

Kingswear Neighbourhood Plan

(Pre Regulation 14 Version submitted in May 2019)

Strategic Environmental Assessment and Habitats Regulation Assessment JUNE 2019

SCREENING OPINION

SEA

Having taken all of the relevant policies of the draft Kingswear Neighbourhood Plan (Pre Regulation 14 Version submitted in May 2019) into account, and assessed the potential environmental impact on designated sites and landscapes, it is the Council's opinion that a full SEA is not required for the Neighbourhood Plan since no development proposals are included in the Plan. The full reasons for this conclusion are set out in the screening report in Appendix 1.

HRA

Kingswear lies within the sustenance zone of the Berry Head SSSI (South Hams SAC). The Plan does not allocate any development sites. In the light of this Council consider the Kingswear Neighbourhood Plan will not have a significant effect on a European Site and therefore further assessment under the Habitat Regulations is not required. Full reasons are set out in Appendix 2 of this report.

Summary

SEA

This statement has been produced to comply with Regulation 15(1) e (ii) of the Neighbourhood Planning (General) (Amendment) Regulations 2015.

A neighbourhood plan is required to meet a number of basic conditions, one of which being it must not breach, and must be otherwise compatible with EU and Human Rights obligations. This requires neighbourhood plans to fully consider the requirements of the SEA regulations which transpose the EU's SEA Directive into law and which requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.

A Strategic Environmental Assessment (SEA) Screening Opinion was prepared by South Hams District Council for the Kingswear Neighbourhood Plan Neighbourhood Plan which has despatched along with the relevant Version of the Plan.

Having taken all of the relevant policies of the draft Neighbourhood Plan into account, and assessed the potential environmental impact on designated sites and landscapes, it is the Council's opinion that a full SEA is not required for the Kingswear Neighbourhood Plan. The reasons for this conclusion are set out in the screening report in Appendix 1.

HRA

The legislative basis for the **Habitats Regulations Assessment (HRA)** is EU Habitats Directive Article 6(3) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The 'Natura 2000 network' (more commonly referred to as 'European Sites') of sites are designated for the importance of habitats, species and birds (under the 'Habitats Directive' for Special Areas of Conservation, and the 'Birds Directive' for Special Protection Areas). The designation of European Sites was intended to provide legal protection for this flora and fauna of a European importance, requiring their maintenance or restoration in a favourable condition.

The process of HRA encompasses the requirements of the Habitats Directive and Habitats Regulations, and includes a decision on whether the plan (including Neighbourhood Plans) should be subject to appraisal. The 'screening' process is used to consider whether the plan would be likely to have significant effects on a European Sites, and if so whether an 'appropriate assessment' is necessary.

Due to the no development being proposed in the Plan, the Council considers that the Kingswear Neighbourhood Plan will not have a significant effect on a European site and that therefore further assessment under the Habitats Regulations is not required. The full reasons are set out in Appendix 2 of this report.

Consultation

The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted June 3rd 2018 the results of the consultation are set out in Appendix 3

Appendix 1

Kingswear Neighbourhood Plan Strategic Environmental Assessment Screening Opinion

1.1 - Strategic Environmental Assessment (SEA) Process

The need for environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC, this was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 or SEA Regulations. The Localism Act 2011 requires neighbourhood plans to comply with EU legislation, although not all neighbourhood plans will require full environmental assessment, depending on what they propose and what effect this might have on the environment.

The Neighbourhood Planning Regulations (General) 2012 as amended in January 2015 require qualifying bodies to submit to the LPA with their neighbourhood plan either a SEA report or a statement of reasons as to why this has not been necessary (Regulation 15(1)e). The latter will only be appropriate where the neighbourhood plan has been assessed using the criteria referred to in Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004; and where this assessment has shown that the neighbourhood plan is plan proposal is unlikely to have significant environmental effects. The 'Regulation 9' criteria are set out in Schedule 1 as follows:

1. The characteristics of plans and programmes, having regard, in particular, to—
 - (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
 - (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
 - (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
 - (d) environmental problems relevant to the plan or programme; and
 - (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—
 - (a) the probability, duration, frequency and reversibility of the effects;
 - (b) the cumulative nature of the effects;
 - (c) the transboundary nature of the effects;
 - (d) the risks to human health or the environment (for example, due to accidents);
 - (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
 - (f) the value and vulnerability of the area likely to be affected due to—
 - (i) special natural characteristics or cultural heritage;
 - (ii) exceeded environmental quality standards or limit values; or
 - (iii) intensive land-use; and
 - (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

As part of its duty to support neighbourhood plans, South Hams District Council agreed to undertake the screening process to determine whether the Kingston Neighbourhood Plan is likely to have significant environmental effects, and consequently whether SEA is required.

1.2. Kingswear and environmental constraints in the Neighbourhood Plan Area

The Neighbourhood Plan Area covers Kingswear Parish in South Hams District Council, Devon. Kingswear is a largely rural parish with a population of 1215 (2011 Census). 545 live in the village of Kingswear, 670 in the village of Hillhead and the rural parts of the Parish. The Plymouth & South West Devon Joint Local Plan (JLP) identifies neither Kingswear nor Hillhead in its 'Smaller Towns and Key Villages' tier of rural settlements. The JLP does allocate a site for development (Policy TTV5), lying within the Kingswear Parish, at Noss-on-Dart (the site of the former Philip and Co Shipyard) for mixed-use development including employment (Use Classes B1, B2 and B8), commercial, education, a hotel, retail land enabling residential development (126 new homes). A planning application for this development was approved on 10th August 2018 (application Code No 2161 OPA).

The Kingswear Parish lies wholly within the South Devon AONB. SACs. There are two SSSIs in the Parish as follows:-

- Scabbacombe: This site is a locality of Field Eryngo *Eryngium campestre*, a British Red Data Book* species afforded special protection under Schedule 8 of the Wildlife and Countryside Act, 1981.
- Froward Point: This site is important for its coastal plant communities and in particular for the maritime heathland and grassland which support several local and rare species.

The Parish also contains 18 County Wildlife sites.

There are 32 listed buildings in the Kingswear Parish and the village of Kingswear includes a Conservation Area.

1.3. Kingswear Neighbourhood Plan

The Draft Kingswear Neighbourhood Plan (the Plan) sets out policies and approaches which will add local detail to policies within the Joint Local Plan. The Plan sets out a vision for Kingswear as follows:

“To promote a thriving and sustainable community while protecting the special charm and character of Kingswear Parish and the AONB for residents and visitors.”

The Plan contains nineteen policies which are summarised below:-

Table 1. Summary of policies in the Plan

Policy	Summary of aims and key environmental effects
<i>Policy K1:</i>	Delineates the settlement boundaries for the key villages in Kingswear Parish, Kingswear and Hillhead as a protection against sporadic/ inappropriate development.
<i>Policy K2: Exception Sites for Local Needs</i>	Where evidence of exceptional local need for affordable homes is provided, sites adjacent to the settlement boundary will be considered for the provision of housing. The Policy includes criteria addressing access and car parking and

	environmental issues, amongst others, that should be taken into account in assessing development proposals..
<i>Policy K3: Local Connection for Affordable Housing</i>	Seeks to ensure new affordable housing provision is occupied on a preferential basis by local persons (and their dependants) whose housing needs are not met by the market.
<i>Policy K4: Design of Development in Kingswear Parish</i>	Seeks to ensure new development accords with the Kingswear Character Assessment 2019 (forthcoming).
<i>Policy K5: New homes to be primary residences</i>	Seeks to ensure new dwellings are occupied as a Principal Residence.
<i>Policy K6: Protection of local heritage assets</i>	Buildings and structures of significant local architectural and historic interest have been identified and are listed in Appendix 1 of this Plan. The policy seeks to ensure these are protected and that new development takes them fully into account.
<i>Policy K7: Traffic Calming and Parking Standards</i>	Seeks to ensure that appropriate new development includes measures to improve pedestrian and cycle safety. Also sets standards for car parking that should accompany new residential development.
<i>Policy K8: Protection of Trees and Woodland</i>	Seeks to protect trees and woodland from development proposals.
<i>Policy K9: Local Wildlife Sites and habitats</i>	Seeks to protect Priority Habitats from development and ensure adequate mitigation where appropriate.
<i>Policy K10: Local Green Spaces</i>	Identifies Local Green Space.
<i>Policy K11: Public Open Space and Access to Water</i>	Identifies public open spaces providing access to the river and seeks protect and enhance these locations if new development is proposed.
<i>Policy K12: Protection of Important Public Views and Vistas</i>	Identifies views and vistas that are important to the character and local distinctiveness of Kingswear Parish and seeks to protect from inappropriate development.
<i>Policy K13: Footpaths and Rights of Way Network</i>	Seeks to protect and where appropriate extend and enhance the network of existing and public rights of way in the parish.
<i>Policy K14: Allotments and Community Orchard</i>	Requires that the Allotment and Community Orchard sites identified retain their community use.

<i>Policy K15: Renewable Energy Policy</i>	Encourages development proposals to include energy saving technology and identifies development that would be inappropriate in the AONB.
<i>Policy K16: Minor Employment Development and live/work units</i>	Encourages start-up businesses from home, live-work units and other small business developments within residential areas where appropriate.
<i>Policy K17: Protecting Community Assets</i>	Identifies community assets and seeks to protect from inappropriate change of use.
<i>Policy K18: Provision of Play Facilities</i>	Identifies a need for the provision of play facilities in the Hillhead area. Requires new residential development in Hillhead to include proposals that address this issue.
<i>Policy K19: Priorities identified for developer contributions to be spent within the Neighbourhood area</i>	Identifies priorities for investment should monies come available for new development.

2.0. SEA Screening and Statement of Reasons

Table 2 below provides the screening determination of the need to carry out a full Strategic Environmental Assessment for the Kingswear Neighbourhood Plan, including a statement of reasons for why this has not been considered necessary. The statutory consultees consisting of Natural England, Historic England and the Environment Agency will be consulted to ask for their comments.

Table 2: SEA screening

Criteria	Significant environmental effect?	Reason
1. The characteristics of plans and programmes, having regard, in particular, to—		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	NO	The broader policy framework is set by the NPPF and the Local Plan. The Kingswear Neighbourhood Plan does not propose significant new development in addition to or in contradiction of the Local Plan.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	NO	Neighbourhood plans should be taken into account by other proposed plans, including the Local Plan, but there are no plans or programmes that need to be in conformity with it. The Plan will therefore not significantly influence other plans and programmes.

(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	NO	The policies in the Kingswear Neighbourhood Plan are not considered likely to have a significant environmental impact on the integration of environmental considerations. Any development proposed will be in accordance with environmental protection policies of the adopted Local Plan and the National Planning Policy Framework (NPPF).
(d) environmental problems relevant to the plan or programme; and	NO	The Neighbourhood Plan area lies within the sustenance zone of the Berry Hill bat roost. The Plan proposes no development and contains policies that seek to protect the environment and will not give rise to unacceptable environmental impacts.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	NO	The Neighbourhood Plan is not relevant as a plan for implementing EC legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
(a) the probability, duration, frequency and reversibility of the effects;	NO	Any effects of the proposals advanced by the Plan are considered to have minimal environmental impact. Policies in the Plan, that support development, seek to minimise any potential impacts.
(b) the cumulative nature of the effects;	NO	The effects from the Plan as a whole are not considered to be significantly greater than those from any individual policy.
(c) the transboundary nature of the effects;		The Plan will not have any transboundary effects.
(d) the risks to human health or the environment (for example, due to accidents);	NO	There are considered to be no risks to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	NO	The Neighbourhood Plan area covers the Parish of Kingswear. The population of the Neighbourhood Area is approximately 1215. This is considered to be a small area in terms of potential wider environmental effects.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	NO	As already illustrated, the only vulnerable area which may be effected is considered to be the Berry Point SSSI, and any effects are likely to be minimal.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	NO	As above and elsewhere in this document. In addition, the Plan contains policies which are likely to have a positive effect on the environment generally.

2.1 SEA Screening Opinion

The Kingswear Neighbourhood Plan does not identify any sites for development and proposes a continuity of land uses as they exist at present. Furthermore, the Plan includes a suite of policies that are devised to meet the Plan's Vision and Objectives which seek to protect the environment and mitigate any impacts that may arise from implementation of the Plan.

Having taken into account all the policies included into account and having assessed potential impacts on Designated Sites and Landscapes, this screening opinion has concluded that SEA is not required.

Appendix 2

Kingswear Neighbourhood Plan Habitats Regulations Assessment: Screening

1.0. The HRA process

The legislative basis for the **Habitats Regulations Assessment (HRA)** is EU Habitats Directive Article 6(3) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The 'Natura 2000 network' (more commonly referred to as 'European Sites') of sites are designated for the importance of habitats, species and birds (under the 'Habitats Directive' for Special Areas of Conservation, and the 'Birds Directive' for Special Protection Areas). The designation of European Sites was intended to provide legal protection for this flora and fauna of a European importance, requiring their maintenance or restoration in a favourable condition.

With respect to this HRA, all of the following designations, to which the HRA process applies, are referred to as 'European sites':

- **Special Areas of Conservation (SACs)** special protection to flora, fauna and habitats
- **Special Protection Areas (SPAs)** are areas of land, water or sea of international importance for the breeding, feeding, wintering or the migration of rare, vulnerable or migratory species of birds
- **Ramsar sites**, identified through the Convention on Wetlands of International Importance
- **Proposed and candidate SPAs and SACs** (pSPA, cSPA, pSAC, cSAC) that are being considered for designation

1.1. The HRA screening process for neighbourhood plans

There are particular requirements for plans and projects set out within the European Directives (and transposed into domestic legislation in England by the 'Habitats Regulations').

The process of HRA encompasses the requirements of the Habitats Directive and Habitats Regulations, and includes a decision on whether the plan (including Neighbourhood Plans) should be subject to appraisal. The 'screening' process is used to consider whether the plan would be likely to have significant effects on a European Sites, and if so whether an Appropriate Assessment is necessary.

An Appropriate Assessment will consider the implications for the European Site in view of the conservation objectives (generally to restore or maintain the features which led to the designation of the site), and consider whether the plan could affect the integrity of the site. More detailed mitigation measures may be considered at this stage. A plan should only be agreed once the competent authority has established that the plan will not adversely affect the integrity of the European Sites.

With respect to Neighbourhood Plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed Neighbourhood Plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of the basic conditions requires Neighbourhood Plans to be compatible with EU obligations and to demonstrate that it is not likely to have a significant effect on a European Site.

The Habitats Regulations do not prescribe a specific methodology for undertaking or reporting the appraisal of plans, however there is guidance within various documents and the following are most relevant:

- ODPM Circular 06/2005
- The *Habitats Regulations Assessment of Local Development Document* (David Tyldesley and Associates for Natural England – final draft 2009)
- *Habitats Regulations Appraisal of Plans, Guidance for Plan-Making bodies in Scotland* (David Tyldesley and Associates, 2012).

As this Neighbourhood Plan is not directly connected with or necessary for the management of a European site for nature conservation purposes it must proceed through the HRA screening process.

2.0. Selecting European sites that should be considered in the HRA screening

The decision about which European Sites should be considered in the Appraisal is based upon the checklist below (*adapted from Figure 2 of HRA of Plans, David Tyldesley and Associates, 2012*).

- Sites within the plan area
- Sites upstream or downstream of the plan area in the case of river or estuary
- Wetland sites with relevant hydrological links to land within the plan area
- Sites which have significant ecological links with land in the plan area (e.g. migratory birds/mobile species)
- Sites which may receive increased recreational pressure from the plan
- Sites that may be used for water abstraction
- Sites that could be affected by discharge of effluent from waste water treatment
- Sites that could be affected by significant increases in emissions from traffic

Appendix 3

Responses from Statutory bodies

Organisation	Comment
<p>David Stuart Historic Places Adviser South West Direct Line: 0117 975 0680 Mobile: 0797 924 0316</p> <p>Historic England 29 Queen Square Bristol BS1 4ND https://historicengland.org.uk/southwest</p>	<p>Thank you for your consultation on the SEA Screening for the emerging Kingswear Neighbourhood Plan.</p> <p>This is our first involvement in the preparation of this Plan since offering initial generic advice at the time of the area’s designation in March 2016. We therefore also appreciate the opportunity to view the draft pre-submission version of the Plan provided with this consultation as this will allow us to identify issues of interest which it may be useful to highlight.</p>

	<p>As it happens, there are no issues associated with the Plan which we feel the need to identify and as such we have no objection to the view that a full SEA is not required.</p> <p>Kind regards</p> <p>David</p>
<p>Victoria Kirkham Consultations Team Natural England County Hall Spetchley Road Worcester WR5 2NP</p> <p>www.gov.uk/natural-england</p>	<p>SEA and HRA Screening of Kingswear’s Draft Neighbourhood Plan</p> <p>Thank you for your consultation on the above dated 3rd June 2019 which was received by Natural England on the same day.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Strategic Environmental Assessment Screening</p> <p>We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. that ‘a full SEA is not required’.</p> <p>Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance.</p> <p>Habitats Regulations Assessment Screening</p> <p>Natural England notes the screening process applied to this Neighbourhood plan. We agree with the conclusion of the report that the Kingswear Neighbourhood Plan will not have a significant effect on a European site and therefore further assessment under the Habitats Regulations is not required.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p> <p>Yours sincerely Victoria Kirkham Consultations Team</p>

EUROPEAN SITES THAT COULD POTENTIALLY BE AFFECTED BY THE KINGSWEAR NEIGHBOURHOOD PLAN

SOUTH HAMS EUROPEAN SITES				
Site Name & Designation	Qualifying Interests	Site vulnerabilities	Potential effects associated with development (general)	Likelihood of a Significant Effect from the Strete Neighbourhood Plan
Dartmoor SAC	<p>Northern Atlantic wet heath with <i>Erica tetralix</i></p> <p>European dry heath</p> <p>Blanket bog</p> <p>Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Southern damselfly <i>Coenagrion mercuriale</i></p> <p>Otter <i>Lutra lutra</i></p> <p>Atlantic salmon <i>Salmo salar</i></p>	<p>Visitor and recreational pressure including accidental and deliberate burning, trampling and erosion particularly of blanket bog, disturbance of otters by activity on/near rivers</p> <p>Nutrient/acid deposition causing habitat loss</p> <p>Water quality – effect on Atlantic salmon and Otter</p>	<p>Increased recreational pressure resulting from new development</p> <p>Air pollution associated with new development</p>	None due to geographical separation and lack of impact pathways
Plymouth Sound and	Sandbanks which are slightly covered by sea water all the time	Increased pressure for recreational moorings and facilities, port development, dredging	Increased recreational pressure - physical damage	None due to geographical separation and lack of impact pathways

Estuaries SAC	<p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Large shallow inlets and bays</p> <p>Reefs</p> <p>Atlantic salt meadows</p> <p>Shore dock</p> <p>Allis shad</p>	<p>Sensitivity to oil pollution</p> <p>Allis shad vulnerable to noise, vibration and degraded water quality</p>		
South Dartmoor Woods SAC	<p>Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>European dry heath</p>	<p>Visitor and recreational pressures</p> <p>Air pollution (associated with atmospheric nitrogen deposition from agriculture, industry, vehicles)</p>	<p>Increased recreational use – trampling and erosion/fires</p> <p>Air pollution associated with new development</p>	None due to geographical separation and lack of impact pathways
Tamar Estuaries Complex SPA	<p>Internationally important populations of Avocet and Little Egret</p>	<p>Disturbance to Avocet and Little Egret</p> <p>Habitat loss – water quality, acid and nitrate deposition in important wetland areas</p>	<p>Increased recreational pressure associated with development – visual and noise disturbance of Avocet and Little Egret</p> <p>Additional housing in vicinity of SPA increasing discharge of pollutants from waste water treatment works (non-toxic contamination)</p>	None due to geographical separation and lack of impact pathways
Start Point to Plymouth Sound and Eddystone SAC	<p>Reefs</p>	<p>Fishing</p>	<p>Recreational angling</p>	None due to geographical separation and lack of impact pathways
South Devon	<p>Vegetated sea cliffs of the</p>	<p>Recreational disturbance</p>	<p>Additional pressure from new residents recreation along coastal areas</p>	None due to geographical separation and lack of impact pathways

Shore Dock SAC	Atlantic and Baltic coasts Shore dock Rumex rupestris			
Blackstone Point SAC	Shore dock Rumex rupestris	None identified in SIP	Changes to surface water runoff quality	None due to geographical separation and lack of impact pathways
Lyme Bay and Torbay SAC	Reefs and sea caves	Public access and disturbance	Additional pressure from new residents recreation along coastal areas	None due to geographical separation and lack of impact pathways
South Hams SAC	Various habitats (associated with Berry Head site) and Greater Horseshoe Bat	Lighting, loss of supporting habitat in wider landscape for foraging and commuting, disturbance	Lighting, loss of supporting habitat in wider landscape for foraging and commuting, disturbance	Kingswear is within the sustenance zone for the Berry Head SSSI roost, and there is a strategic flyways to the south of Kingswear and along the adjacent River Dart. However the Neighbourhood Plan does not propose any development or allocations.

2.1. Conservation Objectives

Natural England publish Conservation Objectives for each European site. Conservation Objectives are intended to assist competent authorities with meeting their obligations under the Habitats Regulations, providing a framework to inform HRA, in particular the Appropriate Assessment stage of HRA.

Where Conservation Objectives are met for the Qualifying Species, the site is considered to exhibit a high degree of integrity and to be achieving a Favorable Conservation Status for that species or habitat.

With regards to the European sites, natural habitats and/or species for which the site has been designated (the Qualifying Features):

- *Avoid deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained or restored as appropriate and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.*
- *Subject to natural change, to maintain or restore:*
 - *The extent and distribution of qualifying natural habitats and habitats of qualifying species;*
 - *The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;*
 - *The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;*
 - *The populations of qualifying species;*
 - *The distribution of qualifying species within the site.*

2.2 Criteria with which to screen the Neighbourhood Plan

The following table sets out criteria to assist with the screening process of policies and proposals within the Neighbourhood Plan to consider their potential effects on European Sites. Policies and proposals that fall within categories A and B are considered not to have an effect on a European Site and are not considered further within the HRA process. Policies and proposals that fall within categories C and D are considered further, including an in-combination consideration. If straightforward mitigation measures cannot be applied to avoid any significant effects, then any remaining policies and proposals that would be likely to have a significant effect on a European site, either alone or in combination must be taken forward to an Appropriate Assessment.

Category A: No negative effect	
A1	Options / policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.
A2	Options / policies intended to protect the natural environment, including biodiversity.
A3	Options / policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site .
A4	Options / policies that positively steer development away from European sites and associated sensitive areas.
A5	Options / policies that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
Category B: No significant effect	

B	An option or policy or proposal that could have an effect but would not be likely to have a significant (negative) effect because the effects are trivial or 'de minimis', even if combined with other effects.
Category C: Likely significant effect alone	
C1	The option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.
C2	The option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.
C3	Proposals for a magnitude of development that, no matter where it was located, the development would be likely to have a significant effect on a European site.
C4	An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following consideration of options in a later, more specific plan . The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information.
C5	Options, policies or proposals for developments or infrastructure projects that could block options or alternatives for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided.
C6	Options, policies or proposals which depend on how the policies etc are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site.
C7	Any other options, policies or proposals that would be vulnerable to failure under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning.'
C8	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the plan provides the imperative reasons of overriding public interest to justify its consent despite a negative assessment.
Category D: Likely Significant effect in combination	
D1	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals provided for or coordinated by Our Plan the cumulative effects would be likely to be significant.
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects , and possibly the effects of other developments provided for in Our Plan as well, the combined effects would be likely to be significant.
D3	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.

3.0. Kingswear Neighbourhood Plan screening

Table 1: HRA Screening

Policy/Proposal	Category (A,B,C,D)	Reason for category (unless clear)	Potential impacts on European sites	European sites affected	Mitigation required
All Policies	A1, A2, A3,A4 and A5	No development proposed and policies proposed seek to protect and mitigate potential impacts.	None	None	None

3.1. Additions/revisions required to the Kingston Neighbourhood Plan

3.2. HRA CONCLUSION AND SCREENING OPINION

It is considered that the Kingswear NP will not have a significant effect on a European site and that therefore further assessment under the Habitats Regulations is not required.