



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

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

June 2019

enfusion 

DARTMOOR NATIONAL PARK AUTHORITY LOCAL PLAN REVIEW 202-2036

HABITATS REGULATIONS ASSESSMENT (HRA)

HRA SCREENING & APPROPRIATE ASSESSMENT (AA) REPORT

date:	Initial HRA Screening Report June 2017 HRA Screening & AA September 2018 First & Final Draft June 2019 Updated Final	
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CONTENTS		Page
1	INTRODUCTION	
	The Dartmoor Local Plan Review to 2018-2033	1
	Habitats Regulations Assessment (HRA)	1
	Consultation	2
	Purpose & Structure of Report	2
2	HABITATS REGULATIONS ASSESSMENT & THE DRAFT LOCAL PLAN	
	Requirements for Habitats Regulations Assessment	3
	Guidance & Good Practice	3
	Approach & Methods	5
	CJEU Judgments on HRA Screening	6
	The Dartmoor Local Plan Review	6
3	HRA SCREENING	
	Introduction	8
	Identification of European Sites & Characterisation	9
	Other Plans and Projects	10
	Likely Effects from Development	11
	Policy/Allocation Screening	12
	Screening Assessment	13
	Further Assessment Required?	23
4	APPROPRIATE ASSESSMENT (AA)	
	Introduction	25
	Air Quality	24
	Disturbance	28
	Habitat Loss or Fragmentation	31
5	HRA SUMMARY & CONCLUSIONS	
	Summary	32
	Next Steps	33
TABLES & FIGURES		
	2.1: HRA Key Stages	
	2.2: Location of European Sites for the Dartmoor area	
	3.1: Scoped European Sites	
	3.2: Plans that could cause in-combination effects	
	3.3: Housing, Employment and Infrastructure Development - Possible Effects & Impacts on European Sites	
	3.4: Regulation 18 Draft DLP Policies identified as having impacts that could lead to LSEs	
	3.5: Screening Summary Key	
	3.6: HRA Screening Summary	
APPENDICES		
I	European Site Characterisations	
II	Plans and Projects Review	
III	European Sites Screening	
IV	Dartmoor Local Plan Review Regulation 19 Screening	

1.0 INTRODUCTION

The Dartmoor Local Plan Review 2020-2036

- 1.1 Dartmoor National Park Authority (DNPA) is undertaking a review¹ of the Dartmoor Local Plan. The previous Core Strategy was adopted in 2008, with the Development Management & Delivery DPD adopted in 2013. A Minerals Plan was also included within the previous Local Plan. The New Local Plan will replace these separate Plans with a single document and cover such issues as: house extensions, design, the environment, listed buildings, housing, farming, tourism, quarrying, and land for development. It will include its own waste and minerals policies as the National Park is not included in the Devon County Waste & Minerals Plan.
- 1.2 Fundamental to the review of the Local Plan are the two statutory² purposes of the National Park designation:
- to conserve and enhance the natural beauty, wildlife and cultural heritage
 - to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

Also, the duty of National Park Authorities in pursuing National Park purposes:

- to seek to foster the economic and social well-being of local communities (within the National Park) by working closely with the agencies and local authorities responsible for these matters
- 1.3 The Dartmoor Local Plan Review has been developed through continuing technical studies and with wide 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).

Habitats Regulations Assessment (HRA)

- 1.4 The DNPA is required to undertake a Habitats Regulations Assessment (HRA)³ of the Dartmoor Local Plan Review, and in accordance with the NPPF⁴. The aim of the HRA process is to assess the potential effects arising from a plan against the nature conservation objectives of any site designated for its nature conservation importance. The HRA screening considers if the potential impacts arising as a result of the DLP are likely to have a significant effect on these sites either alone or in combination with other plans and projects. If a

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

² National Parks & Access to the Countryside Act 1949 as amended by the Environment Act 1995

³ European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (1992) Article 6.3

⁴ NPPF (2018) paragraphs 176-177

risk of Likely Significant Effects (LSEs) is identified, then the process should progress to the Appropriate Assessment (AA) stage.

- 1.5 The HRA process is being undertaken in parallel to the SA, and the findings of the HRA have informed the SA. The HRA process has its own legislative drivers and requirements and while the different processes can inform each other, it is important that the HRA remains distinguishable from the wider SA process; the detailed method and findings are reported separately.

Consultation

- 1.6 The Habitats Regulations require the plan-making or competent authority (the Dartmoor National Park Authority) to consult the appropriate nature conservation statutory body – for England, Natural England. The Habitats Regulations leave consultation with other bodies and the public to the discretion of the plan making authority. For the HRA of the Dartmoor Local Plan, DNPA will also consult with the Environment Agency due to the presence of Atlantic Salmon, Otters and Blanket Bog – for which the EA advises it is the lead HRA partner.
- 1.7 In accordance with good practice, the DNPA made available an Initial HRA Screening Report for wider public consultation alongside the SA Scoping Report that requires statutory consultation with the environmental bodies at the scoping stage. Comments were received from the Environment Agency (EA), Devon County Council (DCC) and Natural England (NE). The EA and DCC were satisfied that the HRA had identified the key interests and had no further comments at that initial stage. NE requested some clarification regarding the description of threats within or from outside the European sites.
- 1.8 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. Comments were received from Natural England and Teignbridge District Council (TDC). NE advised that they have no detailed comments at this stage. They indicated that the recreational disturbance issue is the greatest concern, but they are not clear about a solution at the present time. TDC suggested that the Local Plan should consider settlement level mitigation plans in respect of impacts on bats with regard to site allocation policies 7.5 & 7.6 in Buckfastleigh and 7.3 & 7.4 in Ashburton. No comments were received from the Environment Agency at this stage. The implications of these comments from NE and TDC are discussed further in the updating of this HRA Report.

Purpose & Structure of Report

- 1.8 This report documents the updating on the condition of European and Ramsar designated sites and the updating of the plans and projects review since the previous HRA Screening was undertaken. It takes into account the recent Court of Justice of the European Union (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 – and this is discussed further in the next section 2 on methods.

- 1.9 Section 3 describes the HRA Screening and section 4 reports the Appropriate Assessment, with summary and conclusions provided in section 5. Details of site characterisations, other plans & projects, and screening of sites and emerging Local Plan policies and allocations are detailed in Appendices I-IV.

2.0 HABITATS REGULATIONS ASSESSMENT & THE DRAFT LOCAL PLAN

Requirements for Habitats Regulations Assessment

- 2.1 The Conservation of Habitats and Species Regulations 2010 (as amended, 2017) [the Habitats Regulations] require that HRA is applied to all statutory land use plans in England and Wales. The aim of the HRA process is to assess the potential effects arising from a plan against the conservation objectives of any site designated for its nature conservation importance.
- 2.2 The Habitats Regulations transpose the requirements of the European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna [the Habitats Directive] which aims to protect habitats and species of European nature conservation importance. The Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 sites or European Sites and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) which are designated under European Directive (2009/147/EC) on the conservation of wild birds [the Birds Directive].
- 2.3 In addition, Government guidance⁵ also requires that Ramsar sites (which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance [Ramsar Convention]) are included within the HRA process as required by the Regulations.
- 2.4 The process of HRA is based on the precautionary principle and evidence should be presented to allow a determination of whether the impacts of a land-use plan, when considered individually or in combination with the effects of other plans and projects against the conservation objectives of a European Site (and Ramsar site), would adversely affect the integrity of that site. Where effects are considered uncertain, the potential for adverse impacts should be assumed.

Guidance & Good Practice

- 2.5 The application of HRA to Local Plans has been informed by key guidance and practice documents. Guidance for HRA was published by the Government⁶ based on the European Commission's (2001) guidance for the Appropriate Assessment (AA) of Plans. The Government's guidance recommends three main stages to the HRA process:
 - Stage 1: Screening for Likely Significant Effect
 - Stage 2: Appropriate Assessment, Ascertaining Effects on Integrity
 - Stage 3: Mitigation Measures and Alternatives Assessment

⁵ DEFRA, 2012. The Habitats and Wild Birds Directives in England and its seas - Core guidance for developers, regulators & land/marine managers

⁶ DCLG, 2006, Planning for the Protection of European Sites: Appropriate Assessment

- 2.6 If alternative solutions or avoidance/ mitigation measures to remove adverse effects on site integrity cannot be delivered, then current guidance recommends an additional stage to consider Imperative Reasons of Overriding Public Interest (IROPI) for why the plan should proceed. For the HRA of land use plans, IROPI is only likely to be justified in a very limited set of circumstances and must be accompanied by agreed, deliverable compensation measures for the habitats and species affected.
- 2.7 Subsequently, the nature conservation regulator Natural England produced additional, detailed guidance⁷ on the HRA of Local Development Documents that complements the DCLG guidance and builds on assessment experience and relevant court rulings. However, this remained in draft format and is not available on the Natural England website. In 2012, DEFRA published a Core Guidance⁸ document relating to the Habitats & Wild Birds Directive, providing information on decision making and the HRA process for developers, regulators and land/marine managers.
- 2.8 A High Court judgment was handed down on 20 March 2017 in *Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351 (Admin). Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies.
- 2.9 The court found that Natural England's advice on the in-combination assessment of air quality impacts in this case was flawed. The case concerned the approach to assessment of in-combination effects with regard to vehicle emissions and nitrogen deposition effects on heathland habitat in the Ashdown Forest SAC. Natural England was required to reconsider its advice regarding in-combination assessment and Highways England has been required to re-examine its Design Manual for Roads & Bridges (DRMB).
- 2.10 The joint Air Quality Technical Advisory Group (AQTAG – Environment Agency, Natural England, Natural Resources Wales) published guidance^[2] regarding HRA in-combination assessment, defining likely significant effect thresholds for industrial installations and emissions to air. The Design Manual for Roads & Bridges (DMRB) Volume 11^[3] provides guidance on environmental assessment including implications for European Sites (Section 4).
- 2.11 DMRB advises that where annual average daily traffic movements (AADT) resulting from development do not exceed 1000 on affected roads, environmental effects may be regarded as neutral and scoped out of any

⁷ Tyldesley, D., 2009, The Habitats Regulations Assessment of Local Development Documents (Natural England)

⁸ DEFRA, 2012. The Habitats and Wild Birds Directives in England and its seas - Core guidance for developers, regulators & land/marine managers

^[2] http://www.midsussex.gov.uk/media/78886/189_wealdenappendixb.pdf

^[3] <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/index.htm>

further assessment. The AQTAG21 guidance relied upon by NE and prepared by the AQTAG asserts that the 1000 AADT threshold equated to a 1% change in critical loads/levels relating to an identified pollutant which, if not exceeded, allowed the decision-maker to conclude that there would be no likely significant effect. The Judge found that there was no explanation for not aggregating the two amounts such that the annual average daily traffic movements (AADTs) from both plans should have been taken into account; the 1000 AADT threshold would be exceeded and thus then require an in-combination assessment.

- 2.12 Natural England developed internal guidance⁹ and advises that usually only those European sites present within 200m of the edge of a road on which a plan or project will generate traffic will need to be considered when checking for LSEs from road traffic emissions with regard to HRAs. Any revision to DMRB has not yet been advised by Highways England. This HRA has been carried out with consideration of the recent internal NE guidance.

Approach & Methods

- 2.13 This HRA is being undertaken in accordance with good practice, the available guidance on process, and using principles as follows:
- Use existing information
 - Early consultation with Natural England (and ongoing, as necessary)
 - Proportionate assessment
 - Systematic and as simple as possible whilst retaining clear process robustness
- 2.14 The key stages of the HRA process and the specific tasks undertaken for each stage are set out in Table 2.1 as follows:

Table 2.1: HRA Key Stages:

Stages	Habitats Regulations Assessment
Stage 1: Screening for Likely Significant Effects	1. Identify European sites in and around the plan area.
	2. Examine the conservation objectives of each interest feature of the European site(s) potentially affected.
	3. Analyse the policy plan and the changes to environmental conditions that may occur as a result of the plan. Consider the extent of the effects on European sites (magnitude, duration, and location) based on best available information.
	4. Examine other plans and programmes that could contribute (cumulatively) to identified impacts/ effects.
	5. Produce screening assessment based on evidence gathered and consult statutory nature conservation body on findings.
	6. If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to Stage 2.
Stage 2: Appropriate Assessment	1. Agree scope and method of Appropriate Assessment with statutory nature conservation body.
	2. Collate all relevant information and evaluate potential impacts on site(s) in light of conservation objectives.

⁹ NE Internal Guidance – Approach to advising competent authorities on Road Traffic Emissions and HRAs (June 2018)

Stages	Habitats Regulations Assessment
Stage 3: Mitigation Measures and Alternatives Assessment	1. Consider how effect on integrity of site(s) could be avoided by changes to plan and the consideration of alternatives (e.g. an alternative policy/ spatial location). Develop mitigation measures (including timescale and mechanisms for delivery).
	2. Prepare HRA/ AA report and consult statutory body.
	3. Finalise HRA/AA report in line with statutory advice to accompany plan for wider consultation.

- 2.15 The European site characterisation and the plans/projects review has been updated as in Tasks 1, 2 & 4 of Stage 1 HRA as described above.

CJEU Judgments on HRA Screening

- 2.16 On 12 April 2018, the Court of Justice of the European Union (CJEU) issued a judgment¹⁰, which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and 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.
- 2.17 The implication of this judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the Habitats Regulations Assessment (HRA) screening stage whether a plan is likely to have an adverse effect on a European Site. A second judgment (Sweetman II) was issued on 25 July 2018 and provided further clarification on the interpretation of mitigation measures. This HRA has been undertaken with consideration of these two recent Judgments.

The Dartmoor Local Plan Review

- 2.18 The Draft DLP sets out how the Dartmoor National Park Authority will meet its development needs with a Vision that sets the Plan's overall direction, as follows:
- Decent homes
 - A place to do business
 - Sustainability – living within environmental limits
 - Making best use of resources
 - Culture and arts
 - Exemplars for outstanding development
 - Community involvement and participation
 - Prosperous and vibrant communities
 - Farming, Forestry and Land Management
 - Resilient landscape
 - Thriving habitats and species
 - An historic environment in excellent condition

¹⁰ People over Wind & Sweetman v Coillte Teoranta Case C-323/17

Opportunities for access and enjoyment

- 2.19 The Spatial Strategy characterises settlements into 3 categories – Local Centres; Rural Settlements; Villages & Hamlets – and seeks to direct new development appropriate to size, location and character. Outside of these classified settlements, opportunities are strictly limited to development and activities that need to take place in the open countryside such as farming and forestry.
- 2.20 The Draft DLP is structured into 7 chapters with policies as follows:

1 Vision, Spatial Strategy & Planning Applications

- 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities
- 1.2 Sustainable development in Dartmoor National Park
- 1.3 Presumption in favour of sustainable development
- 1.4 Spatial Strategy
- 1.5 Major Development in Dartmoor National Park
- 1.6 Delivering good design
- 1.7 Sustainable construction
- 1.8 Protecting local amenity in Dartmoor National Park
- 1.9 Higher risk development and sites

2 Environment

- 2.1 Protecting the character of Dartmoor's landscape
- 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity
- 2.3 Biodiversity Net Gain
- 2.4 Conserving and enhancing Dartmoor's moorland, heathland and woodland
- 2.5 Protecting tranquillity and dark night skies
- 2.6 Conserving and enhancing heritage assets
- 2.7 Conservation of historic non-residential buildings in the open countryside
- 2.8 Enabling Development
- 2.9 Water environment and flood risk

3 Housing

- 3.1 Meeting Housing Need in Dartmoor National Park
- 3.2 Size and accessibility of new housing
- 3.3 Housing in Local Centres
- 3.4 Housing in Rural Settlements
- 3.5 Housing in Villages and Hamlets
- 3.6 Custom and Self-Build Housing
- 3.7 Residential alterations, extensions and outbuildings
- 3.8 Replacement Homes
- 3.9 Rural Workers' Housing
- 3.10 Residential annexes to support farming
- 3.11 Gypsy and Traveller Accommodation
- 3.12 Low Impact Development

4 Communities, Services and Infrastructure

- 4.1 Supporting community services and facilities

- 4.2 Supporting public open space and sports facilities
- 4.3 Enabling Sustainable Transport
- 4.4 Parking standards for new development
- 4.5 Electric Vehicle Charging Points (EVCPs)
- 4.6 Public car parks
- 4.7 Signs and Advertisements
- 4.8 Telecommunications Development
- 4.9 The Access Network

5 Economy

- 5.1 Non-Residential Business and Tourism Development
- 5.2 Development affecting Town Centres
- 5.3 Shops and other active uses
- 5.4 Residential Business and Tourist Development
- 5.5 Staff accommodation for serviced accommodation businesses
- 5.6 Camping and touring caravan sites
- 5.7 Agriculture, forestry and rural land-based enterprise development
- 5.8 Farm diversification
- 5.9 Equestrian development

6 Minerals, Waste and Energy

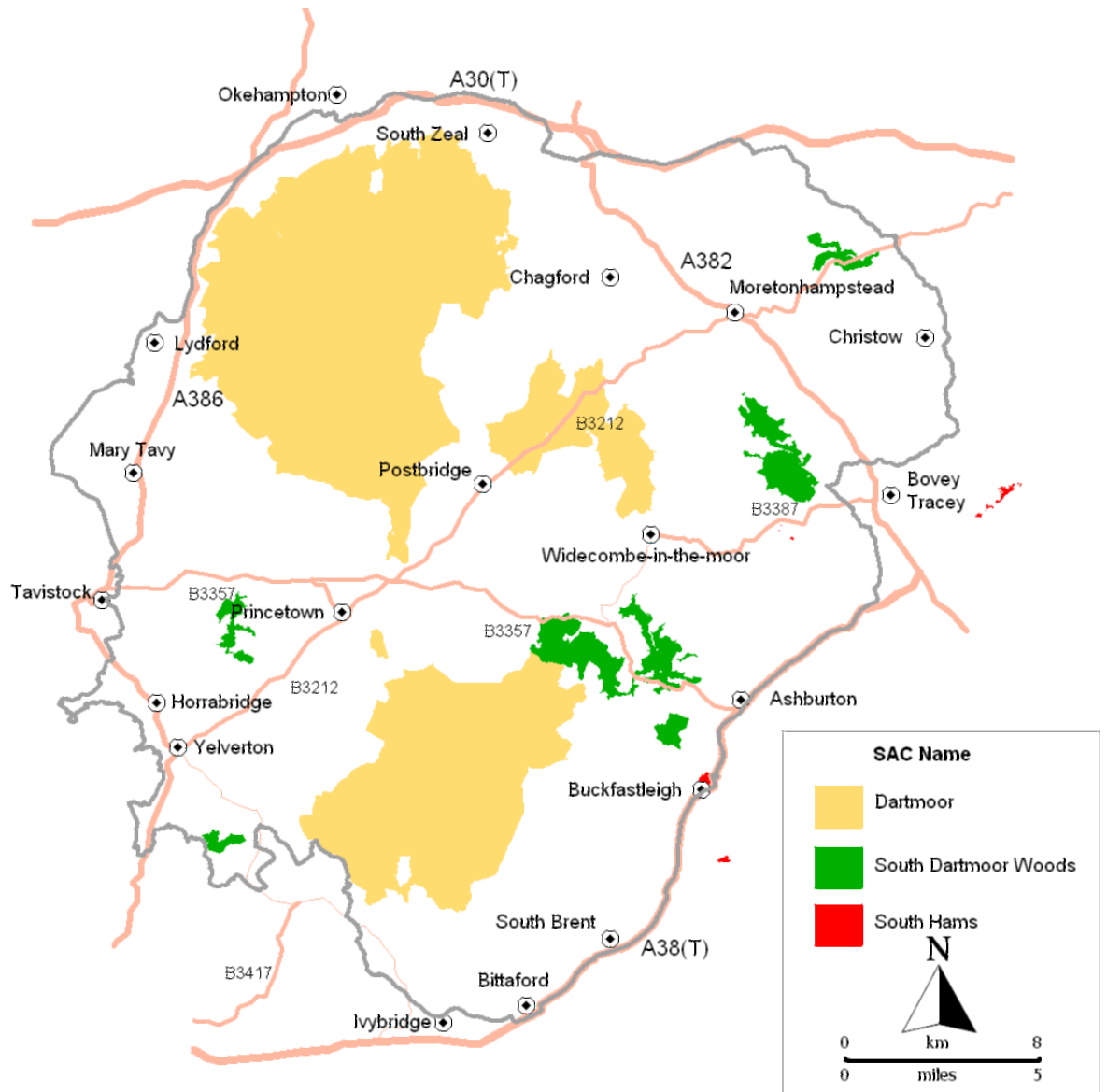
- 6.1 New or Extended Minerals Operations
- 6.2 Minimising the Impact of Minerals Operations
- 6.3 Minerals Safeguarding
- 6.4 Waste Prevention
- 6.5 Waste Disposal and Recycling Facilities
- 6.6 Renewable energy development

7 Towns, Villages and Development Sites

- 7.1 Settlement Boundaries and Development Sites
- 7.2 Community Planning
- 7.3-7.24 Site Allocations – Policies & Proposals

- 2.21 The location of the Dartmoor area with European Sites is shown in the figure as follows:

Figure 2.2: Location of European Sites for the Dartmoor area



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3.0 HRA SCREENING

Introduction

- 3.1 As previously explained, HRA typically involves a number of stages. This section of the report sets out the approach and findings for Stage 1, HRA Screening for the Draft Dartmoor Local Plan Regulation 18 consultation. The aim of the screening stage is to assess in broad terms whether the policies and proposals set out in the plan are likely to have a significant effect on a European site(s) and whether an Appropriate Assessment (AA) is necessary.

Identification of European Sites & Characterisation

- 3.2 In 2014 DNPA published the Dartmoor National Park Management Plan, and as required, an HRA was undertaken (by DNPA) to assess the potential effect of the Plan on Natura 2000 designations. For the HRA of the Local Plan Review it is necessary to assess whether there has been any update in information for the European sites, and whether additional sites may need to be scoped into the assessment.
- 3.3 The HRA of the Dartmoor National Park Management Plan used a buffer of 12km from the National Park boundary to calculate which European sites had the potential to be affected by the plan. Due to the nature of the potential effects on European sites, which include effects that can vary in distance such as recreational pressure and water pollution, no specific distance is recommended in HRA guidance when determining which European sites need to be assessed by the HRA. Therefore, the 12km buffer was not applied in scoping the European sites for the HRA of the Local Plan, but professional judgment was used to determine which Natura 2000 sites were relevant for the HRA. This led to an additional 3 Natura 2000 sites which were not in the Management Plan HRA being scoped into the Local Plan HRA.

Table 3.1: Scoped European Sites

Site Name	Distance from National Park Boundary	Scoped into the Management Plan HRA?
Dartmoor SAC	Within the National Park	Yes
South Dartmoor Woods SAC	Within the National Park	Yes
South Hams SAC	Partially within the National Park	Yes
Culm Grasslands SAC	Approx. 10.5km	Yes
Blackstone Point SAC	Approx. 13km	No
Plymouth Sound & Estuaries SAC	Approx. 3.5km	Yes
Dawlish Warren SAC	Approx. 17km	No
Tamar Estuaries Complex SPA	Approx. 3.5km	Yes
Exe Estuary SPA	Approx. 16km	Yes
Exe Estuary Ramsar	Approx. 16km	No

- 3.4 For the Dartmoor Management Plan HRA a characterisation of the scoped Natura 2000 sites was undertaken. For the HRA of the Local Plan Review, it was necessary to examine if any of the information had been updated since 2014. It was found that since 2014, for all of the Natura 2000 sites assessed in the Management Plan HRA, there had been an update in the listed vulnerabilities as published by JNCC in 2016. These have been taken into account and the characterisations updated accordingly. The characterisations of European sites are detailed in Appendix I.
- 3.5 Across the relevant European sites, including sites within and outside the boundary of the National Park, there are several common vulnerabilities and threats that have been highlighted through the characterisation process, as follows:
- Recreational Pressure
 - Pollution (groundwater, air)
 - Hydrological changes
 - Urbanisation, industrial and developmental activities
 - Changes in cultivation practices
- 3.6 South Hams SAC has been highlighted as a particularly sensitive area for the Greater Horseshoe Bat. Specific planning guidance has been published¹¹ by Natural England for the SAC to protect the flight paths and foraging areas of the bats and aid the conservation of the species. Studies are ongoing, and a potential Supplementary Planning Document was being prepared by a partnership of Devon County Council with the DNPA, South Hams, Teignbridge & Torbay Councils for use by all the Local Planning Authorities. The intention for the SPD was to update and replace the NE guidance; it focuses on changes relating to the bat roosts and the thresholds for HRA requirement. The draft SPD¹² was subject to public consultation in 2018 and aimed to provide guidance on the implementation of policies relating to the South Hams SAC, specifically on the population of Greater Horseshoe Bats for which the site is in part designated. This document is now being taken forward by the authorities as emerging guidance, based on the updated evidence and survey work used to underpin the draft SPD.
- 3.7 Natural England published updated Conservation Objectives for the South Hams SAC in November 2018 and provided Supplementary Advice in March 2019¹³. Population targets for both maternity and hibernation attributes for greater horseshoe bat have been updated, the use of transitional roosts has been recognised and reference to swarming activity has been removed, a 'Supporting off-site (foraging areas)' attribute has been added and text has been amended to acknowledge the use of buildings for hibernation. The local planning authorities continue to consider the situation with the

¹¹ Natural England (2010) South Hams SAC- Greater Horseshoe Bat Consultation Zone Planning Guidance

¹² <https://new.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance/south-hams-sac-spd-consultation>

¹³ <http://publications.naturalengland.org.uk/publication/6279422093033472>

consultation comments received and developing evidence, including studies to inform the preparation of the draft Greater Exeter Strategic Plan (GESP)¹⁴.

Other Plans & Projects

- 3.8 An initial review of the relevant Plans & Projects (PP) was undertaken to assess the potential in-combination effects of relevant Plans with the Dartmoor Local Plan. The PP review found that several Plans have the potential for a range of in-combination effects with the Dartmoor Local Plan. Overall there are several Local Plans in the area surrounding Dartmoor that are proposing new housing and employment development, as follows:

Table 3.2: Plans that could cause in-combination effects

Development Plans	Protected Sites
North Devon & Torridge (adopted 2018)	Dartmoor SAC
Mid Devon (submitted 2018)	Dartmoor SAC
Teignbridge (adopted 2014)	Dartmoor, South Dartmoor Woods, & South Hams SACs
Torbay (adopted 2015)	South Hams SAC
East Devon (2016); Exeter City (2012); Greater Exeter Strategic Plan (GESP) ¹⁵ (at early stages)	Dartmoor, South Dartmoor Woods, & South Hams SACs Culm Grasslands SAC Dawlish Warren SAC Exe Estuary SPA & Ramsar
Plymouth City; South Hams & West Devon – Plymouth & SW Devon Joint Local Plan ¹⁶ (adopted 2019)	Dartmoor, South Dartmoor Woods, & South Hams SACs Blackstone Point SAC Plymouth Sound & Estuaries SAC Tamar Estuaries SPA

- 3.9 As well as the surrounding Local Plans, the review concluded that there is the potential for in-combination effects with the Devon Local Transport Plan, the Devon Minerals Plan and the Devon Waste Plan, which all have the potential to increase atmospheric pollution, result in the loss or fragmentation of key habitats, and cause disturbance through an increase in noise and light pollution.

Likely Effects from Development

- 3.10 A summary of the types of effects and impacts that can arise from housing and employment development is provided in Table 3.3 as follows:

¹⁴ <https://www.gesp.org.uk/>

¹⁵ <https://www.gesp.org.uk/>

¹⁶ <https://www.plymouth.gov.uk/planningandbuildingcontrol/plymouthandsouthwestdevonjointlocalplan>

Table 3.3: Housing, Employment and Infrastructure Development - Possible Effects & Impacts on European Sites

Effects on European Sites	Impact Types
Habitat (& species) fragmentation and loss	Direct land take, removal of green/connecting corridors/ supporting habitat, changes to sediment patterns (rivers and coastal locations) Introduction of invasive species (predation)
Disturbance	Increased recreational activity (population increase) Noise and light pollution (from development and increased traffic)
Changes to hydrological regime/water levels	Increased abstraction levels (new housing) Increased hard standing non-permeable surfaces/accelerated run-off Laying pipes/cables (surface & ground) Topography alteration Changes in land use Loss of soils (new development on greenfield land)
Changes to water quality	Increase in run-off/pollutants from non-permeable surfaces (roads, built areas) Increased air pollution (eutrophication) (traffic, housing) Increased volume of discharges (consented)
Changes in air quality	Increased traffic movements Increased air pollution, including acid deposition, nitrogen dioxide, ozone Increased emissions from buildings

Policy/Allocation Screening

- 3.11 The first stage in the screening process considered the potential impacts arising from implementation of the draft policies and proposed allocation sites - and whether these have the potential to lead to likely significant effects (LSEs). The screening (detailed in Appendix III) identified 25 Draft DLP Policies for which the impacts could potentially lead to significant effects alone.
- 3.12 The screening assessment identified the potential for significant effects on 3 European sites as a result of changes to air quality, increased disturbance, changes to water levels and/or water quality, and habitat loss/fragmentation. The findings are detailed in Appendix III; a summary of the policies and their potential impacts are provided in Table 3.4, as follows:

Table 3.4: Regulation 19 Draft DLP Policies identified as having impacts that could lead to LSEs

Policy/Allocation	Potential Impacts of the Policy/Allocation
Policy SP3.1 Meeting Housing Need in Dartmoor National Park	The Policy makes provision over the Plan period for an indicative housing delivery of 65 homes each year across the National Park. It will do so through the identification of allocated sites, windfall sites, and

Policy/Allocation	Potential Impacts of the Policy/Allocation
	<p>Rural Exception Sites. Development of allocated sites, rural exception sites, and windfall sites of more than 5 homes will only be approved where there is a current identified affordable housing need in that area.</p> <p>The Policy has the potential to result in:</p> <ul style="list-style-type: none"> ▪ atmospheric pollution through increased traffic, which could reduce air quality ▪ increased levels of disturbance - recreational activity, noise and light pollution ▪ increased levels of abstraction; surface water run-off and sewage discharge, which could reduce water quality and change water levels ▪ land take that could lead to the loss and fragmentation of habitats and loss of species
Policies SP3.3-3.6; 3.9; 3.12-3.13 Housing	These policies could all result in new housing development that has the potential for LSEs as set out above in Policy 3.1.
Policies SP4.1-4.2 & 4.5; 4.7 Community Services & Facilities	These policies could result in the provision of new or extended services/facilities that could result in limited new development that has the potential for LSEs as set out above in Policy 3.1.
Policies SP5.1-5.2; 5.4-5.9 Economy	These policies could result in the provision of new or extended business or tourism development that has the potential for LSEs as set out above in Policy 3.1.
Policy SP6.1 & 6.5 Minerals, Waste & Energy	These policies could result in the provision of new or extended minerals or waste management facilities that have the potential for LSEs as set out above in Policy 3.1.
Policy 7.2 Community Planning	There is the potential for Neighbourhood Plans to allocate development sites, so there is the potential for LSEs as set out above in Policy 3.1.
Policies & Proposals 7.3-7.24	These could all result in new housing or employment development that have the potential for LSEs as set out above in Policy 3.1.

3.13 The Regulation 19 DLP Policies and their potential impacts were then screened against each of the European sites scoped into the HRA. This included consideration of the environmental pathways and sensitivities of the sites, as detailed in Appendix IV. The key findings are summarised, as follows:

Screening Assessment

3.14 HRA screening good practice (Appendix IV) combines both a Plan and a European Site focus. The policy screening removes from consideration those elements of the plan unlikely to have effects on European sites. The

remaining plan elements (summarised above) can then be considered in more detail for their impacts on European Sites. The site focus considers the impacts and potential effects identified through the policy screening, in the light of the environmental conditions necessary to maintain site integrity for the European sites scoped into the assessment (Table 3.6).

Table 3.5: Screening Summary Key

Likely Significant Effect	Yes	Appropriate Assessment required
No Likely Significant Effect	No	No further assessment required
Significant Effect Uncertain	?	Uncertain, precautionary approach taken, and Appropriate Assessment required

Table 3.6: HRA Screening Summary

European Sites	Potential Likely Significant Effects (LSEs)							
	Air Quality		Disturbance		Water Levels & Quality		Habitat Loss & Fragmentation	
	A ¹⁷	IC ¹⁸	A	IC	A	IC	A	IC
European sites within DLP area								
Dartmoor SAC	No	No	No	Yes	No	No	No	No
South Dartmoor Woods SAC	No	No	Yes	Yes	No	No	No	No
South Hams SAC	Yes	Yes	Yes	Yes	No	No	No	Yes
European sites outside DLP area								
Culm Grasslands SAC	No	No	No	No	No	No	No	No
Blackstone Point SAC	No	No	No	No	No	No	No	No
Plymouth Sound Estuaries SAC	No	No	No	No	No	No	No	No
Dawlish Warren SAC	No	No	No	No	No	No	No	No
Tamar Estuaries Complex SPA	No	No	No	No	No	No	No	No
Exe Estuary SAC/Ramsar	No	No	No	No	No	No	No	No

Air Quality:

3.15 Natural England advises¹⁹ that usually only those European sites present within 200m of the edge of a road on which a plan or project will generate traffic will need to be considered when checking for LSEs from road traffic emissions. Whilst there are roads within 200m of the European sites that are located beyond the Dartmoor National Park boundary, taking into account the

¹⁷ AA required alone?

¹⁸ AA required in combination?

¹⁹ NE Internal Guidance – Approach to advising competent authorities on Road Traffic Emissions and HRAs (June 2018)

relatively small amount of new development proposed in the Dartmoor Local Plan (compared to new development proposed through the GESP and the Plymouth & SW JLP), the distances (at least 3.5 to >15km) from the new development to the sites, and the size/characteristics of the European sites, it was considered that the proposals in the draft DLP would be unlikely to cause any significant effects, either alone or in-combination with other plans and projects, on the integrity of the protected sites outside the DNPA area.

- 3.16 The Dartmoor SAC comprises three separate blocks of upland with a range of habitats; the heathlands, blanket bogs and oak woodlands are sensitive to atmospheric pollution. The A386 runs to the western boundary of the Dartmoor SAC in the north-western area of the DNP. However, the boundary is approximately at least 300m distance at the nearest points. The southernmost boundary of this part of the SAC is adjacent to the B3212 for only about 150m. The northern boundary of the central smaller element of the Dartmoor SAC is about 500m south of a small lane that is not a thoroughfare and reverts to a track. For the other element of the Dartmoor SAC to the south, there are only local roads that are not thoroughfares and tend to revert to tracks around the designated area; none are within 200m.
- 3.17 The nearest site allocations proposed are at Moretonhampstead (approx. 10km distance) and Buckfast/Buckfastleigh (approx. 6.5 km distance). It seems very unlikely that residents and workers at the proposed sites would use these local roads for access and therefore, it is considered that the risk to the Dartmoor SAC is very low. Critical loads for nitrogen are not being exceeded at the site²⁰ and it is not considered that there will be any in-combination effects with neighbouring plans and projects due to the relatively small scale of the DNPA proposed new development and their distance from the SAC.
- 3.18 The South Dartmoor Woods SAC is composed of three areas of woodland adjacent to the northeast of the southern area of the Dartmoor SAC and to the north of Buckfastleigh. There are various minor roads and trackways that are within 200m in some places. There is also a smaller area of woodland at Shaugh Prior in the southwest of the DNPA area and this is adjacent to a minor road for a short distance. The oak woods and the dry heath habitats are vulnerable to air pollution.
- 3.19 The nearest site allocations proposed are at Moretonhampstead (approx. 5km distance) and Buckfast/Buckfastleigh (approx. 1km distance). It seems very unlikely that residents and workers at the proposed sites would use these local roads for access and therefore, it is considered that the risk to the South Dartmoor Woods SAC is very low. Critical loads for nitrogen are not being exceeded at the site²¹ and it is not considered that there will be any in-combination effects with neighbouring plans and projects due to the relatively small scale of the DNPA proposed new development and their distance from the SAC.

²⁰ Air Pollution Information System Site Relevant Critical Loads (2014-16) <http://www.apis.ac.uk/> [Accessed September 2018]

²¹ *ibid*

- 3.20 The Greater Horseshoe Bat is the primary reason for designation of the South Hams SAC which (apart from the coast some 25 km away) is located in caves in Buckfastleigh some 100m from the A384. There are also several sites in the Haytor and Smallacombe Iron Mines area of the SAC, but these are 7.5km from the nearest potential development site. Air pollution and nitrogen deposition is listed as a vulnerability for the Greater Horseshoe Bat. Critical loads for nitrogen are being exceeded for broadleaved deciduous woodland (supporting habitat for Greater Horseshoe Bats)²²; also, for dry heaths and Quercus woodland habitats. Therefore, some uncertainty with regard to the potential for LSEs alone or in-combination from the proposed development sites in Buckfast/Buckfastleigh and Ashburton – Proposals 7.3 Land at Longstone Cross; 7.4 Land at Chuley Road; 7.5 Land at Barn Park Road, 7.6 Land at Holne Road; and 7.21 Land at Axminster Carpets – and these issues were taken forward for more consideration through appropriate assessment (AA).
- 3.21 The likely effects of policies for non-allocated housing (SP3.3-3.6, 3.9, & 3.12-3.13); community services/facilities (SP4.1-4.2); telecommunications development (Policy 4.7); business and tourism related development (SP5.1-5.2, 5.4-5.9); and minerals and waste management development depend upon location, size and precise type of development. Effects on the South Hams SAC are uncertain and therefore, these issues were also taken forward for more consideration through AA.

Disturbance:

- 3.22 Recreational disturbance, noise and light pollution, is not considered to be a vulnerability for the European sites outside the DNPA boundary, as follows:
- Culm Grasslands SAC comprises fen-meadows and wet heaths with importance for the Marsh Fritillary butterfly
 - Blackstone Point SAC comprising sea cliffs, shingle beach and islets
- 3.23 The Plymouth Sound & Estuaries SAC comprises a complex area of marine inlets for the large bay of the Sound itself and its tributaries that are ria systems with extensive waters, sandbanks, mudflats, and salt meadows important for a high diversity of habitats and species. Saltmarsh provides an important roosting area for birds. The SAC is vulnerable to pollution; nitrogen critical loads are not being exceeded²³. However, the proposed development is a considerable distance away (approximately 3.5km) so unlikely for LSEs alone. New development is proposed for the existing communities of Dartmoor such that it is unlikely that there will be significant increased access to the SAC and therefore, no LSEs in combination.
- 3.24 The Dawlish Warren SAC is located at the mouth of the Exe Estuary and comprises a large sand-spit with dunes and supports a wide variety of habitats. The site is more than 17km from the DNPA area and therefore, the

²² Air Pollution Information System Site Relevant Critical Loads (2014-16) <http://www.apis.ac.uk/> [Accessed September 2018]

²³ ibid

plan is unlikely to result in a significant increase in recreational use. The site is vulnerable to pollution; nitrogen critical loads are not being exceeded²⁴. New development is proposed for the existing communities of Dartmoor such that it is unlikely that there will be significant increased access to the SAC and therefore, no LSEs in combination.

- 3.25 The Tamar Estuaries SPA is a large marine system comprising the estuaries of the rivers Tamar, Lynher, and Tavy that collectively drain an extensive part of Devon and Cornwall. The mudflats and saltmarshes contain extensive varied communities that provide important feeding and roosting areas for large numbers of wintering waterbirds. The qualifying features of the SPA are the Little Egret and the Avocet, and vulnerabilities include pollution. However, the nearest part of the site is at least 3.5km from the DNPA boundary and since new development is proposed for existing communities of Dartmoor such that there is unlikely to be any increased access to the SAC and therefore, no LSEs alone or in combination with other plans or projects.
- 3.26 The Exe Estuary SPA/Ramsar extends 10km south of Exeter to the open sea at Dawlish Warren, comprising the waters, mud and sandflats, and saltmarshes to form complex coastal habitats that support important numbers of wintering and passage waterbirds. The qualifying features of the SPA include Slavonian Grebe; Brent Goose; Avocet; Eurasian Oystercatcher; Grey Plover; Dunlin; and Black-tailed Godwit; vulnerabilities include increased recreational disturbance. However, as the site is so far from the DNPA boundary and since new development is proposed for existing communities of Dartmoor, it is considered that there is unlikely to be any increased access to the SAC and therefore, no LSEs alone or in combination with other plans or projects.
- 3.27 The Annex I key features of the Dartmoor SAC are wet and dry heaths, blanket bogs and old oak woods and the site is sensitive to disturbance from recreational activities. Recent studies (SWEEP, 2018)²⁵ focus on the recreational impacts relevant to these habitats of Dartmoor and confirm that population growth in the region around Dartmoor will result in significant increases in recreational use with impacts for wildlife and people.
- 3.28 The SWEEP Report advises: *"For those new residents of the region, Dartmoor offers a significant resource that will likely be the source of substantial economic welfare and also the backdrop that encourages significant physical activity. Of course, that activity will also have impacts on the National Park and drawing on best available evidence the report identifies the possible extent of increased erosion along Dartmoor's paths network and the species and locations most vulnerable to disturbance as a result of increasing recreational pressure"*. It identifies those areas that might be a focus of concern and the locations in which they are made vulnerable by rising recreation pressures, as follows: the areas around Burrator, the Dart Valley and Venford Reservoir, Haytor, Warren House, Soussons and Fernworthy.

²⁴ ibid

²⁵ SWEEP for DNPA (August 2018) Population Futures & Dartmoor National Park Implications of development around the outskirts of Dartmoor for recreational use and management of access; available at: <https://sweep.ac.uk/population-futures/sweep-dnpa-dartmoor-recreation-futures-extended-summary/>

- 3.29 The SWEEP Report identifies 12 species that stand as examples of species that might be vulnerable to disturbance from increased intensity of recreational activity. For these 12 listed species, 4 are relevant for the Dartmoor SAC: the Greater Horseshoe Bat as an Annex II species is the primary reason for the designation of the site; Southern Damselfly is also listed as an Annex II species; the Atlantic Salmon and Otter are listed as qualifying features (details in Appendix I of this report).
- 3.30 The sensitivity of the Greater Horseshoe Bat to recreational impacts is identified as high and likely²⁶. For the Southern Damselfly and the Atlantic Salmon, the sensitivities are considered to have possible, minor impacts from recreational activities; recreational impacts for the Otter were determined as unlikely for this species.
- 3.31 Appendix 4 of the SWEEP Report details information on Greater Horseshoe Bats - they can be found roosting in caves, mines, old slate-roofed barns and buildings. Their foraging and commuting requirements include linear features, woodland edges, hedgerows, meadows and cattle-crazed habitats. They feed on a range of insects such as moths, dung beetles and craneflies. Impacts are likely from cars on the road and activities such as caving; other activities such as walking are unlikely to cause issues unless close to roosts or at night with torches. Other threats arise through increases in night-time lighting, for example during large events or through changes in infrastructure and street-lighting and can cause severe detrimental effects by impacting bat commuting routes. Land-use change resulting in losses of foraging sites and commuting routes is a threat - loss of meadows, pastures and grazed areas could have negative effects by causing a reduction in important invertebrate prey species.
- 3.32 The nearest proposed allocations from the Dartmoor Local Plan are relatively small, some distance from the SAC and it seems unlikely that residents would travel for routine recreational activities such as walking/dogwalking that might be assumed to be carried out near to home. The 2 site allocations at Ashburton and the 3 sites at Buckfast/Buckfastleigh are located in sustenance zones (commuting routes and foraging areas) as defined by Natural England in their earlier planning guidance (2010)²⁷. The 3 site allocations in South Brent are located within a Landscape Connectivity Zone, as defined by the emerging further planning guidance on the South Hams SAC²⁸. This indicated the potential for loss of foraging habitats, but the site allocations are small (and this is discussed in the following section on habitat loss). Therefore, significant effects are considered to be unlikely alone but some uncertainty; and there is the potential for the policies to act in combination and with other plans, specifically the GESP and the Plymouth & SW JLP and arising from the significant predicted increase in population around the National Park.

²⁶ Ibid Table 12, page 65

²⁷ Natural England (2010) South Hams SAC: Greater Horseshoe Bat Planning Guidance

²⁸ Previously published for consultation as a draft SPD (2018)

- 3.33 The key features of the South Dartmoor Woods SAC include old oak woods and dry heath which are sensitive to disturbance from recreational activities. The nearest proposed allocations are relatively small, and it seems unlikely that residents would travel to the South Dartmoor Woods SAC for routine recreational activities as walking/dogwalking might be assumed to be carried out near to home. However, the site nearest to Buckfast/Buckfastleigh may be susceptible to increased recreational activities being near to proposed development (Proposals 7.5, 7.6 and 7.21). There is the potential for the policies to act in combination with the GESP.

Water Levels & Water Quality

- 3.34 The European sites outside of the DNPA area are vulnerable to changes in the water environment but environmental pathways and significant effects are unlikely for reasons, as follows:

- Culm Grasslands is upstream of proposed new development
- Blackstone Point is not in the same water catchment as the proposed development
- Plymouth Sound & Estuaries SAC some 3.5 km away from nearest DNP boundary
- Dawlish Warren SAC is some 17km away from the DNPA; the site is vulnerable to biotic/abiotic changes, but these are not water-related
- Tamar Estuaries SPA is such a large marine area comprising three estuaries; the relatively small amount of development proposed for Dartmoor and its distance from the SPA (at least 3.5km from the boundary) indicate that LSEs are very unlikely alone or in-combination
- Exe Estuary SPA/Ramsar is some 16 km away but LSEs are unlikely alone or in-combination due to the small size of the development sites and their distance from the protected site

- 3.35 For the Dartmoor SAC, proposed allocation sites are not located within the SAC sites and are generally located downstream such that there are no environmental pathways and therefore no LSEs alone or in-combination with other plans.

- 3.36 For the Dartmoor Woods and South Hams SACs, the proposed allocation sites are not located within the SAC sites and are located downstream such that there are no environmental pathways and therefore no LSEs alone or in-combination with other plans.

Habitat Loss and Fragmentation

- 3.37 For the European sites outside of the DNPA area, there will be no loss or fragmentation of habitats as there is no land take proposed for new development outside of the National Park, and therefore, no LSEs alone or in-combination with other plans.

- 3.38 None of the proposed site allocations are located within the three European sites within the DNPA boundary – Dartmoor, South Dartmoor Woods & South Hams SACs – and therefore, no LSEs alone or in-combination. The nearest SACs to proposed site allocations are as follows with distances approximated through measurement on Defra Magic mapping:
- Ashburton: 2 km from S Dartmoor Woods; 3 km from South Hams
 - Buckfastleigh & Buckfast: within 1 km of South Hams SAC
 - Chagford: 4km from Dartmoor SAC
 - Horrabridge: 3km from S Dartmoor Woods; 8km from Dartmoor SAC
 - Moretonhampstead: 3km from S Dartmoor Woods; 5.5km from South Hams SAC
 - Mary Tavy: 6.5km from S Dartmoor Woods SAC; 5km from Dartmoor SAC; >25km from South Hams SAC
 - Princetown: 1.5 km from Dartmoor SAC; 3.5 km from S Dartmoor Woods
 - Yelverton: 3.5 km from S Dartmoor Woods; 6km from Dartmoor SAC
- 3.39 Development at these settlements could have a cumulative increase in recreational use of the SACs with the potential for disturbance or habitat loss. However, due to the small scale of proposed development that is to meet local needs, this increase is considered to be negligible with no likely significant effects. Local residents are unlikely to travel far from home for routine recreational activities such as walking/dog walking that would significantly contribute to habitat loss or fragmentation.
- 3.40 The South Hams SAC is approximately 3km to the south of Ashburton²⁹. The greater horseshoe bat population, which is a qualifying feature for the SAC, use the area around Ashburton for foraging, with their flightpaths going over the settlement. Three of the four site options investigated by the DNPA are within the recorded foraging and flightpath areas³⁰, and the SA concluded that development at these site options has the potential for major negative effects through disturbance of the bats' activities. Two site options (Chuley Road & Longstone Cross) are allocated within the extant Development Management & Delivery Plan (the DMD)³¹ and are being progressed to the draft DLP as Policy 7.4 & 7.3 respectively. Both sites are suitable, available and achievable; the site at Chuley Road also offers a flexible proposal that can deliver potential improvements around the use of land, flood risk management, highways, and townscape. These two site allocation policies were taken forward to further investigation through appropriate assessment.
- 3.41 Part of the South Hams SAC is located adjacent to Buckfastleigh, and all seven site options investigated are within 1km of the SAC³². There are multiple underground bat roosts within the SAC, located within the Buckfastleigh

²⁹ Defra (2017) Magic Map Application

³⁰ Dartmoor National Park Authority GIS Layers (2017)

³¹ <http://www.dartmoor.gov.uk/living-and-working/planning/planning-policy/local-plan/policy-docs/development-management-and-delivery-plan-policies-dmd1-dmd46.-and-site-allocations>

³² Defra (2017) Magic Map Application

Caves, which is also a designated SSSI³³. The Greater Horseshoe Bats use the area around Buckfastleigh for foraging and the flightpaths of the bats cross the landscape in and around Buckfastleigh, with a recorded flightpath over site option Land at Roundcross³⁴. The SA therefore identified that development at all site options have the potential for a major negative effect on the South Hams SAC and the Greater Horseshoe Bat population. There is the potential for a loss of foraging areas and interference to existing flightpaths through building obstructions and light pollution, with an overall disturbance effect on the bats' activities.

- 3.42 Three sites are being progressed in the draft DLP – Land at Barn Park, Buckfastleigh (Proposal 7.5), Land at Holne Road, Buckfastleigh (Proposal 7.6) and Land at Axminster Carpets, Buckfast (Proposal 7.21) – because they are suitable, available and achievable without concerns or constraints identified for the other options. The Land at Roundcross with a recorded flightpath has not been progressed at this stage due to concerns about landscape/townscape character and the landscape relationship with the settlement. The other sites that are being progressed in the draft plan do not have any recorded flightpaths for Bats but taking the precautionary principle, Proposals 7.5-6 & 7.21 were taken forward to further investigation through appropriate assessment.
- 3.43 The likely effects of policies for non-allocated housing (SP3.3-3.6, 3.9, & 3.12-3.13); community services/facilities (SP4.1-4.2); telecommunications development (Policy 4.7); business and tourism related development (SP5.1-5.2, 5.4-5.9); and minerals, waste management & energy development (policy 6.6-6.6) depend upon location, size and precise type of development. For example, although there is a lack of clear evidence, there is precautionary advice³⁵ to locate telecommunications masts carefully as far from known roosts and flightpaths as possible to avoid any risk of radio frequencies on Bats. Effects on the Dartmoor, South Dartmoor Woods & South Hams SACs are uncertain and therefore, these issues were also taken forward for more consideration through appropriate assessment.

Further Assessment Needed?

- 3.44 The screening assessment identified uncertainty with regard to the potential for likely significant effects (LSEs) on the three SACs located within the DNPA boundary, as follows:
- Dartmoor SAC: potential effects as a result of disturbance in-combination with other plans, specifically the Plymouth & SW JLP and the emerging GESP

³³ Ibid.

³⁴ DNPA GIS Layers (2017)

³⁵ Potential impact of radio frequencies & microwaves on wildlife Bat Conservation Trust 2011 available at <https://www.bats.org.uk/publications>

- South Dartmoor Woods SAC: potential effects as a result of disturbance, alone and in-combination with other plans, specifically the Plymouth & SW JLP and the emerging GESP
- South Hams SAC: potential effects as a result of changes to air quality and disturbance- alone and in-combination with other plans, specifically the Plymouth & SW JLP and the emerging GESP; and habitat loss/fragmentation in combination with other plans, specifically the Plymouth & SW JLP and the emerging GESP

Based on the precautionary approach these issues will be considered in more detail through appropriate assessment (AA).

4.0 APPROPRIATE ASSESSMENT (AA)

Introduction

- 4.1 This section addresses Stage 2 (Appropriate Assessment) of the HRA process, which considers if the likely significant effects on European Sites identified through the first screening stage (Section 3 of this report) have the potential to adversely affect European site integrity. This includes consideration of the environmental pathways and sensitivities of the sites, as well as mitigation measures provided, for example, by other Plan Policies.
- 4.2 The screening of the Draft DLP (Appendix III & IV) and the review of plans (Appendix II) identified three areas of impacts arising that may have significant effects on the three European sites within the DNPA boundary: air quality; disturbance, including noise and light pollution; and habitat loss and fragmentation. Each of these issues is investigated further below:

Air Quality

- 4.3 The screening assessment identified that there is uncertainty with regard to the potential for likely significant effects alone, and in-combination with other plans, at the South Hams SAC from five proposed housing site allocations (Proposals 7.3, 7.4, 7.5, 7.6 & 7.21) in Ashburton and Buckfast/Buckfastleigh through increased traffic along the A384 resulting in increased atmospheric pollution. There is also some uncertainty for effects from other policies for non-allocated housing (SP3.3-3.6, 3.9, & 3.12-3.13); community services/facilities (SP4.1-4.2); telecommunications development (Policy 4.7); business and tourism related development (SP5.1-5.2, 5.4-5.9); and minerals and waste management development.
- 4.4 Natural England advises³⁶ that usually only those European sites present within 200m of the edge of a road on which a plan or project will generate traffic will need to be considered when checking for LSEs from road traffic emissions. The primary reason for designation of the South Hams SAC is the Greater Horseshoe Bat (GHB) and important populations are located in that part of the SAC in Buckfastleigh with caves located some 100m from the A384. Air pollution and nitrogen deposition are listed as a vulnerability for the GHB. Critical loads for nitrogen are being exceeded for broadleaved deciduous woodland that are supporting habitat for GHB³⁷; and also, for dry heaths and Quercus woodland habitats.
- 4.5 The Buckfastleigh caves are managed to avoid the winter hibernation period and the caves are closed between mid-September until after Easter. Therefore, any increase in traffic emissions through increased visitors is likely to apply mostly in the spring and summer months. The proposed site allocations

³⁶ NE Internal Guidance – Approach to advising competent authorities on Road Traffic Emissions and HRAs (June 2018)

³⁷ Air Pollution Information System Site Relevant Critical Loads (2014-16) <http://www.apis.ac.uk/> [Accessed September 2018]

in Ashburton and Buckfast/Buckfastleigh are proposed to meet local needs and it seems unlikely that there would be any increase in traffic and emissions that would result in significant changes in air quality. The site allocations have been selected to encourage more sustainable travelling and they tend to be within walking/cycling distances of local services and facilities in the two settlements.

- 4.6 Other plan Policies provide mitigation measures to contribute towards ensuring that there are no significant adverse impacts on the sites' integrity. DLP Policy 2.2 clearly sets out that development proposals having adverse impacts on internationally designated biodiversity will only be permitted in exceptional circumstances – and detailed criteria are presented to explain what exceptional circumstances test that must be met, including the 'overriding public and environmental interest' - IROPI the final stage of the HRA process that is rarely progressed. Although not stated in policy, where development may have transport impacts it is required to be supported by an appropriate level of survey and assessment – in line with NPPF requirements.
- 4.7 In developing the Draft Plan from Regulation 18 to Regulation 19, the supporting text for Policy 2.2 has been expanded to provide more information with a new section specifically on the South Hams SAC, and additional policy text making clear that for SACs, the species population must be maintained at favourable conservation status in its natural range. A new section on recreational impacts has been added to Policy 4.9 The Access Network. The text explains the findings of recent research and the pressure that Dartmoor faces from housing growth within the surrounding area. Possibilities for mitigation measures and the requirement for strong cross-boundary cooperation are explained. An additional criterion 3 in Policy 4.9 explains the requirements for ensuring development within or outside the National Park that is likely to increase harmful recreational pressures on the Special Qualities – including biodiversity. This strengthens the policy protection for biodiversity from access impacts on air quality.
- 4.8 The proposed site allocation Proposals 7.5, 7.6 and 7.21 at Buckfast/Buckfastleigh each include site specific requirements to be supported by evidence to inform a project level HRA in order to establish that there will be no adverse impact on the South Hams SAC – and this will include consideration of any changes to air quality. The South Hams SAC Planning Guidance Document (Natural England, 2010)³⁸ includes the mapping of sustenance zones - areas within 4km of designated roosts since research has shown that GHBs using maternity roosts largely forage within 4km of the roost – and thus development is more likely to have LSEs.
- 4.9 The Buckfast/Buckfastleigh site allocations are within one of the 4km zones, whilst the Ashburton site allocations are beyond the 4km zone indicating that LSEs are less likely, particularly with regard to air quality changes. The draft emerging further planning guidance on the South Hams SAC focuses on loss,

³⁸ Based on Natural England (2010) South Hams SAC- Greater Horseshoe Bat Consultation Zone Planning Guidance https://www.dartmoor.gov.uk/_data/assets/pdf_file/0012/1529886/South-Hams-SAC-planning-guidance-May-2010-JRS-final.pdf

damage or disturbance to foraging habitats and commuting routes for the GHBs; it does not include specific consideration of changes to air quality. This is considered further in this HRA Report in the following two sections on disturbance and loss/fragmentation of habitat.

- 4.10 Other plans include policies to protect biodiversity: the Plymouth & SW JLP³⁹ includes SPT11 that requires sites of European importance to be afforded the highest level of protection; Policy DEV31 requires that the environmental impacts of transport should be mitigated, including air quality. The JLP was subject to HRA⁴⁰ that concluded there will be no adverse effects through changes to air quality.
- 4.11 Due to the distance from, and the small size of, the site allocations from the South Hams SAC and taking into account the further mitigation measures provided through the DLP and other plan policies that protect European sites from pollution and promote more sustainable transport, it is considered that there will be no likely significant effects (LSEs) from the draft DLP - individually or in-combination with other plans – for air quality changes.

Disturbance

- 4.12 The screening assessment concluded that there is some uncertainty with regard to the potential for likely significant effects on disturbance alone for the South Dartmoor & South Hams SACs; also, in combination with other plans for these SACs and the Dartmoor SAC.
- 4.13 The HRA screening indicated that there will be no likely significant effects (LSEs) from the draft DLP alone as proposed development is intended to meet local needs; the relatively small proposed site allocations and their locations within existing settlements for local residents are unlikely to increase disturbance. Local people are unlikely to travel to the Dartmoor SAC areas for their routine walking/dog walking that is more likely to be undertaken near to home. However, there is the potential for increased disturbance in-combination with other plans, specifically the Plymouth & SW JLP and the GESP.
- 4.14 The Plymouth & SW JLP provides for at least 26,700 new dwellings between 2014 and 2034 (Plymouth Housing Market Area, excluding Dartmoor). Considerable growth is planned throughout the area and whilst strategic objectives seek to avoid new homes in unsustainable locations, part of the attraction of living in the Plymouth area must be the accessibility to Dartmoor including the areas of the Dartmoor SAC. The GESP is at an early stage of development but initial studies⁴¹ indicate that the GESP authorities need to plan for at least 2,663 dwellings per annum. The woodlands, wet and dry heathlands and blanket bogs of the Dartmoor SAC are sensitive to disturbance from recreational activities.

³⁹ <https://www.plymouth.gov.uk/sites/default/files/PlymouthSouthWestDevonJointLocalPlanSubmission.pdf>

⁴⁰ <https://www.plymouth.gov.uk/sites/default/files/HabitatRegulationsAssessmentJuly2017.pdf>

⁴¹ Draft Local Housing Needs Assessment (September 2018) available at <https://www.gesp.org.uk/evidence/>

- 4.15 This risk of cumulative effects from increased recreational activities arising from the considerable development growth planned around/adjacent to the National Park has been recognised by the DNPA. Research was commissioned to investigate the implications of development around the outskirts of Dartmoor. Provisional findings⁴² have been available to inform this HRA and provide initial indications for where strong increases in recreational activities may be likely between now and 2039. The studies confirmed that visitors tend to focus trips to areas in the National Park that are closest to their location of residence. The report highlights 4 vulnerable wildlife areas, as follows:
- Burrator area: growth in footfall predicted to originate from Plymouth, West Devon & South Hams areas, with most from the Plymouth area
 - Dart Valley & Venford Reservoir: largest increase in footfall predicted to come from the Teignbridge area, with substantial increase also from the Exeter, East Devon, Torbay, South Hams & Plymouth areas
 - Haytor area: growth in footfall is predicted from all the local authority areas with most from the Teignbridge area
 - Warren House/Soussons/Fenworthy: predicted increase in footfall is from all authority areas – as might be expected due to the central Dartmoor location for this area of interest
- 4.16 The research explains that these vulnerable areas are examples only and that detailed studies would be needed to derive species-specific recommendations on harmful footfall levels – but the initial information can be used to inform basic management decisions. The research briefly discusses potential mitigation measures – and these need to inform the emerging policies and allocations in the GESP, and to inform planning applications and decision-making for major development sites allocated in the Plymouth & SW JLP – particularly with regard to cumulative and in-combination effects.
- 4.17 The risk of disturbance to the South Dartmoor Woods SAC will be from the considerable development planned around Dartmoor, not from the limited development planned for local people within the DLP. The Plymouth & SW JLP and the emerging GESP need to take into account the relevant policies in the Dartmoor Local Plan and Management Plan. DLP Policy 2.2 protects the South Dartmoor Woods SAC from proposed development arising in Dartmoor but does not explicitly address the potential impacts on disturbance from the considerable increase in recreational footfall identified from the recent research.
- 4.18 The HRA recommended that criterion 2 of Policy 2.2 should make explicit that such potential adverse effects should be addressed both alone and in-combination. This was progressed and further amendments to the Policy require that the species population for SACs must be maintained at favourable conservation status in its natural range. The supporting text has

⁴² SWEET for DNPA (August 2018) Population Futures & Dartmoor National Park Implications of development around the outskirts of Dartmoor for recreational use and management of access - Provisional Extended Summary

also been expanded with a new section specifically on the South Hams SAC and providing further clarification and guidance. This clarification and expansion to the Policy 2.2 and supporting text strengthen the mitigation measures provided through the policy.

- 4.19 A new section on recreational impacts has been added to Policy 4.9 The Access Network. The text explains the findings of recent research and the pressure that Dartmoor faces from housing growth within the surrounding area. Possibilities for mitigation measures and the requirement for strong cross-boundary cooperation are explained. An additional criterion 3 in Policy 4.9 explains the requirements for ensuring development within or outside the National Park that is likely to increase harmful recreational pressures on the Special Qualities – including biodiversity. This strengthens the policy protection for biodiversity from recreational impacts through disturbance on the designated sites.
- 4.20 The key issue for disturbance and the South Hams SAC relates to the Greater Horseshoe Bats (GHBs) and their supporting habitats. Caving as a recreational activity is one factor that could disturb roosting bats by day, but this activity is strictly controlled. Other recreational activities in public spaces and from camp sites in the flyway valleys around Buckfastleigh during the evening and night-time could cause light disturbance. Traffic at night may disturb through light pollution. The recent SWEEP research⁴³ indicated that vulnerabilities through increased recreational activities are likely to have strong adverse effects. The 2010 Natural England planning guidance identifies 4 km sustenance zones and flightpaths; the emerging updated SAC guidance⁴⁴ specifies Landscape Connectivity Zones (typically associated with large scale developments) that guide new development (including that arising from the Plymouth & SW JLP and the emerging GESP) to identify where project level HRA may be required as LSEs in relation to Bats are indicated.
- 4.21 The Buckfast/Buckfastleigh site allocations are within one of the 4km sustenance zones. The proposed site allocation Proposals 7.5, 7.6 and 7.21 at Buckfast/Buckfastleigh each include site specific requirements to be supported by evidence to inform a project level HRA in order to establish that there will be no adverse impact on the South Hams SAC – and this will include consideration of disturbance. The Ashburton site allocations Proposals 7.3 & 7.4 are beyond the 4km sustenance zone suggesting that LSEs are less likely. The South Brent site allocations are not within the sustenance zones but are within the Landscape Connectivity Zones. Taking into account the precautionary principle and further advice from Natural England, the DNPA has also now included requirements for a project level HRA to establish no adverse impact on the South Hams SAC on the both Ashburton and South Brent site allocations.
- 4.22 The DNPA Local Plan Policies Map and Map 2.1 show the Greater Horseshoe Bat flyways and sustenance zones. Following the Habitats Regulations

⁴³ SWEEP for DNPA (August 2018) Population Futures & Dartmoor National Park Implications of development around the outskirts of Dartmoor for recreational use and management of access

⁴⁴ <https://new.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance/south-hams-sac-spd-consultation>

Assessment, and advice from Natural England, the Local Plan allocations also identify where further HRA and detailed bat surveys will be required. The DNPA has included site-specific requirements for a project level HRA to support any planning application and ensure that development will have no adverse impact on the South Hams SAC.

- 4.23 The DNPA will continue to liaise with TDC and NE and other LPAs, as necessary with regard to the guidance being developed in respect of mitigating adverse effects on the bats at the South Hams SAC. In the meantime, mitigation measures are in place through DLP Policy 2.2 Conserving & Enhancing Dartmoor's Biodiversity & Geodiversity, Policy 4.9 the Access Network, and the sites-specific requirements for project level HRAs for Proposals 7.3, 7.4, 7.5, 7.6 & 7.21.
- 4.24 There was also some uncertainty identified through the HRA screening for effects from other policies for non-allocated housing (SP3.3-3.6, 3.9, & 3.12-3.13); community services/facilities (SP4.1-4.2); telecommunications development (Policy 4.7); business and tourism related development (SP5.1-5.2, 5.4-5.9); and minerals, waste management & energy development (Policies 6.1-6.6).
- 4.25 The housing policies 3.3-3.6, 3.9 & 3.12-13 relate to small numbers and types of houses (<10 dwellings) guided to classified settlements. Such planning applications will be subject to other DLP policies including DLP Policy 2.2 Conserving & Enhancing Dartmoor's Biodiversity & Geodiversity that will protect the integrity of the SAC such that LSEs are unlikely, alone or in-combination. Policies for community services/facilities (SP4.1-4.2) seek to protect existing assets; new or extended facilities will only be supported within or adjoining classified settlements such that LSEs are unlikely, alone or in-combination. Strategic Policy 2.5 Protecting Tranquillity and Dark Night Skies provides mitigation for potential effects from new development – all development should avoid external lighting.
- 4.26 Policy 4.7 Telecommunications Development seeks to avoid substantial harm, especially landscape character, heritage and tranquillity. The nature and scale of such development is unlikely to have LSEs for protected biodiversity and any proposals will have to comply with DLP Policy 2.2, Policy 2.5, and guidance in the emerging South Hams SPD such that LSEs are very unlikely, alone or in-combination. This embedded mitigation will also ensure that there are no LSEs arising from risks to Bats of radio frequencies from masts.
- 4.27 Business and tourism related development (DLP Policies SP5.1-5.2, 5.4-5.9) are likely to be of small-scale; any proposals will have to comply with DLP Policy 2.2 and guidance in the South Hams SPD such that LSEs are unlikely, alone or in-combination.
- 4.28 Minerals, waste management and energy development as set out in DLP Policies 6.1-6.6 seek to minimise new or extended minerals and the impacts of minerals operations, and to prevent waste or provide small scale community-based waste facilities. Policy 6.6 Renewable Energy Development allows small scale schemes where they do not harm the National Park's Special

Qualities – including biodiversity. The nature and scale of such developments is unlikely to have LSEs for protected biodiversity and any proposals will have to comply with DLP Policy 2.2 and guidance in the South Hams SPD such that LSEs are unlikely, alone or in-combination.

Habitat Loss and Fragmentation

- 4.29 The screening assessment identified that there was some risk and uncertainty of the DLP affecting the supporting habitat for the Bats that are the primary reason for designation of the South Hams SAC. The draft South Hams SPD provides guidance on loss or damage to potential foraging habitat, commuting routes, pinch points or designated roosts. The DLP site allocations that are within the sustenance zone, as defined by the 2010 Natural England guidance – those in Ashburton and Buckfast/Buckfastleigh – include site specific requirements for HRA in Proposals 7.3, 7.4, 7.5, 7.6 & 7.21. Sites that are within the Landscape Connectivity Zone, as discussed in the emerging updated guidance on the South Hams SAC – those in South Brent - include site specific requirements for HRA in Proposals 7.14, 7.15, 7.16 & 7.17). Thus, mitigation measures are in place (together with the requirements from Strategic Policy 2.2 and Policy 4.9) to address potential effects of the DLP on loss or fragmentation of supporting habitats for the Greater Horseshoe Bats, such that LSEs are unlikely, alone or in-combination. However, some uncertainty remains until further studies are undertaken at the project level.

5.0 HRA SUMMARY & NEXT STEPS

Summary

- 5.1 This report presents the methods used and the findings arising from the HRA Screening of the draft Dartmoor Local Plan. The HRA has been undertaken in accordance with extant guidance and good practice and taken into account the implications from recent CJEU Judgments on HRA screening and the application of mitigation measures. Three European sites within the Dartmoor National Park boundary and seven sites outside the National Park were considered within the HRA screening.
- 5.2 The HRA screening identified that due to the small size and location of proposed new development in the DLP, 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 & SW JLP and the emerging GESP.
- 5.3 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). Applying the precautionary approach, these issues were considered in more detail through appropriate assessment (AA).
- 5.4 The appropriate assessment determined that the mitigation provided through the relevant DLP Policies such as Policy 2.2 Biodiversity and Policy 4.9 The Access Network; the small size, location and site-specific requirements of certain site allocations for project level HRAs; and the advice in the emerging updated guidance 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.
- 5.5 Recent studies on the predicted recreational use of the National Park suggest 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 Plymouth & SW JLP and the emerging GESP. Whilst there is policy mitigation in the extant plans that should protect the European sites, this 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. 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.

Next Steps

- 5.6 The HRA Regulations require that the planning authority should carry out formal consultation with the environmental bodies, in this case Natural England and the Environment Agency, on the final HRA accompanying the submission stage Local Plan. Any comments received on this HRA Report will be taken into consideration in the next iteration of plan-making – submission to the Secretary of State for independent examination.