Report



Habitat Regulations Assessment of the Exeter Development Delivery Development Plan Document (DPD)



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Summary

This report provides the Habitats Regulations Assessment of the Exeter Development Delivery Development Plan Document (DPD). A Habitats Regulations Assessment is a requirement of any public body adopting or giving effect to a plan, and involves the consideration of the implications of the plan for any European wildlife site. The requirement for Habitats Regulations Assessment is set out within the Conservation of Habitats and Species Regulations 2010, as amended. Exeter City has recently completed a public consultation on the draft DPD, and is now about to embark on the preparation of a final version for Examination and publication.

The European wildlife sites considered by this assessment are the Exe Estuary Special Protection Area (SPA) and Ramsar site, Dawlish Warren Special Area of conservation (SAC) and the East Devon Pebblebed Heaths SAC/SPA. This list concurs with those sites previously considered in the Core Strategy Habitats Regulations Assessment and those included in the South East Devon Mitigation Strategy, which is an overarching strategy for mitigating the potential effects of recreational pressure and urbanisation on European sites, in partnership with Teignbridge and East Devon District Councils.

The purpose of the South East Devon Mitigation Strategy is to seek a sustainable and Habitats Regulations compliant solution to the provision of growth within the three districts that border the Exe Estuary, whilst maintaining a robust approach to protecting the Exe Estuary, Dawlish Warren and the East Devon Pebblebed Heaths European sites from the adverse effects of recreational pressure and urbanisation.

This individual plan level Habitats Regulations Assessment has checked the Development Delivery DPD for its compliance with the South East Devon Mitigation Strategy, and has also had regard for potential impacts arising from new growth that are not covered by the Strategy, including potential impacts arising from non-residential development, such as tourism, and also potential impacts from air and water pollution.

The assessment follows the step by step process of Habitats Regulations Assessment, with an initial screening of the entire DPD to check for any likelihood of significant effects. Where there were uncertainties, more detailed consideration has been given and further information gathered as part of the appropriate assessment stage. Avoidance and mitigation measures have been recommended and implanted and/or acted upon. Minor text additions should now be made to complete this process.

It is concluded that the Development Delivery DPD is compliant with the requirements of the Habitats Regulations, and adverse effects on the integrity of European sites in the vicinity of Exeter City have been prevented at the plan level. Project level Habitats Regulations Assessments will still be required, and partnership working with neighbouring authorities, the Environment Agency and Natural England should continue. Monitoring should continue to be an important element of the avoidance and mitigation package.

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1. Introduction

Background and context

- 1.1 This report provides the Habitats Regulations Assessment of the Exeter Development Delivery Development Plan Document, hereafter referred to as the Development Delivery DPD. A Habitats Regulations Assessment is a requirement of any public body adopting or giving effect to a plan, and involves the consideration of the implications of the plan for any European wildlife site. The requirement for Habitats Regulations Assessment is set out within the Conservation of Habitats and Species Regulations 2010, as amended. Further detailed information regarding these duties is provided in Appendix 1 of this report.
- 1.2 The Development Delivery DPD is being prepared by Exeter City Council as part of the Exeter Local Plan. The Core Strategy, adopted by the Council 2012 formed the first planning document within the Local Plan, which sets out the vision, objectives and strategy for spatial development. The Development Delivery DPD, which is in conformity with the Core Strategy, will add to that initial plan with allocations of land for development and development management policies to inform the decision making process. The Development Delivery DPD will also highlight where land should be protected or safeguarded.
- 1.3 The Development Delivery DPD is being prepared in accordance with national planning policy and legislation. Of relevance to the Habitats Regulations Assessment is the national policy and guidance relating to European sites, and also any policy and guidance that informs how measures to protect those sites may be delivered through the planning system.
- 1.4 Exeter City has recently completed a public consultation on the draft plan, and is now about to embark on the preparation of a final version of the plan for Examination and publication. The Council has commissioned a Habitats Regulations Assessment of the plan, so that the assessment findings can inform the Examination of the plan and its publication. This final Habitats Regulations Assessment report should be submitted to the Planning Inspectorate alongside the plan, in order to demonstrate that the plan is fully compliant with the requirements of the Habitats Regulations.

The process of Habitats Regulations Assessment

1.5 A 'Habitats Regulations Assessment' is the step by step process of ensuring that a plan or project, being undertaken by, or permitted by a public body, will not adversely affect the ecological integrity of a European wildlife site. Where it is deemed that adverse effects cannot be ruled out, a plan or project must not proceed, unless exceptional tests are met. This is because European legislation, which is transposed into domestic legislation and policy, affords European sites the highest levels of protection in the hierarchy of wildlife sites designated to protect important features of the natural environment. Legislation sets out a clear step by step approach for decision makers

considering any plan or project. In England, those duties are also supplemented by national planning policy through the National Planning Policy Framework (NPPF).

- 1.6 The duties apply to any public body or individual holding public office with a statutory remit and function, referred to as 'competent authorities.' The requirements are applicable in situations where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. A more detailed guide to the step by step process of Habitats Regulations Assessment is provided in this report at Appendix 1.
- 1.7 In assessing the implications of any plan or project for European sites in close proximity, in this case a spatial plan that forms part of a local plan, it is essential to fully understand the sites in question, their interest features, current condition, sensitivities and any other on-going influences. Every European site has a set of 'interest features,' which are the ecological features for which the site is designated or classified, and the features for which Member States should ensure the site is maintained or, where necessary restored. Each European site has a set of 'conservation objectives' that explain the objectives for the site interest, i.e. what the requirements are for the site in terms of restoring or maintaining the special ecological interest of European importance.
- 1.8 The site conservation objectives are relevant to any Habitats Regulations Assessment, because they identify what should be achieved for the site, and therefore whether any plan or project may compromise the achievement of those objectives. Further information on European site conservation objectives can be found at Appendix 2 of this report, noting that European site conservation objectives currently remain generic until Natural England makes further progress on the publication of site specific detailed objectives.
- 1.9 This report has been continuously updated as the Development Delivery DPD has progressed towards finalisation, with avoidance and mitigation measures incorporated. This final report now documents the Habitats Regulations Assessment work undertaken up to the publication version of the DPD, including a screening for the likelihood of significant effects, and the more detailed appropriate assessment work.

European sites

- 1.10 The following section provides background information on the European sites potentially affected by the Development Delivery DPD, including both site information and current sensitivities. This list of European sites concurs with those considered in the Core Strategy Habitats Regulations Assessment and those included in the South East Devon Mitigation Strategy, which is an overarching strategy for mitigating the potential effects of recreational pressure and urbanisation on European sites, in partnership with Teignbridge and East Devon District Councils. Further information on the South East Devon Mitigation Strategy is provided in Section 2 of this report.
- 1.11 The following European sites are in close proximity to the Exeter City administrative area and are considered to be vulnerable to the potential impacts that may arise as a

result of the planned growth for the area, as outlined in the Core Strategy and further detailed in the Development Delivery DPD. All other European sites at a greater distance from Exeter City have been ruled out from assessment due to their distance and lack of identifiable pathways between the site and plan level potential impacts (i.e. there are unlikely to be any interactions or connections). The sites are Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and/or Ramsar sites. European wildlife sites are normally underpinned by a national level designation as a Site of special Scientific Interest (SSSI), in accordance with the Wildlife and countryside Act 1981, as amended.

Exe Estuary SPA and Ramsar site – site interest

- 1.12 The Exe Estuary lies to the immediate south of Exeter City, between Teignbridge District to the west, and East Devon District to the east. The site is classified as an SPA, listed as a Ramsar site, and also has the underlying SSSI designation.
- 1.13 The SPA includes the estuary waters, foreshore, saltmarsh and the sand dunes and spit of Dawlish Warren, and extends right up to Exeter at the top northern end of the estuary. The estuary includes a range of intertidal habitats, including mudflats, sandflats, eelgrass *Zostera sp.* beds, mussel *Mytilus edulis* beds and saltmarsh. A number of roost sites at the top end of the estuary are freshwater grazing marsh. Lagoons at Bowling Green Marsh and Exminster Marshes lie within the SPA and are RSPB reserves. The bird species for which the site is classified are listed below, and detailed in Table 1.
- 1.14 The Exe Estuary qualifies under Article 4.1 of the Birds Directive by supporting overwintering populations of the following species listed on Annex I of the Directive:
 - Avocet *Recurvirostra avosetta* (at least 28.3% of the wintering population in Great Britain). The majority of British avocets move from their East Anglian breeding grounds to coastal estuary sites, either in East Anglia or on the south coast. The Exe Estuary is one of only three SPAs classified for non-breeding avocets.
 - Slavonian Grebe *Podiceps auritus* (at least 5.0% of the wintering population in Great Britain). The Exe Estuary is one of only three sites in the UK classified as an SPA for non-breeding Slavonian Grebe, with the other two sites being in Scotland. The Exe Estuary is therefore a critical overwintering ground for this species in the UK.
- 1.15 The Exe Estuary qualifies under Article 4.2 of the Birds Directive for both its overwintering populations of regularly occurring migratory species and also as a site supporting an internationally important assemblage of birds.
 - The estuary supports the following migratory species over winter: Darkbellied Brent Goose *Branta bernicla bernicla*, Dunlin *Calidris alpina alpina*, Oystercatcher *Haematopus ostralegus*, Black-tailed Godwit *Limosa limosa islandica*, and Grey Plover *Pluvialis squatarola*also.

- The estuary also qualifies under Article 4.2 of the Directive as it regularly supports an assemblage of at least 20,000 wintering waterfowl, including: Black-tailed Godwit, Dunlin, Lapwing Vanellus vanellus, Grey Plover, Oystercatcher, Red-breasted Merganser Mergus serrator, Wigeon Anas penelope, Dark-bellied Brent Goose, Cormorant Phalacrocorax carbo, Avocet, Slavonian Grebe and Whimbrel Numenius phaeopus. This list is taken from the site citation where a range of assemblage species is normally quoted, but not the entire assemblage species list. Other species therefore also form part of the assemblage.
- 1.16 The Exe Estuary is also listed as a Ramsar site in accordance with the Ramsar Convention 1971, for the estuarine habitats present and wintering and on passage birds. As well as being notified as a SSSI the site is also a Local Nature Reserve.

Exe Estuary SPA and Ramsar site - current status

1.17 The current environmental condition of the site, as identified by Natural England's SSSI condition assessment,¹ indicates that the site interest features are generally favourable although it should be noted that the SSSI condition assessment relates to all SSSI interest features, including those that do not form part of the SPA interest. The condition assessment highlights some declines in the waterbird assemblage generally, and also specifically in oystercatcher, grey plover and dunlin numbers. The SSSI condition assessment is informed by the Wetland Bird Survey (WeBs) counts. Notably, the condition assessment advises that there is insufficient knowledge regarding the causes of declines. It is important to note that SSSI condition assessments make a judgement at one point in time and do not consider any possible future impacts.

Exe Estuary SPA and Ramsar site - sensitivities

1.18 The Exe Estuary is particularly sensitive to recreational impacts and these impacts primarily relate to disturbance (Liley *et al.* 2014). It is a relatively small site, with access around most of the shoreline and a large human population living nearby. The Exe Disturbance Study (Liley et al. 2011) identified a wide range of activities and events that were observed to cause birds to take flight. Activities which cause a disproportionate amount of disturbance include dog walking, activities on the mudflats, bait digging, kite surfing and canoeing; dog-walking was the single largest cause of disturbance (31%). Extensive analysis and interpretation of these impacts is available in (Liley *et al.* 2014).

¹ SSSI condition assessment information taken from <u>www.natureonthemap.naturalengland.org.uk</u>

Table 1: Key species. Time of year taken from Figure 9 of the Exe Disturbance Study; WeBS alert summary taken from Cook et al. (2013). Grey rows indicate species where alerts have been triggered.

Species	Time of year	Web Alerts	Impacts from Recreation (essentially ways in which disturbance could impact)
Slavonian Grebe	Winter visitor present in low numbers Oct- Mar.	Numbers too low to include in analysis	Wash from craft and direct disturbance of foraging by water-based activities.
Brent Goose	Only present in significant numbers Sep-Mar.	Numbers of Brent Goose (Dark-bellied) over-wintering on Exe Estuary SPA have been stable in the short-term having previously declined. Consequently, Alerts have been triggered for the period since designation. Analysis indicates site specific pressures	Disturbance could result in birds avoiding sites, switching to different areas and increased energy expenditure. Birds potentially vulnerable when roosting, feeding on the estuary or feeding on grassland sites
Wigeon	Only present in significant numbers Sep-Mar.	No alerts; numbers have increased steadily on the site since early 1990s and numbers appear to be tracking the regional trend	Disturbance could result in birds avoiding sites, switching to different areas and increased energy expenditure. Birds potentially vulnerable when roosting, feeding on the estuary or feeding on grassland sites
Red-breasted Merganser	Winter visitor, present Sept-Mar	Numbers of Red-breasted Merganser over-wintering on Exe Estuary SPA have been decreasing in the medium-term having previously peaked; decline is similar to other sites in region	Wash from craft and disturbance from water-based activities to foraging birds.
Cormorant	Present all year; lowest numbers Jan- June. Peak in Oct	No alerts. Numbers have increased at the Exe in line with national and regional trends	Wash from craft and disturbance from water-based activities to foraging birds. Energetic consequences if flushed during roosting
Avocet	Only present in significant numbers Oct-Mar.	No alerts. Numbers of Avocet over-wintering on Exe Estuary SPA have been increasing long term. The proportion of the regional population supported by this site is decreasing, suggesting the site is at carrying capacity.	Loss of foraging time, increased energy expenditure etc; potential for disturbance both at roost and when feeding. Mostly intertidal areas.
Oystercatcher	Present all year; high numbers Aug-Feb	Numbers of Oystercatcher over-wintering on Exe Estuary SPA have been decreasing in the medium-term having previously been relatively stable. Consequently, Alerts have been triggered for the medium- and long-terms and the period since designation. The decline corresponds to a regional and national decline but has occured more rapidly, suggesting site-specific issues.	Loss of foraging time, increased energy expenditure etc; potential for disturbance both at roost and when feeding. Mostly intertidal areas.
Dunlin	July-May; high numbers Nov-Feb	Numbers have declined over most of the period recorded by WeBS. However no current alerts have been triggered over all time-frames, but analysis does suggest site specific issues.	Loss of foraging time, increased energy expenditure etc; potential for disturbance both at roost and when feeding. Mostly intertidal areas.
Grey Plover	Only present in any numbers Sep-Mar; peaking in Feb.	Steady decline since the mid-1990s, with analysis suggesting site specific issues for this species.	Loss of foraging time, increased energy expenditure etc; potential for disturbance both at roost and when feeding. Mostly intertidal areas.
Lapwing	Only present in any numbers Nov-Feb; peaking in Feb.	Numbers of Lapwing over-wintering on Exe Estuary SPA have been decreasing in the medium-term having previously peaked. Analysis indicates site specific issues.	Loss of foraging time, increased energy expenditure etc; potential for disturbance both at roost and when feeding. Will use grassland areas for feeding.

Species	Time of year	Web Alerts	Impacts from Recreation (essentially ways in which disturbance
	present		could impact)
Black-tailed Godwit	Present all year; highest numbers Aug- Mar	No alerts. Substantial increases in line with British overwintering population.	Loss of foraging time, increased energy expenditure etc; potential for disturbance both at roost and when feeding. Will use grassland areas for feeding.
Whimbrel	Passage only; primarily July-Aug and April-May.	Not included in WeBS alert report	Loss of foraging time, increased energy expenditure etc; potential for disturbance both at roost and when feeding.

Dawlish Warren SAC – site interest

- 1.19 Dawlish Warren is an unusual double sandspit located at the mouth of the Exe Estuary, opposite Exmouth. Dawlish Warren SAC includes the vegetated part of the sandspit only, excluding the unvegetated beach where the amusements and car park are situated at the foot of the spit, and also excluding an area of fixed dune grassland known as the buffer zone. Part of the site is owned and managed by Teignbridge District Council as a nature reserve, while the north western section of the site is owned by the Devon Wildlife Trust and leased as a golf course. The area designated as SAC is also included within the Exe Estuary SPA.
- 1.20 Dawlish Warren is designated as an SAC for its habitats and non-avian species of European importance. Qualifying features are its dune habitats and a population of the liverwort petalwort *Petalopyllum ralfsii*. See Table 2 for further descriptions of the dune habitats present.
- 1.21 Embryonic dunes are listed on Annex 1 of the Habitats Directive and are therefore a habitat type that could be a qualifying feature of an SAC. While embryonic dunes are identified as being present in the Natura 2000 standard data form for the site², the representivity of this habitat at Dawlish Warren is classed as D, which means "non-significant presence" (see explanatory notes on the data form). Embryonic dunes are therefore not listed as a qualifying interest feature for the SAC. However, at Dawlish Warren, the mobile dunes, which do form a qualifying feature, are likely to be affected if the ecological functioning of the embryonic dunes is compromised. Therefore we have included them in our assessment of recreational impacts on the SAC features at Dawlish Warren, because indirect effects upon shifting dunes could constitute an adverse effect on the integrity of the SAC.
- 1.22 Large populations of petalwort occur in two dune slacks at Dawlish Warren. One of the slacks is on a natural, sandy substrate which is probably affected by the concrete materials used to build the visitor centre foundations. In the other slack, petalwort grows on sand overlying an artificial masonry/stone substrate, which receives run-off from an adjacent limestone gravel track (Holyoak 2003). Both slacks are closely grazed by rabbits *Oryctolagus cuniculus*.
- 1.23 Sand lizard *Lacerta agilis* is also present on the site following reintroduction in 1994 under English Nature's Species Protection Programme, but it is not a primary reason for SAC designation at Dawlish Warren.

² <u>http://www.jncc.gov.uk/ProtectedSites/SACselection/n2kforms/UK0030130.pdf</u>

Table 2: Annex 1 habitats for which Dawlish Warren is designated a SAC and their representation at Dawlish Warren.

Annex 1 habitat type	Description	At Dawlish	Approx. area of SAC
Embryonic shifting dunes (present but not a qualifying feature)	Embryonic shifting dune vegetation colonises areas of incipient dune formation at the top of a beach. It exists in a highly dynamic state and is dependent on the continued operation of physical processes at the dune/beach interface. The predominant plants are strandline species such as sea rocket <i>Cakile</i> <i>maritima</i> and the salt-tolerant, sand-binding grasses such as sand couch <i>Elytrigia juncea</i> . In most cases Embryonic shifting dunes are transient and will either be displaced by marram grass-dominated vegetation as the dunes develop or will be washed away by storms. The continued supply of new sand from the beach into the dune system is therefore vital to the continued existence of this community. The habitat type is of exceptional importance as an indicator of the general structural and functional 'health' of a dune system. Creation of new dune habitat, and the long-term survival of the dune system at which it occurs, is often dependent upon the survival of this habitat type.	Sea defence works in the late 1960s or early 1970s at Dawlish Warren have prevented full mobility from occurring (TDC 2010). Storm events in recent years have resulted in the substantial erosion of significant amount of the beach and embryonic dunes (P. Chambers <i>pers. comm.</i>). The fixed sea defences mean that there is no possibility for the mobile element of the dune system to migrate inland.	1% of 58.84 ha (at notification)
Shifting dunes along the shoreline with Ammophila arenaria ("white dunes")	Shifting dunes encompasses most of the vegetation of unstable dunes where there is active sand movement. Under these conditions sand-binding marram grass <i>Ammophila arenaria</i> is a prominent feature of the vegetation and is usually dominant. This is a dynamic vegetation type maintained only by change. It can occur on both accreting and eroding dunes, but will rapidly change and disappear if stability is imposed. It rarely occurs in isolation because of its dynamic nature and because it is successionally related to other dune habitats. The habitat type excludes the low, embryonic dunes where occasional exposure to saltwater flooding constraints the growth of marram grass and where plants of the strandline mingle with salt-tolerant, sand-binding grasses.	Dawlish Warren is considered to support a significant presence of this habitat type.	23.6%
Fixed dunes with herb. vegetation ("grey dunes")	Fixed dune vegetation occurs mainly on the largest dune systems, where there is sufficient width. It typically occurs inland of the zone dominated by marram grass as the dune stabilises and the organic content of the sand increases. At Dawlish this includes both calcareous dune grassland and acid dune grassland with transitions to dune heath and acid grassland.	Dawlish Warren is considered to support a significant presence of this habitat type.	22.6%
Humid dune slacks	Dune slacks are seasonally flooded, low-lying, nutrient deficient areas within dune systems. The range of communities found is considerable and depends on the structure of the dune system, the successional stage of the dune slack, the chemical composition of the sand and prevailing climatic conditions. Dune slacks are characterised by a pattern of pronounced annual fluctuations of the water table, related to the landform of the dune system as well as climate and the nature of the underlying sediment – whether porous shingle or impervious clay. Variations in the extent and duration of flooding of the dune surface are very important in determining the vegetation. While Humid dune slacks may include creeping willow <i>Salix repens</i> , the Annex I type excludes those sites where the species is dominant. Dune slacks are often rich in plant species, particularly rare and local species.	The Annex II Petalwort <i>Petalophyllum ralfsii</i> is present in this habitat at Dawlish Warren. Dawlish Warren is considered to be one of the best areas in the UK for this habitat type, which is a primary reason for its designation.	1.9%

Dawlish Warren SAC- current status

- 1.24 The current condition³ of the site interest features at Dawlish Warren gives cause for concern. Coastal defences (groynes and gabions) on the southern, seaward side of the site are are preventing the geomorphological processes necessary to allow dune features to establish and evolve. Condition assessments for Dawlish Warren also highlight the loss of waterfowl here at Dawlish Warren as having a major impact on the Exe Estuary waterfowl assemblage, which is of relevance to the current environmental baselines for the Exe Estuary SPA. The rest of Dawlish Warren site is considered to be in 'unfavourable recovering' condition, with this assessment mainly influenced by the SSSI waterfowl features, rather than the geomorphological features. As SSSI condition assessments are made against a fixed assessment criteria and are a snapshot in time, it is suggested that the current SSSI condition assessment does not fully take into account the complexities and uncertainties surrounding potential impacts on the dunes and SAC interest that may currently be taking place, and how any impacts may manifest in the future. These are discussed in more detail in (Liley *et al.* 2014).
- 1.25 As sea level changes take place in the coming decades, the site is likely to be under significant pressure. This highlights the need for a longer term view when considering the effect of pland and projects and any mitigation required (Liley *et al.* 2014).

Dawlish Warren SAC- sensitivities

1.26 Dawlish Warren is the subject of and vulnerable to significant recreational pressure. This is closely intertwined with other factors operating on the site, most notably coastal erosion, the presence of sea defences, the naturally dynamic state of sand dune habitats and management practices. Recreational pressures arise from trampling (though this can also have a positive effect to some extent by maintaining open habitats), nutrient deposition, fire risk (from barbeques), and management practices on the golf course. These impacts are explored in much greater detail in (Liley *et al.* 2014). These impacts are observable across the site, although focussed on the more accessible western end.

East Devon Pebblebed Heaths SAC & SPA – site interest

1.27 The East Devon Pebblebed Heaths are located on the Triassic Budleigh Salterton pebble beds which form a prominent escarpment running some 6km northwards from Budleigh Salterton towards Ottery St Mary, with an altitude range of 70 m to 176 m. They extend some 1.2 km east to west at their widest. The westerly scarp is steep and the majority of the Pebblebed Heaths occur on the gentle easterly dip slope, which has numerous shallow valleys. The easterly flowing streams and associated flushes are often base-rich, issuing from the underlying Permian sandstones and mudstones. The streams flow east as tributaries of the River Otter. The site is both designated as a SAC and classified as a SPA.

³ SSSI condition assessment information taken from <u>www.natureonthemap.naturalengland.org.uk</u>

- 1.28 The Pebblebed Heaths cover some 1400 ha and make up the largest block of lowland heath in Devon. It is a nationally important representative of the inland Atlanticclimate lowland heathlands of Britain and north-west Europe. A significant feature of the site is the diversity of heathland associated communities, related to its large area and the range of substrates and topography. These include dry heath dominated by heather *Calluna vulgaris* with bell heather *Erica cinerea*, western gorse *Ulex gallii* and heathland grasses, grading to wet heath in a series of shallow valleys with mineral rich-flushes on the valley sides, and valley mire in the valley bottoms with cross-leaved heath *Erica tetralix* and a range of characteristic mire and flush species.
- 1.29 Parts of the East Devon Pebblebed Heaths were first notified as a SSSI in 1952, and the various areas of heath were consolidated into the current SSSI of some 1119 ha in 1986. The East Devon Pebblebed Heaths have subsequently been designated as SAC in June 1996. The designation covered 1119.94 ha with the primary reason for selection being the north Atlantic wet heaths with cross-leaved heath *Erica tetralix*, European dry heaths and the populations of southern damselfly *Coenagrion mercuriale*, for all of which the Pebblebed Heaths were considered one of the best areas in the UK. Both the wet and dry heaths are listed within Annex I in the Habitats Directive as habitats for which SACs may be designated, and are considered to be of global importance, while the southern damselfly is listed under Annex II of the Directive, which lists species for which SACs may be designated. The southern damselfly population on the East Devon Pebblebed Heaths is considered to be of national importance. Interest features for the SAC are summarised in Table 3.
- 1.30 The East Devon Pebblebed Heaths were classified a SPA in 1998, qualifying under Article 4.1 of the Birds Directive as the area regularly supports 2.4% of the UK population of breeding nightjar *Caprimulgus europaeus* (as at 1992), and 8% of the UK population of breeding Dartford warbler *Sylvia undata* (as at 1994). The SPA covers 1119.94ha, matching the SAC boundary. Table 4 summarises the SPA interest.
- 1.31 Nightjar is a summer migrant species (arriving in May), breeding in open heathland, clear-fell and woodland edge habitats. They nest on the ground and can have two broods in a season so breeding can extend into mid-August. They feed on moths and other aerial insects at night and can forage as far as 7 km from their breeding areas, visiting streams, wet grasslands, woodlands, small fields, orchards etc. (Cresswell 1996). Nightjar eggs are pale and easily visible to predators but are covered by the sitting birds, with highly cryptic plumage. If the birds are flushed off the nest, the eggs (and far less so the young, which are also highly cryptic) are vulnerable to predators.
- 1.32 The Dartford warbler is a heathland specialist, holding a territory on the heaths all year round. Dartford warblers are insectivorous and the availability of foraging sites under thick vegetation, particularly gorse bushes when there have been snowfalls, is important for their survival in hard winters. This requirement can be achieved by regular management of the gorse (or sometimes fortuitously by small wild fires). In the 1960s, after a series of cold winters, the UK population was down to 10 pairs, but numbers then recovered and the species reached an estimated 3214 territories in 2006.

Over the last three winters, hard weather and snow have affected Dartford warbler numbers and there have been substantial declines particularly on the Devon Pebblebeds, Thames Basin and Wealden Heaths. Nests are located close to the ground in heather or gorse. Dartford warblers can have up to three broods per season and, in the absence of external impacts, generally a high proportion of the nests are successful in raising young.

Table 3: SAC Interest Features for the Pebblebeds SAC

Interest Feature	Description	At the Pebblebeds	Approx. area of SAC
Northern Atlantic wet heaths with <i>Erica</i> <i>tetralix</i>	Wet heath usually occurs on acidic, nutrient-poor substrates, such as shallow peats or sandy soils with impeded drainage. The vegetation is typically dominated by mixtures of cross-leaved heath <i>Erica tetralix</i> , heather <i>Calluna vulgaris</i> , grasses, sedges and Sphagnum bog-mosses. M16 Erica – Sphagnum wet heath is usually dominated by mixtures of cross-leaved heath, heaths and purple moor grass <i>Molinia caerulea</i> . The bog-moss <i>Sphagnum compactum</i> is typically abundant, and species with a mainly southern distribution in Britain, such as marsh gentian <i>Gentiana pneumonanthe</i> , brown beak-sedge <i>Rhynchospora fusca</i> and meadow thistle <i>Cirsium dissectum</i> , enrich the wet heaths. A further very local wet heath type is M14 <i>Schoenus – Narthecium</i> (black bog rush <i>Schoenus nigricans</i> -bog asphodel <i>Narthecium ossifragum</i>) mire, which is mainly associated with transitions from heath to valley bog at a small number of lowland sites in southern Britain. Flushed wet heaths are especially frequent in areas of high rainfall, and occur as topogenous (usually as valley or basin mires) fens, in channels within heath or grassland vegetation.	This is the largest block of lowland heathland in Devon and is associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of M16 <i>Erica tetralix – Sphagnum</i> <i>compactum</i> wet heath.	20% of 1119.94 ha (at notification)
European dry heaths	European dry heaths typically occur on freely-draining, acidic to circumneutral soils with generally low nutrient content. Ericaceous dwarf-shrubs dominate the vegetation. The most common is heather, which often occurs in combination with gorse <i>Ulex</i> spp., bilberry <i>Vaccinium</i> spp. or bell heather <i>Erica cinerea</i> , though other dwarf-shrubs are important locally. Nearly all dry heath is semi-natural, being derived from woodland through a long history of grazing and burning. Most lowland dry heaths are managed as extensive grazing for livestock. Dry heaths vary in their flora and fauna according to climate, and are also influenced by altitude, aspect, soil conditions (especially base-status and drainage), maritime influence, and grazing and burning intensity. There is a gradation from southerly to northerly kinds of dry heath, and there are also both western (oceanic) and eastern (more continental) forms. On slightly damp soils in the mild, oceanic climate of southwest England and south Wales, there is the uncommon H4 <i>Ulex</i> – <i>Agrostis</i> (Bent grass) heath.	The East Devon Pebblebed Heaths include extensive areas of lowland European dry heaths, with representative examples of H4 Ulex gallii – Agrostis curtisii heath, characterised by the presence of heather, bell heather, western gorse Ulex gallii, bristle bent grass Agrostis curtisii, purple moor-grass, cross-leaved heath and tormentil Potentilla erecta. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK.	50 %

Interest Feature	Description	At the Pebblebeds	Approx. area of SAC
Southern damselfly Coenagrion mercuriale	The southern damselfly <i>Coenagrion mercuriale</i> has very specialised habitat requirements, being confined to shallow, well-vegetated, base-rich runnels and flushes in open areas or small side-channels of chalk rivers. Most sites are on wet heath. The larvae live in flushes and shallow runnels, often less than 10 cm deep, with slow-flowing water. Adults fly from June to August. Females lay eggs onto submerged plants, and the predatory aquatic larvae probably take two years to mature. <i>Coenagrion mercuriale</i> is widespread but rare in southern central and south-west Europe, and its range extends to northern Africa. The fairly stable centre of its distribution in the south-west of the UK appears to constitute a major European stronghold of the species. In the UK it occurs mainly in south-west England and in south Wales.	The East Devon Pebblebed Commons hold two relatively small populations representing southern damselfly <i>Coenagrion</i> <i>mercuriale</i> in the south-west of its range in England. These populations occur in base rich wet flushes within the site.	

Table 4: SPA Interest Features for the East Devon Heaths SPA

Interest Feature	Description	At the Pebblebeds
Nightjar Caprimulgus europaeus	The site supports 2.4% of the Great Britain breeding population as at the national census in 1992.	Nightjar populations on the East Devon heaths have fluctuated as a percentage of national numbers. The survey in 2004 found 64 singing males on the SSSI/Spa representing 1.4% of the national population while a further survey in 2010 found an increase to 78 singing males, at a time when there had been a 15% decrease in nightjar numbers across all major SSSIs (Conway <i>et al.</i> 2007, 2010)
Dartford warbler Sylvia undata	The site supports 8% of the breeding population as at the national census in 1994	The survey of 1994 found 123 singing males (8% of the breeding population) and the national survey of 2006 found 70 males and estimated 85 males, (2.6% of the estimated national breeding population), a decline of over 40% (Wotton <i>et al.</i> 2009). In 2008 a further survey of the heaths found 147 singing males an increase of over 100% Taylor pers. comm.). Since then, hard winters have seriously reduced most Dartford warbler populations and neither national nor local number are known.

East Devon Pebblebed Heaths SAC & SPA - current status

1.33 The condition of the SSSI was assessed by Natural England in October 2012, taking into account both vegetation and ornithological interest that form the designated features of the SAC and SPA.⁴ At a SSSI level, the site is predominantly classed as 'unfavourable recovering,' with vegetation management being the most important issue. Large areas that have been subject to fires in the recent past are particularly vulnerable to other impacts. Heathlands are likely to continue to suffer the general effects of climate change over the medium to long term, particularly isolated sites such as the East Devon Pebblebed Heaths. Currently, the majority of the site is considered to be in a state of recovery, though the heaths have some sensitivity to recreational impacts (Liley *et al.* 2014).

East Devon Pebblebed Heaths SAC & SPA – sensitivities relating to impacts from recreation

1.34 There has been no specific work on the East Devon Pebblebeds Heaths to consider the impacts of recreation on the European site interest features, and this is therefore a gap in the evidence base. However, like other heathlands where such recreational impacts have been studied, the East Devon Pebblebed Heaths are vulnerable to disturbance, wild fires, nutrient inputs (from dogs and atmospheric pollution), trampling, litter and fly tipping. These impacts are studied in great depth in (Liley *et al.* 2014).

⁴ SSSI condition assessment information taken from <u>http://www.sssi.naturalengland.org.uk/Special/sssi/</u>

2. Spatial Planning and Habitats Regulations Assessment to Date

The South East Devon Mitigation Strategy

- 2.1 The South East Devon Mitigation Strategy is a comprehensive and detailed mitigation strategy established with a significant evidence base to inform and underpin its objectives. The Strategy is a partnership approach between Exeter City Council, Teignbridge District Council and East Devon District Council. The purpose of the strategy is to seek a sustainable and Habitats Regulations compliant solution to the provision of growth within the three districts that border the Exe Estuary, whilst maintaining a robust approach to protecting the Exe Estuary, Dawlish Warren and the East Devon Pebblebed Heaths European sites from the adverse effects of recreational pressure and urbanisation. The Strategy seeks to mitigate for the impacts of new development, whilst also recognising the wider duties relating to the maintenance of the interest features of the three European sites, including restoring any degraded features and rectifying any existing impacts.
- 2.2 The Strategy does not cover impacts arising from non-residential development, nor does it cover any impacts that do not derive from recreation and urbanisation, such as air or water pollution, for example. It is therefore important that each of the three authorities fully covers these wider issues when undertaking their individual Habitats Regulations Assessments for their land use plans, Council-led projects, or any projects for which the Council is giving permission or authorisation.
- 2.3 The evidence base for the South East Devon Mitigation Strategy is as follows:
 - A face-face visitor survey on the Exe Estuary
 - A household survey (by post, asking about recreational visits to countryside sites)
 - The Exe Estuary Disturbance Study
 - Visitor Survey of the East Devon Pebblebed Heaths
 - Assessment of ecological impacts to Dawlish Warren SAC
 - Exe Interim Report (in place until the full mitigation and delivery strategy is finalised)
 - Stakeholder consultation on likely success of mitigation measures for the Exe Estuary, Dawlish Warren and Pebblebed Heaths.
- 2.4 The South East Devon Mitigation Strategy is now nearing finalisation as the three authorities agree some of the technical details relating to the administration of the Strategy's delivery. In relation to new residential development, and the recreational disturbance and urbanisation effects that may arise as a result of that development, the South East Devon Mitigation Strategy should provide the measures necessary to avoid or mitigate for the potential impacts that may arise as a result of the new residential growth promoted in the Development Delivery DPD. However, in conducting a plan level Habitats Regulations Assessment, it is necessary to have certainty that potential effects not foreseen by or covered by any higher tier Strategy are still checked for. Levels or locations of growth may have changed, or new proposals may be made.

The Exeter City Core Strategy and its Habitats Regulations Assessment

- 2.5 The Exeter City Core Strategy provides for a minimum of 12,000 new homes and 60 hectares of employment land, up to its end date of 2026.
- 2.6 The Exeter City Core Strategy was the subject of a Habitats Regulations Assessment prior to its adoption in 2012. This was undertaken in 2010 by WSP Environmental UK and predates the commencement of any significant work to develop the South East Devon Mitigation Strategy. The Core Strategy Habitats Regulations Assessment identified the key issues for European sites as being recreational pressure, water abstraction, water pollution and air pollution. The assessment concluded that the implementation of a green infrastructure strategy and work in partnership with Teignbridge District Council and East Devon District Council, potentially with a developer contributions scheme in place would adequately mitigate for recreational impacts. Policy wording was suggested in order to ensure that provision of water infrastructure was timely with development coming forward, and also that water efficiencies were taken forward in new homes. Consideration of emissions from any new industrial development was recommended to be left to the lower tier Development Delivery DPD.
- 2.7 The Core Strategy Habitats Regulations Assessment identified the need for a developer contributions scheme to provide mitigation for recreational pressure, and identified alternative greenspace and the implementation of site management plans as the main mitigation requirements of such a scheme. These earlier recommendations provide some of the foundations for the progression of work to develop the South East Devon Mitigation Strategy.
- 2.8 The later stages of the preparation of the Core Strategy before its adoption in 2012 were informed by the emerging evidence base for the South East Devon Mitigation Strategy. Because the South East Devon Mitigation Strategy is up to date and comprehensively evidence based, it is this strategy that should primarily inform this Habitats Regulations Assessment for the Development Delivery DPD.
- 2.9 Exeter City Council has set its commitment to the South East Devon Mitigation Strategy and the protection of European sites within the adopted Exeter City Core Strategy 2012 through policy reference to working with neighbouring authorities to put in place effective European site protection. This includes commitment to both the implementation of mitigation and the monitoring of its effectiveness. Teignbridge and East Devon Districts also have similar policy commitments in their own plans.

Infrastructure Delivery Plan

2.10 Some of the avoidance and mitigation measures set out within the South East Devon Mitigation Strategy relate to the provision or enhancement of natural greenspace, to provide an alternative recreation facility to the use of the European sites. Provision of alternative greenspace as part of a package of measures to mitigate for recreational pressure has been effectively incorporated into a number of strategic mitigation schemes for European sites. This is now recognised by Government and specific

reference to the use of the Community Infrastructure Levy to fund this green infrastructure is now made in the Community Infrastructure Levy Guidance recently published by the Department for Communities and Local Government earlier this year. Within this guidance the Government advises that *"local authorities are responsible for securing adequate mitigation for European site impacts. They may choose to use their Levy income to provide new or improved areas of open space (such as Suitable Alternative Natural Greenspace (SANGs) or similar approaches) which provide recreation space to deflect visitors, as part of a suite of measures to reduce the impacts.... the local authority must be clear that it intends to prioritise the use of the Levy to deliver Suitable Alternative Natural Greenspace and maintain their effectiveness in the long term."*

- 2.11 Mitigating for the recreational impact of new growth features at the top of Exeter City Council's 'Regulation 123 list,' which is the published list of infrastructure that the Council intends to apply the Community Infrastructure Levy money collected from applicable new development. The commitment to funding mitigation through the Levy is also stated in Exeter's Infrastructure Delivery Plan, which supports the delivery of the Core Strategy. Here the avoidance and mitigation measures are identified as critical for delivery.
- 2.12 The final decisions regarding the funding of measures within the mitigation strategy that do not relate to the provision of Suitable Alternative Natural Greenspace are currently being taken by the three authorities, as part of their finalisation of the Strategy. These decisions are of relevance to the delivery of avoidance and mitigation measures for the Development Delivery DPD.

3. Screening for the Likelihood of Significant Effects

Summary of the screening process

- 3.1 As described in Appendix 1, Habitats Regulations Assessment is a step by step process undertaken by the competent authority, assisted where required or necessary by Natural England as the statutory nature conservation body. Once a competent authority has ascertained that the purpose of the plan or project is not wholly necessary for the management and benefit of the European site interest features, the process should be undertaken in a step by step way. The Exeter Development Delivery DPD delivers the Exeter Core Strategy. It is not necessary for the management of European sites, and a screening for the likelihood of significant effects arising from the DPD must therefore be undertaken.
- 3.2 The Habitats Regulations do not include the word 'screening' but this has been widely adopted to describe this stage in the process because it is an initial consideration of the plan or project to decide if there are information gaps, risks or uncertainties that require further detailed investigation. The plan or project it is filtered through this initial checking stage to see if further work is required. Any uncertainties are considered to be potential impacts requiring further detailed scrutiny. See Appendix 1 for more information on the check for the likelihood of significant effects and how it fits within the Habitats Regulations Assessment process.

The screening table

- 3.3 The screening for the likelihood of significant effects is best represented in tabular form, so that it is clear that each aspect of the plan has been considered. It is presented within Table 5 below. In undertaking the check for likely significant effects, the supporting text accompanying each policy is checked as well as the policy itself. Where the supporting text alongside a given policy includes additional relevant information, presents additional risks over and above the policy itself, or provides opportunities for the incorporation of mitigation, the supporting text has also been specifically referred to in the screening table.
- 3.4 As noted above, significant work has already taken place with regard to the preparation of a strategy to avoid and mitigate for the effects of recreational pressure and urbanisation. However, there is still a need to check that the strategy adequately covers all potential issues at the individual plan level, and for this reason, the South East Devon Mitigation Strategy is not automatically assumed to mitigate for impacts at this initial screening stage. Cross checks will need to be made to ensure that individual allocations can adequately meet mitigation requirements. The South East Devon Mitigation Strategy is abbreviated to SEDMS within the table.

Table 5: Screening the Exeter Development Delivery DPD for the likelihood of significant effects

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
Vision	Sets out Exeter's overarching approach to sustainable development. The vision is replicated from the Core Strategy	LSE	Reference made to growth for the plan period, including specifically the sustainable urban extensions at Newcourt and Monkerton Hill/Barton and at Alphington	Growth is in accordance with the Core Strategy, and has therefore been taken into account in the SEDMS. However, as detailed below, each proposal within the DPD needs to be checked individually for additional impacts	n/a	n/a
DD1	Ensures development accords with the principles of sustainable development	No LSE	A very strategic policy, qualitative and requires sustainable development principles to be met. Includes reference to the natural environment.	No further action, re- assess at next plan stage	n/a	n/a
DD2	Allocations for employment at Exeter Business Park (4ha) and Newcourt (16ha)	LSE	Nature of development and locations mean that they are unlikely to result in any impacts other than water quality concerns	Check locations for employment allocations, and any issues and recommendations relating to surface water management, and possibly air pollution	n/a	✓

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
DD3	Protects existing employment land and premises from loss to other uses	No LSE	Criteria based policy that only allows loss of employment land in particular circumstances	No further action, re- assess at next plan stage	n/a	n/a
DD4	Criteria for the provision of local services	No LSE	Criteria based policy that ensures provision of sustainable local services	No further action, re- assess at next plan stage	n/a	n/a
DD5	General support for development that facilitates access to employment	No LSE	High level policy support, does not promote specific development	No further action, re- assess at next plan stage	n/a	n/a
DD6	General support telecommunications development	No LSE	High level policy support, does not promote specific development and includes a caveat to protect biodiversity	No further action, re- assess at next plan stage	n/a	n/a
Housing Delivery supporting text – quantum of housing relating to recreational/urbanisa tion impacts	Provides a detailed breakdown of the provision of 13,217 new dwellings during the plan period, in accordance with the Core Strategy	LSE	The SEDMS has been produced on the basis of a total housing figure of nearly 15,000 for Exeter City, and the proposed housing figure in the DPD therefore accords with the SEDMS. However, the DPD does not make clear the linkages between	Some clarifying text to be added to the DPD, therefore linking to the mitigation necessary for housing delivery in the City.	Additional text required to explain linkages to the SEDMS, as the mechanism for providing mitigation for recreational pressure and urbanisation impacts potentially arising from the quantum of housing proposed. A commitment to	n/a

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
			the SEDMS and housing proposed, and the mitigation necessary.		continued alignment of the SEDMS with housing numbers, as the SEDMS is monitored and relevant plans reviewed, to ensure that mitigation remains fit for purpose.	
Housing Delivery supporting text – non recreational/urbanisa tion impacts	Provides a detailed breakdown of the provision of 13,217 new dwellings during the plan period, in accordance with the Core Strategy	LSE	Whilst the overall recreational/urbanisa tion impact is covered by the SEDMS there are other potential impacts to consider	The additional dwellings will place demand on water resources and water infrastructure. Additional traffic may lead to additional issues relating to air pollution. These issues require further consideration.	n/a	~
DD7	Identifies two regeneration areas, being the Grecian Quarter (includes bus and coach station area) and Water Lane Area	LSE	Mixed use development proposals to include residential.	Check SEDMS measures are appropriate and adequate SANGs identified. Check any issues and recommendations relating to surface water/flood risk management	n/a	~

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
DD8	Lists sites to be allocated within the plan for new housing	LSE	Sites for the delivery of the housing need identified – need to be certain of compliance with the SEDMS	Check SEDMS measures are appropriate and adequate SANGs identified. Check any issues and recommendations relating to surface water/flood risk management	n/a	✓
DD9	Supports the delivery of housing on sites not allocated within the plan, providing that they meet all other development plan policies	No LSE	Windfall housing covered by mitigation measures provided for in the SEDMS. This policy promotes housing, but does not quantify location or amount, and requires policy compliance, thus allowing for project level HRA	No further action, re- assess at next plan stage	n/a	n/a
DD10	Requires compliance with the Council's Wheelchair Accessible Housing Design standards	No LSE	Qualitative policy only, ensuring wheelchair accessible development	No further action, re- assess at next plan stage	n/a	n/a
DD11	Prevents any net loss in residential units	No LSE	Does not promote development, only ensures no net loss in existing residential resource.	No further action, re- assess at next plan stage	n/a	n/a

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
DD12	Criteria for allowing conversion into multiple flats	LSE	Additional housing as a result of segregating buildings, contributing to overall housing growth. Key issue is the type of housing promoted.	Any net increase in dwellings needs to be accounted for in the mitigation strategy, but this may not be captured by CIL. Finalisation of SEDMS needs to take into account non CIL contributing growth	Exeter City Council has confirmed that it had full regard for the overall SEDMS requirements and residential development types that may be excluded from CIL, within their CIL calculations and the funding that will be safeguarded for European site mitigation.	n/a
DD13	Criteria for student accommodation	No LSE	Supporting text refers to a proposed increase in students with the growth of the University of Exeter. 16,000 in 2011 rising to 18,000 in 2018. Primarily to be accommodated in purpose built housing.	Additional students residing in Exeter will contribute to overall pressure on European sites. Exeter City council has confirmed that student accommodation is included within the overall housing figures	n/a	n/a
DD14	Residential amenity needs that will be taken into account in the determination of new development	No LSE	Qualitative policy only, ensuring residential amenity is not affected by new development	No further action, re- assess at next plan stage	n/a	n/a
DD15	Promotion of the bus and coach station	LSE	Mixed use development	Check SEDMS measures are	n/a	\checkmark

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
	area for regeneration, retail and leisure development promoted, but could also include hotels and housing		proposals to potentially include residential.	appropriate and adequate SANGs identified. Check any issues and recommendations relating to tourism, surface water/flood risk management and possibly air pollution		
DD16	Preventing the change of use of ground floor retail premises	No LSE	Policy protects the vitality of shopping areas, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD17	Supports tourism development that contributes to the profile of Exeter as a tourist destination	LSE	SEDMS does not cover tourism impacts only new residential growth. Potential for tourism impacts needs to be quantified and potentially mitigated for.	More detailed scrutiny of nature, location and extent of potential impacts as a result of tourism	n/a	✓
DD18	Promotes hotel development in the city centre. Also supports the proposal for a 120 bed hotel and conferencing centre at Sandy Park	LSE	SEDMS does not cover tourism impacts only new residential growth. Potential for tourism impacts needs to be quantified and potentially mitigated for.	More detailed scrutiny of nature, location and extent of potential impacts as a result of tourism. Check this specific location.	n/a	\checkmark

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
DD19	Identifies and safeguards land for new railway stations, park and ride and roads	LSE	Nature of development and locations mean that they are unlikely to result in any impacts other than water quality concerns	Check any issues and recommendations relating to surface water management, and potentially air pollution	n/a	~
DD20	Safeguarding of land for transport uses	LSE	Nature of development and locations mean that they are unlikely to result in any impacts other than water quality concerns	Check any issues and recommendations relating to surface water management, and potentially air pollution	n/a	✓
DD21	Requires development to ensure adequate facilities and links for sustainable transport	No LSE	Qualitative/design only, requires adequate facilities for sustainable transport, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD22	Requires development to ensure adequate parking provision as part of new development	No LSE	Qualitative/design only, requires adequate parking provision, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD23	Protects greenspace from loss and sets a general requirement for new greenspace and ongoing maintenance in	No LSE	Qualitative/design only, ensuring open space provision, does not promote development	No further action, re- assess at next plan stage	n/a	n/a

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
	accordance with open space SPD					
DD24	Protects community buildings from loss	No LSE	Protective policy only, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD25	Protects community assets from loss	No LSE	Protective policy only, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD26	Design principles policy	No LSE	Qualitative/design principles only, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD27	Designing out crime policy	No LSE	Qualitative/design only, relating to crime reduction, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD28	Shop front design	No LSE	Qualitative/design only, preserving the street scene, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD29	Protection of built heritage	No LSE	Protective policy only, preserving built heritage, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD30	Protection and enhancement of locally valued and distinctive landscapes	No LSE	Protective policy only, conserving landscapes of local importance, does not	No further action, re- assess at next plan stage	n/a	n/a

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
			promote development			
DD31	Green infrastructure delivery in accordance with the Green Infrastructure Strategy	LSE	The GI strategy is an important link for policy commitment and delivery of some of the SEDMS.	Therefore need to check that Exeter City level delivery mechanisms are in accordance with the over-arching SEDMS once it is finalised. As a protective policy there is a need to check it includes all that is required.	n/a	✓
DD32	Biodiversity and geodiversity protection	LSE	The biodiversity protection policies and supporting text are an important link for policy commitment and delivery of some of the SEDMS.	Once the SEDMS is finalised, suggest suitable text to add to the policy and supporting text.	Possible strengthening of policy wording and text once SEDMS finalised (whilst still recognising that the key commitments are already in place in the Core Strategy).	✓
DD33	Requirements for decentralised/local energy	No LSE	Qualitative/design only, supporting sustainable local energy production, does not promote development	No further action, re- assess at next plan stage	n/a	n/a
DD34	Protection from flooding	No LSE	Ensures development is considered in accordance with national flood risk policy,	Reconsider after AA complete	Possible need for strengthening of text in light of AA findings	\checkmark

DPD Section/Policy	Description	LSE	Justification for LSE Conclusion	Recommendations	Plan changes to rule out LSE recommended	Consider in more detail in Appropriate Assessment
			environmentally positive policy, does not promote development, but this policy may need to be strengthened in light of AA findings			
DD35	Protection from pollution	No LSE	Ensures development is considered in accordance with criteria relating to pollution and land contamination, environmentally positive policy, refers to protecting the natural environment, does not promote development, however, specific reference to European sites may be beneficial.	Reconsider after AA complete	Possible need for strengthening of text in light of AA findings	✓

4. Findings of the screening for the likelihood of significant effects and recommendations for the Appropriate Assessment

4.1 The screening for the likelihood of significant effects is an initial filter to identify where further assessment work or information gathering is necessary. In accordance with recent European case law, as discussed in Appendix 1, the screening check should simply be a matter of questioning whether the plan or project concerned is capable of an effect, being merely a trigger to consider more thoroughly at the appropriate assessment stage. In that sense this screening has been precautionary, taking matters through to appropriate assessment for further clarification. This does not necessarily mean that there is significant concern, but rather that in order for Exeter City Council to have certainty that all avoidance and mitigation is robust, additional checks are made. This is particularly relevant for those aspects reliant upon the South East Devon Mitigation Strategy. Such an approach ensures that Exeter City Council, as competent authority, has a thorough record of assessment to demonstrate compliance with the Habitats Regulations.

Matters to be assessed at appropriate assessment

- 4.2 The following matters are to be taken to appropriate assessment for further consideration, and potentially the addition of measures to mitigate for impacts that may occur:
 - Water resources and water quality, including flood risk and surface water management
 - Air pollution
 - Recreational impacts as a result of tourism
 - Recreational and urbanisation impacts from residential development mitigated for by the South East Devon Mitigation Strategy, but with a need to check that all links are in place, mechanisms for deliver finalised, and that each allocation is able to fully contribute to the strategy.
 - Protective policy strengthening to secure mitigation ensuring that once all assessment has been undertaken, that all protective policies adequately contribute to securing and implementing the necessary avoidance and mitigation measures.

5. Appropriate Assessment

- 5.1 As explained in Appendix 2 of this report, the appropriate assessment stage of the Habitats Regulations Assessment is the more detailed stage of assessment where, after the initial screening stage, the assessment gives more in depth consideration to the nature, extent, duration and likelihood of any potential impacts, considering the risk to interest features and how any impacts may affect the achievement of site conservation objectives, or the contribution each interest feature makes towards the overall favourable conservation status of the species or habitat type. The key issues screened in for further assessment, where it was concluded that significant effects were possible, are now considered in turn in the following section.
- 5.2 After assessing the potential impact in more detail, the appropriate assessment will either conclude that there isn't a risk to the site, or that adverse effects on site integrity cannot be ruled out, thus requiring some form of mitigation to prevent such effects from occurring. Adverse effects on site integrity must be ruled out before the plan can be given effect by Exeter City Council. In practical terms, the Council will seek to ensure that all adverse effects have been ruled out before submitting the plan for Examination.

Water

- 5.3 As part of the evidence base for Exeter City's planning documents, a Water Cycle Study was prepared in 2010 to support the Core Strategy and the main housing allocation at Cranford for the Exeter and East Devon Growth Point. The Water Cycle Study, produced by Halcrow Group Ltd, was commissioned to investigate whether the proposed growth targets could be adequately met in terms of water supply, treatment and infrastructure, without environmental harm, which could potentially occur as a result of depleted water resources, water pollution or flooding.
- 5.4 The Water Cycle Study had regard for the European sites vulnerable to changes in water resources or quality, noting that the Exe Estuary in particular has elevated levels of nutrients, attributable to both agricultural processes and discharges from waste water treatment works. Additionally, the River Axe which is designated as an SAC, is also a water body for which there were initial concerns within the study with regard to new growth. The Water Cycle Study assumed a development target of 15,000 new homes by 2026, and therefore tested a level of residential growth which covers that now proposed by the Core Strategy and subsequently the emerging Development Management DPD.
- 5.5 The Water Cycle Study concluded that there are no absolute environmental constraints to the proposed scale of growth. The study recognised that new water infrastructure would be required to support the proposed quantum of growth, particularly for the new community of Cranbrook (which is located within East Devon District), and that new technical solutions would be required for waste water treatment. The required improvements are technically feasible, but reliant upon funding allocations through the

Asset Management Plan (AMP) process. South West Water are responsible for water resources and treatment in the Exeter area.

- 5.6 The Water Cycle Study drew its conclusions based on the information available at the time of preparation in 2010, and made a number of recommendations accordingly. Now that the Development Delivery DPD is being assessed under the Habitats Regulations, four years later, it is necessary to re-check the conclusions and recommendations made, in order to have certainty that development promoted in the DPD will not pose a risk to any European site in terms of water quality, water resources and flooding. For Cranbrook, it is noted that since the 2010 Water Cycle Study recommendations, it has now been determined that a new waste water treatment works is not required. Upgrades to existing facilities will able to serve the same purpose, providing the necessary water treatment facilities for the Cranbrook community.
- 5.7 In terms of water treatment for Exeter City as a whole, the Water Cycle Study recognised that tightening of discharge consents would be required. It was therefore recommended during the earlier stages of this Habitats Regulations Assessment that Exeter City Council consulted the Environment Agency to recheck the status of current consents, any tightening that has already taken place, and whether it remains technically and practically feasible to undergo any further necessary tightening to continue to protect the European sites.
- 5.8 The Environment Agency has now confirmed in a letter to the City Council in July 2014 that current consents can undergo further tightening in order to accommodate new growth whilst ensuring that there is no deterioration in water quality. The Environment Agency confirmed that additional technologies are feasible, and would need to be priorities as part of the AMP process. The Environment Agency, South West Water and other relevant partners such as the local planning authorities and Natural England should work together to ensure that all necessary evidence to support the case for improved water quality is gathered and presented for the next AMP round.
- 5.9 Of particular note with regard to potential impacts on the European sites arising from development is the risk of increased nutrient levels in the Exe Estuary. At the time that the Water Cycle Study was being prepared in 2010, the Environment Agency provided specialist advice to Exeter City Council regarding the risk of pollution to the Estuary. The Environment Agency provided assurances that a programme of monitoring, and action to be implemented in light of monitoring, would adequately protect the Estuary from further decline. The Water Cycle Study therefore concluded that a monitoring programme was required, and that there are technical solutions available to reduce nutrient loads if trigger thresholds are reached. The Water Cycle Study recommends that Exeter City Council, the Environment Agency and South West Water work together in partnership to put in place a 'monitoring and development intervention programme' to ensure that water quality in the Exe Estuary does not deteriorate further.

- 5.10 With the passage of time since the Water Cycle Study, and in order to inform this Habitats Regulations Assessment of the Development Delivery DPD, it was necessary to check the progress of this programme, including its monitoring work. During the earlier stages of this Habitats Regulations Assessment it was therefore recommended that the programme's findings to date are sought from the Environment Agency, that the trigger thresholds are checked to ensure that they are still appropriate, and that the necessary action should triggers be reached is planned for and remains implementable.
- 5.11 The Environment Agency's letter to the City Council of July 2014 confirms the on-going monitoring taking place for the Exe Estuary, and classifies the estuary as enriched, but not eutrophic. Whilst the Environment Agency confirm that this is acceptable under the Water Framework Directive, it does not preclude the need for action under the Habitats Regulations, and this now needs to be the focus of the monitoring and development intervention programme.
- 5.12 Reference should be made within the DPD to this programme, as one of the measures in place to protect the Exe Estuary from pollution. This may be most appropriate under policy DD35, Pollution and Contaminated Land. The Environment Agency should work proactively with the City Council and Natural England to make sure that the programme focuses on the conservation objectives for the Exe Estuary, and plans for improvements, in accordance with their duties as public bodies under the Habitats Regulations.
- 5.13 The Water Cycle Study was informed by confirmation from South West Water that water resources would not be a constraint to planned growth. As with the Environment Agency, it was recommended that this conclusion was re-checked with South West Water to ensure that it remains applicable in light of current conditions, four years on. South West Water have now confirmed, in July 2014 that there are no constraints to providing adequate water supply and waste water treatment for the growth planned. Headroom is available and improvements to maintain water quality are deliverable as part of the Asset Management Planning process.
- 5.14 In terms of flood prevention, the Water Cycle Study did not find any critical issues, but listed a number of recommendations, including that all new development is required to achieve greenfield run off rates for surface water, a Sustainable Urban Drainage policy should be adopted and that Surface Water Management Plans should be prepared for widespread development. Policies within the Core Strategy meet these requirements, and are supported by development delivery policies within the DPD. The DPD does not provide for any allocations that pose a flood risk, and the policies will continue to guide development proposals. No further changes to the DPD are therefore suggested with regard to flood risk.
- 5.15 At the screening stage, it was concluded that water issues could possibly lead to significant effects on European sites, and that this was relevant for both residential and non-residential allocations for growth. It is concluded that, subject to the following recommendations, adverse effects on site integrity can be ruled out with regard to water related issues.

Water – summary of HRA recommendations

- Regular checks to continue to be made with South West Water and the Environment Agency to ensure that planned growth proceeds with up to date information relating to discharge consents and water supply predictions, allowing timely implementation of consent tightening to prevent any deterioration.
- Environment Agency, Natural England and the City Council to work proactively on the Exe Estuary monitoring and development intervention programme. Add reference to the programme under DD35 of the DPD.

Air pollution

5.16 Air Pollution, particularly nitrogen deposition, can affect the quality of wildlife habitats, especially those where the nutrient status is naturally low, such as for lowland heathlands. The Air Pollution Information System (APIS) ⁵ provides information on air quality in relation to critical levels and loads at different locations. Critical levels, relating to pollution concentration, and critical loads, relating to pollution deposition, are the thresholds at which pollution may affect habitats or species, and will be set in relation to the sensitivity of the receptor in question. The European sites in the vicinity of Exeter City where air quality could be an issue are Dawlish Warren SAC and the East Devon Pebblebed Heaths SAC/SPA. The relevant site interest features that could be affected by air pollution are as follows:

5.17 Features for which existing N depositions are above maximum critical loads

- Northern Atlantic wet heaths with *Erica tetralix* (East Devon Pebblebed Heaths SAC)
- European dry heaths (East Devon Pebblebed Heaths SAC)
- Dartford warbler (East Devon Heaths SPA)
- European nightjar(East Devon Heaths SPA)
- 5.18 Features for which existing N depositions are above minimum critical loads
 - Fixed dunes (Dawlish Warren SAC)
 - Humid dune slacks with petalwort (Dawlish Warren SAC)
 - Shifting coastal dunes with marram grass (Dawlish Warren SAC)
- 5.19 Dawlish Warren is reasonably far from Exeter and is located to the south of the city,
 such that it is outside the path of the prevailing wind (from the south-west). Impacts at
 Dawlish Warren that can be specifically linked to Exeter City are therefore unlikely. The

⁵ APIS is a web based resource providing information on air pollution and the effects on habitats and species. It is provided by the Centre for Ecology and Hydrology in partnership with the UK conservation agencies, including Natural England and the Environment Agency, and their equivalents in Scotland, Wales and Northern Ireland. <u>http://www.apis.ac.uk</u>

East Devon Pebblebed Heaths are also to the south, but they are closer to Exeter. A series of roads cross the East Devon Pebblebed Heaths and these will hold traffic that is linked to the city. The A3052 runs between Newton Poppleford and Exeter, it crosses the East Devon Pebblebed Heaths at Aylesbeare and the B3180 crosses the East Devon Pebblebed Heaths from north to south and is a busy commuter road. The roads crossing the Pebblebed Heaths are of particular relevance as it is known that there are direct effects on the low nutrient status heaths from adjoining road traffic (Angold 1997).

- 5.20 APIS recommends that the critical load for nitrogen deposition on lowland heathlands lies within the range of 10-20kg/ha/annum. The Pebblebed Heaths received 20.02kg/ha/annum of deposited nitrogen in 2005 and therefore exceeded its critical load. This was projected to decrease to 15.68 kg/ha/annum by 2020, which will take the East Devon Pebblebed Heaths below the critical load threshold if this reduction is realised. There are three non-automatic nitrogen dioxide tubes monitoring points close to the East Devon Pebblebed Heaths on the A3052, at Newton Poppleford (1) and Sidford (2) and data from these is indicated a general decreasing trend (see Liley & Underhill-Day 2012 for details).
- 5.21 As nitrogen deposition is likely to decline and it should be of limited cause for concern, and it is concluded that an adverse effect on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA can be ruled out at this stage. However, air quality should continue to be monitored around the East Devon Pebblebed Heaths, with Teignbridge and East Devon District Councils, so that any changes in the trend can be identified and any action that may then be necessary to mitigate for the impact of excessive air pollution can be acted upon.

Air pollution – summary of HRA recommendations

• Whilst evidence indicates that adverse effects can be ruled out, based on predicted changes in nitrogen and proximity of European sites near to Exeter City, a partnership approach to monitoring with neighbouring authorities should continue so that any changes in the trend can be picked up in advance. This is a commitment expressed in local plans prepared by Teignbridge and East Devon Districts and a similar commitment is therefore recommended for Exeter City, which could be incorporated into the DPD.

Recreation and urbanisation

5.22 The National Planning Policy Framework (NPPF), published by the Department for Communities and Local Government in March 2012, states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities, with conservation and enhancement of the natural environment being one such strategic priority. As explained in Section 2 of this

report, Exeter City Council has worked closely with Teignbridge District Council and East Devon District Council to establish a strategic approach to ensuring the protection of the Exe Estuary SPA and Ramsar site, Dawlish Warren SAC and the East Devon Pebblebed Heaths SPA and SAC from the pressures of increased housing, and the resultant recreational and urbanisation pressure that such development would otherwise bring in the absence of mitigation.

- 5.23 This partnership working includes the establishment of a significant evidence base to underpin the strategic approach, as listed in Section 2 of this report. Following the establishment of a robust evidence base, a strategy to mitigate for the impacts of recreation and urbanisation has now been prepared. The South East Devon Mitigation Strategy is committed to by all three authorities, and the administration of the Mitigation strategy is now being finalised.
- 5.24 It is therefore advised that, providing that development promoted within the three authorities is in conformity with the South East Devon Mitigation Strategy, and that adequate commitments and safeguards are in place within policy documents and associated formal documentation such as that relating to the collection of developer contributions, it can be concluded that the impacts of recreation and urbanisation are being adequately mitigated for. The mitigation is not revisited here, as it is recent work and is an extremely detailed and comprehensive mitigation package that is evidenced and explained within the South East Devon Mitigation Strategy itself. This Habitats Regulations Assessment is reliant on the South East Devon Mitigation Strategy in the conclusions it draws, and the Mitigation Strategy should therefore be considered to be an integral part of it.
- 5.25 At the time of preparation, the South East Devon Mitigation Strategy was informed by the Exeter City Core Strategy in terms of the proposed quantum and locations for growth for Exeter. The Core Strategy, adopted in August 2012, identifies a need for at least 12,000 new homes over the plan period. The Mitigation Strategy was prepared on the basis of detailed calculations for housing numbers from each of the authorities, and Exeter City provided a figure of 14,912 new homes, which allowed for permissions already given, completions already undertaken and the proposed allocations and expected windfall development over the remaining Core Strategy plan period.
- 5.26 Habitats Regulations Assessment is an iterative process for plans being prepared by public bodies, and should continue to inform plan preparation, and be refined in light of emerging options. The Development Delivery DPD includes site allocations to accommodate 1083 dwellings by 2026, with supporting text to demonstrate how this delivers the Core Strategy Strategic housing requirements. Exeter City Council is finalising the 2014 Strategic Housing Land Availability Assessment, to check that these allocations remain appropriate and deliverable. It is assumed that the final housing figures will not deviate significantly from those currently proposed within the DPD. The proposed figures are in accordance with the South East Devon Mitigation Strategy, which has been taken forward with an assumption that Exeter City will bring forward nearly 15,000 new homes over the plan period (including permissions already given).

Should there be a notable change proposed for housing figures within the DPD, this Habitats Regulations Assessment will need to be revisited accordingly, prior to submission for Examination.

- 5.27 It is also necessary to check the specific allocations referred to within the plan, to ensure that mitigation is deliverable in these locations. As explained in Section 2 of this report, the South East Devon Mitigation Strategy provides for a comprehensive suite of mitigation measures, which are to be delivered by the three authorities and where necessary, will be funded or partly funded through developer contributions obtained by each of the three authorities and used to jointly implement the measures recommended. These measures include those to be implemented within the European sites themselves to manage access, and also measures to be put in place away from the European sites, to enable a level of recreation and particular types of recreation to be diverted away from European sites. The suitability of the majority of measures is not directly dependant on the specific location of development, but location is relevant to the suitability of the proposed provision of alternative recreation sites, which are commonly referred to as SANGs (Suitable Alternative Natural Greenspaces).
- 5.28 A number of specific areas and sites have been identified for residential development in the Development Delivery DPD. In policy DD7, the Grecian Quarter and Water Lane areas are allocated as Regeneration Areas and in Policy DD8 a list of housing sites are allocated.
- 5.29 Grecian Quarter The Development Delivery DPD states that "The Grecian quarter includes the Bus and Coach Station area (see Policy DD15) for which a set of 'Development Principles' have been approved. The Bus and Coach Station area is proposed for retail and leisure development as part of a mixed use development including an enhanced Bus Station. In addition offices, hotels and housing will be acceptable uses. The bus depot area also has the potential for redevelopment provided that a suitable alternative location for this facility can be delivered." As detailed development proposals come forward for the Grecian Quarter, they will need to be subject to a Habitat Regulations Assessment to ensure compliance with the Habitat Regulations.
- 5.30 Water Lane The Development Delivery DPD states that "The Water Lane Area is a highly sustainable location that is suitable for a mix of residential and other uses as part of a comprehensive redevelopment. Redevelopment would need to improve access for all forms of transport and address flood risk. A development brief or Masterplan will be produced to guide growth in the Water Lane Area." As an additional plan being prepared by the Council, the Masterplan (including all its elements and policies) for the Water Lane development area will need to be the subject of its own Habitat Regulations Assessment to ensure compliance with the Regulations.
- 5.31 Policy DD8 lists a number of potential residential development areas which have been identified as a result of the 2013 SHLAA process. These are listed below:

Table 6. Housing Allocations listed in Policy DD8, with area and anticipated number of dwellings.

Housing Allocation	Site area	Number of Dwellings
Exmouth Junction, Prince Charles Road	4.0	118
Exwick Middle School, Higher Exwick Hill	1.2	35
Land adjacent Exeter St Davids Station	0.9	87
ERADE, Topsham Road	3.8	149
Land north of WESC Foundation, Topsham Road	6.0	183
Land south of Woodwater Park	0.9	28
Land east of M5, Exeter Road	1.4	28
Land off Liffey Rise	0.6	13
Land at Exeter Cricket Ground, Prince of Wales Road	0.2	23
Middlemoor Headquarters, Greenwood Road	5.9	175
Land west of Newport Park, Topsham Road	1.6	22
Land south of Apple Lane	2.3	64
Mary Arches Car Park	0.2	50
Eastern Fields	3.3	56
Land opposite 7-10 Glenthorne Road	0.5	15
23-26 Mary Arches Street	0.04	14
Eagle Yard, Tudor Street	0.1	10
Foxhayes First School, Gloucester Road	0.8	13
Total		1083

- 5.32 The location of these housing allocations in relation to the availability of suitable greenspace (SANGs) is significant, as their proximity and ease of access will determine how effective the SANGs are at contributing to the package of measures to mitigate the impact of recreation on the European sites.
- 5.33 Exeter City Council put forward three potential SANGs for consideration as part of the preparation of the South East Devon Mitigation Strategy:
 - Exe Riverside Valley Park (including Ludwell);
 - Mincinglake Valley Park
 - Monkerton Ridge.
- 5.34 These SANG areas are considered in the overarching mitigation strategy, alongside the SANG opportunities identified by East Devon and Teignbridge District Councils. The Mitigation Strategy indicates four broad areas for SANG delivery, which will ensure that the Exeter area is comprehensively served.
- 5.35 Residents in the centre and the south and western sides of Exeter will be served by SANG improvements that could focus on the Exe Riverside Valley Park and Ludwell Country Park or the proposed South West of Exeter Ridge top park in Teignbridge. Sites to the east of the City will be served by the Clyst Valley Regional Park in East Devon District (with links via Monkerton Ridge).
- 5.36 The SANGs sites will serve residents both of existing properties and new dwellings proposed through the draft Development Plan Document's. It is in this context that the cross boundary partnership of the South East Devon Mitigation Strategy can be

recognised, with the measures proposed to enhance the Clyst Valley to the east of the city boundary likely to play an important role in attracting recreational use, in addition to the SANGs within the city boundary.

Recreation and urbanisation – summary of HRA recommendations

- Any proposed notable change to housing figures prior to submission, in light of 2014 evidence gathering, should trigger a recheck within this Habitats Regulations Assessment prior to submission, to ensure that the South East Devon Mitigation Strategy will continue to fully mitigate for the potential impacts of recreation and urbanisation arising from new residential development.
- Allocations made within the Development Delivery DPD can be accommodated within the proposed measures, including adequate provision of alternative greenspaces.
- Following adoption of the DPD, housing allocations and locations and mitigation proposed should continually be reviewed for effectiveness, as part of the review of both Exeter City's spatial plans review and the mitigation strategy review

Recreational impacts arising from tourism

- 5.37 Exeter City Council has incorporated a specific policy, DD17, within the Development Delivery DPD, which seeks to protect and enhance Exeter as a tourist destination. Policy DD15 indicates that a hotel would be an acceptable use within the Grecian Quarter redevelopment of the area around the Bus/Coach Station. Policy DD18 permits hotel development within the city centre and at the quayside, but also states that planning permission will be granted for a 120 bed hotel located within reasonable walking distance of Sandy Park.
- 5.38 The South East Devon Mitigation Strategy did not take into account the impact of tourists on the European sites and these impacts are at present un-quantified. Policy DD17 states that development will not the harm the guality of the natural environment, and whilst it is likely that many tourists to Exeter will be drawn to the city for the cultural heritage rather than to visit the natural environment, it will be necessary to show that tourism development has no adverse effect on the European sites. In 2005 it was estimated that there were some 400,000 staying visitors in the city, resulting in 1.8 million overnight stays (SW Tourism, quoted in the Exeter Hotel Study, The Tourism Company 2007). Holiday trips accounted for the majority of the 400,000 visits (67%), while other visits included visiting friends and family (22%) and business (8%). The Tourism Company report was commissioned to inform the Core Strategy regarding hotel use. Elsewhere in the report there is an estimate for the number of bed-nights (in 2006) of just over 300,000, split 66% business and 34% tourism. The report suggests that Exeter does not have a high profile as a short break destination, but there is a strong business tourism base and active leisure tourism promotion. The report recognises that the city is attractive and provides easy access to beautiful coast and countryside, with visitors having a high awareness of Devon as a holiday destination.
- 5.39 Therefore, while use of city centre hotels may well be primarily by people drawn to the shops and cultural opportunities provided by the city, it is likely that a proportion will visit nearby countryside, and the Exe Estuary, Dawlish Warren or the East Devon Pebblebed Heaths are potential destinations. The Mitigation Strategy does not consider tourism impacts and some additional recreational pressure from tourism is therefore potentially possible.
- 5.40 The location of hotel developments is a factor in considering the potential for such developments to have an effect on the European sites. Locating developments within the city centre forms part of policy DD18 (Hotels). As a consequence, this is likely to encourage visitors to stay in the city rather than venture down to the estuary.
- 5.41 Dogs and dog walking is one of the main causes of disturbance to the Exe Estuary and is also a particular concern for the East Devon Pebblebed Heaths. Many hotel chains do not accept pets (i.e. dogs). For example, pets are not allowed at Jury's, Mercure, Accor, Hilton, and Marriott. Those hotel chains that do accept pets, do so only by prior arrangement and with a supplementary charge (such as Travel Lodge and Holiday Inn Express). It is therefore concluded that the number of visitors staying with their dog in

the types of hotels developed within Exeter City in the last few years, or indeed in future years will be minimal.

- 5.42 The Footprint Ecology Visitor Survey (Liley, Fearnley & Cruickshanks 2007) involved visitor survey work in the late winter period, when the wintering bird interest is present. Around 9% of the people interviewed were holiday makers. Holiday-makers were not asked about where they were staying and what kind of accommodation, but it would seem likely that hotels in Exeter would account for only a small proportion of that 9% of visitor totals, given the range of holiday accommodation in the wider area (including Dawlish, Exmouth etc.).
- 5.43 The Hotel Study (The Tourism Company 2007) breaks down tourist use of hotels (in 2006), and suggests that 16% of hotel nights were short-breaks, 4% were coach groups and 14% were visiting friends/relatives or social. Of these, short-breaks are perhaps the most likely group to visit the European sites.
- 5.44 Whilst there is little evidence on hotels, consideration of the information that is available leads to a conclusion that city centre hotels are likely to contribute relatively little to the overall visitor volume on the Exe Estuary and the Pebblebed Heaths and that visitors with dogs would make a very small proportion of guests in hotels, if at all. As such, it is concluded that any impacts will be minimal. Whilst this is concluded for the purposes of Habitats Regulations Assessment at the plan level, detailed consideration will still be necessary at the project level, as the design and location of accommodation will determine the scale of any impact and mitigation measures (such as a strict no dogs policy) are possible.
- 5.45 Policy DD18 states that planning permission would be granted for a hotel within reasonable walking distance of Sandy Park. Whilst this hotel would be intended to primarily serve corporate needs, it would lead to an increased number of visitors staying on the east side of Exeter, with easy access to the road network from where they could gain access to the East Devon Pebblebed Heaths SPA/SAC. Should this development proceed, mitigation measures may need to be put in place to ensure that there was no adverse impact on the East Devon Pebblebed Heaths. Given the measures being taken forward to enhance the Clyst Valley as a regional park, there is the potential to put measures in place to promote this regional park area and ensure good access for hotel users. Project level Habitats Regulations Assessment would be required and may need to consider a suite of measures to maximise promotion of the Clyst Valley.

Tourism – summary of HRA recommendations

- The South East Devon Mitigation Strategy did not account for the impact of hotel related tourism on the European sites. Although there is relatively little information, the evidence that available has been used to quantify potential impacts which are considered to be insignificant, but should be revisited at the project level. The plan does not actively promote any other type of tourism.
- The development of a hotel at Sandy Park could potentially lead to an increase in the number of visitors to the East Devon Pebblebed Heaths, given the proximity of the Sandy Park development to the road network. A project level Habitats Regulations Assessment will be required, but at this plan level it can be concluded that there are mitigation opportunities if any are found to be necessary. These will be secured at the project level if required.

Further considerations: protective policies

- 5.46 Whilst it is necessary to ensure that a plan does not include or promote projects that have the potential to harm European sites, it is also important to check that all positive polices, i.e. those that offer environmental protection, are as comprehensive as they can be in terms of securing protection and enhancement of European sites. The relevant sections of the Development Delivery DPD that offer, or have the potential to offer positive wording to strengthen site protection are the introductory section relating to Exeter's vision, policies relating to the delivery of new homes, and the environment section.
- 5.47 Protecting the European sites around Exeter City is an important part of the sustainable development of the city, and it is therefore suggested that this positive role could be referred to in the opening section of the DPD covering Exeter's vision, along with the cross boundary partnership working that is taking place to underpin this objective.
- 5.48 Recommendations for text changes have been made in the screening table for the housing section of the DPD, and here again is an opportunity to link the delivery of growth with the protection of European sites as part of the overall achievement of sustainable development.
- 5.49 Policy DD31 relates to the provision of quality green infrastructure and here there is the opportunity to strengthen the supporting text by making reference to the role that greenspace can play as part of the suite of measures to mitigate for recreational impacts on European sites. The strategic greenspaces and green infrastructure projects promoted in Exeter's Green Infrastructure Strategy form part of the mitigation measures set out within the South East Devon Mitigation Strategy, where recommendations are made to incorporate further additional enhancements to these sites to maximise their function as SANGs. While the Green Infrastructure Strategy is not intended to deliver the European Site mitigation, given the overlap there could be merit in cross-referencing the two.
- 5.50 Policy DD32 relates to the protection and enhancement of biodiversity. Here there is reference to the work undertaken to support the South East Devon Mitigation Strategy, but the strategy itself is not referred to.

Protective policies – summary of HRA recommendations

- Strengthen wording in relation to mitigation delivery within supporting text under policies DD31 and DD32
- Seek opportunities within the DPD to highlight the role of European site protection as an integral part of sustainable development, particularly in the opening chapter relating to the vision, and the housing section

6. Habitats Regulations Assessment Findings and Recommendations

- 6.1 The purpose of a Habitats Regulations assessment is to prevent adverse effects on site integrity. The initial screening stage enables the competent authority to rule out any matters that do not require further detailed consideration in order to ascertain whether adverse effects can be ruled out, allowing an appropriate assessment to focus on those matters where there are uncertainties.
- 6.2 This Habitats Regulations Assessment of the Exeter City Development Delivery DPD has made recommendations at both the screening for the likelihood of significant effects stage, and also at the Appropriate Assessment stage. At the initial screening stage, any easily identifiably opportunities to amend the plan to avoid the likelihood of significant effects can be recommended. These recommendations can be made at the screening stage if further assessment is not necessary. Where the screening stage identifies possible impacts and further information gathering, assessment or analysis is required, the assessment proceeds to the appropriate assessment stage. Here, further measures may be recommended to prevent adverse effects on site integrity, in light of any additional information that has been considered.
- 6.3 The following tables summarise the recommendations made at both stages. This final report has ensured that all recommendations have been put in place in order to complete this Habitats Regulations Assessment for the Development Delivery DPD prior to its submission for Examination.

6.4 The following elements of the plan were highlighted at the screening stage as being areas where additional text or modified text was required within the DPD, or where actions to be taken in other policy work provided the necessary certainty that significant effects could be ruled out.

DPD Section/Policy	Description	Justification for LSE Conclusion	Recommendati ons	Plan changes to rule out LSE recommended
Housing Delivery supporting text – quantum of housing relating to recreational/urbanisa tion impacts	Provides a detailed breakdown of the provision of 13,217 new dwellings during the plan period, in accordance with the Core Strategy	The SEDMS has been produced on the basis of a total housing figure of nearly 15,000 for Exeter City, and the proposed housing figure in the DPD therefore accords with the SEDMS. However, the DPD does not make clear the linkages between the SEDMS and housing proposed, and the mitigation necessary.	Some clarifying text to be added to the DPD, therefore linking to the mitigation necessary for housing delivery in the City.	Additional text required to explain linkages to the SEDMS, as the mechanism for providing mitigation for recreational pressure and urbanisation impacts potentially arising from the quantum of housing proposed. A commitment to continued alignment of the SEDMS with housing numbers, as the SEDMS is monitored and relevant plans reviewed, to ensure that mitigation remains fit for purpose.
DD12	Criteria for allowing conversion into multiple flats	Additional housing as a result of segregating buildings, contributing to overall housing growth. Key issue is the type of housing promoted.	Any net increase in dwellings needs to be accounted for in the mitigation strategy, but this may not be captured by CIL. Finalisation of SEDMS needs to take into account non CIL contributing growth	Exeter City Council has confirmed that it had full regard for the overall SEDMS requirements and residential development types that may be excluded from CIL, within their CIL calculations and the funding that will be safeguarded for European site mitigation.

Table 7. Modifications to the plan identified at the screening stage

6.5 The following elements of the plan were considered in more detail at the appropriate assessment stage as being areas where additional information needed to be gathered, and/or where text or modified text was required within the DPD.

DPD Section	Description	Justification for LSE Conclusion	Recommendations	Appropriate Assessment Conclusions
DD2	Allocations for employment at Exeter Business Park (4ha) and Newcourt (16ha)	Nature of development and locations mean that they are unlikely to result in any impacts other than water quality concerns	Check locations for employment allocations, and any issues and recommendations relating to surface water management, and possibly air pollution	Air pollution issues ruled out at AA. Subject to AA recommendations relating to the Exe Estuary monitoring and development intervention programme and obtaining up to date information regarding current water supply/treatment and demand, adverse effects on site integrity can be ruled out
Housing Delivery supporting text – non recreational/ur banisation impacts	Provides a detailed breakdown of the provision of 13,217 new dwellings during the plan period, in accordance with the Core Strategy	Whilst the overall recreational/urban isation impact is covered by the SEDMS there are other potential impacts to consider	The additional dwellings will place demand on water resources and water infrastructure. Additional traffic may lead to additional issues relating to air pollution. These issues require further consideration.	Air pollution issues ruled out at AA. AA recommendations made relating to the Exe Estuary monitoring and development intervention programme. Adverse effects on site integrity can be ruled out
DD7	Identifies two regeneration areas, being the Grecian Quarter (includes bus and coach station area) and Water Lane Area	Mixed use development proposals to include residential.	Check SEDMS measures are appropriate and adequate GI identified. Check any issues and recommendations relating to surface water/flood risk management	Allocations checked against SEDMS, measures are deliverable for these sites. Adverse effects on site integrity can be ruled out, but any notable amendments to housing figures in light of 2014 evidence should be rechecked prior to Examination.
DD8	Lists sites to be allocated within the plan for new housing	Sites for the delivery of the housing need identified – need to be certain of compliance with the SEDMS	Check SEDMS measures are appropriate and adequate SANGs identified. Check any issues and recommendations	Allocations checked against SEDMS, measures are deliverable for these sites. Adverse effects on site integrity can be ruled out, but any notable amendments to

Table 8. Modifications to the plan identified at the appropriate assessment stage

DPD Section	Description	Justification for LSE Conclusion	Recommendations	Appropriate Assessment Conclusions
			relating to surface water/flood risk management	housing figures in light of 2014 evidence should be rechecked prior to Examination.
DD15	Promotion of the bus and coach station area for regeneration, retail and leisure development promoted, but could also include hotels and housing	Mixed use development proposals to potentially include residential.	Check SEDMS measures are appropriate and adequate SANGs identified. Check any issues and recommendations relating to tourism, surface water/flood risk management and possibly air pollution	Issues ruled out at AA stage. General recommendations for tourism, water made.
DD17	Supports tourism development that contributes to the profile of Exeter as a tourist destination	SEDMS does not cover tourism impacts only new residential growth. Potential for tourism impacts needs to be quantified and potentially mitigated for.	More detailed scrutiny of nature, location and extent of potential impacts as a result of tourism	Tourism impacts considered at AA stage, and adverse effects ruled out at the plan level, based on evidence available. Project level HRA required.
DD18	Promotes hotel development in the city centre. Also supports the proposal for a 120 bed hotel and conferencing centre at Sandy Park	SEDMS does not cover tourism impacts only new residential growth. Potential for tourism impacts needs to be quantified and potentially mitigated for.	More detailed scrutiny of nature, location and extent of potential impacts as a result of tourism. Check this specific location.	Tourism impacts considered at AA stage, and adverse effects ruled out at the plan level, based on evidence available. Project level HRA required
DD19	Identifies and safeguards land for new railway stations, park and ride and roads	Nature of development and locations mean that they are unlikely to result in any impacts other than water quality concerns	Check any issues and recommendations relating to surface water management, and potentially air pollution	Air pollution issues ruled out at AA AA recommendations made relating to the Exe Estuary monitoring and development intervention programme. Adverse effects on site integrity can be ruled out
DD20	Safeguarding of land for transport uses	Nature of development and locations mean that they are unlikely to result in any impacts other	Check any issues and recommendations relating to surface water management, and potentially air pollution	Air pollution issues ruled out at AA. AA recommendations made relating to the Exe Estuary monitoring and development

DPD Section	Description	Justification for LSE Conclusion	Recommendations	Appropriate Assessment Conclusions
		than water quality concerns		intervention programme. Adverse effects on site integrity can be ruled out
DD31	Green infrastructure delivery in accordance with the Green Infrastructure Strategy	The GI strategy is an important link for policy commitment and delivery of some of the SEDMS.	Therefore need to check that Exeter City level delivery mechanisms are in accordance with the over-arching SEDMS once it is finalised. As a protective policy there is a need to check it includes all that is required.	Text to add to the supporting text is recommended by the AA, in order to strengthen this protective policy
DD32	Biodiversity and geodiversity protection	The biodiversity protection policies and supporting text are an important link for policy commitment and delivery of some of the SEDMS.	Text to add to the supporting text is recommended by the AA, in order to strengthen this protective policy.	Possible strengthening of supporting text once SEDMS finalised (whilst still recognising that the key commitments are already in place in the Core Strategy).
DD34	Protection from flooding	Ensures development is considered in accordance with national flood risk policy, environmentally positive policy, does not promote development, but this policy may need to be strengthened in light of AA findings	It was recommended that this policy was revisited after completion of the AA. This was not necessary as AA found no concerns.	No further action required, AA concluded that measures to protect for the impact from flooding are adequate
DD35	Protection from pollution	Ensures development is considered in accordance with criteria relating to pollution and land contamination, environmentally positive policy, refers to protecting the natural environment, does	It was recommended that this policy was revisited after completion of the AA. The AA found no outstanding concerns, subject to minor text modifications	AA recommendations made relating to the Exe Estuary monitoring and development intervention programme. Adverse effects on site integrity can be ruled out. Specific reference to the Exe Estuary 'monitoring and development intervention programme'

DPD Section	Description	Justification for LSE Conclusion	Recommendations	Appropriate Assessment Conclusions
		not promote		recommended for this
		development,		policy
		however, specific		
		reference to		
		European sites		
		may be beneficial.		

Document DPD

7. Conclusions

- 7.1 The Development Delivery DPD has been taken through the Habitats Regulations Assessment process, using methods that accord with best practice and provide a comprehensive record of assessment to inform the Examination and publication of the DPD. Measures to avoid and mitigate for identified potential impacts and to remove uncertainties have been incorporated into the DPD. Final minor text additions are recommended to complete this process, before finalisation of the DPD.
- 7.2 It is concluded that the Development Delivery DPD is compliant with the requirements of the Habitats Regulations, and adverse effects on the integrity of European sites in the vicinity of Exeter City have been prevented at the plan level. Project level Habitats Regulations Assessments will still be required, and avoidance and mitigation measures should continue to be applied in accordance with the DPD, this HRA, and the South East Devon Mitigation Strategy.
- 7.3 A number of measures require on-going consideration of potential impacts, and require continued partnership working with neighbouring authorities, the Environment Agency and Natural England. Monitoring will inform the Habitats Regulations Assessments at plan review and any subsequent planning documents, and the need for any further evidence gathering and modifications to the avoidance and mitigation package.

8. References

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9. Appendix 1 - The Habitats Regulations Assessment Process

- 9.1 The designation, protection and restoration of European wildlife sites is embedded in the Conservation of Habitats and Species Regulations 2010, as amended, which are commonly referred to as the 'Habitats Regulations.' Recent amendments to the Habitats Regulations were made in 2012. The recent amendments do not substantially affect the principles of European site assessment as defined by the 2010 Regulations, the focus of this report or the previous Habitats Regulations Assessment work undertaken for Exeter City Council and the wider south East Devon area, upon which some of this Habitats Regulations Assessment relies.
- 9.2 The Habitats Regulations are in place to transpose European legislation set out within the Habitats Directive (Council Directive 92/43/EEC), which affords protection to plants, animals and habitats that are rare or vulnerable in a European context, and the Birds Directive (Council Directive 2009/147/EC), which originally came into force in 1979, and which protects rare and vulnerable birds and their habitats. These key pieces of European legislation seek to protect, conserve and restore habitats and species that are of utmost conservation importance and concern across Europe. Although the Habitats Regulations transpose the European legislation into domestic legislation, the European legislation still directly applies, and in some instances it is better to look to the parent Directives to clarify particular duties and re-affirm the overarching purpose of the legislation.
- 9.3 European sites include Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) classified under the Birds Directive. The suite of European sites includes those in the marine environment as well as terrestrial, freshwater and coastal sites. European sites have the benefit of the highest level of legislative protection for biodiversity. Member states have specific duties in terms of avoiding deterioration of habitats and species for which sites are designated or classified, and stringent tests have to be met before plans and projects can be permitted, with a precautionary approach embedded in the legislation, i.e. it is necessary to demonstrate that impacts will not occur, rather than they will. The overarching objective is to maintain sites and their interest features in an ecologically robust and viable state, able to sustain and thrive into the long term, with adequate resilience against natural influences. Where sites are not achieving their potential, the focus should be on restoration.
- 9.4 The UK is also a contracting party to the Ramsar Convention, which is a global convention to protect wetlands of international importance, especially those wetlands utilised as waterfowl habitat. In order to ensure compliance with the requirements of the Convention, the UK Government expects all competent authorities to treat listed Ramsar sites as if they are part of the suite of designated European sites, as a matter of government policy, as set out in Section 118 of the National Planning Policy Framework. Most Ramsar sites are also a SPA or SAC, but the Ramsar features and boundary lines may vary from those for which the site is designated as a SPA or SAC.

- 9.5 It should be noted that in addition to Ramsar sites, the National Planning Policy Framework also requires the legislation to be applied to potential SPAs and possible SACs, and areas identified or required for compensatory measures where previous plans or projects have not been able to rule out adverse effects on site integrity, yet their implementation needs meet the exceptional tests of Regulation 62 of the Habitats Regulations, as described below.
- 9.6 The step by step process of Habitats Regulations Assessment is as follows. Within the Habitats Regulations, local planning authorities, as public bodies, are given specific duties as 'competent authorities' with regard to the protection of sites designated or classified for their species and habitats of European importance. Competent authorities are any public body individual holding public office with a statutory remit and function, and the requirements of the legislation apply where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. Regulation 61 of the Habitats Regulations sets out the Habitats Regulations Assessment process for plans and projects, which includes development proposals for which planning permission is sought. Additionally Regulation 102 specifically sets out the process for assessing emerging land use plans.
- 9.7 The step by step approach to Habitats Regulations Assessment is the process by which a competent authority considers any potential impacts on European sites that may arise from a plan or project that they are either undertaking themselves, or permitting an applicant to undertake. The step by step process of assessment can be broken down into the following stages, which should be undertaken in sequence:
 - Check that the plan or project is not directly connected with or necessary for the management of the European site
 - Check whether the plan or project is likely to have a significant effect on any European site, from the plan or project alone
 - Check whether the plan or project is likely to have a significant effect on any European site, from the plan or project when taken in-combination with other plans or projects
 - Carry out an appropriate assessment
 - Ascertain whether an adverse effect on site integrity can be ruled out, having regard for any mitigation measures that can be applied.
 - Potentially proceed to exceptional tests of no alternative solutions and imperative reasons of over-riding public interest.
- 9.8 Throughout all stages, there is a continual consideration of the options available to avoid and mitigate any identified potential impacts. For projects, the project proposer may identify potential issues and incorporate particular avoidance measures to the project, which then enables the competent authority to rule out the likelihood of significant effects. A competent authority may however consider that there is a need to undertake further levels of evidence gathering and assessment in order to have certainty, and this is the appropriate assessment stage. At this point the competent authority may identify the need to add to or modify the project in order to adequately

protect the European site, and these mitigation measures may be added through the imposition of particular restrictions and conditions.

- 9.9 When preparing a plan, a competent authority may go through a continued assessment as the plan develops, enabling the assessment to inform the development of the plan. For example, a competent authority may choose to pursue an amended or different option where impacts can be avoided, rather than continue to assess an option that has the potential to significantly affect European site interest features.
- 9.10 Recent European case law has clarified the role of the check for the likelihood of significant effects, and the role of the appropriate assessment. In Case C-258/11, commonly referred to as the 'Sweetman case' an Advocate General's Opinion was delivered in November 2012, prior to the final Court decision, a 'Judgment of the Court,' in April 2013. The Advocate General advises that the likely significant effect test is set at a lower level, being simply a test to answer the question as to whether a plan or project concerned is capable of having an effect. The possibility of an effect then generates the need for an appropriate assessment. The initial test is therefore merely a trigger, and it is the appropriate assessment that enables a thorough consideration of the implications of the plan or project and whether it is consistent with the maintenance or restoration of favourable conservation status for the interest features concerned. It is the detailed appropriate assessment.
- 9.11 After completing an appropriate assessment a competent authority should only approve a project or give effect to a plan where it can be ascertained that there will not be an adverse effect on the integrity of the European site(s) in question. In order to reach this conclusion, the competent authority may have made changes to the plan, or modified the project with restrictions or conditions, in light of their appropriate assessment findings.
- 9.12 Where adverse effects cannot be ruled out, there are further exceptional tests set out in Regulation 62 for plans and projects and in Regulation 103 specifically for land use plans. Exceptionally, a plan or project could be taken forward for imperative reasons of overriding public interest where adverse effects cannot be ruled out and there are no alternative solutions. It should be noted that meeting these tests is a rare occurrence and ordinarily, competent authorities seek to ensure that a plan or project is fully mitigated for, or it does not proceed.
- 9.13 In such circumstances where a competent authority considers that a plan or project should proceed under Regulations 62 or 103, they must notify the relevant Secretary of State. Normally, planning decisions and competent authority duties are then transferred, becoming the responsibility of the Secretary of State, unless on considering the information, the planning authority is directed by the Secretary of State to make their own decision on the plan or project at the local level. The decision maker, whether the Secretary of State or the planning authority, should give full consideration to any proposed 'overriding reasons' for which a plan or project should proceed despite

being unable to rule out adverse effects on European site interest features, and ensure that those reasons are in the public interest and are such that they override the potential harm. The decision maker will also need to secure any necessary compensatory measures, to ensure the continued overall coherence of the European site network if such a plan or project is allowed to proceed.

10. Appendix 2 – European Site Conservation Objectives

- 10.1 As required by the Directives, 'Conservation Objectives' have been established by Natural England, which should define the required ecologically robust state for each European site interest feature. All sites should be meeting their conservation objectives. When being fully met, each site will be adequately contributing to the overall favourable conservation status of the species or habitat interest feature across its natural range. Where conservation objectives are not being met at a site level, and the interest feature is therefore not contributing to overall favourable conservation status of the species or habitat, plans should be in place for adequate restoration.
- 10.2 Natural England has embarked on a project to renew all European site Conservation Objectives, in order to ensure that they are up to date, comprehensive and easier for developers and consultants to use to inform project level Habitats Regulations Assessments in a consistent way. In 2012, Natural England issued now a set of generic European site Conservation Objectives, which should be applied to each interest feature of each European site. These generic objectives are the first stage in the project to renew conservation objectives, and it is anticipated that the second stage, which is to provide more detailed and site specific information for each site to support the generic objectives, will follow shortly.
- 10.3 The new list of generic Conservation Objectives for each European site include an overarching objective, followed by a list of attributes that are essential for the achievement of the overarching objective. Whilst the generic objectives currently issued are standardised, they are to be applied to each interest feature of each European site, and the application and achievement of those objectives will therefore be site specific and dependant on the nature and characteristics of the site. The second stage, provision of the more detailed site specific information to underpin these generic objectives, will provide much more site specific information, and this detail will play a fundamental role in informing Habitats Regulations Assessments, and importantly will give greater clarity to what might constitute an adverse effect on a site interest feature.
- 10.4 In the interim, Natural England advises that Habitats Regulations Assessments should use the generic objectives and apply them to the site specific situation. This should be supported by comprehensive and up to date background information relating to the site.
- 10.5 For SPAs the overarching objective is to:
- 10.6 'Avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.'
- 10.7 This is achieved by, subject to natural change, maintaining and restoring:
 - The extent and distribution of the habitats of the qualifying features.

- The structure and function of the habitats of the qualifying features.
- The supporting processes on which the habitats of the qualifying features rely.
- The populations of the qualifying features.
- The distribution of the qualifying features within the site.
- 10.8 For SACs the overarching objective is to:

'Avoid the 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 and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.'

10.9 This is achieved by, subject to natural change, maintaining and restoring:

- The extent and distribution of the 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.
- 10.10 Conservation objectives inform any Habitats Regulations Assessment of a plan or project, by identifying what the interest features for the site should be achieving, and what impacts may be significant for the site in terms of undermining the site's ability to meet its conservation objectives.