

VALERIE SCOTT PLANNING

Town Planning and Development Services

## **Bigbury Neighbourhood Plan**

**2019 – 2038**

## **Basic Conditions Statement**

Prepared by the Bigbury Neighbourhood Plan Steering Group on behalf of Bigbury Parish Council.

Date: June 2019

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## 1. INTRODUCTION

1. This statement has been prepared to explain how the proposed Draft Bigbury Parish Neighbourhood Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 (the Regulations), and how the basic conditions of neighbourhood planning and other considerations as prescribed in Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 have been met.
2. Bigbury Parish is a qualifying body and entitled to submit a neighbourhood plan for its own parish. The Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.
3. The neighbourhood area is defined by the parish boundary, as shown on the Bigbury Parish map accompanying the Neighbourhood Area designation application made on 18 December 2015. A copy of the application and proposed Neighbourhood Plan area are enclosed in **Appendix 1**.
4. The application was advertised by South Hams District Council for four weeks between 18<sup>th</sup> December 2015 and 18<sup>th</sup> January 2016 during which comments were invited about whether the plan area was appropriate. Responses were received from:
  - Marine Management Organisation
  - Devon and Cornwall Police
  - South West Water
  - Highways England
  - Natural England
  - Historic England
  - Environment Agency
5. Notices of the application were also displayed throughout the parish area through the use of pink site notices and the opportunity to comment on the proposed designation was published on the South Hams District Council website, through local publicity and at a public meeting. The District Council received seven representations during the consultation period but there were no objections to the designation of the plan area proposed. The District Council confirmed their approval of the application on 21 January 2016. A copy of the designation report is enclosed in **Appendix 2**.
6. The Neighbourhood Plan covers a 20 year period from 2019-2038. This is similar period to the now adopted Plymouth and South West Devon Joint Local Plan.
7. No provision for excluded development such as national infrastructure is contained in the plan.
8. The neighbourhood plan relates to the Bigbury Parish only and to no other area. There are no other neighbourhood plans in place for Bigbury Parish.

## 2. THE CONCEPT OF THE BIGBURY PARISH NEIGHBOURHOOD PLAN

9. The process of creating the Bigbury Neighbourhood Plan has been led by members of the local community and is part of the Government's approach to planning contained in the Localism Act of 2011. The Localism Act provides the legislation for parish councils to prepare neighbourhood plans, which will give their community greater control over local decisions like housing and planning.

10. The aim of this neighbourhood plan is to put forward the wishes of the community as to any future development. The **community's vision** for the future of the parish as set out in the neighbourhood plan is:

*'To conserve and enhance the unique and special character of our rural and coastal community retaining its heritage significance and its outstanding natural beauty, whilst considering sensitive enhancements for the benefit of residents and visitors'.*

11. The **objectives** of the neighbourhood plan are as follows:

- To conserve and enhance the outstanding natural beauty of the countryside, coastline, beaches and the Avon estuary.*
- To conserve and enhance the designated and non-designated heritage assets within the parish.*
- To conserve and enhance existing woodlands, trees, hedgerows, Devon banks, green spaces and other important features of our natural landscape which are important to the overall environment and have important biodiversity value.*
- To support the agricultural economy of the parish and to encourage organic farming methods which support biodiversity and which retain existing field boundaries and hedgerows.*
- To conserve and enhance the biodiversity value of the area and to protect and enhance the Green Infrastructure of the parish.*
- To restrict new housing development to that which is essential to meeting local needs and only on sites within the existing village settlement boundaries or on the allocated site at St Ann's Chapel.*
- To maintain the vitality and viability of existing villages within the parish by retaining existing and encouraging new community facilities.*
- To promote a healthy and socially inclusive community by maintaining and enhancing our open space, recreation, leisure and sporting facilities.*
- To retain existing and provide new tourist facilities, if appropriate, ensuring that any new facilities are provided in a manner which preserves the beauty and unspoilt nature of the countryside, the coastline and the beaches.*
- To retain existing employment uses and to provide new facilities for local employment, providing this does not cause harm to the AONB and is in a sustainable location.*
- Any development should be of high quality and sympathetic to the character of the local area.*
- To retain the existing network of local roads and footpaths and encourage the provision of new footpaths and cycle ways to provide better access to the countryside and increased safety for pedestrians, cyclists and horse riders.*

- *To seek opportunities for improving infrastructure to make the parish more sustainable.*

12. Bigbury Parish Council has overseen the development of the neighbourhood plan but has delegated the preparation of this to a Steering Group chaired by Cllr Valerie Scott BSc, MCD, MRTPI who is also a resident of the parish. The Chairman of the Bigbury Parish Council, Cllr Bryan Carson is a member of the Steering Group as is Cllr Elizabeth Huntley who is a member of the Parish Council, and at the time of preparing this plan was the Charterlands Ward District Councillor. Bigbury Parish is within the Charterlands Ward.
13. From the stage of the original concept to prepare a neighbourhood plan for the parish and throughout the preparation of the draft plan the local community have been consulted and actively involved in the process. Details of the consultation process are contained in the Consultation Statement, published separately.

### 3. COMPLIANCE STATEMENT

14. The draft Bigbury Neighbourhood Plan was made available for consultation in accordance with Section 14 of the Regulations, from Friday, 25 January to Friday 8 March 2019.
15. Section 15 of Part 5 of the Regulations sets out the requirements for the qualifying body submitting a neighbourhood plan to the local planning authority as follows:

#### *Plan proposals*

15. (1) ***Where a qualifying body submits a plan to the local planning authority, it must include:***
  - a) ***A map or statement which identifies the area to which the proposed neighbourhood development plan relates:***
  - b) ***A consultation statement***
  - c) ***The proposed neighbourhood development plan; and***
  - d) ***A statement explaining how the proposed neighbourhood plan meets the requirements of Paragraph 8 of Schedule 4B of the 1990 Act.***

16. Part (a) is provided in Appendix 1 of this statement, which includes the application, map and designation decision notice.
17. Part (b) has been prepared and accompanies this statement.
18. Part (c) has been prepared and accompanies this statement.
19. With regard to part (d) it is confirmed that the Bigbury Neighbourhood Plan meets the following basic conditions:
  - The plan has regard to the national policies and advice contained in guidance issued by the Secretary of State.
  - The plan contributes to the achievement of sustainable development.
  - The plan is in general conformity with strategic policies contained in the development plan for the area of the authority.
  - The plan does not breach and is compatible with the EU obligations.
  - Prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with in connection with the proposal for the plan.
20. The following sections explain how the Bigbury Parish Neighbourhood Plan has met the basic conditions.

#### 4. SUMMARY OF SUBMISSION DOCUMENTS AND SUPPORTING EVIDENCE

21. In addition to the Basic Conditions Statement, the following documents have been prepared to support the preparation of the Neighbourhood Plan and to meet the Basic Conditions:

- The Bigbury Neighbourhood Plan has been developed with the community and contains proposals and policies to guide future development in the parish.
- The Bigbury Neighbourhood Plan Consultation Statement sets out the consultation and community process from early engagement with the community to obtain its support for the preparation of a neighbourhood plan, through to the formal pre-submission consultation.
- On 22<sup>nd</sup> November 2017 the Bigbury Parish Council requested South Hams District Council to provide a screening opinion on whether the neighbourhood plan should be subject to a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA).
- The screening opinion provided by the District Council confirmed that an SEA would be required primarily due to the proposed housing allocation at St Ann's Chapel within the South Devon Area of Outstanding Natural Beauty. A copy of the screening opinion is enclosed in **Appendix 3**. A Strategic Environmental Statement has been prepared by AECOM and is enclosed in **Appendix 4**.
- Initially the District Council decided that an HRA was not required but a new HRA Screening and Appropriate Assessment was carried out in January 2019 to assess mitigation measures as required in the 'Sweetman' Judgement and to consult Natural England. This HRA opinion, appropriate assessment and Natural England's response are attached in **Appendix 5**.

## 5. THE BASIC CONDITIONS

### Regard to National Policy and Guidance

22. The National Planning Policy Framework (NPPF), published in February 2019 provides a framework within which local communities can produce neighbourhood plans for their area and sets out how planning should help to achieve sustainable development.
23. The policies in paragraphs 7 to 14, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
24. The NPPF paragraph 8 states that there are three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways:
- **An economic objective** – to help build a strong responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - **An environmental objective** –to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
25. Table 1 below provides an appraisal of each of the policies of the Bigbury Neighbourhood Plan and shows how each policy is in conformity with the policies and guidance for delivering sustainable development as set out in the NPPF.

### Achieving sustainable development

26. At the heart of the NPPF is a presumption in favour of sustainable development. Sustainable development is defined in the NPPF as *'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'*.
27. The Bigbury Neighbourhood Plan has been prepared with a clear understanding of the need to achieve sustainable development and to ensure that the key elements for achieving these economic, social and environmental objectives, are being met. The column entitled 'Sustainable Development' in **Table 1** shows how each policy will contribute to these requirements.

### Conformity with Strategic Policies.

28. The Bigbury Neighbourhood Plan was originally prepared to be in conformity with the strategic and development plan policies set out in the South Hams District Council Development Framework comprising the Core Strategy, adopted December 2006 and the Development Policies Development Plan Document, adopted July 2010. However, at the time of preparation of the Neighbourhood



Plan, the Neighbourhood Plan Steering Group were aware that there was an emerging plan, called the Plymouth and South West Devon Joint Local Plan, which was likely to be adopted before or at a similar time to that of the Neighbourhood Plan and as such have ensured that the proposal and policies of the Neighbourhood Plan were also in accordance with the policies of the Joint Local Plan. The Joint Local Plan was adopted in March 2019, following the Regulation 14 Consultation of the Bigbury Neighbourhood Plan. However in the Consultation Neighbourhood Plan both sets of policies ie those in the South Hams District Council Development Framework and those in the emerging Joint Local Plan were referred to throughout the document and in support of the draft policies. The Regulation 15 Submission Plan now refers only to the Joint local Plan policies.

29. As part of the plan provision is being made for a community-led housing development of 13 dwellings to meet the identified local housing needs of the parish. The Submission Version of the Joint Local Plan the provision of circa 10 dwellings to be provided in the 'sustainable villages' with the rural areas and at that time St Ann's Chapel was identified as the only 'sustainable village' in the Bigbury Parish.
30. However, in the Main Modifications to the Joint Local Plan, following an Advice Note from the two Examination Inspectors, all villages in the AONB were removed from the list of sustainable villages. The Joint Local Plan does however still encourage the provision of new housing to meet local housing needs as part of Neighbourhood Plans and Policy TTV27; Meeting local housing needs in rural area permits proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose provided it can be demonstrated that it meets a proven need for affordable housing for local people and includes a mix of private and affordable housing with the open market housing being no more than 40% of the homes or land take. The proposed site allocation accords with this policy.
31. There has been active engagement with officers of South Hams District Council during the course of the preparation of the plan and officers have confirmed throughout the process that the policies of the Neighbourhood Plan have been consistently in conformity with the strategic policies of the previously adopted Local Development Framework and newly adopted Joint Local Plan.
32. The policies of the South Devon Area of Outstanding Beauty Management Plan 2019 - 2024 (AONB MP), South Devon Estuaries Environmental Management Plan 2016 – 2024 and South Devon and Dorset Coast Shoreline Management Plan, Durlston Head to Rame Head, June 2011 have also been taken into account when preparing the Neighbourhood Plan.

### **Compatibility with EU Legislation**

33. An application for a screening opinion for the need for Strategic Environmental Assessment (SEA) and for Habitats Regulations Assessment (HRA) was made to South Hams District Council on 22 November 2017.
34. A screening opinion was provided by South Hams District Council on 6<sup>th</sup> December 2018 where it was concluded that an SEA should be carried out in order to assess potential impacts of the neighbourhood plan on the environment. This was primarily due to the proposed allocation of a site for housing development at St Ann's Chapel within the South Devon Area of Outstanding Natural Beauty and in the absence of detailed evidence at that time to show that development on this site would not have an unacceptable impact on the landscape within the AONB. It was stated that the report should be proportional to the plan being assessed and should focus primarily on this

landscape issue, although assessment of the likely impact on heritage assets would also be appropriate. A copy of this email is enclosed at **Appendix 3**.

35. A Strategic Environmental Assessment (SEA) for the Bigbury Neighbourhood Plan was prepared by AECOM and published in September 2018. A copy of the SEA is enclosed in **Appendix 4**. The assessment concludes as follows:

*'The assessment has concluded that the current version of the Bigbury Neighbourhood Plan is likely to lead to positive effects in relation to the 'population and community' and 'health and wellbeing' SEA themes. These benefits largely relate to the Neighbourhood plan's focus on enhancing the quality of life of residents and accessibility, including through improving the availability and affordability of new housing, encouraging access to community services, facilities and the natural environment, and supporting economic vitality.*

*The Neighbourhood Plan has a strong focus on maintaining and enhancing the rural nature of the parish, and protecting its heritage and landscape character. Focus is placed on maintaining and enhancing the character of the AONB, the Heritage Coast and their setting, while also ensuring that future change (including the allocation proposed through the Neighbourhood Plan) does not adversely affect the landscape and historic environment of the Neighbourhood Plan area. The policies of the Neighbourhood Plan are therefore expected to result in a range of positive effects in relation to 'landscape and the historic environment' theme. Through supporting the protection of designated biodiversity sites, and through seeking to enhance habitats, species and ecological networks in the parish, long-term positive effects are also expected to be delivered in relation to the 'biodiversity' theme.*

*Uncertain minor positive effects are anticipated for the 'transportation' theme. While the Neighbourhood Plan delivers a strong policy framework in relation to this theme, the key existing issues for the parish relating to the existing road network and public transport provision are unlikely to be significantly addressed. This is due to these issues largely being outside the scope of the Neighbourhood Plan to address.*

*The Neighbourhood Plan is expected to lead to uncertain effects in relation to the 'land, soil and water' theme given the potential loss of best and most versatile agricultural land. Neutral effects are predicted for climate change; recognising that there is relatively limited potential for the Neighbourhood Plan to significantly affect this topic.'*

36. The Bigbury Neighbourhood Plan Habitat Regulations Appropriate Assessment was initially deemed to be unnecessary by South Hams District Council (SHDC) but a new HRA screening and appropriate assessment were carried out by SHDC in January 2019 and this was submitted to Natural England who have commented on the findings and agreed to the Final Assessment, which was prepared by SHDC. A copy of the screening opinion, screening report, appropriate assessment and letter dated 15 April 2019 from Natural England are enclosed in **Appendix 5**.

**TABLE 1 – REGARD TO NPPF AND LOCAL PLANNING POLICIES FOR THE AREA**

<b>Policy Number</b>	<b>Neighbourhood Plan Policy</b>	<b>Regard to the National Planning Policy Framework</b>	<b>Sustainable Development Eg Social, Environmental or Economic</b>	<b>General conformity with the JLP, South Devon AONB MP, South Devon Estuaries Environmental MP and Shoreline MP</b>
<b>BP1</b>	<b>Housing Allocation</b>	NPPF paras 7-11, 13,16, 29, 59-62, 66, 69, 77 and 78.	Contributes to the economic role by ensuring sufficient land of the right type is available in the right place and a social role in supporting the essential local housing needs of the community.	JLP Policies SPT1, SPT2, SPT3, TTV1, TTV2, TTV25, TTV27, DEV8, DEV9 and DEV28.  AONB MP Policies Lan/P1, Lan/P6 and Lan/P7.
<b>BP2</b>	<b>Other housing development</b>	NPPF paras 7-11 and 13-16.	Contributes to the environmental role of protecting and enhancing our natural, built and historic environment whilst still providing for the essential local housing needs of the community.	JLP Policies SPT1, SPT2, SPT3, TTV1, TTV2, TTV26, TTV29 and DEV 23.  AONB MP Policies Lan/P1. Lan/P6 and Lan/P7.
<b>BP3</b>	<b>Subdivision of</b>	NPPF paras 7-11,	Contributes to	JLP Policies

	<b>existing plots</b>	13-16, 29, 70, 77 and 78.	the economic role in terms of providing additional housing where possible, meeting the social need for more housing but at the same time ensuring that the environment is protected.	SPT1, SPT2, SPT3, DEV1, DEV10 and DEV20.
<b>BP4</b>	<b>Principal residence</b>	NPPF paras 7-11, 13-16, 29, 56, 61, 77 and 78.	Meeting the economic and social needs of the area in terms of ensuring sufficient affordable housing to meet local needs and protecting the environment by ensuring that the pressures for development within the rural areas of the AONB and Heritage Coast are restricted to providing for local housing needs.	JLP Policies SPT1, SPT2, TTV2, DEV8 and DEV9.
<b>BP5</b>	<b>Housing for the elderly</b>	NPPF paras 7-11, 13-16, 29, 59-62, 66, 69, 77 and 78.	Meeting the economic and social needs of the elderly whilst also protecting the environment.	JLP Policies SPT1, SPT2, TTV2, DEV8 and DEV9.

<b>BP6</b>	<b>Residential care and nursing homes</b>	NPPF paras 7-11, 13-16, 29, 59-62, 66, 69, 77 and 78.	Meeting the economic and social needs for people in need of care whilst also protecting the environment.	JLP Policies SPT1, SPT2, TTV2, DEV9, DEV14, DEV18 and DEV30.
<b>BP7</b>	<b>General design principles for new housing development</b>	NPPF paras 7-11, 13-16, 124-131, 149-151, 170, 172, 174, 175, 184, 185 and 192-198.	Meeting economic and social needs by providing a high quality built environment whilst contributing to protecting the natural, built and historic environment.	JLP Policies SPT1, SPT2, DEV1, DEV2, DEV8, DEV10, DEV20 and DEV30.
<b>BP8</b>	<b>Existing and proposed employment</b>	NPPF paras 7-11, 83 and 84.	Meeting the economic and social needs for employment provision whilst protecting the environment.	JLP Policies SPT1, SPT4, TTV2, DEV14, DEV15 and DEV 19. AONB MP Policy Econ/P3.
<b>BP9</b>	<b>Agricultural development</b>	NPPF paras 7-11, 83, 84 and 170-174.	Meeting the economic and social needs of the farming community and protecting the natural, built and historic environment.	JLP Policies SPT1, TTV2, TTV26 and DEV15. AONB MP Policies Lan/P1, Lan/P3, Lan/P1-7 and Econ/P3.
<b>BP10</b>	<b>Conversion of farm and rural buildings</b>	NPPF paras 7-11 and 77-79.		JLP Policies SPT1, TTV2, TTV26, DEV21 and DEV23. AONB MP

				Policies Lan/P1, Hist/P1 and Hist/P2.
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<b>BP11</b>	<b>Tourism related development</b>	NPPF paras 7-11, 83, 84, 166-168 and 170-173.	Meeting economic and social needs of the area by supporting tourism within the area and to provide opportunities for local employment whilst also protecting the natural, built and historic environment. needs in supporting	JLP Policies SPT1, TTV2 and DEV15.  AONB MP Policy Acc/P1.
<b>BP12</b>	<b>Catered holiday accommodation</b>	NPPF paras 7-11, 83, 84 and 170-173.	Meeting the economic and social needs of the area by supporting tourism whilst protecting the environment.	JLP Policy SPT1, TTV2.
<b>BP13</b>	<b>Camping and caravan sites</b>	NPPF paras 7-11 and 170-173.	Providing for the economic and social needs relating to the provision of sites for camping and caravanning whilst protecting the natural, built and historic environment.	JLP Policy SPT1, DEV15.
<b>BP14</b>	<b>Community facilities</b>	NPPF paras 7-11, 83, 84, 91, 92, 96 and 97.	Meeting the economic and social needs of the local community, enabling villages to be	JLP Policies SPT1, SPT2, TTV2, DEV15, DEV18 and DEV30.  AONB MP

			more sustainable in terms of providing and retaining local community facilities and protecting the natural, built and historic environment	Policy Econ/P5.
<b>BP15</b>	<b>Local Green Spaces</b>	NPPF paras 7-11 and 99-101	Providing facilities to ensure the health, social and cultural well-being of the local community, providing for the economic and social needs of the community and protecting the natural environment.	JLP Policies SPT1, SPT2, DEV1 and DEV27.
<b>BP16</b>	<b>Open spaces and recreation</b>	NPPF paras 7-11, 83, 84, 91, 92, 96 and 97.	Providing facilities to ensure the health, social and cultural well-being of the local community, providing for the economic and social needs of the community and protecting the natural environment.	JLP Policies SPT1 , SPT2, DEV1, DEV3, DEV4, DEV10, DEV27 and DEV30.  AONB MP Policies Acc/P1 and Acc/P3.
<b>BP17</b>	<b>Footpaths and cycle tracks</b>	NPPF paras 7-11 and 96-98	Providing facilities to ensure the health and well-	JLP Policies SPT1, SPT2, SPT4, SPT10, SPT12, TTV26,



			being of the local community, to encourage more sustainable methods of transport in terms of walking or cycling, to provide for the needs of tourists and to enable better access for people to be able to enjoy the countryside.	DEV3 and DEV10. AONB MP Policies BioGeo/P5, Acc/P4-P8 and Trans/P4.
<b>BP18</b>	<b>Area of Outstanding Natural Beauty</b>	NPPF paras 7-11, 170 and 172.	To conserve, protect and enhance the natural beauty of the parish which, apart from Burgh Island is wholly within the South Devon AONB. To provide for the economic and social needs of the area which to a great extent is dependent on the protection of the natural beauty of the AONB.	JLP Policies SPT1, SPT2, SPT12, DEV25. AONB MP Policies Lan/P1-P7.
<b>BP19</b>	<b>Heritage Coast and Undeveloped Coast</b>	NPPF paras 7-11, 170 and 173.	To conserve, protect and enhance the natural beauty of the coast including its heritage	JLP Policies SPT1, SPT2, SPT11, SPT12, DEV21, DEV23, DEV24, DEV25, and DEV36. AONB MP

			features. By providing for the economic and social needs of the community by protecting the coast and ensuring that it remains an attractive place to encourage tourism.	Policies Lan/P1-P7 and Mar/P1. South Devon Estuaries Management Plan
<b>BP20</b>	<b>Woodlands, trees, hedgerows and Devon hedgebanks</b>	NPPF paras 7-11, 28, 170 and 172.	To serve the economic, social and environmental needs of the area by ensuring a high quality natural, built and heritage environment, to protect and enhance the biodiversity of the area.	JLP Policies SPT1, SPT2, SPT12, DEV20, DEV23 and DEV25. AONB MP Policies Lan/P1, Lan/P3, BioGeo/P2, BioGeo/P3, LanMan/P3 and Trans/P2.
<b>BP21</b>	<b>Wildlife sites and biodiversity</b>	NPPF paras 7-11, 28, 170, 172 and 174.	To protect and enhance the biodiversity of the area and to enable the community to enjoy the benefits of being able to live or visit an area which is rich in wildlife.	JLP Policy SPT1, SPT2, SPT12 and DEV 26. AONB MP Policies Lan/P1, Lan/P3, BioGeo/P2, BioGeo/P3 and Est/P2. South Devon Esuaries Management Plan.
<b>BP22</b>	<b>Coastline, beaches and the Avon estuary</b>	NPPF paras 7-11, 28, 166, 168 and 170.	To provide for the economic, social and environmental	JLP Policies SPT1, SPT2, SPT12, DEV24, DEV25 and DEV

			needs of the community by conserving, protecting and enhancing the natural beauty of the coastline and the Avon Estuary. This also ensures that the area will remain attractive for tourists which will also assist in providing for the economic and social needs of the area.	36. AONB MP Policies NatRes/P2, NatRes/P3, NatRes/P7, Hist/P7, MarP1-P4, Est/P1 and Est/P2. South Devon Estuaries Management Plan and Shoreline Management Plan (Policy Unit references 6c13 to 6c15 and 6c16).
<b>BP23</b>	<b>Views and vistas</b>	NPPF paras 7-11, 28, 170, 172 and 173.	To conserve and enhance the natural, built and historic environment by retaining and enhancing the natural beauty of the area and ensuring that any new built development does not result in a harmful impact on important views and vistas.	JLP Policies SPT1, DEV20 and DEV23. AONB MP Policies Lan/P1, Lan/P3, Lan/P5, Lan/P6 and Lan/P7. South Devon Estuaries Management Plan.
<b>BP24</b>	<b>Built heritage</b>	NPPF paras 7-11, 28 and 184-188.	To conserve and enhance the built and historic environment by protecting designated and locally listed heritage assets. This also serves	JLP Policy SPT1 and DEV21. AONB MP Policy Hist/P1.

			to provide for the social and economic needs or the community.	
<b>BP25</b>	<b>Transport and highways</b>	NPPF paras 7-11, 28 and 102-104.	To provide for more sustainable methods of transport by providing better facilities for walking and cycling whilst retaining the natural, built and historic environment and improving biodiversity.	JLP Policies SPT2, SPT2, SPT4, SPT10, TTV2 and DEV29. AONB MP Policy Trans/P2.
<b>BP26</b>	<b>Car parks</b>	NPPF paras 7-11, 28, 83, 84, 102, 170, 172 and 173.	To provide for the economic and social needs of the parish in terms of supporting tourism whilst ensuring that the natural, built and historic environment is protected.	JLP Policy SPT1, DEV29. AONB MP Policy Trans/P3.
<b>BP27</b>	<b>Air Ambulance Night Landing</b>	NPPF paras 7-11, 28, 172 and 173.	To provide for the social needs of the local community by providing a quick and responsive emergency service for the community by providing facilities to enable the helicopters of the Air Ambulance to	JLP Policy SPT1, SPT2, DEV1.

			safely land at night.	
<b>BP28</b>	<b>Parking provision for new housing developments</b>	NPPF paras 7-11, 28 and 106.	New development needs to provide sufficient off street car parking to reflect car parking needs, having regard to the inadequacy of the public transport provision in the area. The policy also seeks to avoid parking on roads which would be harmful to the natural, built and historic environment.	JLP Policy DEV10.
<b>BP29</b>	<b>Connectivity</b>	NPPF paras 7-11, 28 and 112-115.	Improving mobile and Broadband services will support the social and economic needs of the community. It will enable more people to work from home, and purchase goods and services on-line. This will reduce the need to use the car and therefore reduce the	JLP Policies SPT1, SPT2, SPT4, DEV15 and DEV30.

			amount of carbon dioxide emissions moving towards a low carbon economy.	
<b>BP30</b>	<b>Renewable energy</b>	NPPF paras 7-11, 28, 150 and 151.	The plan supports the provision of small scale renewable energy schemes to adapt to climate change and move to a low carbon economy. The policy does however seek to ensure that the natural, built and historic environment is protected.	JLP Policies SPT1, SPT2, DEV32 and DEV33. AONB MP Policy NatRes/P6.

# **APPENDIX 1: APPLICATION TO SHDC FOR PREPARATION OF NEIGHBOUTHOOD PLAN**

# Designation of Plan Area Application Form



Name of Applicant - *Must be a Parish or Town Council*

Contact Details - *Please supply contact details of project lead*

Name:

Address:

Email:

Tel:

Name of proposed plan area

Map of proposed plan area

***Please supply a separate map showing the boundaries of the proposed plan area***

Statement confirming why the proposed plan area is appropriate

*Please explain why the plan area is an appropriate designation, continue on a separate sheet if necessary.*

Type of plan proposed - *Please tick*

Neighbourhood Development Plan

Community Plan

Plan-It Lite

Neighbourhood Development Order

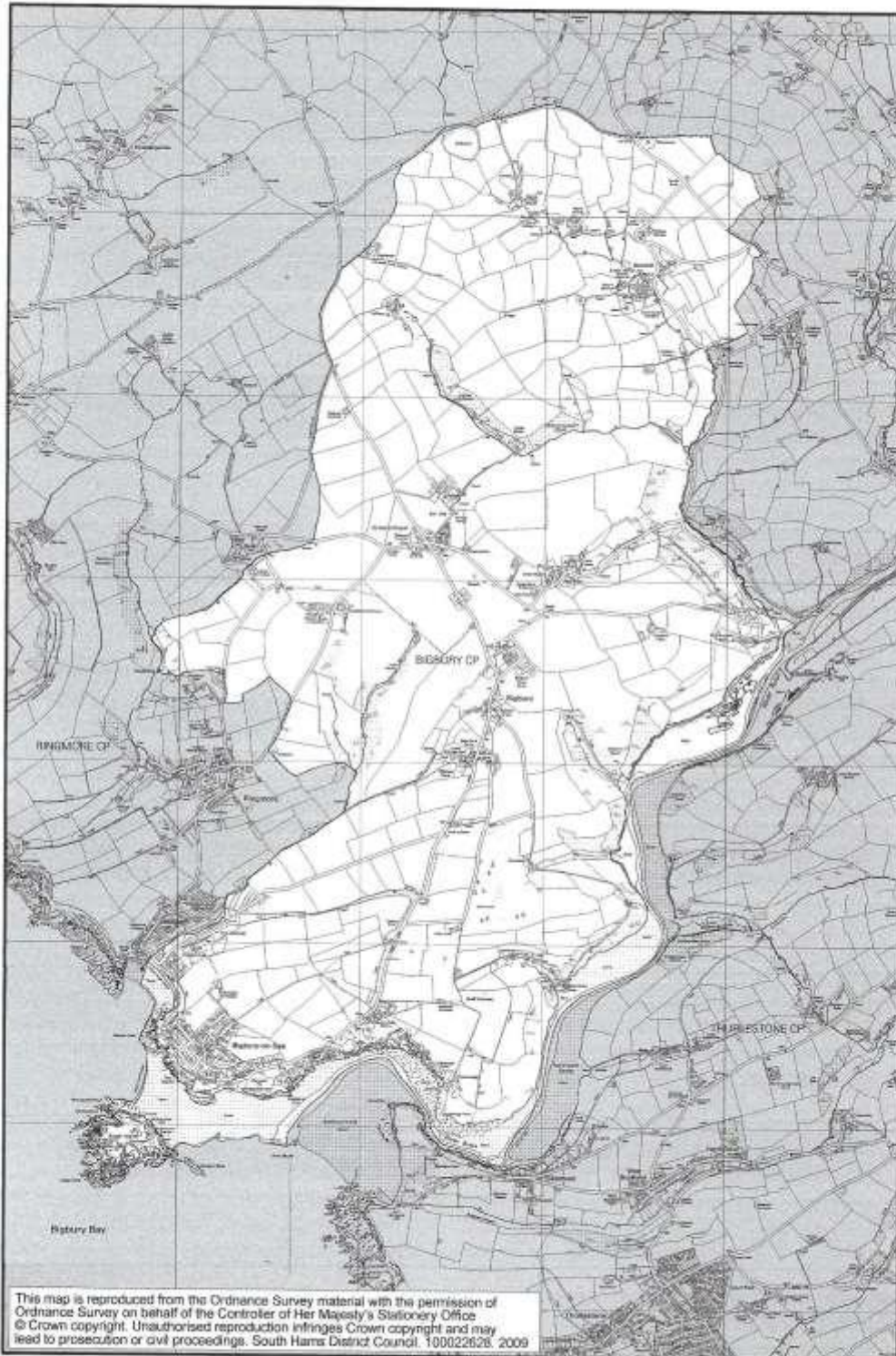
Community Right to Build Order

Group Terms of Reference

***Please supply a separate sheet detailing the Group's Terms of Reference***

Please return to the Strategic Planning Team,  
South Hams District Council, Follaton House,  
Plymouth Road, Totnes, Devon, TQ9 5 NE.





### **Terms of Reference for the Bigbury Neighbourhood Plan Group**

The Parish Council proposes to prepare a Neighbourhood Plan for the Bigbury Parish. The Plan will include policies and proposals for the whole of the parish area but will in particular include more detailed plans and policies for the three villages of St Ann's Chapel, Bigbury and Bigbury-on-Sea.

### **Purpose of the Group**

#### **What is the main aim of the group?**

The purpose of the Group is to oversee the preparation of a Neighbourhood Plan for the Parish. Their task will include consultation with the community and other interested parties through public meetings, workshops, a variety of surveys (including questionnaires). Contact with the community will be achieved through notices in the Bigbury News, Bigbury's Community Website, Parish noticeboards, newsletters and social media.

#### **What are the objectives of the Group?**

To steer and facilitate the processes and steps required in producing a Neighbourhood Plan. It is hoped that this will ultimately lead to the adoption of a Neighbourhood Plan setting out plans and policies for future development within the parish.

### **Membership and Governance**

It is proposed to set up a Steering Group who will be responsible for overseeing the progress of the Neighbourhood Plan and will lead the consultation process. This group will include at least two Parish Councillors who will provide the vital link reporting to the Parish Council about the progress of the plan and helping to ensure that other Parish Councillors (and the public via the parish meetings) are kept informed, can help to resolve any tensions which may emerge and can give their opinions on any major issues or disputes which might occur.

The remainder of the Steering Group will include people living in the parish who have shown a strong interest in being a member of the Steering Group. This will if possible include people who have particularly useful knowledge or skills and people who live in different geographical parts of the parish.

Additional people will be recruited into the group where necessary with a view to setting up a series of working parties focussing on particular policy areas or projects eg separate working groups will be set up to consider the more detailed policies and proposals for the three villages which are all quite different in their character and demographics.

It is also proposed to bring in specialists where necessary to assist with particular projects where required.

The Parish Clerk will be invited to attend all Steering and Working Group meetings and to take minutes of these meetings. If the Parish Clerk is unable to attend another member of the group will be asked at the start of the meeting to take notes and to issue minutes following the meeting.

**What are the roles and responsibilities of individual Members of the Steering Group?**

The Parish Council will be responsible for electing a Chairman. Other roles of members of the Steering Group will be defined and agreed within the group. However these will include a treasurer and someone to oversee the consultation process including use of social media where appropriate. Other responsibilities will emerge over time as the plan progresses and working parties are set up.

**What arrangements are in place for bringing in replacement and/or additional Members?**

Additional members will be co-opted to replace any members who are unable to continue their involvement and to strengthen the group in respect of particular issues and opportunities identified in the course of the plan preparation.

**How will declarations of interest be managed?**

Members will be asked to declare any pecuniary interests in particular issues or land as appropriate as a condition of their participation in the plan preparation.

**If voting is required, what voting arrangements are in place?**

Voting if appropriate will be by show of hands with the Chairman having the casting vote as per the Standing Orders of the Parish Council.

**Which decisions will be referred to the Parish Council?**

The Parish Council will be asked to confirm and agree the work programme for the preparation of the plan; agree any interim proposals put forward for consultation with the public; agree the draft plan prior to community consultation and the final plan prior to submission to South Hams Council.

**Reporting and Feedback**

**How will the group share information with the community?  
How will minutes of meetings and feedback from events/consultation be recorded and made available to the public?**

Information regarding the plan will be shared with the community through public consultation meetings, the Bigbury News, Bigbury's Community

Website, newsletters and social media. Minutes of all Group meetings, workshops and consultations will be posted in the Bigbury News and on Bigbury's Community Website.

### **Resources and Finance**

#### **Are any additional resources or finance required?**

Project costs are likely to arise primarily for the hiring of venues for public meetings, the preparation and circulation of printed materials including questionnaires. Costs may be incurred through the hiring of an independent body to assist with the development analysis of the questionnaire. The District Council may be able to assist with providing a free on line survey tool and a free housing needs survey (apart from postage). The Steering Group will draw on the expertise and knowledge of appropriate officers at South Hams District Council and Devon County Council and use relevant information held by those councils. Additional costs may be incurred with the publication, printing and distribution of draft plans and the final plan. It is expected that South Hams District Council will meet the costs of an independent review of the plan and the community referendum before formal adoption.

### **Monitoring and Review**

#### **How will the plan be monitored?**

The preparation of the plan will be regularly monitored by the Parish Council through monthly reports from the Steering Group. Ongoing arrangements for the review and monitoring of progress on the plan's implementation after adoption will be set out in the plan. It may be necessary to carry out a review of the plan in due course if the plan is considered to be inconsistent with any new policies of the Government or subsequent changed policies of the District Council.

**Statement confirming why the proposed plan area is appropriate**

Bigbury Parish is a rural area which includes the three well defined villages of St Ann's Chapel, Bigbury and Bigbury-on-Sea, the hamlets of Easton and Combe, together with several farmsteads and individual dwellings. Using the parish boundary for the Neighbourhood Plan will ensure that the plan is inclusive and all of the local community will be able to participate in the plan process. It will also ensure that issues affecting the whole of the parish, as well as its parts, can be addressed.

Many of the adjoining parishes are already preparing neighbourhood plans and all of these are using the parish boundaries for their plan areas. Using the Bigbury Parish boundary will therefore provide consistency in relation to the plan areas being used by these other South Hams parishes.

## APPENDIX 2: SHDC DESIGNATION REPORT



## Neighbourhood Plan Area Designation for Bigbury



Neighbourhood Plan Area	Bigbury
Date application submitted	18 <sup>th</sup> December 2015
Delegated decision date	21 <sup>st</sup> January 2016
Outcome	Plan area is approved

### Background:

Bigbury Parish Council submitted an application to the Council to designate a plan area in respect of preparing a Neighbourhood Development Plan. A map showing the proposed plan area can be viewed <http://www.southhams.gov.uk/shneighbourhoodplans>

The application was advertised for four weeks between 18<sup>th</sup> December 2015 and 18<sup>th</sup> January 2016 during which comments were invited about whether the plan area is appropriate.

Responses were received from:

- Marine Management Organisation
- D&C Police
- South-West Water
- Highways England
- Natural England
- Historic England
- Environment Agency

The Council has not received any objections to the designation of the plan area proposed.

### Issues for consideration

- 2.1 Bigbury PC submitted an application to the District Council in December 2015 to designate the area that they intend their neighbourhood plan to cover. This area follows the parish boundary of Bigbury parish.
- 2.2 The application is accompanied by a Terms of Reference for the group that will be responsible for leading the process in Bigbury. This group has been endorsed by Bigbury Parish Council. The Terms of Reference for the group can also be viewed online.
- 2.3 The application has been displayed throughout the parish area through the use of pink site notices and the opportunity to comment on the proposed designation has been publicised on the SHDC website, through local publicity, and at a public meeting.
- 2.4 The Council received seven representations during the consultation period. None of these bodies object to the proposed plan area.
- 2.5 As such, it is considered that the plan area is appropriate and can be designated for the purposes of preparing a neighbourhood plan for Bigbury.

### RECOMMENDATIONS:

It is recommended that

- The consultation responses received in respect of the application are noted; and
- The designation of the Bigbury Plan Area for the purposes of preparing a Neighbourhood Plan is approved.

<b>Ward Member: Cllr Lindsay Ward</b>
<b>Comments:</b> Yes I am delighted to approve this.  Lindsay Ward
<b>Date: 19/01/2016</b>

<b>Leader of the Council: Cllr John Tucker</b>
<b>Comments:</b> Support  John Tucker (Cllr) Councillor for West Dart Ward Leader South Hams District Council
<b>Date: 19/01/2016</b>

<b>Steve Jordan – Executive Director</b>
<b>Comments:</b> Happy to support.  Steve  Steve Jordan Executive Director (Strategy and Commissioning) and Head of Paid Service
<b>Date: 19/01/2016</b>

**Officer contact:**  
Phil Baker | Specialist (Place & Strategy)  
01803 861210

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# APPENDIX 3 EIA SCREENING

## Valerie Scott

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**From:** Mandy Goddard <Mandy.Goddard@swdevon.gov.uk>  
**Sent:** 06 December 2017 10:26  
**To:** Valerie Scott  
**Cc:** SW-Neighbourhood Planning  
**Subject:** RE: Bigbury Neighbourhood Plan -- SEA/HRA Screening Opinion

Dear Valerie

I have now had an opportunity to have a look at your draft neighbourhood plan, and am writing to confirm that it is my opinion as Neighbourhood Planning Specialist for South Hams District Council, that Strategic Environmental Assessment should be carried out in order to assess potential impacts of the neighbourhood plan on the environment.

This is primarily due to the proposed allocation of a site for housing development at St Ann's Chapel within the South Devon Area of Outstanding Natural Beauty. In the absence of detailed evidence to show that this site will not have an unacceptable impact on the landscape within the AONB, a SEA report should be undertaken. Government guidance is clear that such a report should be proportional to the plan being assessed and the relevant issues, and I suggest that in this case the SEA should focus primarily on this landscape issue, although assessment of the likely impact on heritage assets would also be appropriate.

My advice is that the Neighbourhood Plan Group should apply for help with this work from the DCLG Technical Support package via Locality at <http://mycommunity.org.uk/take-action/neighbourhood-planning/support-grants/>, as soon as possible in order not to delay the plan. I understand that you will need this email to show that SEA is considered necessary.

The Habitats Regulations Assessment (HRA) is a separate process to ensure that the Neighbourhood Plan will not have any unacceptable impacts on a European designated site. We will continue with the screening report for this and inform you of the outcome as soon as possible.

Please do not hesitate to contact me should you have any queries,

Best wishes,

Mandy

**Mandy Goddard** | Neighbourhood Planning Officer  
South Hams District Council | West Devon Borough Council  
[mandy.goddard@swdevon.gov.uk](mailto:mandy.goddard@swdevon.gov.uk) | 01803 861279

*My normal working days are Monday, Tuesday and Wednesday*

**From:** Valerie Scott [mailto:valeriescott@bigbury.net]  
**Sent:** 22 November 2017 12:28  
**To:** SW-Neighbourhood Planning <NeighbourhoodPlan@swdevon.gov.uk>  
**Cc:** Mandy Goddard <Mandy.Goddard@swdevon.gov.uk>; Cllr E. Huntley <Cllr.Huntley@southhams.gov.uk>; Bryan Carson <bryanecarson@hotmail.com>; Simon Bronstein <simon@prime-design-interiors.co.uk>; Hazel Osborne <hazel.osborne6@btinternet.com>; Jo Simes <josimes5@hotmail.com>; Jill Gubbins <jill.gubbins@homecall.co.uk>; GRANT PEET <mirimar@me.com>; Valerie Scott <valeriescott@bigbury.net>; Bigbury Parish Clerk

<clerk.bigburypc@gmail.com>; 'Dave Chapman' <dave@triformis.co.uk>  
**Subject:** RE: Bigbury Neighbourhood Plan -- SEA/HRA Screening Opinion

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

Dear Sirs

On behalf of Bigbury Parish Council I would like to apply for a Strategic Environmental Assessment and Habitats Regulation Appropriate Assessment Screening Opinion.

In reaching this decision I would ask you to bear in mind that the whole of the parish apart from Burgh Island is within the South Devon Area of Outstanding Beauty with the southern part of the parish, including Burgh Island, within the South Devon Heritage Coast. We are as part of the Neighbourhood Plan proposing to allocate a site for the development of circa 10 dwellings in order to meet essential local housing needs. It is currently proposed that this site would be on greenfield land on a site adjoining St Ann's Chapel. Having considered the six available sites around St Ann's Chapel the preferred site for this development would be a site to the north east of the village to the rear of the Holywell Stores. I enclose a copy of an indicative layout plan for this development as well as a report setting out the reasons why this site has been selected. This site is close to the Holy Well which is a listed building and Ancient Monument as well as fairly close to Holwell Farm which is a grade II listed building. It is considered however that the proposed siting of this proposed development would not unduly harm the setting of these heritage assets.

We have prepared a draft local plan which we have previously sent to the Council for initial comments. We are hoping to be able to finalise the draft plan early next year and then to carry out Regulation 14 Consultation. I enclose a copy of the draft plan together with four village studies that have been carried out and which we propose to include as Appendices to the plan. I will send some of the documents in a separate email.

In terms of the Habitats Directive we are not aware of any European protected wildlife site which would be affected by the proposals and policies of the Draft Neighbourhood Plan but would like the authority to also carry out a screening opinion in relation to whether an Appropriate Assessment would be required.

We look forward to receiving your screening opinions.

Regards

Valerie Scott  
Chairman, Bigbury Parish Neighbourhood Plan Steering Group  
Tel: 01548 810336  
Email: [valeriescott@bigbury.net](mailto:valeriescott@bigbury.net)

Glen Cottage  
Bigbury  
Kingsbridge  
Devon  
TQ7 4AP



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## **APPENDIX 4: HRA SCREENING AND APPROPRIATE ASSESSMENT**



**Bigbury Draft Neighbourhood Plan**  
(Regulation 14 Version: January 2019)

# **Habitats Regulations Assessment Draft Screening Report**

January 2019

**SCREENING OPINION**

The Bigbury Neighbourhood Plan Area falls within the Zone of Influence for Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA. It is necessary, therefore, to undertake an Appropriate Assessment to take account of the effect of residential development proposed by the Bigbury Neighbourhood Plan in combination with other residential development proposed within the Zone of Influence. The Appropriate Assessment is included in Appendix 1.

## 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 further assessment, termed Appropriate Assessment, is necessary.

Straightforward mitigation measures can be included at this screening stage, which may rule out the likelihood of significant effects. If likely significant effects remain after straightforward mitigation measures are applied, the HRA process should proceed to a second stage which is called an 'Appropriate Assessment.'

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



## EUROPEAN SITES THAT COULD POTENTIALLY BE AFFECTED BY THE 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 Bigbury Neighbourhood Plan
<b>Dartmoor SAC</b>	Northern Atlantic wet heath with <i>Erica tetralix</i> European dry heath Blanket bog Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles Southern damselfly <i>Coenagrion mercuriale</i> Otter <i>Lutra lutra</i> Atlantic salmon <i>Salmo salar</i>	Visitor and recreational pressure including accidental and deliberate burning, trampling and erosion particularly of blanket bog, disturbance of otters by activity on/near rivers  Nutrient/acid deposition causing habitat loss  Water quality – effect on Atlantic salmon and Otter	Increased recreational pressure resulting from new development  Air pollution associated with new development	The level of development proposed within the Bigbury NP is minimal. Given the geographical separation of Bigbury from Dartmoor SAC, and the variety of other recreational opportunities closer to Bigbury, there is no likelihood of a significant effect from new residents associated with the development proposed in the Bigbury NP.  There will be no likelihood of significant effect from air pollution associated with any new development proposed in Bigbury on the Dartmoor SAC.
<b>Plymouth Sound and Estuaries SAC</b>	Sandbanks which are slightly covered by sea water all the time Estuaries Mudflats and sandflats not covered by seawater at low tide Large shallow inlets and bays Reefs Atlantic salt meadows Shore dock Allis shad	Increased pressure for recreational moorings and facilities, port development, dredging  Sensitivity to oil pollution  Allis shad vulnerable to noise, vibration and degraded water quality	Increased recreational pressure - physical damage	Increased recreational pressure - physical damage
<b>South Dartmoor Woods SAC</b>	Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles European dry heath	Visitor and recreational pressures  Air pollution (associated with atmospheric nitrogen deposition from agriculture, industry, vehicles)	Increased recreational use – trampling and erosion/fires  Air pollution associated with new development	The level of development proposed within the Bigbury NP is minimal. Given the geographical separation of Bigbury from South Dartmoor Woods SAC, and the variety of other recreational opportunities closer to Bigbury, there is no likelihood of a significant effect from new residents associated with the development proposed in the Bigbury NP.  There will be no likelihood of significant effect from air pollution associated with any new development proposed in Bigbury on the South Dartmoor Woods SAC.
<b>Tamar Estuaries</b>	Internationally important populations of Avocet	Disturbance to Avocet and Little Egret	Increased recreational pressure associated with development – visual and noise disturbance of Avocet	Increased recreational pressure associated with development – visual and noise disturbance of

<b>Complex SPA</b>	and Little Egret	Habitat loss – water quality, acid and nitrate deposition in important wetland areas	and Little Egret  Additional housing in vicinity of SPA increasing discharge of pollutants from waste water treatment works (non-toxic contamination)	Avocet and Little Egret
<b>Start Point to Plymouth Sound and Eddystone SAC</b>	<p><b>1170 Reefs</b></p> <p>Numerous areas of reef (in many forms) exist within the Prawle Point to East Rutts and Bigbury Bay to Plymouth Sound reefs. The site comprises coastal reef features associated with the extension of the exposed terrestrial geology out into the sublittoral zone and large areas of outcropping bedrock, boulders and cobbles in the offshore extents of the area. The reefs between Prawle Point and Salcombe appear similar in nature to that to the west of Salcombe (i.e., one of high topographic complexity). This large reef habitat comprises outcropping bedrock characterised by boulders and rocky gullies, fissures and crevices in the west of the area from Salcombe around the coast to Prawle Point. The inshore reefs here support large kelp</p>	Fishing and harvesting aquatic resources	Recreational angling is not identified as a threat to the interest features of this SAC.	None

	forests and a variety of other algal species			
<b>Blackstone Point SAC</b>	Shore dock	No threats or pressures are identified within the Site Improvement Plan. In general, the shore dock within this SAC requires consistency of water quality in the locality, coastal process, and hydrology.	Direct impacts are unlikely due to location of shore dock, potential for indirect trampling through recreational activity	None, increased recreational impacts would not be discernable in the vicinity of the shore dock in association with the Bigbury NP
<b>South Devon Shore Dock SAC</b>	Shore dock	The site is vulnerable to Problematic native species, Abiotic (slow) natural processes, Outdoor sports and leisure activities, recreational activities and grazing. Further and more relevant threats and pressures are detailed in the Site Improvement Plan (10/10/14) <ul style="list-style-type: none"> <li>• Undergrazing</li> <li>• Overgrazing</li> <li>• Innapropriate scrub management</li> <li>• Natural changes to site conditions</li> <li>• Public access/disturbance</li> </ul>	Direct impacts are unlikely due to location of shore dock, potential for indirect trampling through recreational activity	None, increased recreational impacts would not be discernable in the vicinity of the shore dock in association with the Bigbury NP

## 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 Favourable 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.

<b>Category A: No negative effect</b>	
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.
<b>Category B: No significant effect</b>	
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.
<b>Category C: Likely significant effect alone</b>	
C1	The option, policy or proposal could <b>directly affect</b> 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 <b>indirectly affect</b> 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 <b>magnitude of development</b> 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 <b>consideration of options in a later, more specific plan</b> . 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 <b>block options or alternatives</b> 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 <b>depend on how the policies etc are implemented</b> 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 <b>vulnerable to failure</b> 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 <b>plan provides the imperative reasons</b> of overriding public interest to justify its consent despite a negative assessment.
<b>Category D: Likely Significant effect in combination</b>	
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 <b>provided for or coordinated by the Joint Local Plan</b> the <b>cumulative</b> 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 <b>combined with the effects of other plans or projects</b> , 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 <b>programme or sequence of development</b> 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. Bigbury Neighbourhood Plan screening

**Table 1: HRA Screening**

<b>Policy/ Proposal</b>	<b>Category (A,B,C,D)</b>	<b>Reason for category (unless clear)</b>	<b>Potential impacts on European sites</b>	<b>European sites affected</b>	<b>Mitigation required</b>
Policy BP1	D2	Housing allocation	Recreational pressures	Plymouth Sound and Estuaries SAC	Appropriate Assessment carried out to identify impacts and mitigation required.

#### 3.1. Additions/revisions required to the Bigbury Neighbourhood Plan

Text should be included in the neighbourhood plan to clarify that any development in the Neighbourhood Area will be subject to a payment towards mitigation of any impacts on the Plymouth Sound and Estuaries SAC, in accordance with Joint Local Plan (JLP) policy.

#### 3.2. HRA CONCLUSION AND SCREENING OPINION

It is considered that the Bigbury Neighbourhood Plan will , as a result of the allocation of the residential site at St Anne’s Chapel (Policy BP1) in combination with other allocations within the Zone of Influence for Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA, have an effect on these European Site. An Appropriate Assessment has been undertaken which is included at Appendix 1 to this document.

**Appendix 1: Appropriate Assessment: Bigbury Neighbourhood Plan**

**Part D: Appropriate Assessment**

**NB:** In undertaking the appropriate assessment, the LPA must ascertain whether the **plan** project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain, the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

**11. Assessment of effects taking account of avoidance or reduction measures included in the proposal**

<b>Aspect of plan which will be potentially damaging</b>	<b>Avoidance and mitigation measures included in the Plan/policies (and any additional measures required for inclusion in the proposal)</b>	<b>Secured by</b>	<b>Residual effects</b>
<p><i>Increased visitor and recreational pressure (terrestrial and marine) associated from new residents associated with the proposed development.</i></p>	<p>The identified potentially damaging impact is a non-direct impact (i.e. one which does not require onsite construction/operational avoidance or mitigation measures).</p> <p>The Plan falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan, namely the study completed to consider recreational pressure of residents from new development upon the Tamar European Marine Site (<i>EMS Recreation Study Document 04. Survey of recreational use within the Plymouth Sound and Estuaries European Marine Site: Scoping report and survey results, MBA, March 2017</i>).</p> <p>The Study clarified and confirmed a 12.3km ZOI around the Tamar EMS. The proposed development site within this ZOI for the Tamar EMS, and accordingly the recreational pressure of new residents associated with the development will require mitigating to ensure they do not have a significant effect on the</p>	<p>The Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA have been identified in the JLP as having the potential risk of significant effects from recreational pressures. Each has an agreed Management Plan.</p> <p>Policy SP14 in the JLP covers this issue.</p> <p><b>Policy SPT14 European Sites – mitigation of recreational impacts from development</b> Mitigation measures for recreational impacts on European Sites will be required where development is proposed within the identified zones of influence around those European Sites that are vulnerable to</p>	<p>None/negligible</p>

	<p>Tamar EMS (as without mitigation the new residents in combination with other development could have a significant effect on the Tamar EMS).</p> <p>This is considered in more detail in the Habitats Regulations Assessment of the Joint Local Plan (July 2017) which notes that:</p> <p><i>‘In order to address the impacts arising from the increased recreational pressure, a single mitigation strategy will be agreed with Plymouth City Council, South Hams District Council and West Devon Borough Council and also with Cornwall Council and a mechanism for securing the funding through planning obligations will be set out and agreed in a Supplementary Planning Document (SPD). Using evidence from the Plymouth Sound and Tamar Estuaries Recreation Study (Marine Biological Association, 2017), a single mitigation strategy will identify the interventions required and the SPD will then set out the charge that will be applied to all new dwellings and tourist developments within a ‘Zone of Charging’ as set out in Policy SPT13 ‘European Protected Sites – mitigation of recreational impacts from development’.</i></p> <p>The Strategic Access Management and Monitoring Strategy (SAMMS) list is currently being finalised, with a view to being agreed through the Duty to Cooperate and with Natural England (and will ultimately inform the JLP SPD) – this being a costed list of management actions that are required to mitigate impacts of new residents, and towards which commuted sums from development are required to contribute towards delivering.</p> <p>Until the time that the SAMMS list has been formalised and the per dwelling figures updated by virtue of an adopted JLP SPD, the existing per dwelling figures are being used from the Plymouth Travel To Work Area, as have previously been used by Cornwall Council, Plymouth City Council and SHDC and as are reflected in the proposed condition.</p>	<p>adverse recreational impacts.</p> <p>Residential development, student and tourist accommodation within these zones of influence will be required to provide for appropriate management, mitigation and monitoring on site, and/or financial contributions towards off site mitigation and management. This will need to be agreed and secured prior to approval of the development. Mitigation measures will include:</p> <ol style="list-style-type: none"> <li>1. On-site access and management.</li> <li>2. Off-site provision of suitable alternative recreational facilities</li> </ol> <p>This policy governs the approach to appropriate planning applications within the ZOI. The mitigation strategy already requires that commuted sums are levied in regard of appropriate development but strategy and contributions are currently being finalised. As a result charging mechanisms may change.</p>	
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		Any planning application submitted as result of the allocation of the site to rear of Holywell Stores, St Ann's Chapel (Policy BP1) would be subject to the requirements of Policy SPT14.	
12. Does the proposal have potential for in-combination effects with other plans or projects individually or severally	The impacts from increased visitor and recreational pressure identified within this HRA (and as reflected within the 12.3km ZOI, and the HRA of the JLP) is an in-combination impact – i.e. it is unlikely that any one development would have a likely significant effect alone, however when developments within Plymouth, South Hams, West Devon and Cornwall are consider in-combination there is potential for a likely significant effect.		
<b>Part E: Conclusion</b>			
13. Natural England consultation response	<b>This is a Draft Appropriate Assessment, Natural England's response will be included following receipt of their consultation response.</b>		
14. List of mitigation measures and safeguards to be covered by planning obligations (conditions or S106)	<b>Every new dwelling in the Neighbourhood Plan area will have to make a contribution towards the mitigation strategy, based on the most up to date calculations</b>		
15. Will the proposed development have an adverse effect on integrity?	It is concluded that the Bigbury Neighbourhood Plan will not have an adverse effect on the integrity of the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA subject to the measures outlined above being applied to appropriate development proposals that result from implementation of the Plan.		
Author:	Duncan Smith, Neighbourhood Planning Officer, South Hams Council; January 2019.		

Date: 15 April 2019  
Our ref: 274689  
Your ref:



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Dear Duncan

**Planning consultation: Bigbury Neighbourhood Plan – HRA Screening**

Thank you for your consultation on the above dated 22 January 2019.

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.

Natural England concurs with the conclusions of the HRA screening and the conclusion of the Appropriate Assessment of the Bigbury Neighbourhood Plan. As the draft screening and AA have been the subject of some discussion and amendments, I have attached the final agreed versions to this email.

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 queries relating to the specific advice in this letter only please contact Corine Dyke on 02080 268177 or [corine.dyke@naturalengland.org.uk](mailto:corine.dyke@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Corine Dyke  
Lead Adviser  
Sustainable Development Team – Devon, Cornwall & Isles of Scilly