Appropriate Assessment of air pollution effects on the Culm Grasslands SAC found that the combination of Local Plan allocations would increase NO_x levels immediately adjacent to the A361, over the plan period. However, the effects would be very localised within the SAC. A negligible increase in nutrient nitrogen and acid nitrogen deposition would occur from the Mid Devon Local Plan 2013-2033, although critical loads for these are already being exceeded and will continue to do so, despite expected decreases in background concentrations. The most appropriate mitigation for the effects of air pollution at the Culm Grasslands SAC is to target agricultural sources of nitrogen (which is outside the remit of the Local Plan), although improvements to vehicle emissions nationally, and sustainable transport initiatives, for example those encouraged in the Local Plan, will also contribute to the mitigation of impacts on the SAC's qualifying features. It was concluded that the Local Plan proposals would not have an adverse effect on the integrity of the Culm Grasslands SAC.
- 6.11 In October 2019 a HRA Addendum 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 (2013-2033). This concluded that the HRA for the Mid Devon Local Plan remain, that the Local Plan (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.
- 6.12 The SPD on Air Quality and Development seeks to provide a process for determining the classification of a proposed development and assigning the appropriate level of mitigation for air quality impacts, as such the SPD provides a positive outcome in minimising air pollution. Therefore, it is concluded that the SPD on Air Quality and Development, alone or in-combination with other plans and proposals will not have an adverse effect on the integrity of European sites as a result of increased vehicle traffic.

Physical loss or damage to habitat and noise/vibration or light pollution

- 6.13 Only the Culm Grasslands SAC is within close enough proximity of Mid Devon to be affected by physical loss of, or disturbance to, offsite habitat, or noise, vibration and light pollution as a result of development within the District. While some of the qualifying features of the SAC are habitats that are not vulnerable to these effects, the qualifying marsh fritillary butterfly is a transient species which may make use of offsite areas for breeding and other activities and is

also potentially vulnerable to the effects of noise/vibration. It is not likely to be affected by light pollution.

- 6.14 However, 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. 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.
- 6.15 There is already some mitigation in the Local Plan Review in relation to the potential effects on offsite areas of importance to the integrity of the SAC or disturbance from construction, including the implementation of policies S1: Sustainable Development Priorities and S9: Environment, both of which aim to ensure that new development conserves and enhances the natural environment including biodiversity. In particular, policy S1 requires developments to minimise impacts on biodiversity by protecting European designated wildlife sites.
- 6.16 In October 2019 a HRA Addendum 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 (2013-2033). This concluded that the HRA for the Mid Devon Local Plan remain, that the Local Plan (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.
- 6.17 The SPD on Air Quality and Development does not introduce new policies or proposals outside the scope of the Local Plan. It is concluded that there will be no likely significant effect from the new Local Plan on the integrity of the Culm Grasslands SAC in relation to the loss of or damage to offsite habitat or noise/vibration or light pollution

Appropriate Assessment Conclusion

- 6.18 The Appropriate Assessment considers in detail the potential impact identified at the HRA screening stage for recreation pressure, air pollution and physical loss or damage to habitat and noise/vibration or light pollution given these were elements identified for the Local Plan policies relevant to this SPD that had an uncertain effect on European sites. The SPD on Air Quality and Development does not introduce new policies or proposals outside the scope of the Local Plan. From these findings it is concluded that the SPD on Air Quality and Development, alone or in-combination with other plans and proposals will not have an adverse effect on the integrity of European sites.

7.0 Conclusion

- 7.1 The SPD on Air Quality and Development does not introduce new policies or proposals outside the scope of the Local Plan. It seeks to add guidance and detail on the process for determining the classification of a proposed development and assigning the appropriate level of mitigation for air quality impacts. However, a wide range of policies within the Local Plan are relevant to this SPD, of which uncertain effects on European sites were identified as part of the Local Plan screening process. For this reason an Appropriate Assessment for the SPD on Air Quality and Development has been undertaken in which the findings and results of the HRA for the Local Plan 2013-2033 were applicable for the Appropriate Assessment of the SPD on Air Quality and Development given that the SPD does not introduce new policies or proposals outside the scope of the Local Plan and the SPD does not result in development itself but seeks to guide development within the parameters Mid Devon Local Plan policies.
- 7.2 The Appropriate Assessment considered in detail the areas where uncertain effects were identified at the HRA screening stage for some of the policies relevant to this SPD i.e. recreation pressure, air pollution and physical loss or damage to habitat and noise/vibration or light pollution. It concluded that the SPD on Air Quality and Development proposals, alone or in-combination with other plans and proposals will not have an adverse effect on the integrity of European sites as a result of increased recreation pressure, air pollution or physical loss or damage to habitat and noise/vibration or light pollution. From these findings it is concluded that the SPD on Air Quality and Development proposals, alone or in-combination with other plans and proposals will not have an adverse effect on the integrity of European sites.

8.0 Next Steps

- 8.1 This HRA report will be published alongside the SPD on Air Quality and Development and will be subject to public consultation including consultation with the Statutory Nature Conservation Body in England, Natural England.