



**DARTMOOR NATIONAL PARK AUTHORITY
LOCAL PLAN REVIEW 2020-2036**

**HABITATS REGULATIONS ASSESSMENT
(HRA) SCREENING &
APPROPRIATE ASSESSMENT
ADDENDUM**

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DARTMOOR NATIONAL PARK AUTHORITY LOCAL PLAN 2036 HABITATS REGULATIONS ASSESSMENT REPORT: ADDENDUM

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The Dartmoor Local Plan Review 2020-2036

- 1 Dartmoor National Park Authority (DNPA) is undertaking a review¹ of the Dartmoor Local Plan. The emerging new Dartmoor Local Plan has been developed through continuing technical studies together with wide engagement and consultation. The preparation of the Local Plan has been informed by Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). The DNPA commissioned independent specialist consultants Enfusion Ltd to undertake the statutory SA process and the HRA process for the Dartmoor Local Plan (DLP).
- 2 The DNPA invited comments on the key issues and evidence identified during winter 2016. During the autumn 2017, engagement events were held with Town/Parish Councils and local communities. The first draft of the new Local Plan was published for consultation in the winter 2018 (Regulation 18 stage) and the final draft Local Plan was published for further consultation during the autumn 2019 (Regulation 19 stage). Comments received will be submitted with the draft plan and its supporting evidence for independent examination in 2020.

Habitats Regulations Assessment (HRA) & Appropriate Assessment (AA)

- 3 The DNPA made available an Initial HRA Screening Report (July 2017) for wider public consultation alongside the SA Scoping Report. The HRA Screening & Appropriate Assessment Report (September 2018) that accompanied the draft Local Plan on Regulation 18 formal consultation was also made available on the website for wider public consultation. The statutory nature conservation body, Natural England, advised that they had no detailed comments at this stage. They indicated that the recreational disturbance issue is the greatest concern, but they were not clear about a solution at that time.
- 4 The HRA Screening & AA Report (June 2019) updated the assessment in line with the development of the final draft DNPLP (September 2019). It also took into account the recent Court of Justice of the European Union

¹ <https://www.dartmoor.gov.uk/living-and-working/planning/planning-policy/local-plan-review>

(CJEU) judgments that mean that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

- 5 The HRA screening identified that due to the small size and location of proposed new development in the DNPLP area, and the limited potential environmental pathways for impacts to the European sites outside of the National Park, there were no Likely Significant Effects (LSEs) for air quality changes, disturbance, changes to water quality or levels, or habitat loss/fragmentation – alone or in-combination with other plans, specifically the Plymouth & South West Joint Local Plan (P&SWJLP) and the emerging Greater Exeter Strategic Plan (GESP). The screening assessment identified uncertainty with regard to the potential for LSEs associated with air quality, disturbance and habitat loss or fragmentation on the three SACs located within the DNPA boundary (Dartmoor, South Dartmoor Woods, and South Hams SACs).
- 6 The appropriate assessment (AA) determined that the mitigation provided through the relevant DNPLP Policies such as Strategic Policy 2.2 Biodiversity; the small size, location and site-specific requirements of certain site allocations for project level HRAs; and the advice in the emerging updated guidance² for the South Hams SAC, are sufficient to ensure that significant adverse impacts on air quality and habitat loss or fragmentation can be avoided, alone or in-combination with other plans. The assessment also concluded that these mitigation measures were sufficient to ensure that significant adverse impacts arising from recreational disturbance can be avoided for the Dartmoor Local Plan alone.
- 7 Studies (SWEEP, September 2018) on the predicted recreational use of the National Park suggested that there could be significant adverse in-combination effects arising from recreational disturbance on the SACs within the Dartmoor boundary. This is due to the extensive new development planned around the outskirts of the National Park through the P&SW JLP and the emerging GESP. Whilst there is policy mitigation in the extant plans that should protect the European sites, the appropriate assessment suggested that the new evidence indicates that there is some uncertainty regarding in-combination effects on the integrity of the Dartmoor, South Dartmoor Woods and the South Hams SACs from recreational disturbance arising from new development planned outside the Dartmoor Park boundary.
- 8 In their formal response (November 2019) to the consultation on the final draft DNPLP and its accompanying HRA/AA report, NE made suggestions for strengthening draft DNPLP policies, including site allocations, and provided comments on the HRA that may be summarised, as follows:

² Interim Guidance agreed by local authorities & published October 2019 – please see <https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance/south-hams-sac-guidance>

- NE does not concur with the conclusion that there could be significant adverse effects arising from recreational disturbance on Dartmoor SAC and South Dartmoor Woods SAC
- NE advised that the need for project level surveys should be referred to in the relevant site-specific policies for proposed site allocations at Ashburton, Buckfastleigh and South Brent
- NE advised that the HRA needs to address the impact of recreational disturbance arising from proposed housing within the plan area within the Zone of Influence for the Plymouth Sound & Estuaries SAC/Tamar Complex SPA. The Zone of Influence has been established through development of the adopted P&SWJLP.

Duty to Cooperate and Statements of Common Ground

- 9 The DNPA set out its approach to strategic cross-boundary matters in its Duty to Cooperate Scoping Report (May 2017) and various draft Statements of Common Ground³ that were consulted upon at both the Regulation 18 and Regulation 19 stages of plan-making. Discussions about the matters raised by Natural England continued through October to December 2019 between the DNPA, Natural England, Plymouth Council, South Hams District and West Devon Borough Councils. These culminated in a meeting on 27 January 2020 at which various key points were agreed and a potential way forward was proposed by the DNPA. Discussions remain ongoing but it was agreed – to prepare an addendum to the DNPA Local Plan HRA that reports the issues raised and resolutions proposed. It may be noted that comments on the DNPA HRA were received from NE and Teignbridge Council – no comments were received from the other neighbouring councils.

This HRA Addendum Report

- 10 The purpose of this HRA Addendum Report is to set out a summary of the plan-making and HRA processes undertaken and reported, together with an outline of the timeline and responses made to consultation stages. It seeks to explain the ongoing discussions between Natural England and the relevant neighbouring local authorities. The HRA Addendum addresses each of the three matters raised by NE at the plan-making Regulation 19 consultation stage. The Addendum builds upon the HRA Report published in autumn 2019 alongside the final draft DNPLP. It updates the situation and aims to compile the relevant information into one document to aid understanding and decision-making. It will be provided with other evidence and the final draft DNPLP for submission to the Secretary of State for independent examination.

³ <https://www.dartmoor.gov.uk/living-and-working/planning/planning-policy/background-evidence/background-evidence-and-research/preparing-the-local-plan?a=1416789>

Recreational Disturbance on Dartmoor SAC and South Dartmoor Woods SAC

- 11 The HRA (July 2019) of the final draft DNPLP (September 2019) reported that there could be significant adverse in-combination effects arising from recreational disturbance – due to the extensive new development planned around the outskirts of the National Park and as evidenced by the SWEEP Report (September 2019). The HRA suggested that it will be for these plans (P&SWJLP and the GESP) and the new development to ensure that there are no adverse effects on the integrity of the SACs, including in-combination with the DNPLP.
- 12 In response to the Regulation 19 consultation, NE advised that they do not concur with the conclusion that there could be significant adverse effects arising from recreational disturbance. NE advised that recreational impacts were not identified as a pressure or threat for the SACs as evidenced by the Site Improvement Plans (SIPs)⁴. It is agreed that the SIPs (2014) do not identify recreational impacts as a pressure or threat. The HRA included consideration of the characterisation of designated sites as set out in the Natura 2000 standard data forms (2014)⁵ and detailed in Appendix I of the HRA Report. Appendix I provides the information set out on the JNCC Data Forms (updated January 2016) including pressures and threats; summaries of key characteristics are provided in the main text of the HRA report at paragraph 3.5 with discussions regarding recreational pressures through paragraphs 3.22-3.33.
- 13 Appendix I records that the JNCC data form for the South Dartmoor Woods SAC does not include recreation (GO1)⁶ or other human disturbance (GO5) as a high threat. For the Dartmoor SAC, 'other human intrusions & disturbances' (GO5) are listed as a high threat⁷; recreation (GO1) is not included as a high threat.
- 14 Recreational pressures arising from the extensive new development proposed around the boundary of the National Park had been identified at an early stage of engagement and plan-making. Such concerns continued through plan-making and the initial consultation stage at Regulation 18 for the emerging draft plan and its accompanying HRA/AA. At that time, Natural England advised that they considered that the recreational disturbance issue is the greatest concern, but they were not clear about a solution at that time. It is not clear whether this comment referred to all potential recreational pressures or just those associated with the South Hams SAC (and please see following section).
- 15 It is understood from informal discussions with NE that they consider that the SWEEP report deals with the whole of Dartmoor and is not specific to the Dartmoor and South Dartmoor woods SACs. Therefore, NE concluded

⁴ South Dartmoor Woods SIP222 and Dartmoor SIP054 – please see <http://publications.naturalengland.org.uk/category/5458594975711232>

⁵ <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0030370.pdf>

⁶ The JNCC data form applies codes for different types of threats & pressures

⁷ <https://sac.jncc.gov.uk/site/UK0012929>

that there is currently no evidence to show that there are likely significant (cumulative) effects from new development on the designated features of these two SACs. NE suggested that it would be useful to undertake a recreational impacts study including visitor surveys, and DNPA is in discussion with NE to consider whether this may be a broader (i.e. designated and non-designated habitat) study to ascertain the longer term implication of increased numbers of visitors and where they come from.

- 16 It had been assumed that NE and the neighbouring local authorities considered that there were sufficient mitigation measures in plan policies and site-specific allocations (adopted P&SWJLP, emerging GESP) to ensure no cumulative effects. It may be noted that the HRA/AA (updated 2018)⁸ of the P&SWJLP concluded that there will be no likely significant effect either alone or in combination with other plans or projects on the integrity of the designated European sites arising from the JLP. The HRA of the adopted JLP concluded that the recreational impacts on designated sites arising from planned residential development, either alone or in combination with other plans or projects needs to be addressed - and the draft SPD (November 2019)⁹ considers mitigation measures in respect of impacts on the Plymouth Sound & Estuaries SAC/SPA and the South Hams SAC, but not impacts on the Dartmoor & Dartmoor Woods SACs. The preparation of the GESP is still at an early stage but it may be noted that the European site sensitivity (April 2019)¹⁰ undertaken to inform the emerging HRA includes impact pathways for recreational impacts for the Dartmoor SAC (Salmon & Otter habitats linked to the SAC) and notes the need to evaluate recreational impacts with DNPA and Teignbridge Council.
- 17 The DNPA are confident in the research that was undertaken and the findings that are presented in the SWEEP report (September 2018). The studies used existing visitor information to model predicted future levels of recreational activities on Dartmoor taking into account the population projections from the surrounding new Local Plans. The studies identified key areas where path erosion could be a significant issue, and key habitats/species with areas where wildlife disturbance could be a significant issue. The research identified that detailed information on path erosion is limited; whilst there is comprehensive scientific literature on a wide range of impacts from recreational activities on wildlife disturbance, detailed science on threshold levels of recreation at which species incur disturbance is limited.
- 18 The DNPA has shared this research with NE and relevant neighbouring local authorities. The SWEEP report indicates where the key sensitivities and pressures might arise; other studies are ongoing, for example, those associated with the preparation of the GESP. DNPA also describes this

⁸ <https://www.plymouth.gov.uk/sites/default/files/UpdatedSustainabilityAppraisalHabitatsRegulationAssessment.pdf>

⁹ <https://www.plymouth.gov.uk/sites/default/files/JLPSPD2019.pdf>

¹⁰ Saunders, G. & Hoskin, R. (2019) Habitats Regulations Assessment and mitigation strategy for the Greater Exeter Strategic Plan European site sensitivity analysis. Unpublished report for the Greater Exeter Strategic Plan authorities

issue in Topic paper No 1 Natural Environment¹¹ which links with the policy response in the Local Plan. DNPA is continuing to discuss these matters with NE and the relevant neighbouring local authorities as described in the Statement of Common Ground. It recognises at this stage that NE concludes there is not sufficient evidence which would suggest there are Likely Significant Effects on the SAC in respect of recreational impacts, and therefore concludes no Likely Significant Effect. DNPA will endeavour to consider broader investigation (beyond the requirements of HRA) in partnership with NE.

- 19 In conclusion, there are reasonable measures in place to investigate and evaluate concerns about any future cumulative recreational impacts arising on Dartmoor National Park from the extensive new development around its boundaries. This further investigation, considered alongside NE's view that there currently is no evidence of a Likely Significant Effect on the Dartmoor SACs means that mitigation is not currently required. The HRA of the draft DNPLP, including this HRA addendum, is relevant, valid and reflects the latest understanding and agreement.
- 20 There is policy mitigation in the extant plans that should protect the European sites on the basis of the current evidence of potential impacts. However, it will be for these plans and new development to ensure that there are no adverse effects on the integrity of the SACs, including in combination with the DNPLP, taking into account any further evidence which may come forward in the future.

South Hams SAC & SPD

- 21 At the DNPLP Regulation 19 consultation stage, NE advised the need for project level surveys to be referred to in the relevant site-specific policies for proposed site allocations at Ashburton, Buckfastleigh and South Brent. The site allocations include a requirement for "*evidence to inform an appropriate assessment (Habitats Regulations) in order to establish that development of this site will have no adverse impact on the South Hams Special Area of Conservation*". This should be considered in conjunction with the approved South Hams SAC Guidance, and the further individual references in the published Site Briefs, which specifically advise where a survey may be required for development site. DNPA considers that this is sufficient guidance for developers to provide evidence to ensure that there are no adverse effects on the integrity of the SAC.

Plymouth Sound & Estuaries SAC/Tamar Complex SPA and JLP SPD

- 22 At the DNPLP Regulation 19 consultation stage, NE advised that the HRA needs to address the impact of recreational disturbance arising from proposed housing within the plan area on the Plymouth Sound & Estuaries SAC/Tamar Complex SPA. The JLP Authorities and Cornwall Council have, through the Tamar Estuaries Consultative Forum (TECF), commissioned

¹¹ <https://www.dartmoor.gov.uk/living-and-working/business/planning-policy/background-evidence/background-evidence-and-research/topic-papers>

evidence that has identified a Zone of Influence (Zol) which includes the western and southern edges of Dartmoor National Park. Subsequently the JLP Authorities have prepared a draft SPD, which includes specific provisions on the Plymouth Sound & Estuaries European Marine Sites Recreation Plan (November 2019)¹² that was on public consultation until 6 January 2020.

- 23 The DNPA has expressed its concerns regarding the draft SPD for the JLP, in particular around engagement, and the evidence around the Zol and held a meeting with NE and the relevant neighbouring LPAs on 27 January 2020. Following the meeting, the JLP authorities will respond in writing to the DNPA's outstanding questions on the evidence base to order to inform the DNPA Members with regard to further decision and plan-making. The DNPA has agreed to prepare this HRA Addendum that explains the situation and references the evidence study including the Zol.
- 24 The JLP Authorities published a report in November 2019 on the Plymouth Sound and Estuaries EMS Recreation Mitigation and Management Scheme¹³ (The 'Mitigation Strategy') and it is understood that these studies informed the preparation of the draft P&SWJLP SPD. This document refers to a Zone of Influence of 12.3km of the boundaries of the European Marine Site (EMS) based on the zone from which 75% of coastal visitors live who visit the SAC/SPA. Accordingly, a package of mitigation measures was compiled in consultation with NE and includes developer contributions calculated for every net additional dwelling within the 12.3km Zol. This has been taken forward into the draft JLP SPD through policy DEV26 and with further guidance in Appendix 6.
- 25 The Mitigation Strategy proposed must be proportionate to the level of development coming forward within the Zol. It is important to note that the level of development anticipated in the Zol that is not located in Dartmoor National Park is sufficient to deliver the Mitigation Strategy – without additional contributions from the National Park. Thus, this has already recognised the very small level of development occurring within the National Park - and supports the strategic priorities of the Dartmoor Local Plan, in particular the provision of affordable housing to meet local needs.
- 26 The HRA screening stage of the HRA (June 2019 para 3.34) of the draft DNPLP considered the likelihood of environmental pathways and the potential for likely significant effects on water levels and water quality for the Plymouth Sound & Estuaries SAC/SPA. The boundaries of the SACs are some 3.5km from the nearest boundary of the Dartmoor National Park. It was considered that the level of development proposed in this part of the National Park was very small and therefore, there would be no Likely Significant Effects. This issue was not taken forward for further Appropriate Assessment.

¹² <https://www.plymouth.gov.uk/spdconsultation2019>

¹³ <http://www.plymouth-mpa.uk/wp-content/uploads/2019/11/Recreation-Mitigation-and-Management-Scheme.pdf>

- 27 The HRA screening also considered recreational disturbance for the Plymouth Sound & Estuaries SAC/SPA (HRA para 3.23). the screening stage concluded that the small amount of new development was proposed for the existing communities of Dartmoor such that it is unlikely that there will be significant increased access to the SAC/SPA and therefore, no LSEs alone or in-combination - and this issue was not taken for further appropriate assessment.
- 28 It is now understood that the studies undertaken for the JLP Authorities and Cornwall Council, have identified a 12.3km Zol for new development as part of the Mitigation Strategy (November 2019) being developed for the P&SWJLP, as described above.
- 29 The level of development anticipated within the Zol where it lies within the Dartmoor National Park is very low; approximately 16 homes per year. In the context of the Local Plan strategy, a high proportion of these homes would be affordable housing, and therefore occupied by households already living and/or working in the area. Furthermore, Natural England MENE data shows "people from the most deprived areas are least likely to visit nature frequently". It is therefore a reasonable assertion that those from affordable housing development (i.e. those falling into those more deprived demographic categories) are therefore less likely to visit the natural environment, less likely to visit frequently, and therefore the impact of that development in respect of recreational impacts is likely to be lower¹⁴. Considering this against the small level of housing anticipated, the potential in combination effect of the Dartmoor Local Plan housing provision upon the SAC/SPA is negligible.
- 30 This HRA Addendum notes the additional information available through the evidence compiled for the Mitigation Strategy that informs the draft JLP SPD. The supporting evidence for the Mitigation Strategy does not include consideration of the small amount of new development within the National Park in its estimation of impacts or Strategy viability. Therefore, additional contributions are not necessary from within the National Park as the Mitigation Strategy is delivered without these additional negligible contributions. This also enables the strategic priorities of the Local Plan to be pursued without additional pressure upon development viability. This enables adjoining Authorities' (and Natural England) to meet their duty to have regard to National Park purposes when coming to decisions or carrying out their activities relating to or affecting land in the National Park (section 11A of the 1949 Act and section 17A of the 1988 Act).
- 31 This HRA Addendum considers that although there are small sites allocated within Yelverton, Horrabridge and Mary Tavy, and a small anticipated amount of windfall development within the Zol it is negligible in the context of growth within the whole Zol. Development inside the Zol and within the National Park will continue to be screened under HRA as necessary, on a case by case basis. Standing advice may be used for

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<http://publications.naturalengland.org.uk/publication/5309811965034496?category=6663557926354944>

new residential units within the Zol. Furthermore it is considered that, given new residential development in the National Park is principally affordable housing restricted to local people, the increased recreational use/disturbance arising as a result is of a significantly lower likelihood. Having considered both of these points, any potential residual impact is mitigated through the Mitigation Strategy funded by development elsewhere in the Zol.

- 32 To ensure appropriate ongoing review, DNPA has prepared a Monitoring and Governance Topic Paper, which sets out a framework for the collective monitoring of development levels within the Zol, ensures monitoring of the implementation of the Mitigation Strategy, and describes a joint process of review should the circumstance described above change, meaning that this appropriate may need to be reviewed.

Summary HRA Conclusions

- 33 This HRA Addendum has reported the comments received from the nature conservation body, Natural England, and addressed the 3 key issues raised:
- Dartmoor & South Dartmoor Woods SAC – the HRA concludes no Likely Significant Effects in respect of cumulative impacts arising from the extensive new development proposed around the National Park boundary, but supports a broader study to understand impacts on other designated and non-designated habitat
 - South Hams SAC – the DNPA consider that proposed policy wording and supporting guidance is appropriate to enable for applicants to provide evidence to ensure that there are no adverse effects on the SAC's integrity
 - Plymouth Sound & Estuaries SAC/Tamar Complex SPA and JLP SPD – the HRA has noted the new evidence, including the Zol, and considers that the extent of new development within the Zol is negligible and is for principally affordable housing. The strategic Mitigation Strategy is delivered without additional contributions from within the National Park part of the Zol, and therefore additional contributions towards mitigation are not required. This is agreed, but will be monitored under the framework set out in the Monitoring and Governance Topic Paper.
- 34 Strategic mitigation measures remain in place through the ongoing discussions between the DNPA, NE and the relevant neighbouring LPAs, and preparation of Statements of Common Ground.