

Report to Inform Habitats Regulations Assessment

Staverton Neighbourhood Plan

Staverton Neighbourhood Plan Steering Group

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1. Introduction

- 1.1 AECOM was appointed by Staverton Parish Council to undertake a Habitats Regulations Assessment (HRA) for the Staverton Neighbourhood Plan 2022 – 2033 (Reg 16). This is to inform the Staverton Parish Council and South Hams District Council (the competent authority) of the potential effects of Neighbourhood Plan (NP) development on European Sites and how they are being, or should be, addressed in the NP.
- 1.2 The objectives of the assessment are to:
- Identify any aspects of the NP that would cause an adverse effect on the integrity of international sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government policy, Ramsar sites, either in isolation or in combination with other plans and projects, and
 - To advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- 1.3 The HRA of the NP is required to determine if there are any realistic linking pathways present between an international site and the NP and where Likely Significant Effects (LSE) cannot be screened out, an analysis to inform Appropriate Assessment (AA) to be undertaken to determine if adverse effects on the integrity of the international sites will occur as a result of the NP alone or in combination.

Legislation

- 1.4 The UK left the EU on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (“the Withdrawal Act”). This established a transition period, which ended on 31 December 2020. The Withdrawal Act retains the body of existing EU-derived law within our domestic law. During the transition period EU law applies to and in the UK. The most recent amendments to the Habitats Regulations – the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – make it clear that the need for HRA has continued after the end of the Transition Period.
- 1.5 Under the Regulations, an appropriate assessment is required, where a plan or project is likely to have a significant effect upon an international site, either individually or in combination with other projects. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2017 (as amended) (the “Habitats Regulations”).

The legislative basis for Appropriate Assessment

Conservation of Habitats and Species Regulations 2017 (as amended)

With specific reference to Neighbourhood Plans, Regulation 106(1) states that:

‘A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority [the Local Planning Authority] may reasonably require for the purposes of the assessment under regulation 105 [which sets out the formal process for determination of ‘likely significant effects’ and the ‘appropriate assessment’]...’.

- 1.6 It is therefore important to note that this report has two purposes:
- a. To assist the Qualifying Body (Staverton Parish Council) in preparing their plan by recommending (where necessary) any adjustments required to protect international sites, thus making it more likely their plan will be deemed compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and
 - b. On behalf of the Qualifying Body, to assist the Local Planning Authority (South Hams District Council) to discharge their duty under Regulation 105 (in their role as 'plan-making authority' within the meaning of that regulation) and Regulation 106 (in their role as 'competent authority').
- 1.7 The Habitats Regulations applies the precautionary principle to international sites: SAC, SAC, and Ramsar. For the purposes of this assessment candidate SACs (cSACs), proposed SACs (pSACs) and proposed Ramsar (pRamsar) sites are all treated as fully designated sites.
- 1.8 Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. This contrasts with the SEA Directive which does not prescribe how plan or programme proponents should respond to the findings of an environmental assessment; merely that the assessment findings (as documented in the 'environmental report') should be 'taken into account' during preparation of the plan or programme.
- 1.9 In 2018, the 'People Over Wind' European Court of Justice (ECJ) ruling determined that 'mitigation' (i.e., measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on international sites) should not be taken into account when forming a view on likely significant effects. Mitigation should instead only be considered at the AA stage. Appropriate assessment is not a technical term: it simply means 'an assessment that is appropriate' for the plan or project in question. As such, the law purposely does not prescribe what it should consist of or how it should be presented; these are decisions to be made on a case by case basis by the competent authority. An amendment was made to the Neighbourhood Planning Regulations in late 2018 which permitted NPs to be made if they required AA.
- 1.10 Over the years, 'Habitats Regulations Assessment' (HRA) has come into wide currency to describe the overall process set out in the Habitats Regulations, from screening through to identification of IROPI. This has arisen in order to distinguish the overall process from the individual stage of "Appropriate Assessment". Throughout this Report the term HRA is used for the overall process and restricts the use of AA to the specific stage of that name.

2. Methodology

Introduction

- 2.1 The diagram below outlines the stages of HRA according to current Ministry of Housing, Communities and Local Government guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations, and any relevant changes to the Plan until no significant adverse effects remain.

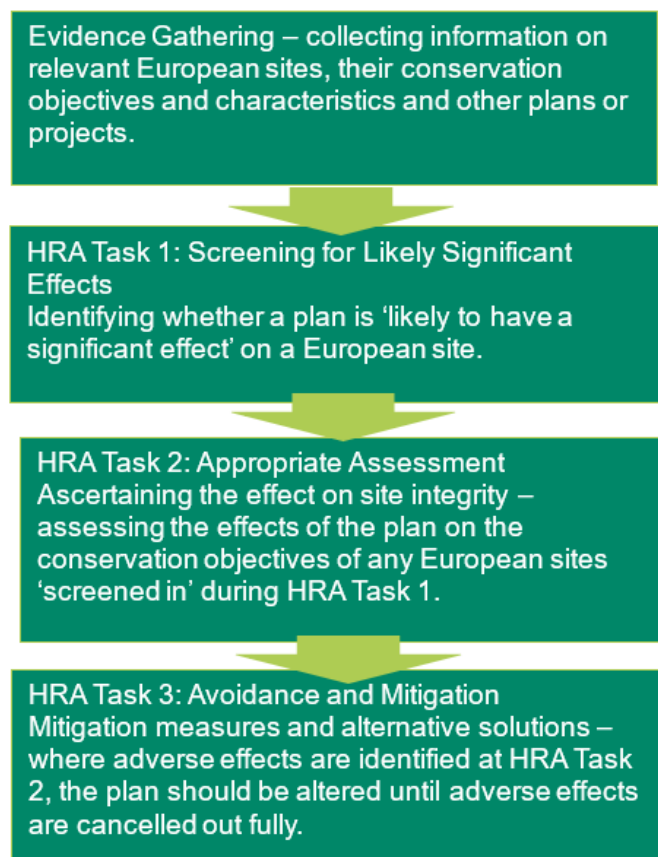


Plate 1: Four Stage Approach to Habitats Regulations Assessment. Source GOV.UK, 2019.

HRA Task 1 – Likely Significant Effects (LSE)

- 2.2 Following evidence gathering, the first stage of any Habitats Regulations Assessment is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

“Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?”

- 2.3 The objective is to ‘screen out’ those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse

interaction with European sites. This stage is undertaken in Chapter 4 of this report.

HRA Task 2 – Appropriate Assessment (AA)

- 2.4 Where it is determined that a conclusion of ‘no likely significant effect’ cannot be drawn, the analysis has proceeded to the next stage of HRA known as Appropriate Assessment. Case law has clarified that ‘appropriate assessment’ is not a technical term. In other words, there are no particular technical analyses, or level of technical analysis, that are classified by law as belonging to appropriate assessment rather than determination of likely significant effects.
- 2.5 During July 2019 the Ministry of Housing, Communities and Local Government published guidance for Appropriate assessment¹. Paragraph: 001 Reference ID: 65-001-20190722m explains: *‘Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site’s conservation objectives. The competent authority may agree to the plan or project 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’*.
- 2.6 As this analysis follows on from the screening process, there is a clear implication that the analysis will be more detailed than undertaken at the Screening stage and one of the key considerations during appropriate assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the appropriate assessment takes any policies or allocations that could not be dismissed following the high-level screening analysis and analyses the potential for an effect in more detail, with a view to concluding whether there would be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the European site(s)).
- 2.7 A decision by the European Court of Justice² concluded that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Likely Significant Effects or ‘screening’ stage of HRA. The UK is no longer part of the European Union. However, as a precaution, it is assumed for the purposes of this HRA that EU case law regarding Habitat Regulations Assessment will still be considered informative jurisprudence by the UK courts. That ruling has therefore been considered in producing this HRA.
- 2.8 Also, in 2018 the Holohan ruling³ was handed down by the European Court of Justice. Among other provisions paragraph 39 of the ruling states that *‘As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat*

¹<https://www.gov.uk/guidance/appropriate-assessment#what-are-the-implications-of-the-people-over-wind-judgment-for-habitats-regulations-assessments> [Accessed: 05/04/2022].

² People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

³ Case C-461/17

types and species listed for the protected area [emphasis added]. This has been taken into account in the HRA process.

HRA Task 3 – Avoidance and Mitigation

- 2.9 Where necessary, measures are recommended for incorporation into the Plan in order to avoid or mitigate adverse effects on European sites. There is considerable precedent concerning the level of detail that a Neighbourhood Plan document needs to contain regarding mitigation for recreational impacts on European sites. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.
- 2.10 When discussing ‘mitigation’ for a Neighbourhood Plan document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the detail of the mitigation measures themselves since the Local Development Plan document is a high-level policy document. A Neighbourhood Plan is a lower level constituent of a Local Development Plan.

Confirming Other Plans and Projects That May Act ‘In Combination’

- 2.11 It is a requirement of the Regulations that the impacts of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European site(s) in question.
- 2.12 In considering the potential for combined regional housing development to impact on European sites the primary consideration is the impact of visitor numbers – i.e., recreational pressure and urbanisation.
- 2.13 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e., to ensure that those projects or plans (which in themselves may have minor impacts) are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in-combination assessment is therefore of greatest relevance when the plan or policy would otherwise be screened out because its individual contribution is inconsequential.
- 2.14 The following plans and projects will be looked at in-combination:
- Plymouth and Southwest Devon Joint Local Plan (Adopted March 2019)⁴
 - Dartmoor National Park Authority Local Plan (Adopted December 2021)⁵
 - Torbay Local Plan (Adopted December 2015)⁶
 - Teignbridge Local Plan (Adopted May 2014)⁷

⁴ https://www.southhams.gov.uk/media/4928/Plymouth-and-SW-Devon-Joint-Local-Plan/pdf/Plymouth_SW_Devon_JLP_1.pdf?m=637650746146900000. Accessed 18/10/2022

⁵ [Dartmoor Local Plan 2018 - 2033](#) Accessed 26/10/2022

⁶ [2012to2030torbaylocalplanweb18may16.pdf](#) Accessed 26/10/2022

⁷ [local-plan-2013-33.pdf \(teignbridge.gov.uk\)](#) Accessed 26/10/2022

- South West Water and Bournemouth Water Final Water Resources Management Plan (Adopted August 2019)⁸

⁸ [sww-bw-wrmp19---finalplan_aug2019.pdf \(southwestwater.co.uk\)](#) Accessed 20/10/2022

3. European Sites Relevant to the Neighbourhood Plan

3.1 The locations of European sites in relation to Staverton Parish are Illustrated in Figure 1.

South Hams SAC

Conservation Objectives

3.2 With regard to the SAC⁹ and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

3.3 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Qualifying Features

3.4 With regards to the SAC^{the} following are reasons for designation:

- Vegetated sea cliffs of the Atlantic and Baltic coasts
- European dry heaths
- Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia)
- Caves not open to the public
- Tilio-Acerion forests of slopes, screes, and ravines; Mixed woodland on base-rich soils associated with rocky slopes (priority natural habitat)
- *Rhinolophus ferrumequinum*; Greater horseshoe bat

⁹ Natural England, 2018. South Hams SAC Conservation Objectives. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/4744929259814912>

Environmental Vulnerabilities

3.5 The 2014 Natural England Site Improvement Plan¹⁰ (SIP) identifies the following threats and pressures linked to the site:

- Change in land management
- Planning permission: general
- Physical modification
- Inappropriate vegetation management
- Public access/disturbance
- Forestry and woodland management
- Public access/disturbance
- Inappropriate scrub control
- Air pollution: risk of atmospheric nitrogen deposition

3.6 The 2019 Supplementary Advice on Conservation Objectives (SACO)¹¹ provides a more detailed view of the threats and pressure.

South Dartmoor Woods SAC

Conservation Objectives

3.7 With regard to the SAC¹² and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

3.8 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely

Qualifying Features

3.9 With regards to the SAC the following are reasons for designation:

- European dry heaths
- Old sessile oak woods with Ilex and Blechnum in the British Isles; Western acid oak woodland

¹⁰ Natural England, 2014. South Hams Site Improvement Plan. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/4822637435944960>

¹¹ Natural England, 2019. South Hams Supplementary Advice on Conservation Objectives. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/4667122634719232>

¹² Natural England, 2018. South Dartmoor Woods SAC Conservation Objectives. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/5125127482376192>

Environmental Vulnerabilities

3.10 The 2014 Natural England Site Improvement Plan¹³ (SIP) identifies the following threats and pressures linked to the site:

- Air pollution: risk of atmospheric nitrogen deposition

3.11 The 2019 Supplementary Advice on Conservation Objectives (SACO)¹⁴ provides a more detailed view of the threats and pressure.

Dartmoor SAC

Conservation Objectives

3.12 With regard to the SAC¹⁵ and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

3.13 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Qualifying Features

3.14 With regards to the SAC the following are reasons for designation:

- Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
- European dry heaths
- Blanket bogs (priority natural habitat)
- Old sessile oak woods with Ilex and Blechnum in the British Isles; Western acidic oak woodland

¹³ Natural England, 2014. South Dartmoor Woods Site Improvement Plan. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/5588110641463296>

¹⁴ Natural England, 2019. South Dartmoor Woods Supplementary Advice on Conservation Objectives. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/6541798617120768>

¹⁵ Natural England, 2018. Dartmoor SAC Conservation Objectives. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/5154554543079424>

- *Coenagrion mercuriale*; Southern damselfly
- *Salmo salar*; Atlantic salmon
- *Lutra*; Otter

Environmental Vulnerabilities

3.15 The 2014 Natural England Site Improvement Plan¹⁶ (SIP) identifies the following threats and pressures linked to the site:

- Hydrological changes
- Wildfire/arson
- Air pollution: impact of atmospheric nitrogen deposition
- Water pollution
- Overgrazing
- Under grazing
- Invasive species
- Invasive species
- Change in land management
- Disease

3.16 The 2019 Supplementary Advice on Conservation Objectives (SACO)¹⁷ provides a more detailed view on the threats and pressure.

Lyme Bay and Torbay SAC (Marine)

Conservation Objectives

3.17 With regard to the SAC¹⁸ and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

3.18 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and

¹⁶ Natural England, 2014. Dartmoor Site Improvement Plan. Accessed 16/09/2022 via <http://publications.naturalengland.org.uk/file/6127265402322944>

¹⁷ Natural England, 2019. Dartmoor SAC Conservation Objectives Supplementary Advice. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/6453849196068864>

¹⁸ Natural England, 2018. Lyme Bay and Torbay Conservation Objectives. Accessed 16/09/2022 via: <http://publications.naturalengland.org.uk/file/4958466871656448>

- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely.

Qualifying Features

3.19 With regards to the SAC the following are reasons for designation:

- Reefs
- Submerged or partially submerged sea caves

Environmental Vulnerabilities

3.20 The 2014 Natural England Site Improvement Plan¹⁹ (SIP) identifies the following threats and pressures linked to the site:

- Fisheries: commercial marine and estuarine
- Fisheries: commercial marine and estuarine
- Public access/disturbance

3.21 The 2018 Supplementary Advice on Conservation Objectives (SACO)²⁰ provides a more detailed view on the threats and pressure.

¹⁹ Natural England, 2015. Lyme Bay and Torbay Site Improvement Plan. Accessed 16/09/2022 via <http://publications.naturalengland.org.uk/file/4973601003405312>

²⁰ Natural England, 2018. Lyme Bay and Torbay Supplementary Advice on Conservation Objectives. Accessed 30/09/2022 via [Designated Sites View \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/54111)

4. Test of Likely Significant Effects

Physical Scope of the HRA

4.1 Based upon the Natural England SIPs and SACOs, there are several pathways that require consideration regarding increased development within the NP are that could potentially link to the following European sites:

- South Hams SAC
- South Dartmoor Woods SAC
- Dartmoor SAC
- Lyme Bay and Torbay SAC

4.2 Tables 1,2,3 and 4 describe these environmental impact pathways. The consideration of NP policies, the Test of Likely Significant Effects (ToLSE) is then documented in Table 3.

Impact Pathways

South Hams SAC

4.3 Based on the Natural England SIP there are nine pressures and threats that are linked to South Hams SAC.

Table 1. Description of threats and pressures at South Hams SAC and whether development in Staverton could exacerbate them.

Impact pathway	Discussion
Change in land management	Changes in grazing management and hedgerow management has impacts on greater horseshoe bats. It can reduce the value of the bats habitat for foraging. Combative actions include providing information to landowners/managers about how to appropriately manage habitats so that bat foraging is affected as little as possible. Small-scale capital grants can be provided to landowners/managers where grant schemes from Natural England are not available. The importance of bat conservation can also be promoted to the general public. The Staverton development will not change grazing or hedgerow management and thus this impact pathway is screened out of appropriate assessment for South Hams SAC.
Planning permission: general	There are five SSSIs that make up the South Hams SAC. Development on the land between these SSSIs can impact bats by losing foraging habitat, losing minor roost sites, and disrupting flightpaths, particularly as a result of light pollution. The Staverton development must consider the impact that its development has on bats in conjunction with the location of the South Hams SAC. This will be discussed further within the Appropriate Assessment with regards to Functionally Linked Land.
Physical modification	At the old entrance to Bakers Pit there is an infilled rubbish tip which is causing a rise in temperature and humidity. There is leaching from the rubbish into the cave entrance, which could have a potential adverse impact on hibernating bat roosts for greater horseshoe bats. The Staverton development will not change the conditions of or add to the infilled rubbish tip so this impact pathway is screened out of appropriate assessment for South Hams SAC.

Impact pathway

Discussion

Inappropriate vegetation management	Vegetation management and maintenance needs to be agreed for the entrances to bat roosts. Grilles and gates need to be maintained to facilitate this. The Staverton development will not affect the vegetation management or maintenance of the SAC so this impact pathway is screened out of appropriate assessment for South Hams SAC.
Public access/disturbance	The South Hams SAC is in part designated for dry grasslands and scrublands on chalk or limestone (important orchid sites). Increased recreation could potentially increase trampling, eutrophication and erosion at the site degrading the designated habitats. The Supplementary Advice for Conservation Objectives ²¹ states that only the Berry Head to Sharkham Point SSSI component of the SAC contains habitat type. This SSSI component of the SAC has a known recreational impact issue and is discussed by Footprint Ecology for the Torbay Local Plan ²² . However, the visitor survey results suggest that the core recreational zone of impact is 5km. Additional visitor surveys were conducted in 2016 with the median distance travelled to site from home being 10.6km, although half of all those interviewees were within 2.4km ²³ . With Staverton Parish being at its closest point at least 14km (straight line distance) from the Berry Head SSSI component it is unlikely that development within Staverton NP would significantly affect the Berry Head SSSI component of the SAC even in combination. Additionally, the SAC is also designated for greater horseshoe maternity the hibernation. The SSSI components within which greater horseshoe bats roost are not generally accessible by the public (although trespass may occur) due to the use of grilles and signage at the entrances to the caves and security fencing around the sites. The SACO does not discuss any current or potential future impact to greater horseshoe bats through recreational disturbance. Therefore, this impact pathway can be screened out of appropriate assessment for South Hams SAC.
Forestry and woodland management	A woodland management plan is implemented in order to create conditions favourable to lichens at the SAC. Examples of measures to facilitate this include ivy removal, woodland thinning, and grazing. The Staverton development does not impact upon the management of the woodland. This impact pathway can be screened out of appropriate assessment for South Hams SAC.
Inappropriate scrub control	The risk here is that, without grazing, open habitats can be colonised by scrub species such as blackthorn or European gorse. The scrub eliminates small flowering plants through shade and changes to the soil. The Staverton development will not impact the presence or absence of grazing on the South Hams SAC site, so this impact pathway can be screened out of appropriate assessment for South Hams SAC.
Air pollution: risk of atmospheric nitrogen deposition	The habitats in the South Hams SAC are naturally low in nutrients and are, as a result, vulnerable to eutrophication. Nitrogen deposition in the site is higher than the site-relevant critical load for ecosystem protection, but the sensitive features and currently considered to be in favourable condition on the site as per the Site Improvement Plan ²⁴ . Of the SSSI components of the SAC within 10km of Staverton, Buckfastleigh Caves SSSI is within 200m of the A38, however, this site is designated only for its caves and greater horseshoes, none of which are sensitive to air quality impacts. Bulkamore Iron Mine and Haytor and Smallacombe Iron Mines are not within 200m of any major roads (A roads) and therefore as air quality impacts are not considered significant over 200m from a major road no likely significant effect would occur either alone or in combination upon South Hams SAC and therefore, this impact can be screened out of appropriate assessment.

²¹ <http://publications.naturalengland.org.uk/file/4667122634719232> Accessed 18/10/2022

²² [Recreational Impacts on Berry head \(torbay.gov.uk\)](http://publications.naturalengland.org.uk/file/4822637435944960) Accessed 18/10/2022

²³ [berry-head-visitor-survey-report.pdf \(torbay.gov.uk\)](http://publications.naturalengland.org.uk/file/4822637435944960) Accessed 18/10/2022

²⁴ <http://publications.naturalengland.org.uk/file/4822637435944960> Accessed 18/10/2022

South Dartmoor Woods SAC

4.4 Based on the Natural England SIP there is one pressure/threat that is linked to South Dartmoor Woods SAC.

Table 2. Description of threats and pressures at South Dartmoor Woods SAC and whether development in Staverton could exacerbate them.

Impact pathway	Discussion
Air pollution: risk of atmospheric nitrogen deposition	The level of nitrogen deposition in the site is greater than the site-relevant critical load. This means that there is a risk of harmful effects. These could include a decrease in mycorrhiza, a loss of epiphytic lichens and bryophytes, and changes in ground vegetation in the old sessile oak woods habitat. There is a risk of a transition from heather to grass dominance, a decline in lichens, changes in plant biochemistry and increased sensitivity to abiotic stress in the heath habitat. However, South Dartmoor Woods SAC is in a rural location and is well over 200m from any major roads (A roads). The closest major road is the A38 which at its closest is over 1.3km east of the Hembury Woods SSSI component of the SAC, south of Ashburton. Atmospheric pollution will not have a significant effect upon the SAC at distances over 200m and therefore this impact pathway can be screened out of appropriate assessment for South Dartmoor Woods SAC.

Dartmoor SAC

4.5 Based on the Natural England SIP there are ten pressures and threats that are linked to Dartmoor SAC.

Table 3. Description of threats and pressures at Dartmoor SAC and whether development in Staverton could exacerbate them.

Impact pathway	Discussion
Hydrological changes	The SIP describes the threats that old drainage networks and peat cuttings have. They reduce the height of the water table and dry out blanket bogs. Past burning, military training, overgrazing, drainage, atmospheric pollution, and peat cutting are threats that continue to erode peat in the blanket bog and threaten the hydrology of the remaining bog. Erosion channels can drain the bog, lead to the peat drying out and a vegetation change in the bog communities. The Staverton development will not change drainage networks or influence peat cuttings. However, an increase in development will increase drinking water supply needs in-combination. Should the supply come from abstraction and this is increased, dependant on abstraction locations this may affect the ground or surface water levels within the SAC. South West Water (SSW) provides the Staverton Parish with fresh drinking water. The water resources utilised within the SSW supply area consist of three large reservoirs, a number of smaller reservoirs, river intakes and some groundwater sources (boreholes, wells, and springs) which are predominantly in East Devon. Staverton Parish sits within South Devon in the Roadford WRZ. The main response of the water supplier to ensure consistent water supply to the end of the Plan period is to reduce pipe leakage by 15% by 2025 and 25% by 2044/45 and increase customer water efficiency. This scenario mitigates all risk from increased potential higher demand. Therefore, the WRMP does not proposed to increase abstraction of rivers and as there are no physical interventions proposed for increasing supply the Neighbourhood Plan would not have a likely significant effect either alone or in-combination with other plans or projects and can be screened out of appropriate assessment for Dartmoor SAC
Wildfire/arsen	Wildfire is a threat for the degradation of wetland habitats and can damage sensitive species like Sphagnum moss. Implementing firefighting measures and expansion

Impact pathway

Discussion

	<p>of the Forest Fire Plan is how risk of wildfire is managed, aiming to reduce the extent of outbreaks of wildfire. Staverton Parish is at its closest point over 6km from the SAC and further from the Site Allocations within the Neighbourhood Plan. Wildfire and arson are thought to increase significantly where development is situated within 400m of a designated site, as an effect of Urbanisation. However, given that the Neighbourhood Plan area is at such a distance from the SAC. The development within Staverton will not increase the likelihood of wildfire and arson within the Dartmoor SAC, therefore, this impact pathway can be screened out of appropriate assessment for Dartmoor SAC.</p>
Air pollution: impact of atmospheric nitrogen deposition	<p>Nitrogen deposition exceeds site relevant critical loads at this site according to the Site Improvement Plan and Supplementary Advice on Conservation Objectives²⁵, however, there are no more site specific details on any impacts within these documents. The SSSI unit conditions assessments mentioned under grazing as the largest contributor to units which had a unfavourable declining or unfavourable no change condition assessment, with other probable causes including historical drainage issues, climate change and nitrogen deposition. The nitrogen deposition at these units are most likely to be eutrophication from dog fouling as the Dartmoor heathland is well utilised by dog walkers. However, with regards to vehicle input to nitrogen deposition, Dartmoor SAC is in a rural location and is well over 200m from any major roads (A roads). The closest A roads to Dartmoor SAC are the A386 6km west of the SAC and the A38 6.1km to the east. Atmospheric nitrogen deposition will not be significant over 200m from a road and therefore the development within Staverton Parish will not impact atmospheric nitrogen deposition on the SAC and this impact pathway can be screened out of appropriate assessment for Dartmoor SAC.</p>
Water pollution	<p>Historic atmospheric pollution has led to acidification of upland streams and watercourses. Blanket bog has been damaged by past management practices, such as peat drainage, peat cutting, fire grazing and military training, Blanket bog damage, specifically peat erosion and drying out results in acidifying chemicals being released into watercourses, making them acidic and decreasing their pH. The development within Staverton Parish would not have any impact on management practices such as peat cutting and grazing etc. Although, an increase in development can increase the treated effluent being discharged to streams and rivers, the two most likely wastewater treatment works (WwTW) to facilitate Staverton Parish are the WwTW southeast of Staverton (SX79606379) or the WwTW southeast of Buckfastleigh (SX74996590). Both of these WwTW are downstream of the Dartmoor SAC into the River Dart and flows towards the sea at Dartmouth and would not impact water pollution levels within the SAC. Therefore, this impact pathway can be screened out of appropriate assessment for Dartmoor SAC.</p>
Overgrazing	<p>Inappropriate stocking regimes mean that there is a potential for overgrazing. Appropriate grazing regimes need to be implemented in order to prevent overgrazing. However, development in Staverton will not contribute to changes in grazing in this location so this impact pathway is screened out of appropriate assessment for Dartmoor SAC.</p>
Under grazing	<p>The threat of under grazing affects Southern damselfly for which Dartmoor SAC is partially designated. Overgrown scrub etc. reduces the functionality of the species target vegetation which can lead to a reduction in the conservation status of the species. Grazing management and targeted vegetation management within the SAC are not controlled by the policies within the Neighbourhood Plan and therefore development in Staverton will not contribute to changes in grazing in this location. Therefore, this impact pathway can be screened out of the appropriate assessment for Dartmoor SAC.</p>

²⁵ <http://publications.naturalengland.org.uk/file/6453849196068864> Accessed 19/10/2022

Impact pathway	Discussion
Invasive species	Outbreaks of heather beetle in some locations in Dartmoor SAC in the last decade have contributed to losses of heather. Additionally, the spread of bracken into areas of heathland has contributed to the degradation of this habitat. Remedial measures are required to rectify this issue as well as quantification of the level of damage. However, remedial action is not in the remit of the Staverton Neighbourhood Plan and therefore development within the Parish is not going to impact the levels of heather and heathland with regards to heather beetle and bracken invasion in the SAC. Therefore, this impact pathway can be screened out of the appropriate assessment for Dartmoor SAC.
Change in land management	Changes in land management have led to a loss of grazing within the SAC, which has been linked to declining farm income, and numbers of farms and farmers, and increasing difficulties stocking the commons due to disease such as bovine tuberculosis (bTB). The Staverton development has no control over farming income, number of farms and farmers within the SAC or levels of stocking on the commons and therefore will not affect grazing activity within the SAC. Therefore, this impact pathway can be screened out of the appropriate assessment for Dartmoor SAC.
Disease	The sessile oak woodland in Dartmoor SAC could be affected by a tree disease such as acute oak decline or oak processionary moth (<i>Thaumetopoea processionea</i>). The Staverton Neighbourhood Plan has no control over disease or disease management within the SAC and therefore this impact pathway can be screened out of the appropriate assessment for Dartmoor SAC.

Lyme Bay and Torbay SAC

4.6 Based on the Natural England SIP there are three pressures and threats that are linked to Lyme Bay and Torbay SAC.

Table 4. Description of threats and pressures at Lyme Bay and Torbay SAC and whether development in Staverton could exacerbate them.

Impact pathway	Discussion
Fisheries: commercial marine and estuarine	The SIP for Lyme Bay and Torbay details that 'red' fishing activities such as hydraulic dredges, dredges, benthic trawls, and benthic seines used in fisheries are a large pressure in this location. The SIP also details 'green' and 'amber' fishing activities which act as threats or pressures on this location. It is suggested that these activities harm the environment through abrasion and disturbance to habitats and benthic fauna. The Staverton Neighbourhood Plan has no control over commercial fishing practices and therefore this impact pathway can be screened out of the appropriate assessment for Lyme Bay and Torbay SAC.
Public access/disturbance	The Site Improvement Plan ²⁶ mentioned that the coastal caves for which the SAC is partially designated could be threatened by public access. Coasterers, kayakers, divers and other visitors could potentially access these caves and in their activities could negatively affect the delicate fauna and rare species, putting the delicate biological communities in these coastal caves at risk. The Habitats Regulation Assessment for the overarching Plymouth and West Devon Joint Local Plan ²⁷ discusses the overarching Local Plans impact upon the SAC. The caves are said to be at the bottom of high cliffs with poor access, although the cave at Goodrington is more accessible the HRA also states " <i>The sea caves are not promoted widely, but do appear on some websites, particularly relating to kayaking and wild swimming. However, they are generally only accessible from the water so the likelihood of them being disturbed is low. They are in shallow water, so access by tripping boats is not</i>

²⁶ [SIP150730FINALv1.0 Lyme Bay & Torbay \(1\).pdf](#) Accessed 19/10/2022

²⁷ [JLP - ADOPTED VERSION 2019 \(plymouth.gov.uk\)](#) Accessed 19/10/2022

Impact pathway

Discussion

considered likely. They are also in areas around headlands, so are prone to swell, making access by sea even more difficult in anything but the most benign of conditions". The HRA for the Local Plan goes on to conclude that due to the inaccessibility of the caves the Local Plan will not have an adverse effect alone or in combination with other plans or projects on the SAC. Given the distance of the SAC from Staverton e.g., 9.1 km at its closest point and further from the housing site allocations, the very small number of dwellings proposed and that the overarching Local Plan will not cause an adverse impact. It can be concluded that the Staverton Neighbourhood Plan will not cause a likely significant effect upon the SAC and therefore, this impact pathways can be screened out of appropriate assessment for Lyme Bat and Torbay SAC.

Test of Likely Significant Effects of Neighbourhood Plan Policies

4.7 In the below table, where the ‘Screening Outcome’ column is coloured green, it is determined that the policy does not contain any potential linking impact pathways to a European site, and as such **can** be ‘screened out’ from resulting in a LSE. Where the ‘Screening Outcome’ column is coloured orange, potential linking impact pathways may exist and as such the policy **cannot** be screened out from resulting in a LSE and as such is subject to AA in Chapter 5.

Table 5. Screening Assessment (Likely Significant Effect Test) of the Neighbourhood Plan Policies

Policy	Brief Summary	Screening Outcome
Policy SNP1: sustainable communities	This is a development management policy relating to safeguarding facilities or assets of community value, in order to maintain the sustainability of the local community. The priorities of this policy involve: improving local green spaces; implementing 20 mph zones; supporting green energy and sustainable travel and improving mobile and broadband connectivity.	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP2: settlement boundaries	This is a development management policy relating to allowing development inside the village settlement boundaries as long as it does not cause significant adverse impacts on natural or historic assets, local amenity, traffic, parking, or safety	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP3: local green spaces	This is a development management policy relating to safeguarding of local green spaces from development. These local green spaces are Staverton Nature Reserve and Boardwalk, Staverton Riverside Walk and Woolston Green Triangle	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP4: housing development	This is a development allocation policy. The proposed housing developments are:	Potential Likely Significant Effects

Policy	Brief Summary	Screening Outcome
	<p>14 dwellings on Land west of Beara Farm. five of which are to be affordable homes 6 dwellings on Land between Woolston Green and Landscope Church</p> <p>The remainder of this policy relates to development management for this allocation site with recommendations such as for housing size and quality.</p>	<p>This policy brings forward a net increase in residential dwellings within the NP area. The policy allocates a proposal for 20 new dwellings.</p> <p>Potential impact pathways include: Functionally Linked Land with regard to South Hams SAC</p> <p>This policy will be taken through to Appropriate Assessment.</p>
<p>Policy SNP5: affordable housing and single plot exception sites</p>	<p>This is a development management policy relating to the provisioning of affordable homes within the development.</p> <p>This policy welcomes single plot exception sites, which will only be allowed and built upon if certain criteria are met. These include the applicant demonstrating their need for affordable housing, not developing within an isolated location, the site area not exceeding 0.1 ha and the dwelling remaining affordable.</p>	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
<p>Policy SNP6: business, employment, and tourism development</p>	<p>This is a development allocation policy which proposes a site for light industrial and/or business development at Barkingdon.</p> <p>The remainder of this policy relates to the welcoming of business, employment, and tourism development as long as it adheres to criteria: well designed and cohesive with locality, has safe access and parking and does not cause detriment to local environment and amenities.</p>	<p>Potential Likely Significant Effects</p> <p>This policy brings forward a proposed site in Barkingdon for light industrial/business development.</p> <p>Potential impact pathways include: Functionally Linked Land with regard to South Hams SAC</p> <p>This policy will be taken through to Appropriate Assessment.</p>
<p>Policy SNP7: reuse of redundant farm buildings</p>	<p>This is a development management policy which supports repurposing redundant farm buildings as opportunities for business, employment, or tourism. This support is conditional on any development not comprising the rural setting of any building and no more than minimally altering the existing structure or footprint.</p>	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
<p>Policy SNP8: broadband and</p>	<p>This is a development management policy which encourages expansions of mobile</p>	<p>No Likely Significant Effects</p>

Policy	Brief Summary	Screening Outcome
telecommunications infrastructure	phone coverage as long as providing apparatus is at the minimum necessary level for efficient operation.	Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP9: design and construction	This is a development management policy stipulating the requirements for new development with regards to design and construction.	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP10: heritage and conservation	This is a development management policy relating to ensuring developments do not harm but conserve and enhance historic assets in the parish.	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP11: landscape and biodiversity	This is a development management policy relating to ensuring that developments do not harm but protect and enhance features that positively contribute to local landscape and biodiversity.	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP12: tranquillity and dark skies	This is a development management policy which stipulates that development should not cause any unnecessary disturbance, noise, or light pollution.	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP13: travel and transport	This is a development management policy which encourages development to improve public and community transport where it can, as well as improving local footpaths and cycle-paths.	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP14: renewable energy	This is a development management policy which encourages small scale renewable energy developments on the condition that will not have unacceptable impacts on the local environment. Large scale renewable developments would be discouraged as would have wide impacts on the parish.	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.
Policy SNP15: energy in new development	This is a development management policy stipulating that development should have either a 'Very Good' BREEAM rating or a '4 star' BREHQM rating.	No Likely Significant Effects Development management policies do not present linking impact pathways and can be screened out from AA.

Policy	Brief Summary	Screening Outcome
Policy SNP16: sustainable drainage	This is a development management policy relating to the provision of a Sustainable Drainage System (SuDS).	<p data-bbox="1046 230 1388 275">No Likely Significant Effects</p> <p data-bbox="1046 309 1388 465">Development management policies do not present linking impact pathways and can be screened out from AA.</p>

Summary of Test of Likely Significant Effect

4.8 A test of likely significant effects was undertaken with respect to the vulnerabilities of the European sites within 10km of the Neighbourhood Plan area, the vulnerabilities were assessed for linking impact pathways and whether the Staverton Neighbourhood Plan would have a likely significant effect upon the European sites through these pathways.

4.9 One impact pathway was unable to be screened out at the test of likely significant effects stage. This was:

- General Planning permission with respect to South Hams SAC. The general planning permission vulnerability is linked to the use of land outside the SAC by the mobile qualifying features of the SAC, this being greater horseshoe bats. It will need to be determined whether housing site allocations within the Neighbourhood Plan are considered to be proposed within land that is functionally linked to continued conservation status of the greater horseshoe bats. This will be discussed further within the appropriate assessment.

4.10 The Policies of the Neighbourhood Plan were then assessed with regards to the above impact pathway as to whether the Policy could have a likely significant effect on the European site mentioned above.

4.11 A total of two Policies were unable to be screened out at the test of likely significant effects stage. These were:

- Policy SNP4: Housing Development – the Policy allocates two locations for net new housing development. These are:
 - 14 dwellings at Land West of Beara Farm; and
 - 6 dwellings on Land between Woolston Green and Landscope Church
- Policy SNP6: Business, Employment and Tourism development – the policy allocates a site for light industrial and/or business development at Barkington.

4.12 The appropriate assessment will be discussed in Section 5.

5. Appropriate Assessment

Introduction

- 5.1 The law does not prescribe how an appropriate assessment should be undertaken or presented but the appropriate assessment must consider all impact pathways that have been screened in, whether they are due to policies alone or to impact pathways that arise in combination with other projects and plans. That analysis is the purpose of this section. The law does not require the 'alone' and 'in combination' effects to be examined separately provided all effects are discussed.
- 5.2 Due to the nature of the impact pathways and the scale of development proposed within the Neighbourhood Plan the appropriate assessment will be conducted as an in-combination assessment.

Functionally Linked Land South Hams SAC

- 5.3 While most European sites have been geographically defined in order to encompass the key features that are necessary for coherence of their structure and function, this is not the case for all such sites. Due to the highly mobile nature of bats, it is inevitable that areas of habitat of crucial importance to the maintenance of their populations are outside the physical limits of the European site for which they are an interest feature. However, this area will still be essential for maintenance of the structure and function of the interest feature for which the site was designated and land use plans that may affect this land should still therefore be subject to further assessment. This has been underlined by a recent European Court of Justice ruling (C-461/17²⁸, known as the Holohan ruling²⁹) which in paragraphs 37 to 40 confirms the need to consider the implications of a plan or project on habitats and species outside the European site boundary provided that those implications are liable to affect the conservation objectives of the site.
- 5.4 Areas of functionally linked land typically provide habitat for foraging or other ecological functions essential for the maintenance of the designated population. Functionally linked land may extend up to the maximum foraging distances for the particular species in question, in this instance greater horseshoe bats. However, the number of bats foraging will tend to decrease further away from the protected site and thus the importance of the land to the maintenance of the designated population will decrease.
- 5.5 The greater horseshoe bat has an approximate total population of 5,500 individuals³⁰ a significant proportion of which reside in the southwest of the UK and in the case of South Hams SAC, South Devon. The South Hams SAC is designed for caves which host roosts for both maternity and hibernation colonies of greater horseshoe bats. Greater horseshoe bats are relatively long lived and are roost faithful, returning each year to the same cave to raise their young and/or to hibernate. The bats although roosting within the caves will utilise the wider

²⁸ European Court of Justice, 2018. Judgment of the Court (Second Chamber) of 7 November 2018. Brian Holohan and Others v An Bord Pleanála. Accessed 26/07/2022 via: [Brian Holohan and Others v An Bord Pleanála. Case C-461/17 \(eur-lex.europa.eu\)](https://eur-lex.europa.eu)

²⁹ The Holohan ruling also requires all the interest features of the European sites discussed to be catalogued (i.e., listed) in the HRA. That is the purpose of Chapter 3: European Sites Relevant to the Plan.

³⁰ [South-Hams-SAC-planning-guidance-May-2010-JRS-final.pdf \(dartmoor.gov.uk\)](https://www.dartmoor.gov.uk) Accessed 19/10/2022

countryside of South Devon for the majority of their wakeful activities, including commuting, foraging, and mating.

- 5.6 To ensure the favourable conservation status of the SAC the habitat that is outside of the SAC but functionally linked has to be large enough to provide a range of food sources capable of sustaining the entire population of the SAC accounting for seasonal changes in prey availability. Additionally, connectivity between maternity roosts, hibernation roosts, foraging areas and mating areas also need to be maintained. Greater horseshoes tend to fly low to the ground and (up to 2m) and mostly beneath vegetation cover. Studies³¹ have been undertaken which show that horseshoe bats require connected linear features in the landscape to travel along such as tree lines, hedgerows and woodland edges and vegetated waterways, with broadleaved woodland and waterways being particularly important as they provide habitat continuity³². Not only do greater horseshoe bats require linear features to navigate the countryside but they are particularly sensitive to light and will avoid lit areas, which has been shown by studies on the similar lesser horseshoe species *Rhinolophus hipposideros*³³.
- 5.7 Functionally linked land is inherently an in-combination impact. For example, removing a single hedgerow on a development is not likely to have a significant effect on an SAC bat population. However, if every project within an area of functionally linked land removes a hedgerow, this cumulatively can significantly impact habitat connectivity and therefore can have an adverse effect on the function of the SAC population.
- 5.8 The South Hams SAC Consultation Area Habitats Regulations Assessment Guidance³⁴ (2019) was created to provide guidance, to the five local authorities around the South Hams SAC, for planning applications. The core sustenance zone around the SAC components has been set to 4km due to the distance at which studies have recorded foraging behaviours.
- 5.9 The five local authorities which in-combination can have a significant effect on the SAC population are Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council. Each council will have produced a Local Plan, for the South Hams District, which Staverton is part of this is the Plymouth and South West Devon Joint Local Plan which covers, Plymouth, South Hams District and West Devon Borough. The Local Plan aims to provide at least 26,700 dwellings within the plan period, although not all of this will be within the SACs 4km zone of influence. Each of the Local Plans within the zone of influence are likely to have similar levels of housing planned within their respective plan periods. This level of housing development in-combination could cause an adverse effect on the SAC in the absence of mitigation. The Local Plans each have to follow the guidance set out in The South Hams SAC Consultation Area Habitats Regulations Assessment Guidance³⁵ (2019) and the document which this is based on the South Hams SAC – Greater horseshoe bat consultation zone planning

³¹ Radio tracking studies have been undertaken by NE in the following research reports R344, R496 & R573.

³² A L Walsh & S Harris, (1996), Foraging habitat preferences of vespertilionid bats in Britain. *Journal of Applied Ecology*, 33, 508 – 518

³³ Stone, E.L., Jones, G., & Harris, S. (2009) Street lighting disturbs commuting bats. *Current Biology* 19:1-5 [Street lighting disturbs commuting bats - PubMed \(nih.gov\)](#) Accessed 19/10/2022

³⁴ [Environment websites - 2019 October FINAL South Hams SAC HRAGuidance.pdf - All Documents \(sharepoint.com\)](#) Accessed 20/10/2022

³⁵ [Environment websites - 2019 October FINAL South Hams SAC HRAGuidance.pdf - All Documents \(sharepoint.com\)](#) Accessed 20/10/2022

guidance³⁶ (Natural England, 2010) to ensure no adverse effects. The Plymouth and South West Devon Joint Local Plan has several strategic allocations which fall within the 4km zone. Each of these have a criterion within the allocation policy to create “*a site specific mitigation plan to ensure all new development does not have any adverse effects on the greater horseshoe bats and their strategic flyways within the South Hams SAC Landscape Connectivity Zone*”. The plans have to demonstrate how the proposed development will retain continued ecological functionality for greater horseshoe bat use associated with the South Hams SAC and show that the development will not have an adverse effect on the SAC. The Dartmoor National Park Authority Local Plan³⁷ also has similar criterion within their allocated sites policies; “*applications should be supported by evidence to inform an appropriate assessment (Habitats Regulations) in order to establish that development of this site will have no adverse impact on the South Hams Special Area of Conservation*”. Prior to adoption each of the Local Plans for the LPAs in question will have undertaken Habitats Regulations Assessments to ensure that the Local Plan would not adversely affect the SAC and will also have looked at their own contribution to effects in-combination with effects of other Local Plans and projects. Overarching Local Plan which Staverton Parish sits within, the Plymouth and South West Devon Joint Local Plan was, with the addition of the criterion discussed above, able to conclude that it would not have an adverse effect on the SAC either alone or in-combination with other Plans and projects.

5.10 Looking at the Staverton Neighbourhood Plan itself the Parish boundary is approximately 170m east of Buckfastleigh Caves SSSI component and 658m north-west of the Bulkamore Iron Mine SSSI component of the SAC. The Parish being so close to these components means that the Neighbourhood Plan area is almost entirely within the 4km core sustenance boundary of the SAC, the core sustenance zone covers over 1,600 ha of the Parish. This includes both housing allocations, Land west of Beara Farm and Land between Woolston Green and Landscope Church. Therefore, both sites have the potential to be functionally linked to the SAC.

5.11 The South Hams SAC – Greater horseshoe bat consultation zone planning guidance³⁸ (Natural England, 2010) details that bat surveys are required where the development is within the 4km core sustenance zone and the development matches at least one of the following criteria:

- is greater than 10 homes or meet the criteria for a Schedule 1 or 2 development³⁹,
- is located within a pinch point⁴⁰,
- the development adds luminance to the existing lighting regime, and/or
- it involves the removal of trees and or hedgerow.

5.12 The document also details the survey requirements as below:

³⁶ [South-Hams-SAC-planning-guidance-May-2010-JRS-final.pdf \(dartmoor.gov.uk\)](#) Accessed 20/10/2022

³⁷ [Dartmoor Local Plan 2018 - 2033](#) Accessed 26/10/2022

³⁸ [South-Hams-SAC-planning-guidance-May-2010-JRS-final.pdf \(dartmoor.gov.uk\)](#) Accessed 20/10/2022

³⁹ Schedule 1 or Schedule 2 as defined by The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. SI 1999 No. 293.

⁴⁰ Pinch point is a strategic flyway that is susceptible to significant disturbance. Currently these locations are River Dart at Totnes, Buckfastleigh roost, Berry Head roost, and Newton Abbot

“(i) Surveys should pay particular attention to linear landscape features such as watercourses, transport corridors (e.g., roads, sunken lanes railways), walls, and to features that form a linear feature such as hedgerows, coppice, woodland fringe, tree lines and areas of scrub and pasture that may provide flight lines.

(ii) Manual surveys should be carried out on ten separate evenings; at least one survey should be undertaken in each month from April to October, as the bats’ movements vary through the year. Moreover, manual surveys only give a snapshot of activity (10 nights out of 214; ≈5%) therefore automated bat detector systems should also be deployed see section (vi).

(iii) Surveys should be carried out on warm (>10 °C but >15°C in late summer), still evenings that provide optimal conditions for foraging (insect activity is significantly reduced at low temperatures; see commentary below). Details of temperature and weather conditions during surveys should be included in the final report.

(iv) Surveys should cover the period of peak activity for bats from sunset for at least the next 3 hrs.

(v) Surveys should preferably be with broadband detectors as these provide a record of echolocation signals, although appropriately tuned heterodyne detectors (81-83kHz) will be sufficient. Digital echolocation records of the survey should be made available with the final report; along with details of the type and serial number of the detector.

(vi) Automatic bat detector systems should be deployed at an appropriate location (i.e., on a likely flyway; the precise location can also be adjusted from the manual survey findings). The period of deployment should be at least 50 days from April to October and would include at least one whole week in each of the months of April, May, August, September, and October (50 nights out of 214; ≈25%).

(vii) Surveys should be carried out by suitably qualified and experienced persons. Numbers of personnel involved should be agreed beforehand with Natural England, be indicated in any report and be sufficient to thoroughly and comprehensively survey the size of site in question.

(viii) Surveys should also include desktop exercises in collating any records and past data relating to the site via Devon Biodiversity Records Centre, local Bat Group etc.

(ix) All bat activity should be clearly marked on maps and included within the report.

(x) Basic details of records for the site should be passed to the appropriate local Biological Records Centre after determination of the application.”

5.13 The development at Land west of Beara Farm proposes 14 dwellings on the site. This site already has full planning permission at the time of writing (1419/20/FUL) and therefore the Neighbourhood Plan is not allocating the site, merely including it in the Plan for completeness. Additional to being within the 4km area the site is also recorded as being within a strategic flyway, an important connected linear route utilised by the SAC population. This site has undertaken several bat surveys in 2013, 2018 and 2020 as detailed in the application document Updated

Ecological Impact Assessment⁴¹ by The Landmark Practice (2020). In all years low numbers of greater horseshoe were recorded utilising the site in at least a commuting capacity. Greater horseshoe bats accounted for 10.7% of call registrations on static detectors deployed in June and July 2020, the second highest registrations behind common pipistrelle at 72.2% of all call registrations across the two months statics were deployed. This would indicate that the site is in some capacity important for the population of the SAC and would require mitigation to ensure no adverse impact on the SAC.

5.14 Mitigation measures within the application document include:

- Retaining and strengthening the majority of the hedgerow
- Creation of a dark wildlife corridor
- Retained hedgerows will be bolstered by new native planting and will be infrequently managed (every 2 – 3 years)
- A mixture of close board fencing, hedge bank with planting and standard trees will be implemented at the onset of commencing works to protect the dark wildlife corridor from light spill from new houses.

5.15 An HRA was undertaken for the site in a previous 2013 application which concluded *“The Appropriate Assessment included consideration of proposed mitigation (no public realm lighting, creation of new ‘dark corridor’ to east and south of site, and ongoing management of the bat commuting features) and concluded that subject to securing the mitigation (through condition and S.106) that the proposal would have no adverse effect on the integrity of the South Hams SAC.”* The updated ecological impact assessment states that *“given there has been no significant changes to the ecological value of the site and bat assemblages supported, and the layout and mitigation strategy remain the same, it is considered that the development could come forward fully in accordance with planning policies relating to designated sites and there will be no likely significant effect on the integrity and interest features of the South Hams SAC”*. As previously stated the LPA were happy with these conclusions and the planning application was granted for this site.

5.16 With regards to the other housing site within the Neighbourhood Plan area (Land between Woolston Green and Landscope Church) this site does not at the time of writing have planning permission and allocates 6 new dwellings on the site. Without seeing detailed plans of the site, it can generally be assumed that this site will also require bat surveys to determine the use of the site by greater horseshoe bats and must follow the survey requirements set out in The South Hams SAC – Greater horseshoe bat consultation zone planning guidance⁴² (Natural England, 2010) and shown in paragraph 5.12 above.

5.17 To ensure the protection of European sites from degradation by development, the overarching Local Plan (Plymouth and South West Devon Joint Local Plan) includes Policy DEV26 which states *“Development will not be permitted unless it will not adversely affect the integrity of a European site, either alone or in combination with other development”*. The Local Plan does not have a specific

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<https://portal.southhams.gov.uk/CivicaTownLive/civica/Resource/Civica/Handler.ashx/doc/pagestream?DocNo=7306009&pdf=true> Accessed 20/10/2020

⁴² [South-Hams-SAC-planning-guidance-May-2010-JRS-final.pdf \(dartmoor.gov.uk\)](#) Accessed 20/10/2022

policy regarding the South Hams SAC however, as previously mentioned, in several strategic allocations within the Local Plan, condition of approval includes *“A site specific mitigation plan to ensure all new development does not have any adverse effects on the greater horseshoe bats and their strategic flyways within the South Hams SAC Landscape Connectivity Zone.”*

- 5.18 The Staverton Neighbourhood Plan does not currently include a Policy relating to the protection of European sites nor a policy specifically relating to the protection of functionally linked land within the South Hams SAC greater horseshoe bat consultation zone. Although the Neighbourhood Plan has to adhere to the overarching Local Plans policies, **it is recommended to strengthen the Neighbourhood Plan by adding a Policy or a condition in an existing policy that relates to the specific protection of European sites and highlights the specific requirements related to development within the South Hams SAC greater horseshoe bat consultation zone.**
- 5.19 This could include a statement along the line of: **“Proposals for development must adhere to Policy DEV26 of the Plymouth & South West Devon Joint Local Plan which in part states *“Development will not be permitted unless it will not adversely affect the integrity of a European site, either alone or in combination with other development”*. Additionally, any development (residential or business) which is located within the 4km South Hams SAC greater horseshoe consultation zone must consult and follow advice from the South Hams SAC – greater horseshoe bat consultation zone planning guidance (Natural England 2010) and the South Hams SAC greater horseshoe bats habitats regulations assessment guidance (Devon County Council, 2019) as to whether survey and mitigation would be required. A Habitats Regulations Assessment is required for all development within 4km of the South Hams SAC.”**
- 5.20 As the overarching Local Plan and the Local Plans of the other LPAs within the 4km consultation zone have been able to conclude no adverse effect on the integrity of the SAC alone or in-combination; should the above recommendation be included within the Staverton Neighbourhood Plan it can be concluded that the Staverton Neighbourhood Plan will not cause an adverse impact on the integrity of any European sites either alone or in-combination with other plans and projects.

6. Conclusions

6.1 The Staverton NP has a total of 16 policies. Of these policies two had the potential to cause a likely significant effect and were discussed with regards to their impacts on European sites within the Appropriate Assessment. These policies were:

- Policy SNP4 – housing development – Policy describes where development will be focused within the Parish and the conditions for permitting development within this allocation site. 14 dwellings are to be built on Land west of Beara Farm, five of which are to be affordable homes. A subsequent six dwellings are to be built on the Land between Woolston Green and Landscope Church.
- Policy SNP6: business, employment, and tourism development – Policy describes a development plan for a light industrial and/or business development at Barkingdon.

6.2 These policies were discussed relating to South Hams SAC and the NPs impact to those sites regarding the following impact pathways:

- Functionally Linked Land

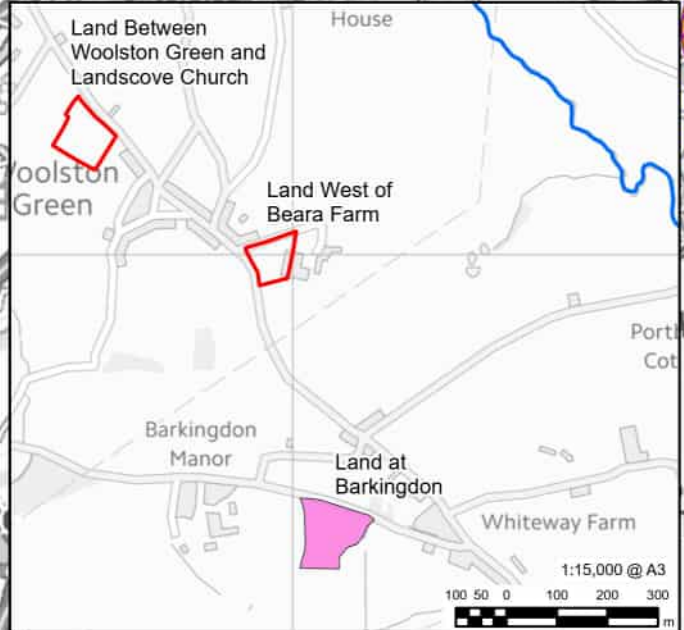
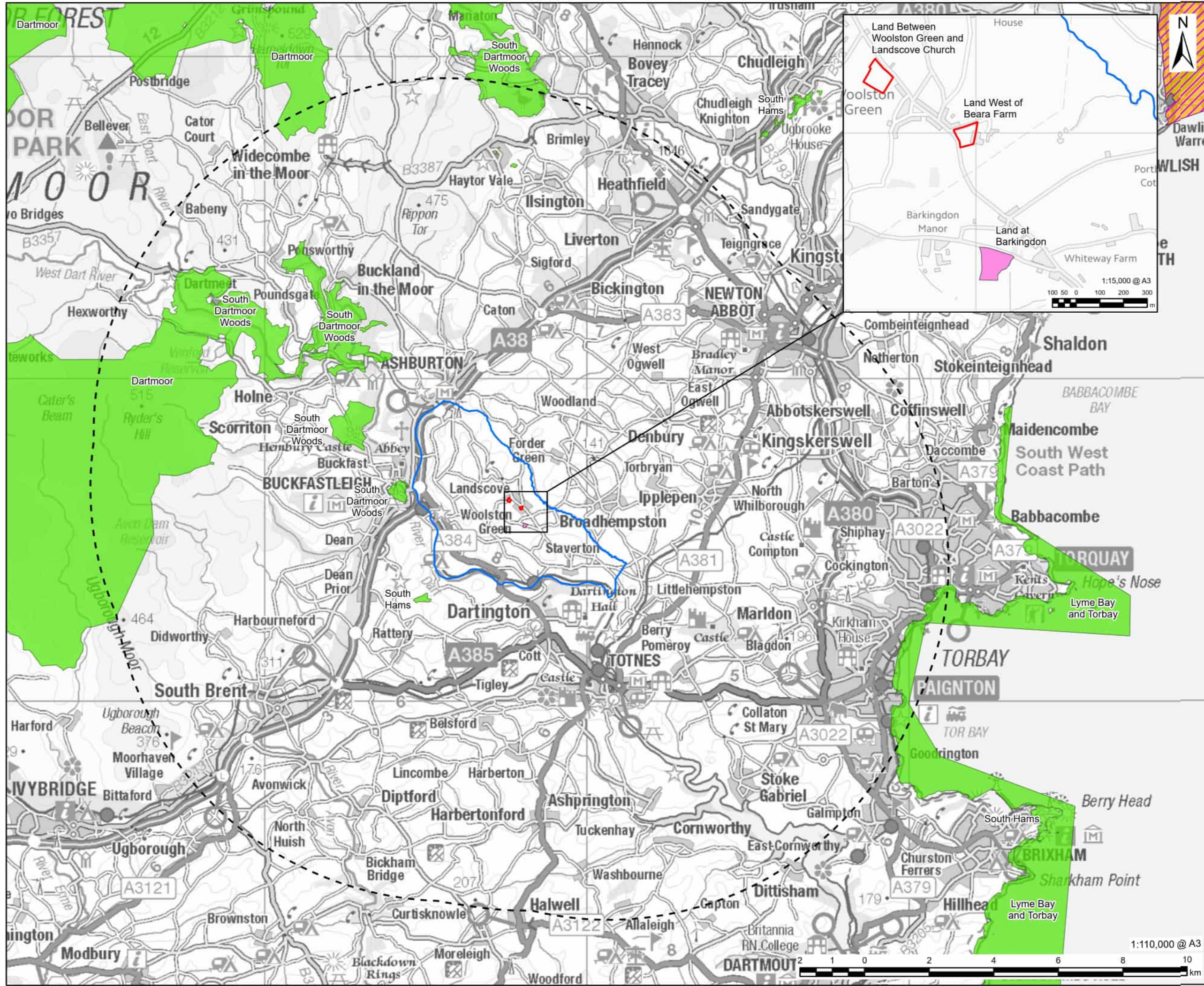
6.3 As the Neighbourhood Plan is not allocating more net new dwellings than that in the overarching Local Plan merely providing sites to facilitate the allocated number of dwellings, the Neighbourhood Plan was looked at in-combination with the Plymouth and South Devon Joint Local Plan which has already gone through an HRA for the Districts contribution and in-combination with the wider Devon and Cornwall area and was concluded with mitigation present that there would be no adverse impact on European sites. Therefore, to ensure that the Neighbourhood Plan can also conclude the same, the Neighbourhood Plan would need a robust policy framework referencing protective policies and mitigation present in the overarching Local Plan. As the Neighbourhood Plan does not currently provide a policy for the protection of European sites the following recommendation was made:

- **It is recommended to strengthen the Neighbourhood Plan by adding a Policy or a condition in an existing policy that relates to the specific protection of European sites and highlights the specific requirements related to development within the South Hams SAC greater horseshoe bat consultation zone.**

This could include a statement along the line of: “Proposals for development must adhere to Policy DEV26 of the Plymouth & South West Devon Joint Local Plan which in part states “*Development will not be permitted unless it will not adversely affect the integrity of a European site, either alone or in combination with other development*”. Additionally, all development (residential and employment) which is located within the 4km South Hams SAC greater horseshoe consultation zone must consult and follow advice from the South Hams SAC – greater horseshoe bat consultation zone planning guidance (Natural England 2010) and the South Hams SAC greater horseshoe bats habitats regulations assessment guidance (Devon County Council, 2019) as to whether survey

and mitigation would be required. A Habitats Regulations Assessment is required for all development within 4km of the South Hams SAC.”

- 6.4 Should this recommendation (in bold above) be incorporated into the final Staverton Neighbourhood Plan document it can be concluded that the Staverton Neighbourhood Plan will not cause adverse effects on European site integrity either alone or in-combination with other plans or projects.
- 6.5 The final version of the Staverton Neighbourhood Plan was received by AECOM in March 2023. The Neighbourhood Plan Group accepted the HRA recommendations within Paragraph 6.3 and incorporated these into the final version of the Neighbourhood Plan. The following has been included within Policy SNP11: Landscape and Biodiversity and its supporting information; *“Development proposals must ensure that the integrity of any European site will not be adversely affected. Any new development within 4km of the South Hams SAC greater horseshoe bat consultation zone must prepare a Habitats Regulations Assessment (HRA) and follow advice from the relevant South Hams SAC planning guidance published by Natural England in 2010 and the South Hams SAC HRA guidance published by Devon County Council in 2019 as to whether survey and mitigation would be required.”*
- 6.6 With the above information incorporated within the final Neighbourhood Plan document it can be concluded that the Staverton Neighbourhood Plan will not cause an adverse effect on European site integrity either alone or in-combination with other plans or projects.



PROJECT
 Staverton Neighbourhood
 Plan Habitats Regulations
 Assessment

CLIENT
 Staverton Neighbourhood
 Plan Group

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- LEGEND**
- Staverton Parish Boundary
 - 10km Study Area
 - Housing Allocation Site
 - Industrial/Business Allocation Site
 - Ramsar
 - Special Protection Area
 - Special Area of Conservation

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ISSUE PURPOSE
 FINAL
PROJECT NUMBER
 60571087
FIGURE TITLE
 European Sites and Site Allocations

FIGURE NUMBER
 Figure 1



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